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WORKPLACE STRESS OF EMPLOYEES IN PUBLIC ENFORCEMENT OFFICES

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Abstract Employees in Public Enforcement Offices are facing a great amount of workplace stress on a daily basis. Conflict situations regularly arise between public enforcement employees and other participants in the procedure: debtors, creditors and third parties, but also between the employees of other institutions- state bodies and organizations. Public enforcement officers, not only perform their functions with public authority, but at the same time, they are employers, and consequently obliged to take care of workplace health and safety of their employees. The techniques for stress reduction of employees, both during office and field work, are severely limited, but they are nevertheless possible and should be adequately employed and developed. In practice, the most frequent conflict situations between various participants are described and recommendations concerning specific measures are given with the purpose of stress reduction in employees.

Keywords :Stess; public enforcement officers; employees; regulations; occupational safety.

1. INTRODUCTION

In the legal system of the Republic of Serbia the right to private property is guaranteed by the document of the highest legal power – the Constitution [1]. Infringement of this right, even when based on the law, produces a great measure of discontent in the owners of the property. Be it visible or not, such actions produce stress reactions in all participants. Public enforcement officers and their employees are facing, on a daily basis, situations in which creditors attempt to effectuate their right to the property at the expense of the current property of debtors. Both parties, usually vehemently express their discontent concerning the current situation, resulting in the stress for the Public Enforcement Office employees. Taking into account three basic authorizations concerning material property- usus, fructus and abusus, the level and duration of the stress will not always be equal.

Workplace stress is a series of harmful physiological, psychological and behavioural reactions of an individual to situations where the requirements of the job are not in harmony with his/her abilities, capacities and needs. The most common sources of workplace stress include: excessive workload, too few associates in the team, danger of physical assault and aggression, etc. [2]. Workplace stress can lead to numerous negative consequences for the employees. One of the most frequent consequences is the appearance of so-called, burn-out syndrome, as a result of excessive workload of employees, encompassing a whole range of symptoms, such as, physical fatigue, emotional exhaustion and loss of motivation [3, 4].

These symptoms can possibly be seen in Public Enforcement Office employees. The most frequent stress is associated with the cases dealing with monetary claims. Very often, the level of monetary claim is not in the slightest correlation with the level of dissatisfaction displayed by all actors in the claim. The well accepted opinion that the higher the amount of monetary claim, the higher the dissatisfaction of the actors, is not necessarily always true. Very often, Public Enforcement Office employees are exposed to a higher level of stress when enforcing a low-amount monetary debt, than when enforcing a debt of millions, especially when employing the most “painless” means of enforcement- blocking the bank account of a state budget user. Therefore, the level of stress caused by these situations depends on the process itself, more specifically, on the applied enforcement actions.

Possibly, the highest level of stress is produced in the cases involving enforcement of non-monetary claims. The evictions of sick and elderly, families with small children and other socially disadvantages persons are among the most difficult duties of the public enforcement officers and their associates. In these situation, the stress is not directly caused by the party acted upon, but rather by actions of other actors: police officers assessing the safety of the action, locksmiths tasked with opening of locked premises and their subsequent securing, animal control officers tasked with subduing and securing pets and other animals found on the location that can endanger the safety of persons involved in the enforcement procedure, material moving workers tasked with fast and efficient removal and packaging of things avoiding any damage, drivers whose duty is to safely transport the material and persons found at the location of enforcement. Very often, at the location, there are other creditors, involved in separate cases who want to follow the procedure, as well as lawyers and third parties.

Nevertheless, stress is not limited to field work only. Quite the contrary, due to the frequency of contacts, stress is more common in Public Enforcement offices. On a daily basis, various actors in the process phone the office or come personally, asserting their claims, requesting information or actions from the employees. Sometimes they are polite, sometimes they are very impolite. The very fact that creditors call requesting explanations or debtors call arguing and wanting to end the proceedings as favourably for themselves as possible, creates a minor stress and there will be many such calls during a workday.

Many years of practice showed that there are mechanisms that if applied in Public Enforcement offices can drastically reduce stress which is transmitted to all employees. Further in this paper, authors will try to define and recommend possible measures for stress reduction for Public Enforcement Office employees.

2. MECHANISM OF “OBSTRUCTIVE APPLICATION” OF THE PRINCIPLE OF WRITTEN AND ORAL COMMUNICATION

The content of the principle of oral and written communication is established by the Enforcement and Security Act [5]. Both courts and public enforcement officers, act, as a rule, based on written submissions and other documents, but can also conduct a hearing of a party in a case, outside of court-appointed date, in order to clarify certain issues or possible resolution proposals [5]. The literal

interpretation of this provision of Enforcement and Security Act, means that the party can ask for a hearing during the procedure but that it is up to courts and public enforcement officers to decide whether they will grant the request.

Nevertheless, it is in the nature of human beings to personally investigate matters that are connected to them and the best way to do that is by a personal interview. This is the reason why the greatest number of both creditors and debtors express the desire for the personal interview with public enforcement officers. It is physically impossible for public enforcement officers, on top of all daily obligations, to grant all requests for hearing. Further, such manner of work would add to the workload not only of public enforcement officers but also of all other employees involved with the case. Consequently, taking into consideration the legal requirements, we have in the practise two modes of application of the principle of written and oral communication with the person performing the office with public authority: restrictive and extensive, which are both in reality the obstruction of the idea that public enforcement officers could conduct hearings of the parties involved in the proceedings.

2.1. Restrictive mechanism of obstructive application of the principle of written and oral communication

Public enforcement officers, in view of the number of cases, cannot possibly hear all parties in all cases who desire to be heard. The law has provided public enforcement officers with the opportunity to make their own judgement [5]. This decision is made based on the facts of the case, disregarding any other reasons. However, the assessment of the facts of the case requires time. The expenditure of time makes the proceedings costly so it was necessary to find a way which at the same time fulfills the request of the parties and does not add to the cost. One possible model is the restrictive mechanism. This entails that public enforcement officers communicate orally exclusively with other lawyers, meanings, only with persons acquainted with the law and procedure. The idea is that few lawyers would engage in oral communication with public enforcement officers concerning a case unless that is really necessary. In its basic form, restrictive mechanism, requires that all information is given to the clients only by phone or at the cashier's post, in the office of public enforcement officers and only regarding the amount owed. All other information is conveyed to the party in form of a written document sent by public enforcement officers. The described mechanism, protects the employees form stress in the highest degree. They actually do not have any communication with clients or that communication is reduced to a bare minimum. However, the requests of the clients, mostly debtors, remain unresolved which results in their dissatisfaction and consequent feeling that their right to property and legal protection had not been adequately observed, regardless of the fact that they are currently in the position of a debtor.

2.2. Extensive mechanism of obstructive application of the principle of written and oral communication

Extensive mechanism of obstructive application of the principle of written and oral communication entails that every client that requests information about the procedure or wants to be heard in the proceedings can have that opportunity but in a specific manner. Most of all, the requests of the client will be heard by an employee, specifically designated for that purpose, so called, "filter-employee". This is a specially trained employee who will try to understand the requests of the clients and attempt to accommodate them, resolving the current problem. At the same time, he will estimate whether it is

necessary to include somebody else who has a need expertise in the resolution of the problem. Usually, this would mean a lawyer but it is not necessarily always so. Quite often, the requests of the clients are of such nature that they have no connection with the current proceedings, but with some potential, future proceedings requiring advance estimation of costs in order to determine whether it is feasible for them to let the office lead the procedure. Further, the requests for interpretation of the documentation or something in that line are quite frequent. "Filter employee" directs clients to a proper person. If a person pointed to by the "filter employee" is unable to resolve the problem, an appointment with a public enforcement officer can be made.

In this manner, the rights of the clients are observed to the fullest degree. In the most complicated case, the problem will be handled by minimum of three persons, not only one. The amount of dissatisfaction of a client is reduced and accordingly also the part transmitted to employees.

3. MECHANISM OF SEPARATE ACTION

Current research in medicine reveals that the highest levels of stress are transmitted through affective states. Mechanism of separate action is based on this premise and attempts to separate the clients in affective states and the employees. Naturally, when it comes to field work this principle is not applicable, but one should apply the mechanism of reality check which will be discussed later in this paper. However, in the office, it is necessary to separate a place for contact with clients from an employee-only part of the office. Sometimes, a hearing can be stressful by itself, let alone, everyday participation in arguments and explanations. It is therefore necessary to divide the office into reception and employee-only area.

In the reception area there will be a telephone operator, records management office and a special room for hearings. All contacts with clients will occur within this area. The work on cases must not be disturbed by any conversation other than communication between the employees. In this manner stress will be transmitted to the employees only through documentation. Even if a contact with clients occurs by means of referral by the filter employee, this will be less often than in the case where several employees must be exposed simultaneously to the clients' comments.

Work area, meaning operation area must be supplied with all equipment needed for the work but also with the capacity of prompt communication with the reception in order to secure optimal logistic support for the employees there. In this manner, the level of service will be improved and accordingly also the satisfaction of the clients, be it creditors or debtors. The greatest professional affirmation for a public enforcement officer is when the same creditors repeatedly hire the same public enforcement officer in order to secure their claims.

4. MECHANISM OF REALITY CHECK

A common saying "it is not so important what you say as how you say it" is in the heart of the mechanism of reality check. Therefore, in order to reduce their workplace stress all employees should be specifically trained to present things as they really are. As human beings, while working with clients it is often very difficult to abstain from giving some personal contribution or expressing some personal views but this is exactly the mistake.

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In communication with clients we must always assess the situation objectively. Clients must be apprised of all consequences of the acts they may intend to perform or abstain from performing. Hiding the consequences may actually be a cause of stress. Most of all, client might become dissatisfied and very likely to transfer the stress to the employee.

Further, when informing the client about the situation, the employee must not be unnecessarily harsh, disrespectful or threatening. At all times communication must be calm and civilized. Public enforcement officers and their employees represent the state, they are executors of a public offices and authority [5], so they must serve as an example of civil and efficient communication with clients. Failing to do so will only increase the dissatisfaction of clients and add to the stress of all employees.

Finally, the mechanism of reality check requires professional attitude towards cases and careful observance of the right of all parties to equal treatment in the proceedings. The principle of equality of rights means that the set of rights that each party receives from the law must be viewed in the same way regardless of the type of the party involved in the proceedings. Disregarding social stereotypes and personal attitudes, public enforcement officers and their employees, are obliged to treat all parties in the proceedings with respect and due diligence in order to ensure the protection of their rights. Both public enforcement officer, in the position of public authority, as well as courts and other institutions if legal procedure directs clients to them through the public enforcement officers, are obliged to follow the same principles.

5. CONCLUSION

When analysing the problem of professional stress of the employees in Public Enforcement Offices, one must be mindful of several facts. Enforcement and Security Act requires that public enforcement officers execute actins with public authority defined by this and other acts. [5]. This shows that the Republic of Serbia recognizes the importance and role of public enforcement officers for the enforcement of claims. Public enforcement officers can perform activities as entrepreneurs or as members of partnership companies whose members are exclusively public enforcement officers. The state ministry appoints a public enforcement offices after the completed public application process and currently there are 236 public enforcement officers registered in Serbia [6]. Public enforcement officers can only be persons who fulfil a series of conditions prescribed by the law, including a law degree, completed public enforcement officer examination, completed bar examination, good reputation needed for the post of public enforcement officer, etc. [5]. Public enforcement officer has numerous authorities and duties, such as, such as issuing enforcement warrants based on valid documents in order to secure payment of claims arising from communal services arrears or similar cases, as well as to determine means and subjects of enforcement, to acquire information on debtors etc. [5]. Finally, public enforcement officers in they work apply a set of regulations which define the area of their action. These regulations include, apart from the Constitution of the Republic of Serbia, [1] and Enforcement and Security Act [5], General Administrative Procedure Act [7], Public Surveying and Cadastre Act [8], Tax procedure and Tax Administration Act [9], Judicial Taxes Act [10], Contracts and Torts Act [11], Police Enforcement Act [12], etc.

Taking all this into account, we can conclude that employees in Public Enforcement Offices, as executors of public authority, bear a serious responsibility and that great care should be taken to maintain professionalism, impartiality and efficiency [13]. For this reason, it is necessary to carefully

assess their occupational safety, especially the mechanisms for their protection from adverse workplace influences arising from psychological and physiological strain associated with their workplace tasks in Public Enforcement Offices [14].

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