

Bulletin de veille RPS n° 49

26/08/2024

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La validation des informations fournies (exactitude, fiabilité, pertinence par rapport aux principes de prévention, etc.) est du ressort des auteurs des articles signalés dans la veille. Les informations ne sont pas le reflet de la position de l'INRS.

Les liens mentionnés dans le bulletin donnent accès aux documents sous réserve d'un abonnement à la ressource.

Veille juridique RPS

Recevabilité de l'action d'un syndicat en cas de harcèlement moral d'un représentant du personnel.

[Cour de cassation \(Chambre sociale\), 10 juillet 2024, pourvoi n°22-22.803](#)

Un salarié, occupant le poste de chef de projet confirmé spécialisé, a saisi la juridiction prud'homale car il s'estimait victime de harcèlement moral. Il invoquait au soutien de sa demande au titre du harcèlement moral : l'aggravation de sa mise à l'écart à compter de sa désignation en qualité de membre du Comité d'hygiène, de sécurité et des conditions de travail (CHSCT), son exclusion de la distribution des plannings de travaux, le courrier d'alerte du syndicat adressé à l'employeur pour stigmatiser la « placardisation » dont il a fait l'objet et les conclusions du rapport d'enquête établi à la demande du CHSCT stigmatisant le retrait de certaines tâches à des salariés ou à la mise à l'écart de représentants du personnel.

Le syndicat national CFTC spectacles-communication-sports et loisirs a décidé d'intervenir volontairement à l'instance.

La cour d'appel a condamné l'employeur à verser au syndicat des dommages-intérêts en réparation du préjudice porté à l'intérêt collectif de la profession.

Contestant cette décision, l'employeur a décidé de former un pourvoi en cassation.

La Cour de cassation rejette le pourvoi. Elle rappelle qu'en application de l'article L. 2132-4 du Code du travail, un syndicat est recevable à agir en réparation du préjudice porté à l'intérêt collectif de la profession, lorsque les éléments invoqués par un salarié titulaire d'un mandat syndical ou représentatif laissent supposer un harcèlement moral en lien avec l'exercice de ses fonctions. En l'espèce, les éléments invoqués par le salarié au soutien de sa demande au titre d'un harcèlement moral sont en lien avec son mandat. Le syndicat était donc recevable en son action en réparation du préjudice porté à l'intérêt collectif de la profession.

Preuve de l'existence d'un harcèlement moral.

[Cour de cassation \(Chambre sociale\), 10 juillet 2024, 23-14.900](#)

Une salariée, occupant le poste de secrétaire comptable, a repris son poste de travail à temps partiel thérapeutique, suite à un accident du travail, puis a été licenciée pour cause réelle et sérieuse.

Elle a saisi la juridiction prud'homale afin d'obtenir des dommages-intérêts pour harcèlement moral et licenciement abusif.

La cour d'appel l'a déboutée de ses demandes en retenant que l'enregistrement clandestin était contraire au principe de la loyauté dans l'administration de la preuve, et que la salariée avait d'autres possibilités pour prouver la réalité du harcèlement subi depuis plusieurs mois. Ainsi l'atteinte n'était pas strictement proportionnée au but poursuivi. De plus, aucun élément ne permettait de démontrer que le comportement de l'employeur constituait en des agissements répétés constitutif de harcèlement moral.

Contestant cette décision, la salariée a décidé de former un pourvoi en cassation. Elle soutenait que « *l'illicéité d'un moyen de preuve n'entraîne pas nécessairement son rejet des débats, le juge devant apprécier si l'utilisation de cette preuve a porté atteinte au caractère équitable de la procédure dans son ensemble, si la production est indispensable à l'exercice du droit de la preuve et si l'atteinte est strictement proportionnée au but poursuivi* ». Ainsi, pour la salariée, la cour d'appel aurait dû rechercher si elle disposait d'autres moyens que la retranscription d'un enregistrement de l'employeur réalisé à son insu, lui permettant d'établir que son employeur avait exercée sur elle des pressions afin qu'elle signe une rupture conventionnelle, en la menaçant de licenciement.

La Cour de cassation casse et annule l'arrêt de la cour d'appel. Elle explique que celle-ci aurait dû rechercher si l'enregistrement clandestin était indispensable à l'exercice du droit à la preuve du harcèlement moral allégué, et si l'atteinte au respect de la vie personnelle de l'employeur n'était pas strictement proportionnée au but poursuivi. De plus, la cour d'appel aurait dû examiner si l'ensemble des éléments, y compris le défaut de formation de la salariée sur son nouveau poste de travail et le fait qu'elle ait été sanctionnée à plusieurs reprises, ainsi que les éléments médicaux, permettaient de présumer l'existence d'un harcèlement moral. Enfin, elle aurait dû vérifier si le comportement de l'employeur était étranger à tout harcèlement.

Par conséquent, la Cour de cassation décide de renvoyer l'affaire et les parties devant une autre cour d'appel.

Méthodes et outils d'évaluation

[PDF] Quand la médecine du travail produit des données

B Barlet, S Memmi, N Sandret

Li, H., Dance, E., Poonja, Z., Aguilar, L. S. et Colmers-Gray, I. (2024). Agreement between the Maslach Burnout Inventory and the Copenhagen Burnout Inventory among emergency physicians and trainees. *Academic Emergency Medicine*. <https://doi.org/10.1111/acem.14994>

[PDF] The PERMA+ 4 Positive Functioning at Work Scale: Spanish Adaptation and Validation

A García-Selva, MC Neipp, Á Solanes-Puchol... - *Psicothema*, 2024

[PDF] Fatigue Levels among Car Repair Shop Workers: A Study Using the Fatigue Assessment Scale (FAS)

IM Suartika, F Kurnia

Thèmes autour des RPS

Généralités

[PDF] Impact de l'intensification et de l'autonomie au travail sur la santé mentale

S Blasco, J Rochut, B Rouland - 2024

Ordre des conseillers en ressources humaines agréés. (2024). Risques psychosociaux en milieu de travail : quelles pistes de solutions pour améliorer la prise en charge par les employeurs? *Revue RH*, 27(2). https://carrefourrh.org/getmedia/5dcd6489-1263-412e-b5ba-ae5cef92c65e/D-5851-RH-avril-mai-juin-2024-V09_FINAL.pdf

[PDF] Les effets subjectifs des «nouvelles» organisations du travail

C Dejours, S Le Lay, F Lemozy, I Genet – 2024

[PDF] Santé mentale et expérience subjective du chômage

A Duarte, S Le Lay, F Lemozy - 2024

Mullens, F. et Laurijssen, I. (2024). An organizational working time reduction and its impact on three domains of mental well-being of employees: A panel study. *BMC Public Health*, 24(1), article 1727. <https://doi.org/10.1186/s12889-024-19161-x>

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International perspectives on the mental health of doctoral researchers

M Vukelić, B Cahill - Prioritising the Mental Health and Wellbeing of ..., 2024

Kiaos, T. (2024). Cultural blind spots: Identifying hidden psychosocial hazards in the workplace. *Health Promotion Journal of Australia*. <https://doi.org/10.1002/hpja.900>

[PDF] Fifty years of research on psychosocial working conditions and health: From promise to practice

CRL Boot, AD LaMontagne, IEH Madsen - ... *Journal of Work, Environment & Health*, 2024

The role of policy for the promotion of a healthy psychosocial work environment

S Leka, A Jain - Elgar Encyclopedia of Occupational Health Psychology, 2024

Common mental disorders at work

AD LaMontagne, KM Page - Elgar Encyclopedia of Occupational Health Psychology, 2024

PDF] Combined psychosocial work factors and risk of long-term sickness absence in the general working population

LL Andersen, J Vinstrup, SV Thorsen, J Pedersen...

[HTML] Work-related risk factors for mental ill-health among Australian wildland firefighters

H Lingard, P Hayes, M Turner - Safety Science, 2024

The Importance of Prioritizing Employee Mental Health

C Radunz – 2024

[HTML] Perceptions of mental health, suicide and working conditions in the construction industry—A qualitative study

K Aurelius, M Söderberg, V Wahlström, M Waern... - PLOS ONE, 2024

Brykman, K. M., Cloutier, A., Carleton, E. L. et Samosh, D. (2024). Too depressed and anxious to speak up: The relationships between weekly fluctuations in mental health and silence at work. *Journal of Occupational Health Psychology*, 29(3), 174-187. <https://doi.org/10.1037/ocp0000375>

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[HTML] Trends in negative interpersonal relationships at work and awareness of occupational safety and health services: A 2014-2019 trend analysis

I Backhaus, N Dragano, C Di Tecco, S Iavicoli... - Journal of Occupational ..., 2024

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H Kalkis, Z Roja, V Metuma - 2024

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Bien-être au travail

[PDF] La qualité de vie au travail et la performance durable: Une synergie incontournable
EL Fadoua, I ANDICH - International Journal of Accounting, Finance, Auditing ..., 2024

Bien-être psychologique et comportement innovant au travail: perceptions des entrepreneurs marocains
B Mohamed, C Soufiane - African Scientific Journal, 2024

Conceptualisation and measurement of thriving at work
S Rothmann - Elgar Encyclopedia of Occupational Health Psychology, 2024

The 4-Day Workday: Impact on productivity and worker well-being
JA Narváez Cabeza de Vaca Alcedo - 2024

[HTML] The Effects of a Psychological Flexibility Intervention on Well-Being at Work
AS Oliveira, L Mourão, LF Martins - Psico-USF, 2024

Humanisation of Workplace Wellbeing: A New Conceptual Model
K Harrison, R Mason, H Nichols, L Smith - Work, Culture, and Wellbeing Among ..., 2024

The Examination of Workplace Well-Being in the Context of Conversations on Artificial Intelligence
H Trimboli - 2024

How Does the Presence of Psychological Safety Impact an Employee's Mental Well-Being?
ÄM Abbott - 2024

Work lives and wellbeing: A survey of the UK's mental health nursing workforce
N Klepacz - 2024

[PDF] Impact of Occupational Stress on Nurses' Well Being
K Bilal, N Nasir, MI Khan - Journal of Development and Social Sciences, 2024

[PDF] INTERDISCIPLINARY PERSPECTIVES ON WORKPLACE HAPPINESS: A REVIEW AND BIBLIOMETRIC ANALYSIS
R Rathee, S Malik - Journal of Digital Economy, 2024

Understanding the Landscape of Gig Workers' Well-Being: A Bibliometric Analysis
S Taneja - International Journal of Community Well-Being, 2024

Ilola, T., Malmisalo, M., Laukka, E., Lehtiniemi, H., Pölkki, T., Kääriäinen, M., . . . Kanste, O. (2024). The effectiveness of digital solutions in improving nurses' and healthcare professionals' mental well-being: A systematic review and meta-analysis. *Journal of Research in Nursing*, 29(2), 97-109. <https://doi.org/10.1177/17449871241226914>

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Enhancing flight attendants' well-being: exploring the impact of social exchange relationships and job crafting
S Kim, D Choi, H Nam - Service Business, 2024

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Working conditions, well-being, and retention of healthcare personnel: A comparative study between lean healthcare and nurse-to-patient ratio
S Mansour, D Chênevert - International Journal of Healthcare Management, 2024

Conflit travail / Vie familiale

[PDF] THE EFFECT OF WORK-LIFE BALANCE ON JOB SATISFACTION WITH BURNOUT AS AN INTERVENING VARIABLE

FA Denandra, M Sudirman, R Masruroh - Cirebon International Conference on ..., 2024

Work Life Balance and Well Being

B Saranya, P Verma - 2024

Nexus between Work Life Conflict and Work Life Balance

AT Dharmarajan, U Ezhilarasi

Work-family conflict, balance, and enhancement

S Shang, MJ Xerri, AE Rafferty - Elgar Encyclopedia of Occupational Health ..., 2024

Perceived leader inclusion and employee work-to-family conflict: a daily diary study

K Zhang, Y Li, K Yin, CE Kleshinski - Journal of Managerial Psychology, 2024

Quality of Work-Life Balance Among Women Entrepreneurs: Understanding the Journey Through Narrative Analysis

A Nayak, I Satpathy, S Poddar, BCM Patnaik - New Practices for Entrepreneurship ..., 2024

Conflit de valeurs / Sens au travail

[PDF] Épanouissement professionnel

L Braunschweiger, O Crettenand - 2024

Dépression / Anxiété / Choc post-traumatique

«À La recherche du plaisir perdu»: dépression et travail

I Gernet - Le Carnet PSY, 2024

Slade, P., Smart, C., Krahé, C. et Spiby, H. (2024). Maternity support workers' experiences of workplace trauma and post-traumatic stress symptoms. *Midwifery*, 136, article 104071. <https://doi.org/10.1016/j.midw.2024.104071>

[PDF] Les facteurs associés au travail qui influencent le stress traumatique secondaire chez les intervenants sociaux

A Groleau - 2024

Secondary traumatic stress, job satisfaction, anxiety, depression and coping among pediatric perioperative nurses exposed to trauma: a descriptive correlational study

C Falvo - 2024

Workplace ethical climate and its relationship with depression, anxiety and stress

I Borrelli, G Melcore, A Perrotta, PE Santoro, MF Rossi... - Occupational Medicine, 2024

Organizational Dehumanization and Job Anxiety: Moderating Role of Passion: A Conservation of Resource Theory Perspective

A Haider, T Fatima, M Zia - Journal of Innovative Research in Management ..., 2024

[PDF] DEPRESSION, ANXIETY & STRESS AMONG WORKING AND NON-WORKING WOMEN

K Joshi, R Srivastava, S Bansal, B Saran - 2024

[HTML] The effect of balint practice on reducing stress, anxiety and depression levels of psychiatric nurses and improving empathy level

Y Mao, F Zhang, Y Wang, Q Hu, L Fan - BMC nursing, 2024

Épuisement professionnel /Engagement au travail

[PDF] L'épuisement professionnel en contexte de travail auprès d'adultes autistes ayant des troubles graves de comportement

M Dubuc – 2024

Traumatisme secondaire, fatigue compassionnelle et burnout

A Laurin - L'ABC des psychotraumas: Approches Biologiques et ..., 2024

[HTML] Burnout, stress traumatique secondaire et détresse psychologique chez les intervenant (e) s et les gestionnaires dans le milieu communautaire au Québec. Portrait de ...

AH Truong, I Le Pain, A Malone, K Larose-Hébert... - Santé mentale au Québec, 2024

Holder, K. D., Lee, S. Y., Raza, F. Z. et Stroud, L. R. (2024). Addressing burnout and enhancing well-being among academic physicians: A call for future research and organizational support. *HCA Healthcare Journal of Medicine*, 5(3), 199-208. <https://doi.org/10.36518/2689-0216.1742>

[PDF] [Stress and burnout among doctors](#)

GDS Rabindran

[The Influence of Workload, Burnout, Distress on Nurses' Performance Post Covid-19 Pandemic](#)

S Hapsari, SS Nasution, SK Nasution - *Indonesian Journal of Global Health ...*, 2024

[PDF] [Influence of Occupational Therapist's Professional Identity on Empowerment and Burn Out](#)

JH Kim - *Journal of The Korean Society of Integrative Medicine*, 2024

[Strategies for coping with stress, emotional control and occupational burnout among surgical nurses](#)

D Rębak, S Uniejewska, J Chmielewski, H Król... - *Annals of Agricultural and ...*

[PDF] [Relation between Occupational Stress, Burnout and the Work Engagement among Nurses](#)

TGA Abdou, MAA Khedr, AI Mohammed - *Zagazig Nursing Journal*, 2024

[Occupational stress, burnout, and job satisfaction amongst Spanish speech-language pathologists](#)

I Baixauli, M Dasí Molina, C Berenguer - *International Journal of Speech-Language ...*, 2024

[HTML] [Worker burnout: Beyond resilience to structural transformation](#)

J Jacobson Frey, K Jinnett - *Journal of Workplace Behavioral Health*, 2024

[PDF] [Early career gender differences in job burnout trajectories in Finland: Roles of work, family, and financial resources](#)

Y Fang, X Tang, K Salmela-Aro - *International Journal of Behavioral Development*, 2024

McGarry, E. et O'Connor, L. (2024). Assessing burnout rates and contributing factors in emergency medical services clinicians. *Journal of Workplace Behavioral Health*, 39(3), 288-301.

<https://doi.org/10.1080/15555240.2023.2292119>

[PDF] [Exploring Health Promotion Behaviors, Occupational Burnout, and Sleep Disturbances in Traditional Industry Workers](#)

YF Yu, YY Chang, SH Chang - 2024

[PDF] [Understanding Burnout: Exploring Individual and Organizational Factors and Intervention Strategies](#)

G Korsakaite - 2024

[PDF] [Impact of work–life interference on burnout and job discontent: A one-year follow-up study of physicians in Sweden](#)

BE Gynning, F Christiansen, U Lidwall, E Brulin - *Scandinavian Journal of Work ...*, 2024

[PDF] [INVESTIGATING SUSTAINABLE EMPLOYEE WELL-BEING: A DECADE OF RESEARCH ON BURNOUT STUDIES](#)

W Ensour, H Al Maaitah - 2024

Pladdys, J. (2024). Mitigating workplace burnout through transformational leadership and employee participation in recovery experiences. *HCA Healthcare Journal of Medecine*, 5(3), 215-223. <https://doi.org/10.36518/2689-0216.1783>

Harcèlement moral et violences au travail

La lutte contre le harcèlement moral lié au genre sur le lieu de travail: l'articulation des ordres juridiques national, européen et international

J Boucquey, P Vielle

Nelson, S., Ayaz, B., Baumann, A. L. et Dozois, G. (2024). A gender-based review of workplace violence amongst the global health workforce: A scoping review of the literature. *PLOS Global Public Health*, 4(7), article e0003336. <https://doi.org/10.1371/journal.pgph.0003336>

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Social Workers' Experiences of Violence: A Critical Literature Review

NC Marriette, R Dhungel - Molung Educational Frontier, 2024

Workplace violence and harassment: An umbrella review of synthesis studies

B Kim - Aggression and Violent Behavior, 2024

A method to assess bullying and harassment as an upstream determinant of construction worker mental health

C Roelofs, C Rodman, A Trueblood, CT Cain - American Journal of Industrial Medicine

Comprehending the disruptive influence of workplace gaslighting behaviours and mobbing on nurses' career entrenchment: A multi-centre inquiry

MHR Atta, NW Elzohairy, AEDMH Abd, AA Othman... - Journal of advanced nursing

ADDRESSING WORKPLACE VIOLENCE IN INTERPROFESSIONAL TEAMS

MAS Rosemberg, R Patel - Professional, Ethical, Legal, and Educational Lessons ..., 2024

Workplace bullying

MR Tuckey, E Baillien - Elgar Encyclopedia of Occupational Health Psychology, 2024

[PDF] Dealing With Discrimination, Harassment and Bullying in Mental Health Settings: A Qualitative Evaluation of Training

L Fotheringham, K Munro - BJPsych Open, 2024

[PDF] Paramedic occupational violence: A qualitative examination of aggressive behaviour during out-of-hospital care

P Drew, S Devenish, V Tippett - Paramedicine, 2024

[PDF] Silent Bullying and Quiet Firing

D Petric

Violence and Harassment at the Workplace, between Concept and Regulation. Aspects of Judicial Practice

CA Moarcas, VL Zarnescu - Dreptul, 2024

Impact of Workplace Violence against Emergency Medical Services (EMS)

SS McGuire, MA Lampman, OA Smith, CM Clements - Prehospital Emergency Care, 2024

[PDF] Revealing the Confluences: Workplace Bullying and Suicidality Independent of Depression Presence

ES Kim, D jong Oh, J Kim, KS Oh, YC Shin, DW Shin... - 2024

[PDF] Assessing workplace well-being in healthcare: The violence-prevention climate and its relationship with workplace happiness

AY Yesildag, A Turan Kurtaran, F Sevim - International Nursing Review

[PDF] Workplace Harassment Impacting the Turnover Intention and Females Career Development

I Ansari, A Ashraf - 2024

Harcèlement sexuel

[PDF] Sexual Harassment Of Women At Workplace

A Raj

[PDF] Workers are willing to trade wages for better harassment reporting procedures

C Crabtree, T Incerti, R Kage, FMC Rosenbluth... - 2024

Isolement/solitude au travail

Compassion fatigue and loneliness at work in nurses—the mediating role of resilience: a cross-sectional study

D Kiratli, S Duran - Journal of Research in Nursing, 2024

Lonely and Insecure: How salesperson Well-Being impacts performance

V Good, AG Fehl, SM Mangus - Journal of Business Research, 2024

Justice organisationnelle

Organizational justice

PRJM Garcia, ALD Cruz, A Gautam - Elgar Encyclopedia of Occupational Health ..., 2024

Dynamics of Organizational Justice: Perceptions of Diverse Human Resource across Various Sectors

HV Prashant - DME Journal of Management, 2024

[PDF] Impact Of Organizational Justice On Job Satisfaction In Health Sector: Moderating Role Of Personality

M Wassan, T Hussain - Migration Letters, 2024

[HTML] The relationship between organizational justice and bullying behaviors among nurses: the role of nurse managers' caring behaviors

A Hashish, E Aly, S Alsayed, HA Alnajjar, SAA Bakar - BMC Nursing, 2024

[PDF] The effect of Organizational Culture on Organizational Justice and Job Performance

MJ Kim - International journal of advanced smart convergence, 2024

PDF] What makes employees and managers see eye to eye concerning organizational justice? Predicting congruence in the Swedish pay-setting context

C Eib, J Hellgren, H Falkenberg, M Sverke - Economic and Industrial Democracy, 2024

[PDF] Factors Related to Organizational Justice: A Meta-Analysis Study

GM Asri, H Safarzadeh, MRR Mandejin - 2024

Organizational justice and employee acceptance of management decisions: the mediating role of perceived organizational adaptation to hindering external conditions

S Burdziej, R Haffer, A Moszyńska, A Karwacki - Employee Relations: The ..., 2024

The Impact of Organizational Justice and Support on Burnout Among Healthcare Workers: A Mixed-Methods Study

J Cohen-Serrins - 2024

ORGANIZATIONAL JUSTICE: WHEN DIGNITY AND FAIRNESS JOIN FORCES

RA Carucci - Leader to Leader

Managers/encadrement et RPS

[HTML] The level of burnout and cognitive stress in managers when teleworking: the impact of psychosocial safety climate and the mediating role of demand-control-support

A Omoredde, RT Berglund - International Journal of Workplace Health Management, 2024

Pourquoi nos gestionnaires deviennent-ils destructeurs?: vers une application du modèle demandes-ressources (JD-R) pour comprendre l'épuisement professionnel sur le leadership

A Vautier - 2024

[PDF] The Effect of Transformational Leadership on Job Happiness: The Mediating Role of Work Engagement

MM Soleman, RS FebrianaWurjaningrum, MA Arilaha... - International Research Journal of ...

Addressing the psychosocial harm of destructive leadership at work

V Webster - Elgar Encyclopedia of Occupational Health Psychology, 2024

Leadership styles and workplace well-being

JC Quick - Elgar Encyclopedia of Occupational Health Psychology, 2024

[HTML] "I Understand That Is How You Feel": Service Industry Managers' Perception of Emotional Awareness, Emotional Intelligence, and Stress Management

M McSparin – 2024

Iser-Potempa, J., Neshor Shoshan, H. et Sonnentag, S. (2024). Investigating daily abusive supervision as antecedent of subordinates' low psychological detachment and relaxation during nonwork time: A diary study. *Journal of Occupational Health Psychology*, 29(4), 220-237. <http://doi.org/10.1037/ocp0000377>

Nouvelles technologies de l'information et de la communication

[PDF] Is the potential impact of Fintech on employee well-being acknowledged?

RT Berglund, C Ivory, G Bäcklander, K Santos, A Halin...

Role of Artificial Intelligence in Workplace Violence Prevention

I Carcarino - Bioethics of Cognitive Ergonomics and Digital ..., 2024

[PDF] Examining the Impact of Technostress on Perceived Organizational Commitment: The Mediating Role of Individual Innovation

H Hessari, F Daneshmandi, T Nategh - International Journal of Business and Applied ..., 2024

[PDF] The Mediating Role of Internet Addiction in the Influence of Work Stress to Cyberloafing at the Office of the Regional Representative Council of XYZ Province

NP Nuraini, HD Kuswanti - Journal of Business and Organization Management, 2024

How 5G Can Support Worker Well-Being: The RedCap Solution

G Giorgi, C Narduzzi - 2024 IEEE International Symposium on Measurements ..., 2024

WORK ENGAGEMENT AND JOB PERFORMANCE IN CONTEXT OF TECHNOLOGY USE IN WORKPLACE: A META-ANALYSIS

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