



Juridification of Workplace Mistreatment: a Document Study of SALAR – The Governing Organization for Public Administration in Sweden

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Abstract

SALAR, Sweden's largest employer association, advises the public sector on how to build management rules and processes. How SALAR relates to work environment policy and routines regarding the handling of mistreatment at work is yet unexplored. This research looks into SALAR's advice to public-sector management on how to handle mistreatment. The study's goal is to identify policy recommendations for the development of public-sector policies. The empirical source for this study was the SALAR website. As a result, document analysis was chosen as the method. The concept of juridification has been used to describe how professional life has grown increasingly linked with legal thinking. It is utilized as a lens in this study to understand the advancement of workplace misconduct policy in Sweden's public sector. According to the data, SALAR views workplace mistreatment as a transaction issue rather than a work environment issue. Furthermore, the policy provides an ambiguous definition of workplace mistreatment, strengthens an individual's perspective on workplace mistreatment, and suggests bullying investigations as the only management. The conclusion is that SALAR's recommendations have been clouded by the logic fallacy of the juridification process and dismiss workplace mistreatment as a work environment problem. The recommendations are insufficient for decision-makers to understand workplace mistreatment, thereby increasing the risk for employees exposed to mistreatment in Sweden's public sector.

Keywords Workplace mistreatment · Public policy · SALAR · Juridification · Management

Introduction

The employer organization SALAR, which functions as an umbrella organization for the public sector in Sweden, is stated to lack democratic legitimacy for the recommendations they give to municipalities and regions. This applies especially regarding the role of employer representative as a voice for the national interest and as the government's partner

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regarding the implementation of government tasks (Bringselius & Rothstein, 2021). Bringselius and Rothstein believe that the role of the organization is unclear and constitutes a threat to democracy as a result of various political decisions that have been made over a long period of time. The shortcomings were particularly apparent in connection with the pandemic. Research on SALAR as a specific organization is limited. What has been mainly researched has been SALAR's governance in connection with the Coronavirus pandemic (Allebaeck & Burström, 2021; Algehed et al., 2021; Askim and Bergström, 2022; Bringselius, 2021; Bringselius & Rothstein, 2021; Brommesson & Edström, 2021; Donatella et al., 2022; Elander et al., 2022; Fredriksson & Hallberg, 2021; Pierre, 2020). Since the role of the organization as employer representative is unclear and its influence over the public sector and the policies and decisions that take place in municipalities and regions is enormous, it constitutes a power factor that needs to be problematized (Bringselius & Rothstein, 2021). An area regarding policy and routines that has not previously been explored is how SALAR relates to work environment policy and routines regarding the handling of workplace mistreatment. This study focuses on exploring recommendations from SALAR to the management in public sector regarding the handling of mistreatment and how it communicates the advice to decision-makers in municipalities and regions on its website, which is the main source where decision-makers in the public sector primarily seek information on various policy issues.

Aim

The objective of this study is to explore the viewpoint of SALAR, the employer association for the Swedish public sector, regarding the phenomenon of workplace mistreatment. Additionally, the study aims to identify the recommended policy measures for the development of public sector policies. The explorations are guided by four questions as follows:

- How does SALAR understand workplace mistreatment as a phenomenon?
- How is the communication from SALAR around workplace mistreatment designed and what is interpreted as the core message?
- What recommendations on managing workplace mistreatment can be identified?
- Are the recommendations applicable to HR and managers who seek information on workplace mistreatment?

I will now give an introduction on policy research on workplace mistreatment.

Earlier Knowledge on Workplace Mistreatment Policy

Law Related Policy View

Einarsen (2000) views bullying and mistreatment at work as a legal matter and says that Scandinavian concern on bullying was a legal designation to legitimately report non-sexual harassment, that already was legally regulated. He uses the terms victim and offender and argues that there is a need for separation of subjective perceptions of what mistreatment is and instead advocates an objective measure of the phenomena. This is also important to assure legal outcome and propose fact-finding that could be used as evidence for establishing objectiveness on what has been occurring. In line

with this several studies have been focusing on policy for workplace bullying investigations with a somewhat quasi-legalistic approach (Kuldova & Nordrik, 2023) with a focus on neutrality, objectivity, training, and accreditation of the investigator. This has more or less become established as ‘best practice’ (Ballard & Easteal, 2018; Grimstad, 2015; Hoel & Einarsen, 2020; Pearson et al., 2021; Woska, 2013).

This view has come to be the dominant take on policy and management of mistreatment in Scandinavia (Nordrik & Kuldova, 2021). Nordrik and Kuldova (2021) sharply criticize fact-finding investigations of mistreatment, which have grown common in the Nordic region due to the desire to legalize the issue. What is then investigated is not the work environment but instead so-called claims or accusations from victims and perpetrators that are investigated in pseudo trials. They conclude this from investigations that do more damage than good and aid expulsion. A critique against how law policy has developed with increased individualization, standardization and managerilization (Edelman et al., 2001) has been building up within research on workplace mistreatment and policy development (Kuldova & Nordrik, 2023). Hodgins et al. (2020) name this procedure the adversarial approach since it mimics laws and regulations in a context that is outside the field of law, but rather should be handled in relation to ethics and moral principles. Implementing policy based on this approach face difficulties of mechanistic and reductionist assumptions about human behavior in organizations.

HR-Role and Individualization av Mistreatment at Work

Human Resources (HR) designs workplace mistreatment processes and policies (Hutchinson & Eveline, 2010). These actors are trained in and practice Human Resources Management (HRM), which assumes that employees are “human capital” and have a “nature” that needs to be “discovered and developed.” This instrumental view on policy development has been showed to ignore structural risk in the work environment. It has also been suggested that the HRM model creates conditions where abuse can flourish freely (Lewis & Rayner, 2003). In line with these studies, HR professionals tend to view cases of workplace mistreatment as misunderstandings (Cowan, 2012) and then attributing the problem to the exposed person. Exposed employees report that matters gets worse after reporting to HR, since they are not taken seriously. Cowan suggests that this view from HR on mistreatment has to do with its role in the organization that enhances motivation and competition among workers to adapt to organizational goals. Salin et al. (2020) also found that HR identifies with the employers and view management of mistreatment in line with economical values and striving for managing people in effective ways to produce strategic advantages for the organization. They also found that what was viewed to be most effective was conducting bullying investigations. Cicerali & Cicerali (2016) studied how mistreatment is handled in Sweden from an HR perspective. They found that there is a lack of specific policies and procedures for managing mistreatment. Also, that the understanding of the problem is fuzzy and confused for being an escalated conflict. Accordingly, it is usually dealt with as a problem between peers and mediation is suggested. This is in line with other studies that found that mistreatment often is managed with counseling and HR promoting an instrumental view of people, disregarding structural problems such as gender, power, and inequality (Hutchinson & Eveline, 2010).

Towards a Complex View on Mistreatment Policy

Cowan (2011) says that workplace bullying research has focused on writing up prescriptions on how to formulate policy but this research implication does not suggest that organizations should follow the advice or how anti-bullying policies should be interpreted and is not based on policy research. One policy study showed paradoxically that hospitals often follow policy that is described as "best practice" in form of so called zero-tolerance policy on mistreatment but they lacked effect (Woodrow & Guest, 2017). Djurkovic et al. (2021) argue that for a policy to be effective, it needs to be clear on what and how mistreatment is going to be handled and viewed. They found that there is a confusion of HR: this concerns involvement, distrust against HR and that this confusion impacts policy development. Hodgins et al. (2020) conclude that difficulties with dignity-at-work policy is viewed as an add-on rather than looking into what needs to be looked into in order to foster a sound working climate. This is suggested to be an effect of the micropolitics in the organization. A problem with adapting to a policy based on complaints of bullying was showed to be too late since by the time someone built up "a case" to bring to HR, the problem has grown beyond possibility to de-escalate the situation. Matsson (2023) showed how brand policy within hospitals guided the design of both communication policy and mistreatment policy in a way that led to a reductionist view of mistreatment and enabled exclusion processes at both structural and targeted levels in the organization. Individualization is also suggested to be due to the fact that, because stress is thought to be caused by the individual's own behavior, the policy for dealing with mistreatment maintains that problems must be solved at the individual level, ignoring organizational factors (Reynolds & Briner, 1994).

Juridification as Lens for Analysis

Juridification is an ugly word – as ugly as the reality it describes. The old formula used to describe the excess of laws, *fiat Justitia, perat mundus*, at least had the heroic quality of a search for justice at all costs. Today we no longer fear the proliferation of laws will bring about the end of the world, but we do fear "legal pollution" (Ehrlich, 1976). (Teubner, 1987, p.3).

The concept of juridification has been used to explain how work life has become more and more intertwined with legal thinking. It is used in this study as a lens to understand the development on workplace mistreatment policy. Teubner is one of the most cited thinkers on juridification. He has written about how work life politics juridify social realms. His key point is that juridification not only spreads the law but also involves formal rationality and state intervention, which can lead to various forms of social control of employees. He means that juridification, bureaucratization, and state control are linked. Juridification is not suited to people's social spheres, and so will be ineffective or destroy them (Teubner, 1987).

Simitis (1986) believes that juridification is a universal phenomenon in democratic industrial relations because work is no longer defined as an individual contract between employee and employer but as something specifically regulated by the state, which reduces actors' room for action and controls them according to politicians' logic. In line with this, according to Tavolari (2018), juridification refers to the process

of granting legal status to an entity or activity that was previously unregulated. One illustrative instance is the concept of work. She holds the same belief as Kirchner that the process of juridification has the tendency to exert control over all political decisions.

Habermas (1987), as Teubner, sees juridification as colonization of people's lifeworlds by applying law to social problems. Habermas' lifeworld encompasses conscious and preconscious linguistic and cultural traditions that shape society's daily acts and communication. But then society invades to govern people in a normative way.

Loick (2014) argues that if the will is to end exploitation and violence in work life while rejecting the "imperatives" of entrenched law and its "legal techniques of domestication," actors must pay paradoxical attention to politics, which must always contain both the struggle for rights and reservations against them. Creating social units, as special office in workplaces for making claims or reports, even if they are not natural units, allows people to refrain from invoking rights according to Loick.

In Australia, juridification has led to a dysfunctional understanding of how social problems are regulated and handled in the workplace, according to Mitchell and Rimmer (1990). This has individualized workplace issues at the expense of individuals at risk. The union's role in ensuring employee safety has changed to benefiting employers and other parties. Instead of improving working conditions, workplace regulation legislation has exacerbated legality and ambiguity.

Kerr (2015) writes that the regulation of the working environment has become juridified so that all conflict between employees and employers will be assigned to an issue that will be litigated in the labor court.

Heppele (2005) uses juridification to describe the individualization of industrial relations, which was based on the work environment regulation under the code of practice for handling employee dismissals and personnel administration. Thus, leadership professionalization has made legal actors necessary.

Hood (1995) argues that cost-benefit calculations have replaced original values in the public sector. He draws a parallel to the joke about how a drunk looks for his lost keys by the light of the lamppost, suggesting that it is a short-sighted logic. Two different philosophical concepts of uncertainty are at risk in this logic: systemic uncertainty and parametric uncertainty. Parametric uncertainty concerns what you realize you do not know (Green et al., 1991). However, systemic uncertainty is about what you do not realize that you do not know (Green et al., 1991). Systemic uncertainty will cause the most confusion. Conservative change from informatization allows a system to stay put or live in a "competence trap." Top-down control systems can benefit from informatization. Controllable units will also divide regions of duty. Individual managers can be held accountable for organizational management blunders. Hood thinks this influences policy design unexpectedly. Strategic control from the political center has tightened, and this has paradoxically led to freeing policy execution. Thus, policy aims to reduce risks for overall accountability by highlighting smaller units' deficiencies. In the era of the "contract state," legal counter-pressures to protect traditional entitlements in areas like judicial review and terms of employment are being debated as public service provision becomes more entrepreneurial. In line with this, Blickner and Molander (2005) see the regulatory juridification as being about when a form of activity or action becomes regulated in detail. The norms that govern this process tend to hide the apparent change in how the regulatory framework spreads.

Document Research Design

In this study, the website for SALAR has been the empirical source. The choice of method has thus been doing a document analysis. Document analysis is a systematic procedure for studying evaluating documents and has been becoming frequent in institutional research (Bowen, 2009). Documents could be both analog and digital and the process of interpreting the text is done with aim to elicit meaning and gain empirical and theoretical understanding (Corbin & Strauss, 2008). It could be used as a standalone method when investigating specific forms of communication on a subject (Wild et al., 2017; Connell et al., 2001) and within interpretive paradigm (Bowen, 2009). Documents have different functions as pointed out by Bowen (2009). It provides information on the context they are created in, as well as how organizations communicate on different subjects. Also, they provide insights on trends and change in its context (Bowen, 2009). In this study, the latter is paramount. Since the aim is to explore how SALAR, which is an institution with tremendous influence over policy development in the public sector, perceives workplace mistreatment, it is a relevant method for analyzing societal norms that sets the scene for policy development on the subject. Following that, what recommendations on policy and routines for handling mistreatment in public sector is applicable to document analysis. Another advantage of doing document analysis instead of interviews, is that the text and organization of the rhetoric can be better traced on the website which is specially designed to communicate directly to actors and decisionmakers in the public sector.

Since the website is the empirical source it is also transparent and possible to view for everyone or to do comparative studies on the same data. The document analysis on the website on workplace mistreatment followed this procedure:

- Searching on workplace mistreatment on the website during a period between September 2022 to June 2023 and following links on the pages.
- Locating the placement of information on the webpage.
- Searching on work environment as subject on the website and searching for connections to mistreatment.
- Writing notes when reading.
- Structuring the information on mistreatment in themes.
- Adding theory to the observations and interpreting the findings.
- Writing up the article and discussing the findings in relation to earlier research.

No personal data were collected.

Findings

Identification of Workplace Mistreatment as a Transaction Problem Rather Than a Work Environment Problem

The Swedish Association of Local Authorities and Regions (SALAR), the umbrella organization for all Swedish municipalities and regions, guides public sector policy and procedural development.

I will now describe how the recommendation on the website is organized and how communication on workplace mistreatment is designed.

Our members are the employers of more than one million people, which make us the largest employer organization in Sweden. As an employer organization we work for the interests of our members and offer them support and service.

Municipalities and regions receive daily recommendations from the SALAR website. The key categories are employer-collective agreement and employer liability, human rights, civil discourse, organizational governance, and EU legislative risks; all have a role in democracy, management, and governance. Information about anticipated resource allocation, tax income, procurement, civil law, and municipal law can be found under law and economics. Another major category is healthcare. Patient influence, safety, care, therapy, operation, funding, and expenditures are all included. Another topic is work, business, and digitalization. This encompasses the labor market, the business climate, digitalization, and research and innovation. Infrastructure and community planning include recommendations for safety, the environment, health, transportation, construction, housing, real estate, and regional growth. Leisure, culture, and education are placed last. Tabs for subcategories are present after the main categories.

Where does the website address mistreatment? The employer-collective agreement and liability page covers this issue.

Our role is to sign central collective agreements, make our members stronger in their role as employers and create conditions for local solutions.

On this page are topics like work environment, organizational management but workplace mistreatment is not linked to these subcategories but to a subpage titled “Questions and Answers.” Who asked these questions and why is unknown. Workplace mistreatment-specific questions and answers follow. It is as if the queries are derived from actors in municipalities and regions who have posed questions regarding abuse to SALAR, which it then responds to. Information about mistreatment ends here. SALAR does not appear to have prioritized giving this problem its own page, even under work environment, which I will discuss later.

So, how can one comprehend the logic of framing mistreatment as a problem outside of the work environment? Mitchell and Rimmer (1990) argue that when it comes to policy development through the juridification of workplace norms, the emphasis has moved away from creating a safe working environment and toward promoting employers’ interests. Instead, a dysfunctional visualization of workplace social problems has formed. An employer’s interest would thus explain SALAR’s logic. Packaging mistreatment as an agreement problem between employer and union, communicates to municipalities and regions to address it as a transaction issue among many between union and employers.

The webpage also features a “circular letter” with explicit crucial suggestions. These are based on different verdicts on different issues or interpretations of legal text. Each letter starts with an introduction of the recommendation followed by links to different attachments with SALAR’s recommendations on the matter. But workplace mistreatment circulars are exempt. There is no guidance to these letters. The matter at hand has no legal interpretation from SALAR. No introduction to the circular letters emphasizes the recommendation’s importance. There are merely links to uncommented verdicts related to mistreatment, mostly school bullying. How should this exemption be interpreted? Juridification, according to Tavolari (2018), is the legalization of something previously unregulated. For example, work. She shares Kirchheimer’s belief that juridification colonizes all political

decisions. SALAR may emphasize rulings without remarks because workplace mistreatment regulation is new. But the message to the public sector contradicts. It signifies a legal concern and at the same time lack of legal guidance. It causes perplexity.

The lack of connection between workplace mistreatment and the work environment on the website, makes it interesting to understand what SALAR communicates about the work environment and what they do not communicate.

Thirteen sub-pages on the work environment page cover work environment responsibility, sick leave, work environment training, manager assistance, violence in intimate relationships, and occupational health care procurement. The recommendations focus on personnel issues rather than the workplace. The system appears to regulate how managers should handle sick leave, job modifications, and medical documentation. "Violence in intimate relationships" is noteworthy because it has no workplace relevance. It is as if the individuals make up the work environment itself. Bureaucratization and juridification, according to Teubner (1987), allow organizations to socially manage employees. Instead of working environments, individuals will be problematized by individualizing its subject matter. The individualization becomes even clearer under the tab for organizational and social work environments, which is a subcategory of work environments. Work environment text begins:

The psychosocial work environment includes most of our work environment that is not physical. Instead, it is, for example, about the opportunity for personal development at work or how colleagues cooperate. SALAR supports the municipalities and regions in their work with the organizational and social work environment. At *Sunt Arbetsliv* there is support and tools for you as a manager. *Sunt Arbetsliv* is run by the trade unions in collaboration with SALAR and Sobona.

Here, the focus switches from organizational work environment to psychosocial work environment, which is said to be any non-physical work environment. This is important since the Work Environment Agency recommendations specify that hazards in the work environment should be found in the social and organizational work environment, not in individuals (AFS, 2015:4). SALAR's perception of the working environment and its issues thus differs from the national legal requirements for employers. Instead, personal development and collegial cooperation are emphasized. Reference is also made here to various external partnerships. Kerr (2015) believes that juridification leads to a dependence on various external guidance for handling procedures that basically belong to the leadership. The message to regions and municipalities is to seek support and advice from the proposed external expert organizations. In this way, SALAR also refrains from making concrete recommendations regarding the work environment.

What is said about the regulation regarding organizational and social work environment is very brief.

In the Swedish Work Environment Authority's regulation on organizational and social work environments (AFS, 2015:4), workload, working hours, conflicts, workplace mistreatment, and goals are important for promoting a good organizational and social work environment. The idea is to make it clearer what the employer is obliged to do for measures to prevent deficiencies in the organizational and social work environment. In the regulation, the psychosocial work environment is divided into organizational and social work environments.

The regulation briefly mentions workplace mistreatment. As indicated, mistreatment searches do not connect to this page. The reference language is ambiguous. Working

hours are neutral in themselves, as are workloads and goals, but conflicts and mistreatment are problems in the work environment. Conflicts and abuse appear in the text to be workplace causes rather than outcomes. Hood (1995) talks about different forms of uncertainty and believes that the kind of uncertainty that leads to the most confusion is systemic uncertainty, that refers to a form of blindness of what is known. The view of mistreatment as a producer of the work environment can be interpreted as an expression of the lack of knowledge at SALAR about what workplace mistreatment is. SALAR seems to have misinterpreted Work Environment Agency regulations. The absence of the psychosocial work environment in the legislation makes this even more apparent since the regulation and guidelines do not separate the psychosocial work environment into organizational and social work environments, as described here (AFS, 2015:4; guidance). How does SALAR describe the organizational work environment?

The organizational work environment is about conditions and prerequisites for work that include management and control, communication, participation and room for action, distribution of work tasks and requirements, resources, and responsibilities.

It does not explain these workplace elements. In the guidelines from the Work Environment Agency, it is emphasized that the organizational work environment is paramount when it comes to handling workplace mistreatment. This does not appear at all. SALAR has simply lined up the headings of the various areas of the organizational environment without connection to the actual problems that are highlighted in the regulation, where unfair treatment is emphasized as a primary problem that needs to be addressed by identifying shortcomings in the organizational and social work environments. Hood (1995) points out that policy is developed with the aim of reducing risks for overall responsibility and instead points to the shortcomings of smaller units. Thus, avoiding discussing the organization's overall responsibility for the work environment and what is intended there may be a strategy. Hood believes informatization is related to juridification and supports upwardly and controls downwards in the organization. Thus, managers can be held accountable for particular organization mistakes. As mentioned earlier, mistreatment is not mentioned in the text about the work environment, but in a link on the page to questions and answers, there is one comment on the matter. It reads:

The regulation states that the employer must make it clear that workplace mistreatment is not accepted and that this can be done in writing in a policy.

In this instance, there is no link between the work environment and the issue. Instead, policy declarations are made. It should be clarified; yet there is no definition of workplace mistreatment. Simitis (1986) believes that work is defined as something expressly regulated by the state, which lowers actors' room for action and guides them in accordance with politicians' rationale. SALAR communicates to regions and municipalities that the policy, not the problem, is important by not defining what is not accepted and stating that mistreatment, regardless of what it means, is not accepted.

Unclear Definition of Workplace Mistreatment

When seeking information and guidance about workplace mistreatment from SALAR in regions and municipalities, one is greeted with limited information about what it means, and instead receives legal references. Here is an illustration:

In the Swedish Work Environment Authority's regulations on organizational and social work environments (AFS, 2015:4), (OSWE regulation), workplace mistreatment is defined as actions that are offensively directed at one or more employees and can lead to ill health or exclude them from the workplace community. The OSWE regulation applies to personnel. Students and consumers are therefore not protected.

The language stresses the definition in AFS 2015:4, which is referred to as the OSWE regulation in this context. However, it is not stated what OSWE stands for. That is, the social and organizational work environment. Mistreatment is defined here as activities that are offensive and can result in illness or exclusion. However, the nature of these actions is unknown. The kind of actions that could result in illness or exclusion are not specified. The only comment made about OSWE is that the regulation "targets staff, not users or schoolchildren." In other words, this section describes who is affected and who is not. Without understanding the meaning of OSWE, the text could be interpreted as stating that the organizational and social work environment consists of the personnel.

Nor is it clear what the connection is between these vague activities and illness. There is no mention of the extensive knowledge regarding the effects of maltreatment in the workplace and its correlation to work environment issues. Abuse is not tied to either the work environment or the organizational and social work environment, which may indicate a desire to avoid the relationship while acknowledging it. How can this be explained? Hood (1995) argues that informatization, that is a reconstruction of formal information, may put a system into a competency trap. Informatization may support top-down control systems overwhelmed by information variance. SALAR can maintain the individual perspective on mistreatment by citing OSWE while minimizing the role of work environment. This can then be seen as a form of logical fallacy. That is, a gap in reasoning that leads to misdirection. An interpretation in relation to Hood is that juridification has blurred the understanding of workplace mistreatment as a social problem that occurs in the work environment.

The text on workplace mistreatment is organized on a page labeled questions and answers, but the title does not specify which questions and answers apply. This decoded title suggests it may be a theme that should be avoided or not presented further. Loick (2014) argues that actors must pay attention to politics paradoxically, acknowledging rights and underpin reservations against them. This may explain the ambiguity in the way the text is organized at SALAR and shows yet another form of logical fallacy. It is also evident that the meaning of workplace mistreatment in the public sector is unclear.

A problem can be that employers or employee organizations state that events cannot be assessed as workplace mistreatment and that the routines are therefore not used. To avoid this, it may be good to agree in advance that the routines can also be applied in less serious cases, for example, "in cases of suspicion of abusive differential treatment and other similar situations. Each individual case is unique and must be assessed based on the case's specific conditions. The situations described below are therefore not absolute but should be seen as indicative examples.

- Sexual harassment in the form of touching, unwanted approaches, and comments of a sexual nature.
- Disparaging, sarcastic, and/or derisive comments about work efforts.
- Offensive or objectionable comments about a person, their opinions, appearance, or privacy.

- Aggressive outcomes.
- Physical interventions in the personal sphere, such as pushing or blocking the way.
- Systematic ostracism through the person being ignored, not invited to staff meetings, or excluded from conversations.
- Clear indications that the person should resign.
- Threats of violence or other violations.
- Spreading rumors and judgments that undermine a person's dignity.

The instances offered are most related to different types of harassment, including sexual harassment. The focus on aggressive behavior as an example of workplace mistreatment suggests deviant behavior rather than various forms of exclusionary processes in daily work, difficulties in making one's voice heard about work issues, problematizing wrongdoings, and critical scrutiny of performance. It is thus especially significant that, despite the enumeration of specific actions, it is believed that they should be appraised based on the specific circumstances of the case rather than on their own.

It adds to the complexity and re-actualizes Loick's (2014) thinking about the desire to curb violence while leaving legal interpretations open, which is part of the juridification of a social problem. When communication is focused on various perspectives on the topic, the dualism persists.

There can be a big difference between what an individual perceives as workplace mistreatment and what is actually workplace mistreatment according to the usual definition. An employee may, for example, feel bullied by his manager when he (in a factually correct manner) refuses the employee to participate in certain further training or when the manager requests that the employee report on which tasks have been performed and which have not been performed. Against this background, it is important to start with the definition of workplace mistreatment and assess the extent to which a violation risks leading to ill health or that someone is excluded from the workplace community.

SALAR begins by saying that there can be a big difference between what is perceived as workplace mistreatment and what is workplace mistreatment. At the outset, it is stated that there are objective criteria, or factual knowledge, rather than a theoretical understanding, of what constitutes workplace mistreatment. The suggestions, however, do not define what is meant by "actual workplace mistreatment." It instead refers to determining the potential impact of the exposure. Blickner and Molander (2005) define regulatory juridification as "the detailed regulation of a type of action or situation based on established norms." Here, you can see that there are strong standards around abuse that differ from individuals' experiences of being exposed, and that it should be feasible to examine the impact of a specific action before categorizing it as mistreatment. It offers the impression that there is objective knowledge of the problem while also requiring individual authorities to make case-by-case assessments, which becomes paradoxical.

The contradictions in the reasoning and gaps in the logic are clearly shown when SALAR must answer how the employer must make it clear that differential treatment is not accepted.

How does the employer make it clear that workplace mistreatment is not accepted? By being clear that workplace mistreatment is not accepted. This should be made clear in a policy where there are routines on how to act if workplace mistreatment

occurs. This policy should be drawn up by the employer in collaboration with safety representatives at central level within the organization. It is also important that it can be applied locally. It is natural that routines and other measures to counteract workplace mistreatment are followed up and developed in harmony with the systematic work environment work. This usually takes place in a collaborative group or protection committee. The routines include [blank] and where the victim can quickly get help. The employer can, for example, use occupational health care for certain interventions.

This stating now creates a tautological issue. The employer must make it plain that workplace mistreatment will not be tolerated by stating that it will not be tolerated. A centrally drafted policy with the union must reflect this. Instead of procedures, the employer should focus on where exposed people may receive aid. Work environment work is also mentioned here, although as previously demonstrated, there are no linkages to the text concerning work environment and mistreatment. Hood (1995) believes that the public sector, through NPM, is characterized by various creative measures to maintain its freedom in how it can preserve strategic interests in relation to legal requirements regarding employer responsibility. This may explain why it avoids giving guidance on routines involving mistreatment, even though the policy must clearly specify that it is not acceptable.

Individual Perspective on Workplace Mistreatment

Workplace mistreatment is covered under questions and answers. Fourteen of the seventeen answers address individuals. When asked if there are any warning indications of workplace mistreatment, SALAR replies:

Here are some common signs that everything is not right:

- Deficient work efforts: conflicts take up a lot of energy and time, and, in the long run, the work suffers.
- Ironic remarks: ironic comments can give you information about the employee's view of a colleague.
- Hostility and silence: in discussions, you can tell if informal leaders, with their support troops, are directly hostile to any individual. This can happen through direct attacks, mean comments, or the silence of the group.
- Exclusion: is anyone outside the social community? When employees must collaborate, is everyone involved, or is there someone who always gets the most boring tasks?
- Body language: pay attention to body language. This reveals a lot about the attitude we have towards each other. Do you consistently turn your back on someone and ignore their posts?
- Absence due to illness: exposure can lead to sick leave.

The work environment should logically be considered, but it is not. No reference is made to the areas that are singled out as particularly important to focus on in OSWE, i.e., the work environment. Instead, the focus is on the individual level around work performance, sickness absence, irony, and body language. Employee behavior is the focus, not the work environment. Managers in regions and municipalities are led here to focus on various forms of deviant behavior in employees instead of looking for risks and shortcomings

in the social and organizational work environment, such as work demands, organizational communication, room for action, and conditions for support from colleagues and managers. Habermas (1987) saw juridification as a form of colonization of people's lifeworlds by applying law to social problems. Habermas' concept of the lifeworld includes both conscious and preconscious linguistic and cultural traditions that constitute every day and practical actions and communication for individuals in society. But this is then opposed by society's invading actions to control people in a normative way. The individualization of workplace mistreatment can be seen as an expression of society's invading of social spheres as monitoring body language or making working efforts an issue of exposure to workplace mistreatment.

Individualization also recurs when describing stress as part of the work environment.

Stress is closely linked to a poor social work environment. Stress can be described as a strain that we are exposed to when demands and expectations do not match our available resources and what we are capable of. The causes of stress are many, but above all, they are individual; how you experience your work situation is different depending on who you are and where you are in life. Stress is not a disease, but you can get sick from being exposed to stress; examples of this are exhaustion syndrome (burnout) and stress-related illnesses. Sunt Arbetsliv has developed a tool that contributes to raising the knowledge of the work group and creating a common understanding of stress at work.

The recommendations in this section are centered on individual explanatory factors, with an emphasis on experiences. The address is also altered from addressing management which oversees the workplace to a direct address to stressed-out personnel. There is no reference to work requirements, room for action, resources, task distribution, or communication, neither for support nor interaction. Employees who are stressed are urged to seek information about stress from SALAR's external partners. However, stress is said to be brought on by a poor social work environment. The intended meaning is not explicated. Habermas's (1987) ideas on how juridification involves an invasion of the social realm to norm individuals, resurface. Because the source of stress is portrayed as essentially individual, the individual is held accountable for their stress reactions and is expected to deal with them on an individual basis. Thus, the message may be interpreted as stress reactions is something to be avoided, rather than risks in the work environment.

When it comes to routines for handling mistreatment, the following advice is given to decision-makers within municipalities and regions:

According to the Swedish Work Environment Authority, the routines must at least include:

- Who should be told? The person to be notified should have the knowledge and ability to receive the information quickly.
- Who do you talk to if the offending person is your immediate boss or someone else on whom you depend? There should be alternatives.
- What happens to what I say? It must be clear who receives the information and what happens.
- What help is available for the person who is exposed? It can be given by someone with the right skills from the personnel department, occupational health care, a consultant, or the equivalent. It is important that it happens quickly and professionally.

This interpretation of the regulations ignores workplace deficiency risk assessment. Instead, emergency-related items are highlighted. The information is almost alarmist, as if an accident occurred. The focus here is on who should be notified when a form of violation has occurred. The events and particular mistreatment are yet unknown. This is the first time that routines are mentioned in the text, which makes the advice almost mystical. Loick (2014) claims that juridification is about paradoxically asserting rights and reserving against them to create conditions that block individuals' rights and instead create other unnatural social units where different problems can be addressed. By referring to where, how, and to whom a question should be addressed, the actual work environment problem with workplace mistreatment is concealed.

When asked if there are suitable points of discussion that can be used to prevent and deal with mistreatment, SALAR answers as follows:

The employer must ensure that there are special procedures for how workplace mistreatment is to be handled. The employer is also obliged to ensure that the employees are aware of these procedures. An appropriate time to follow up on the work to prevent and deal with workplace mistreatment is in connection with the annual follow-up of the systematic work environment work. Questions that may be appropriate to ask to follow up on questions about workplace mistreatment are integrated into the systematic work environment:

- Is there knowledge among managers and employees about what workplace mistreatment is?
- Is it clear that it is not accepted?
- Are you aware of what can cause offensive mistreatment?
- Is something being done about it?
- Does everyone have information about who or whom to talk to regarding workplace mistreatment?
- Do these in turn know what to do and where the information ends up?
- Is it clear where the vulnerable can get help as quickly as possible?

The question concerned discussion points about mistreatment prevention and management. SALAR's response is a series of yes/no questions about procedures, with the emphasis once again on where someone who has been exposed should turn and whether staff are aware of mistreatment. Nothing arises that can serve as a starting point for a discussion about the problem and how it can be prevented. Simultaneously, the significance of the employer ensuring that employees are aware of the procedures is underlined. Hepple (2005) uses juridification to describe the individualization of industrial relations, which was based on the work environment regulation under the code of practice for handling employee dismissals and personnel administration. The message in the recommendations could be interpreted as an expression of what Hepple argues, placing the problem and the responsibility for manage it on individuals but without encouraging reflection on the problem itself. It's almost as SALAR views workplace mistreatment as some form of disease that may be contagious and in need for curing.

Bullying Investigations in Focus for Management

The first thing that actors are seeking information about workplace mistreatment face are about bullying investigations, which are phrased as: "How should one proceed in

an investigation of mistreatment?” “Should all indications of mistreatment be investigated?” “Is a report on an investigation into workplace mistreatment public?” “Who should conduct an appropriate investigation into workplace mistreatment?” “What role does the person who accuses someone of workplace mistreatment play in an investigation?” Legal logic characterizes the responses to the questions and consequently the suggestions. As seen above, general, advice about routines and policies have been limited and vague in SALAR’s recommendations to municipalities and regions regarding workplace mistreatment on the website. The advice for routine bullying investigations is an exception to this. This advice, on the other hand, is both extensive and detailed.

A general analysis model with five steps to determine how different investigations should be carried out in the case of more serious social work environment problems.

1. The assignment: Clarify the investigator’s mandate and rules of the game for the investigation.
2. Level of investigation: Which level or levels should be investigated - individual, group, system, a larger context?
3. Tools: Which tools/methods are needed for the assignment - interviews, surveys, the investigator’s own observation, for example at workplace meetings, study of documents, etc.?
4. Analysis model: Which models/perspectives should be used when the results are interpreted – requirements/control, stress, work experience, organizational structure, etc.?
5. Reporting: How should the investigation be reported - to whom, when, in writing or orally? Is there a connection between reporting and some kind of decision?

As far as possible, an investigation should be conducted in such a way that the parties involved feel heard and fairly treated during the investigation process.

An investigation process should clarify the following parts:

1. The victim’s perspective and experiences.
2. The perspective and experiences of the accused(s).
3. The witnesses’ perspective and experiences.
4. Independent evidence such as letters, e-mails, minutes, recordings, pictures, or the like.

During the investigation process, the material from different sources should then be weighed together and reviewed critically.

There is an explicit presumption that external actors will be involved in an investigation, which is described here on an instrumental level. The emphasis here is on the framework for an investigation, which includes the investigator’s mandate and several approach options. The final section of the suggestions makes it apparent that one begins from a victim-perpetrator perspective, implying that the individual perspective in the context of mistreatment is crucial. They also refer to “evidence” that must be weighed and scrutinized. The recommendations have a strong legal focus. Here, Loick’s (2014) opinions on juridification are revisited: events will be evaluated in such a way that one side will compete against another, and the outcomes arise at one’s expense. The individual perspective and the invocation of evidence in investigations into unfair treatment make it basically impossible for anyone to have their voice heard regarding vulnerability, and it instead enables organizations to avoid responsibility for the work environment.

If a bullying investigation is handed over from, for example, an external occupational health service to a municipal or regional operation, the principle of publicity applies, and the investigation is counted as a received document. If someone subsequently requests this document, the employer must carry out a confidentiality review. Confidentiality applies, for example, in personnel welfare activities to information about an individual's personal circumstances if it is not clear that the information can be disclosed without the employee or someone close to him suffering. It is not possible to determine in advance to what extent a bullying investigation is covered by confidentiality but must be tested in each individual case.

The confidentiality issue is central here, indicating a legal connection. Strangely, it is stressed here that a bullying inquiry cannot be ensured confidentially but must be tested in each case. The recommendations to municipalities and regions on how to handle the investigation show with increasing weight the need to handle the issue with the help of legal advisors, which Mitchell and Rimmer (1990) believe are tangible consequences of the juridification process, which affects policy development, creates uncertainty around what applies, and reduces the chances of providing a good working environment. The recommendations for bullying investigations then proceed with increasingly building legal vocabulary and is hard to understand the meaning of. On the contrary to ensure confidentiality, the further statements on identifying whom the investigation concern is highlighted:

Prior to an investigation, it should be made clear that it is not possible to speak anonymously about a person who is not given the right of reply at any stage of an investigation. It must not be free for anyone to accuse someone of abusive mistreatment if they cannot defend themselves. If it is also a matter of discrimination, the prohibition of retaliation must be taken into account. Retaliation is, according to the Discrimination Act, when someone is subjected to some form of punishment or bad treatment as a reaction to the fact that they have complained or reported discrimination. Examples of reprisals are actions or statements that cause discomfort for someone who has reported discrimination.

The right of reply [e.g., plea] is used within a special method for the investigation of workplace mistreatment in Scandinavia, so-called fact-finding investigation (Kuldova & Nordrik, 2023). Based on this established private business inquiry process, this instruction is given by SALAR. However, employees reporting each other puts them in a paragraph 22 predicament (Kuldova & Nordrik, 2023). Reprisals are prohibited, but only if the investigation involves discrimination. The interpretation in this advice is that retaliation is not prohibited if it is not discrimination but another sort of mistreatment. Hood (1995) says that NPM affects policy making in an unexpected way: freely designed policy facilitates strategic control so that individual managers can be held accountable for various mistakes and is a result of organizational political agreements between actors who design how to handle various issues. The prescription of a specific business model in investigations of mistreatment shows that external actors like consultants and advisors have impacted the policy that legalizes workplace mistreatment. Paradoxically, the method of choice from SALAR does not involve assessment of work environment issues. The legal terminology surrounding the right of reply and prohibition of retaliation creates precisely the ambiguity that Mitchell and Rimmer (1990) says is an effect of juridification.

On the question of whether all signals of mistreatment should be investigated, the recommendation is that this is the case.

The short answer is yes, if the employer judges that there is a risk of ill health or that someone is excluded from the workplace community. Section 9 of the regulations on systematic work environment work (AFS, 2001:1) stipulates that if an employee suffers ill health or an accident at work and if a serious incident occurs at work, the employer must investigate the causes so that risks of ill health and accidents in the future can be prevented. The employer should always talk to the person who feels exposed and then make an assessment of whether the matter needs to be investigated further. The employer also needs to make sure that the systematic work to prevent violations is in place and works in the workplace and that the rules regarding workplace mistreatment in the regulation on organizational and social work environments are complied with.

They say yes to investigations being mandatory with reference to AFS 2001:1. According to the statutes, risks of ill health, accidents, or exclusion from employment in connection with injury must be investigated to determine their cause. The regulations contain no specific language addressing so-called bullying investigations. Hood (1995) points out that public-sector governance is built on contracts between clients and executors, and one can see the recommendation to always investigate maltreatment as a result of contracts between investigators and SALAR on how mistreatment should be handled. The use of the paragraphs about evaluating risks for illness and exclusion becomes a type of misdirection by implying that bullying investigations are mandatory. The advice to municipalities and regions in Sweden establishes a reliance on actors who may have financial interests in conducting investigations in a way that benefits the employer rather than the employees, i.e., by avoiding claims of inadequacies in the work environment.

When asked what an employee should do in a vulnerable situation by the immediate manager, SALAR answers the question as follows:

The regulations state that you must have routines for and knowledge of how to prevent and deal with workplace mistreatment. It must be clear who to turn to in the event of workplace mistreatment. The general advice also states that one should be able to turn to a senior manager and that the person conducting an investigation should be impartial and have the trust of those concerned.

There is a reference in the regulations to investigations in the systematic work environment work on risks of ill-health and exclusion, and the employer must then explore the reasons why it has occurred. This requires being done by a neutral actor (AFS, 1980:14). That is, rather than conducting investigations that focus on determining whether someone has been subjected to bullying or not, regardless of the consequences, the employer must explore the cause of ill-health and exclusion. But the referring to investigations as if it is one and the same is deceptive. Hood (1995) defines managerialization as public-sector managers who act in tandem and adhere to the organization's policies. The advice that an employee should approach a superior is in principle ineffective since such an agreement among managers leaves no room for individual superiors to act against the management alliance. The advice demonstrates once again the reliance on external actors that inevitably operate on behalf of the employer, making autonomy impossible.

Discussion

To summarize the findings, it is found that juridification of workplace mistreatment is driving the logic behind recommendations from SALAR in a confusing and unclear way. This is consistent with previous studies on SALAR, which found that an organization with an uncertain purpose in society might constitute a danger to democracy (Bringselius & Rothstein, 2021). The guidelines moves away from dealing with mistreatment as a work environment problem. As mentioned in the introduction, policy research on workplace mistreatment is scarce and in Scandinavia, practical implications rather than empirical analysis have dominated the route (Kuldova & Nordrik, 2023). In this study the aim has been to explore how SALAR, the employer organization for the public sector in Sweden understands the problem of workplace mistreatment and what the recommendations are for policy development that govern how the public sector design its policies. Four themes may be identified in the analysis in relation to juridification. I will now discuss them in relation to the aim and earlier research.

Dismissing Workplace Mistreatment as a Work Environment Problem

The first question asked was how SALAR perceived workplace mistreatment as a problem, and the findings revealed a high emphasis on visualizing workplace mistreatment as an individual problem. The website does not link workplace mistreatment to work environment climate. Still, the problem is communicated as serious and not acceptable. As earlier suggested, Woodrow and Guest (2017) found that healthcare organizations' "best practice" zero-tolerance policies for mistreatment do not work, since merely stating the problem is ineffective. The refraining from work environment discussion around mistreatment goes against The Swedish Work Environment Agency that states that mistreatment should be attributed to the workplace environment, not individuals (AFS, 2015:4). Previous research has revealed that workplace abuse is increasingly individualized (Edelman, 2001; Lewis & Rayner, 2003; Hutchinson & Eveline, 2010; Kuldova & Nordrik, 2023; Reynolds & Briner, 1994; Salin et al., 2020). The individual view is also suggested to relate to the assumption that stress is caused by individuals' own behavior, thus ignoring organizational factors (Reynolds & Briner, 1994). HR experts tend to interpret workplace mistreatment as misunderstandings and subsequently blame the exposed person, concluding that their narratives are invalid (Cowan, 2011). This may be due to Scandinavia's ambition to legalizing mistreatment (Einarsen, 2000; Hoel & Einarsen, 2020). My interpretation is that SALAR dismisses mistreatment as a work environment problem, which means public sector policy design will emerge against the legislation, a paradoxical result of the juridification process.

Reductionistic Policy Practice

The second question concerned how SALAR's communication about workplace abuse was designed. Managers in regions and municipalities are directed to focus on various forms of deviant conduct in employees rather than hazards and flaws in the social and organizational work environment. The communication indicates an emergency, but it does not specify what to do or when to act. It's almost as if SALAR regards workplace mistreatment as a contagious disease that must be cured. The emphasis centers around who should be notified when a type of violation occurs. The circumstances and particular abuses are not spelled out. The recommendations include no mention of work requirements, room for

action, resources, task distribution, or communication, neither for assistance nor interaction. This is consistent with how mistreatment is typically addressed in Sweden (Cicerali & Cicerali, 2016), which is based on ambiguous policies and processes. Human resource management is considered to foster an instrumental perspective of individuals, ignoring structural issues such as gender, power, and inequities (Hutchinson & Eveline, 2010). This could be considered a reductionist policy practice. Such a policy practice has been defined as when the organizational politics design governing documents to reproduce workplace mistreatment from the structural to the individual level (Matsson, 2023). According to Hood (1995), NPM employs imaginative approaches to maintain strategic objectives in response to employer responsibility rules. The communication design from SALAR follows “best practice” (Ballard & Easteal, 2018; Grimstad, 2015; Hoel & Einarsen, 2020; Woska, 2013). It stems from the individualization of workplace abuse in accordance with NPM. This communication design has the effect of normalizing juridification of workplace mistreatment.

Bullying Investigations as Political Tools

The third question had to do with recommendations on how to manage workplace mistreatment. The emphasis on conducting workplace mistreatment investigations, followed by a focus on legal logic, is the most consistent component of otherwise unclear instructions on the topic of unfair treatment. Individual perspectives and the use of evidence in mistreatment investigations, combined with unclear confidentiality routines and the risk of social sanctions, make it virtually impossible for anyone to have their voice heard about workplace problems, allowing organizations to avoid responsibility for the workplace. Hodgins et al. (2014) refer to this technique as the adversarial approach since it imitates laws and regulations in an environment that is not legal. It is argued that it stems from a desire in Scandinavia to legislate bullying at work (Einarsen, 2000). This strategy for investigating bullying has recently been questioned (Kuldova & Nordrik, 2023), despite being widely acknowledged as ‘best practice’ (Ballard & Easteal, 2018; Grimstad, 2015; Hoel & Einarsen, 2020; Woska, 2013). The reliance on market-driven models and businesses with commercial interests to undertake investigations is a fundamental issue with this approach, and because SALAR has legitimized it as the default alternative for dealing with workplace mistreatment, it contributes to a democratic hazard to employee rights. The employer’s duty to deal with abuse as a work environment problem can be avoided, according to SALAR’s counsel. In other words, the Swedish public sector would adopt policies and procedures based on recommendations from an advisory board that ignore fundamental issues in organizations such as job requirements, the management, the organizational climate, and politics. As a result of the juridification process, bullying investigations might be viewed as a political tool for the employer.

Logical Fallacy

The final inquiry was whether the recommendations might be applied to HR and managers seeking information on workplace mistreatment. The proposals show a strong pattern of ambiguity around what workplace mistreatment is and how it should be understood. For managers and HR who seek information on the subject, there is a gap in reasoning that leads to misdirection on what, when, why, and how to act regarding mistreatment in the workplace. Furthermore, the website’s organization of workplace mistreatment is

perplexing. It is classified as an employer-collective agreement rather than work environment or organizational management, and it is not even related to the work environment. According to Djurcovic et al. (2021), for a policy to be effective, it must be clear on what and how mistreatment will be addressed and regarded. They discovered that there is uncertainty about HR's role and distrust of HR, which has an impact on the development of policies. The proposals are also tainted by rhetoric comments, as is typical for juridification in the strategy for paradoxical attention to politics, which must always include both the struggle for rights and reservations against them (Loick, 2014). It causes confusion and prevents decision-makers from using it. This may cause uncertainty with HR over how to reason. Salin et al. (2020) discovered that HR ties to employers and regarding mistreatment, management in accordance with economic values, tries to manage people in successful ways to provide strategic advantages for the organization. Exposed employees claim that the situation worsens when they report it to HR since they are not taken seriously (Cowan, 2012). Unclear logic as with SALAR, on mistreatment and blocking applicability could reproduce managing people rather than supporting them. One explanation for this lack of applicability could be the logical fallacy that could be said to be a sign of juridification logic, that blurs the understanding of policy development regarding workplace mistreatment.

Conclusion

Together, the findings in this study show that the recommendations on workplace mistreatment in the public sector in Sweden, legitimize a reductionistic view of workplace mistreatment and dependence on external partners to manage the problem without recognizing the employer's obligation to prevent and prohibit risk assessment in the work environment. The core message in the recommendations from SALAR is suggested to be that workplace mistreatment is a juridical matter, that needs to be handled by external partners conducting bullying investigations based on individual complaints and evaluations of them. Also, the policy stirs more questions than answers for managers and HR on how to understand the phenomena and lacks applicability. The recommendations paradoxically go against regulation in Sweden that stresses the importance to approach workplace mistreatment as a work environment problem. The process of juridification of workplace mistreatment in the public sector in Sweden could be argued to jeopardize employee rights and wellbeing at work by depriving managers and HR from knowledge of the problem rather than providing insight. Further research is needed to explore how the public sector is adhering to SALAR's recommendations in its policies and routines on workplace mistreatment.

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References

- AFS: 1980:14. (1980) Psykiska och sociala aspekter på arbetsmiljön. Arbetsmiljöverkets författningssamling. (*The Swedish Work Environment Authority Constitution*).
- AFS: 2001:1. (2001) Systematiskt arbetsmiljöarbete. Arbetsmiljöverkets författningssamling. (*The Swedish Work Environment Authority Constitution*).
- AFS 2015: 4. (2015). Organisatorisk och social arbetsmiljö. Arbetsmiljöverkets författningssamling. (*The Swedish Work Environment Authority Constitution*).
- Algehed, J., Jensen, C., Johansson, B., & Leppänen, C. (2021). *Utvärdering av Mölndals stads hantering av Covid-19-pandemin*. Göteborgs universitet. (KFi U report 105).
- Allebaeck, P. & Burström, B., (2021). *COVID-19*. (Report) WHO. <https://eurohealthobservatory.who.int/news-room/articles/item/sweden-country-snapshot-public-health-agencies-and-services-in-the-resp-nse-to-covid-19>. Accessed 8 Oct 2022.
- Askim, J., & Bergström, T. (2022). Between lockdown and calm down. Comparing the COVID-19 responses of Norway and Sweden. *Local Government Studies*, 48(2), 291–311.
- Ballard, A. J., & Easteal, P. (2018). The secret silent spaces of workplace violence: Focus on bullying (and harassment). *Laws*, 7(4), 35.
- Blickner, & Molander, A. (2005). *The concept of juridification*. Arena Centre for European. Studies, University of Oslo (Working Paper No.14), University of Oslo.
- Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40.
- Bringselius, L. (2021). Coronapandemin, förvaltningen och tilliten: En Forskningsagenda. *Statsvetenskaplig Tidskrift*, 123(5), 179–188.
- Bringselius, L., & Rothstein, B. (2021). Sveriges Kommuner och regioner (SKR)-en maktfaktor utan demokratisk legitimitet. *Vad händer Nu? Valfärden Efter Corona* (pp. 153). Premiss förlag.
- Brommesson, D., & Edström, Z. (2021). *Coronapandemin och de upplevda styrningsproblemen: Det svenska fallet i nordisk jämförelse*. Lunds Universitet, Samhällsvetenskapliga fakulteten.
- Cicerali, L., & Cicerali, E. E. (2016). A qualitative study on how Swedish organizations deal with workplace bullying. *Nordic Psychology*, 68(2), 87–99.
- Connell, J., Lynch, C., & Waring, P. (2001). Constraints, compromises, and choice: Comparing three. qualitative research studies. *The Qualitative Report*, 6(4).
- Corbin, J., & Strauss, A. (2008). *Basics of qualitative research: Techniques and procedures for developing grounded theory* (3rd ed.). SAGE.
- Cowan, R. L. (2011). Yes, we have an anti-bullying policy, but... HR professionals' understandings and experiences with workplace bullying policy. *Communication Studies*, 62(3), 307–327.
- Cowan, R. L. (2012). It's complicated. Defining workplace bullying from the human resource professionals perspective. *Management Communication Quarterly*, 26(3), 377–404.
- Djurkovic, N., McCormack, D., Hoel, H., & Salin, D. (2021). The role of human resource professionals (HRPs) in managing workplace bullying: Perspectives from HRPs and employee representatives in Australia. *Personnel Review*, 50(7/8), 1599–1612.
- Donatella, P., Haraldsson, M., & Tagesson, T. (2022). Reporting on COVID-19—or not? Annual report disclosure of the pandemic as a subsequent event. *Journal of Public Budgeting Accounting & Financial Management*, 34(6), 117–136.
- Edelman, M. (2001). Social movements: Changing paradigms and forms of politics. *Annual Review of Anthropology*, 30(1), 285–317.
- Edelman, L. B., Fuller, S. R., & Mara-Drita, I. (2001). Diversity rhetoric and the managerialization of law. *American Journal of Sociology*, 106(6), 1589–1641.
- Ehrlich, T. (1976). *Legal pollution*. New York Times Magazine.
- Einarsen, S. (2000). Harassment and bullying at work: A review of the scandinavian approach. *Aggression and Violent Behavior*, 5(4), 379–401.
- Elander, I., Granberg, M., & Montin, S. (2022). Governance and planning in a 'perfect storm': Securitising climate change, migration, and Covid-19 in Sweden. *Progress in Planning*, 164, 100634.
- Fredriksson, M., & Hallberg, A. (2021). COVID-19 testing in Sweden during 2020—split responsibilities and multi-level challenges. *Frontiers in Public Health*, 9, 754861.
- Green, C. H., Tunstall, S. M., & Fordham, M. H. (1991). The risks from flooding: Which risks and whose perception? *Disasters*, 15(3), 227–236.
- Grimstad, E. (2015). *Gransking Ved Mistanke Om Korrupsjon Og Andre Former for Økonomisk Kriminalitet I arbeidsforhold*. Gyldendal Juridisk.
- Habermas, J. (1987). The theory of juridication action: Vol. 2. *Lifeworld and System: A Critique of functionalist reason* (T. McCarthy, trans.) Beacon Press.

- Hepple, B. (2005). *Labour laws and global trade*. Bloomsbury Publishing.
- Hodgins, M., MacCurtain, S., & Mannix-McNamara, P. (2020). Power and inaction: why organizations fail to address workplace bullying. *International Journal of Workplace Health Management*, 13(3), 265–290.
- Hodgins, M., MacCurtain, S., & Mannix-McNamara, P. (2014). Workplace bullying and incivility: A systematic review of interventions. *International Journal of Workplace Health Management*, 7(1), 54–72.
- Hoel, H., & Einarsen, S. V. (2020). Investigating complaints of bullying and harassment. In V.E. Ståle, H. Helge, Z. Dieter & L.C. Cary (Eds.), *Bullying and Harassment in the Workplace* (pp. 541–561). CRC Press.
- Hood, C. (1995). Emerging issues in public administration. *Public Administration*, 73(1), 165–118.
- Hutchinson, J., & Eveline, J. (2010). Workplace bullying policy in the Australian public sector: Why has gender been ignored? *Australian Journal of Public Administration*, 69(1), 47–60.
- Kerr, A. (2015). Changing Landscapes: The Juridification of the Labour Court? *Irish Jurist (1966-)*, 58–76.
- Kuldova, T. Ø., & Nordrik, B. (2023). Workplace investigations, the epistemic power of managerialism and the hollowing out of the Norwegian model of co-determination. *Capital & Class*, 0(0). <https://doi.org/10.1177/03098168231179971>
- Lewis, D., & Rayner, C. (2003). Bullying and human resource management: A wolf in sheep's clothing? In S. Einarsen, H. Hoel, D. Zapf, & C. Cooper (Eds.), *Bullying and Emotional Abuse in the Workplace: International Perspectives in Research and Practice* (pp. 388–400). Taylor & Francis Group.
- Loick, D. (2014). Juridification and politics: From the dilemma of juridification to the paradoxes of rights. *Philosophy & Social Criticism*, 40(8), 757–778.
- Matsson, A. (2023). How to organize silence at work: An organizational politics perspective on pragmatic mistreatment at work. *Employee Responsibilities and Rights Journal*. <https://doi.org/10.1007/s10672-023-09454-5>
- Mitchell, R., & Rimmer, M. (1990). Labour law, deregulation, and flexibility in Australian industrial relations. *Comparative Labor Law Journal*, 12(1), 1–34.
- Nordrik, B., & Kuldova, T. (2021). *Faktaundersøkelser: Et hybridkonfliktvåpen på norske arbeidsplasser*. Gyldendahl.
- Pearson, J., Wilkinson, L., & Wooley-Snyder, J. L. (2021). State-level policy, school victimization, and suicide risk among sexual minority youth. In Allen J. LeBlanc & Brea L. Perry (Eds.), *Sexual and Gender Minority Health* (Vol. 21, pp. 65–101). Emerald Publishing Limited.
- Pierre, J. (2020). Nudges against pandemics: Sweden's COVID-19 containment strategy in perspective. *Policy and Society*, 39(3), 478–493.
- Reynolds, S., & Briner, R. B. (1994). Stress management at work: With whom, for whom and to what ends? *British Journal of Guidance & Counselling*, 22(1), 75–89.
- Salin, D., Cowan, R. L., Adewumi, O., Apospori, E., Bochantin, J., D'Cruz, P., & Zedlacher, E. (2020). Prevention of and interventions in workplace bullying: A global study of human resource professionals' reflections on preferred action. *The International Journal of Human Resource Management*, 31(20), 2622–2644.
- Simitis, S. (1986). The Juridification of labor relations. *Comparative Labor Law*, 7(93), 101–107.
- Tavolari, B. (2018). Juridification. *Krisis*, (2). <https://www.proquest.com/scholarly-journals/juridification/docview/2291069756/se-2>
- Teubner, G. (Ed.). (1987). *Juridification of social spheres* (pp. 3–48). de Gruyter.
- Wild, T. C., Pauly, B., Belle-Isle, L., Cavalieri, W., Elliott, R., Strike, C., & Hyshka, E. (2017). Canadian harm reduction policies: A comparative content analysis of provincial and territorial documents, 2000–2015. *International Journal of Drug Policy*, 45, 9–17.
- Woodrow, C., & Guest, D. E. (2017). Leadership and approaches to the management of workplace bullying. *European Journal of Work and Organizational Psychology*, 26(2), 221–233.
- Woska, W. J. (2013). Legal issues for HR professionals: Workplace investigations. *Public Personnel Management*, 42(1), 90–101.

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