

REVIEW ARTICLE

Workplace harassment, mental health, and job performance a comparative legal review of Ecuador and Colombia

Acoso laboral, salud mental y rendimiento laboral revisión jurídica comparada entre Ecuador y Colombia

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Received: 20 April 2026 / Accepted: 30 May 2026 / Published online: 30 June 2026

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Abstract Workplace harassment is one of the main psychosocial problems affecting employee well-being and organizational productivity. Its presence generates negative consequences for both victims and institutions, causing psychological, physical, and occupational harm. The objective of this research was to analyze, based on scientific literature and the Ecuadorian legal framework, the main effects of workplace harassment on the mental health and performance of workers, as well as existing challenges for worker protection in Ecuador. This analysis was complemented by a legal comparison with Colombian legislation. The research was conducted through a structured review of scientific literature, supplemented by a normative and jurisprudential analysis of the Ecuadorian framework and a legal comparison with Colombian legislation. A qualitative methodology based on bibliographic, normative, and jurisprudential analysis was used. The results showed that workplace harassment is consistently associated with stress, anxiety, depression, emotional exhaustion, decreased work performance, absenteeism, and a deteriorating organizational climate. The legal analysis established that, although Ecuador has constitutional and labor protections against harassment, there are limitations in the implementation of preventive and protective mechanisms. It concludes that it is essential to strengthen the mechanisms, institutional protocols, and public policies aimed at protecting the mental health of workers.

Keywords workplace harassment, mobbing, mental health, job performance, labor law, psychosocial risks.

Resumen El acoso laboral constituye una de las principales problemáticas psicosociales que afectan el bienestar de los trabajadores y la productividad organizacional. Su presencia genera consecuencias negativas tanto para las víctimas como para las instituciones, provocando afectaciones psicológicas, físicas y laborales. El objetivo de la investigación fue analizar, a partir de la literatura científica y del marco jurídico ecuatoriano, los principales efectos del acoso laboral sobre la salud mental y el rendimiento de los trabajadores, así como desafíos existentes para la protección de los trabajadores en Ecuador, complementando dicho análisis con una comparación jurídica respecto de la legislación colombiana. La investigación se desarrolló mediante una revisión estructurada de literatura científica, complementada con el análisis normativo y jurisprudencial del marco ecuatoriano y una comparación jurídica con la legislación colombiana. Se utilizó una metodología cualitativa basada en el análisis bibliográfico, normativo y jurisprudencial. Los resultados evidenciaron que el acoso laboral se asocia de manera consistente con estrés, ansiedad, depresión, agotamiento emocional, disminución del rendimiento laboral, absentismo y deterioro del clima organizacional. El análisis jurídico permitió establecer que, aunque Ecuador cuenta con protección constitucional y laboral frente al acoso, existen limitaciones en la implementación de mecanismos preventivos y de protección. Se concluye que es indispensable fortalecer los mecanismos, los protocolos institucionales y las políticas públicas destinadas a proteger la salud mental de los trabajadores.

Palabras clave acoso laboral, mobbing, salud mental, rendimiento laboral, derecho laboral, riesgos psicosociales.

How to cite

Cedeño-Roldán, F. S., & Mero-Tituana, D. G. (2026). Workplace harassment, mental health, and job performance a comparative legal review of Ecuador and Colombia.. *Journal of Law and Epistemic Studies*, 4, e179. <https://doi.org/10.5281/zenodo.21197683>



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Introduction

Work is one of the fundamental pillars of individuals' economic, social and personal development. Through work, people not only obtain resources to satisfy their basic needs but also build their professional identity, strengthen social relationships and develop a sense of belonging within society. However, when working conditions are marked by violence, harassment or intimidation, work can become a source of physical and psychological suffering that seriously affects workers' quality of life.

In this context, workplace harassment, also known as mobbing, has been internationally recognised as one of the main psychosocial problems in modern work environments. This phenomenon involves repeated acts of harassment, humiliation, intimidation, isolation or discrediting directed at a worker with the purpose of undermining their dignity, damaging their emotional stability or forcing them to leave their job (Einarsen et al., 2020).

The importance of studying workplace harassment lies in the fact that its consequences go beyond the strictly occupational sphere and affect different dimensions of people's lives. Victims often experience significant mental health problems, such as anxiety, depression, chronic stress, sleep disorders and emotional exhaustion. These effects also negatively affect job performance, leading to reduced productivity, increased absenteeism and deterioration of the organisational climate (Galanis et al., 2024).

The World Health Organization (WHO) has stated that mental health is a state of well-being that enables people to cope with the normal stresses of life, work productively and contribute to their community (World Health Organization [WHO], 2024). However, when workers are constantly exposed to hostile environments or situations of psychological violence, this balance is compromised, generating consequences that may last for years.

According to the World Health Organization and the International Labour Organization, approximately 15% of working-age adults experience a mental disorder related to work-associated factors. In addition, depression and anxiety are estimated to cause the loss of around twelve billion working days each year worldwide, representing economic losses exceeding one trillion dollars annually due to reduced productivity (World Health Organization & International Labour Organization, 2022).

Workplace harassment has become increasingly relevant in recent decades due to changes in organisational dynamics and forms of business management. Work intensification, labour competitiveness, rigid hierarchical relationships and deficient prevention policies have contributed to the emergence of work environments where harassment behaviours can develop with relative ease (Nielsen et al., 2023).

From a legal perspective, workplace harassment consti-

tutes a direct violation of fundamental rights such as human dignity, equality, personal integrity, health and the right to decent work. For this reason, several international organisations have promoted the adoption of regulatory instruments aimed at preventing and sanctioning these behaviours. Among them, International Labour Organization Convention No. 190 stands out, recognising the right of every person to perform their work in environments free from violence and harassment (International Labour Organization, 2019).

In Ecuador, the legal recognition of workplace harassment has advanced significantly in recent years. The Constitution of the Republic guarantees the protection of human dignity and prohibits all forms of discrimination and violence in the workplace. Likewise, amendments to the Labour Code have expressly recognised workplace violence and harassment as prohibited conduct within employment relationships.

Despite these legislative advances, several studies indicate that workplace harassment remains prevalent in both public and private institutions. The absence of specialised protocols, victims' fear of reporting due to potential retaliation and insufficient training on prevention are among the main barriers to effectively addressing this phenomenon (Cedeño Roldán, 2022).

Furthermore, recent research has shown that the consequences of workplace harassment extend beyond direct victims and affect organisations as a whole. When workers experience stress, anxiety or emotional exhaustion, their ability to concentrate declines, the likelihood of errors increases and their commitment to organisational objectives is significantly reduced (Bhoir & Sinha, 2024).

Across Latin America, several countries have introduced specific legal mechanisms to address workplace harassment. Colombia stands out with Law 1010 of 2006, widely regarded as one of the region's most comprehensive legal frameworks for the prevention and sanction of workplace harassment. This legislation has enabled the implementation of workplace coexistence committees, intervention protocols and specialised mechanisms for resolving workplace conflicts.

By contrast, Ecuador continues to face significant challenges in the effective implementation of its existing legal provisions. The lack of robust preventive mechanisms and the limited culture of reporting highlight the need to strengthen public policies aimed at protecting workers from workplace violence.

Although the effects of workplace harassment on mental health and job performance have been widely documented in the international literature, relatively few studies have integrated this evidence with an analysis of the Ecuadorian legal framework and a comparison with preventive mechanisms adopted in other Latin American countries, particularly Co-

lombia. Consequently, there remains a need for an interdisciplinary assessment combining scientific evidence with legal analysis to identify the strengths and limitations of the Ecuadorian system for preventing and addressing workplace harassment.

Accordingly, this study aims to analyse, based on the scientific literature and the Ecuadorian legal framework, the main effects of workplace harassment on mental health and job performance, as well as the existing challenges in worker protection in Ecuador, complemented by a comparative legal analysis of Colombian legislation.

The significance of this research lies in its integration of scientific evidence on the effects of workplace harassment with an examination of the Ecuadorian legal framework and a comparison with the Colombian experience, providing evidence-based insights to strengthen prevention strategies, protect workers' mental health and promote safe and dignified working environments.

Methodology

This study was conducted through a structured review of the scientific literature on workplace harassment, mental health and job performance, complemented by a normative and jurisprudential analysis of the Ecuadorian legal framework and a focused comparative legal analysis of Colombian legislation.

A qualitative research approach was adopted to analyse and interpret doctrinal, scientific, legal and jurisprudential sources related to workplace harassment and its effects on workers' mental health and job performance. Qualitative research is particularly appropriate for understanding complex social phenomena from a holistic perspective by considering the meanings, interpretations and contexts in which they occur (Hernández-Sampieri & Mendoza, 2023).

This approach was considered appropriate because it enabled a comprehensive examination of the different manifestations of workplace harassment and their psychological, organisational and legal implications within the Ecuadorian context (Arias, 2020).

The legal analysis involved a doctrinal, normative and jurisprudential examination of the Ecuadorian legal framework governing workplace harassment in order to determine the scope of legal protection afforded to workers' rights. The analysis focused on the Constitution of the Republic of Ecuador (2008), the Ecuadorian Labour Code, International Labour Organization Convention No. 190, and Judgment No. 986-19-JP/21 of the Constitutional Court of Ecuador. This analysis made it possible to assess the legal scope of the current regulatory framework and the level of protection provided against workplace violence.

A comparative legal approach was subsequently adopted

to examine the similarities and differences between the Ecuadorian and Colombian legal frameworks concerning workplace harassment, with particular emphasis on regulatory provisions, preventive measures and sanctioning mechanisms. Special attention was given to Colombian Law 1010 of 2006, widely recognised as one of the most comprehensive legal frameworks in Latin America for the prevention and sanction of workplace harassment. This comparison facilitated the identification of best practices that could inform future improvements to the Ecuadorian legal framework.

The primary data collection technique consisted of a structured documentary review of scientific literature, legislation and case law. Scientific evidence related to workplace harassment, occupational mental health, job performance and workers' legal protection was systematically collected, screened and analysed.

To ensure methodological rigour, a systematic search, selection and analysis process was conducted between January and February 2025 using internationally recognised academic databases, including Scopus, Web of Science, SciELO, Redalyc and Dialnet.

Studies were retrieved through combinations of Spanish and English keywords using Boolean operators. The main search strings included: “*acoso laboral*” AND “*salud mental*”, “*mobbing*” AND “*job performance*”, “*workplace harassment*” AND “*mental health*”, “*violencia laboral*” AND “*riesgos psicosociales*”, and “*workplace bullying*” AND “*employee well-being*”.

The inclusion criteria comprised peer-reviewed articles published between 2020 and 2025, studies examining the psychological and occupational effects of workplace harassment, current legal instruments and relevant case law from Ecuador and Colombia. Duplicate publications, non-peer-reviewed documents, unverifiable grey literature and studies unrelated to the research objectives were excluded.

The search initially identified 127 records. Following duplicate removal and the application of the eligibility criteria, 42 documents were included in the final analysis, forming the scientific and legal basis for the results and discussion.

Table 1. Documentary search strategy

Database	Main Search Keywords	Period Covered
Scopus	<i>Workplace harassment</i> AND <i>mental health</i>	2020–2025
Web of Science	<i>Workplace bullying</i> AND <i>job performance</i>	2020–2025
SciELO	<i>Workplace harassment</i> AND <i>mental health</i>	2020–2025
Redalyc	<i>Workplace violence</i> AND <i>job performance</i>	2020–2025
Dialnet	<i>Mobbing</i> AND <i>labour law</i>	2020–2025

Table 2. Document Selection Process

Stage	Number of Documents
Records identified	127
Duplicate records removed	31
Records screened by title and abstract	96
Records excluded	54
Full-text documents included in the final analysis	42

In addition to scientific publications, reports issued by international organisations, including the World Health Organization (WHO), the International Labour Organization (ILO) and the Economic Commission for Latin America and the Caribbean (ECLAC), were reviewed to provide contextual and institutional evidence.

A documentary analysis of the Ecuadorian and Colombian legal frameworks governing workplace violence and harassment was also conducted. This analysis examined the legal provisions applicable to workplace harassment, identifying the principal preventive, protective and sanctioning mechanisms established in each jurisdiction.

Table 3. Main Studies Included in the Literature Review

Author(s)	Year	Country	Study Design	Main Findings
Galanis et al.	2024	Greece	Meta-analysis	Workplace harassment increases anxiety and burnout.
Nielsen et al.	2023	Sweden	Systematic review	Workplace harassment adversely affects the mental health of both victims and bystanders.
Bhoir & Sinha	2024	India	Systematic review	Workplace harassment reduces employee well-being and job performance.
Cedeño Roldán	2022	Ecuador	Legal analysis	Significant legal gaps remain in the protection against workplace harassment (mobbing).

To ensure the quality and relevance of the evidence, the review included peer-reviewed articles published between 2020 and 2025, studies addressing workplace harassment, mental health and job performance, publications indexed in recognised academic databases, current national and international legislation, and relevant case law concerning workplace harassment. Non-peer-reviewed publications, unverifiable grey literature and studies unrelated to the research objectives were excluded.

The research was conducted in four sequential stages: (i) literature search; (ii) application of the inclusion and exclusion criteria; (iii) thematic analysis of the scientific literature, legislation and case law; and (iv) integration and interpretation of the findings for the preparation of the results and conclusions.

Ethical principles applicable to documentary research

were observed throughout the study. All sources were appropriately acknowledged in accordance with the APA (7th edition) referencing guidelines. As this study was exclusively based on documentary sources, it did not involve human participants or the collection of personal or sensitive data; therefore, formal ethical approval was not required.

Results and discussion

The reviewed literature indicates that workplace harassment is one of the most significant psychosocial risks in contemporary work environments. The studies analysed consistently describe workplace harassment as repeated behaviours of intimidation, humiliation, social isolation and psychological abuse directed at a worker with the aim of undermining their emotional well-being, impairing their job performance or ultimately forcing them to resign (Einarsen et al., 2020).

Table 4. Main Psychological Effects Associated with Workplace Harassment.

Psychological Effect	Evidence Reported in the Literature
Anxiety	Very frequent
Chronic work-related stress	Very frequent
Depression	Frequent
Emotional exhaustion (burnout)	Frequent
Insomnia and sleep disturbances	Moderate to frequent
Low self-esteem	Frequent
Job insecurity	Frequent
Psychosomatic disorders	Moderate

Source: Prepared by the authors based on Galanis et al. (2024), Nielsen et al. (2023) and Einarsen et al. (2020).

The reviewed literature indicates that workplace harassment has significant adverse effects on workers' mental health. The most consistently reported consequences include anxiety, chronic work-related stress and depression, all of which substantially impair psychological well-being and overall quality of life. In addition, the reviewed studies identify emotional exhaustion, insomnia and reduced self-esteem as frequent outcomes, suggesting that the psychological consequences of workplace harassment may persist even after the abusive behaviours have ceased (Galanis et al., 2024; Nielsen et al., 2023; Einarsen et al., 2020).

Table 5. Impact of Workplace Harassment on Job Performance and Organisational Functioning

Organisational Variable	Identified Effect
Job performance	Decreases
Work motivation	Decreases
Organisational commitment	Decreases
Concentration	Decreases
Absenteeism	Increases
Employee turnover	Increases
Workplace conflicts	Increase
Organisational climate	Deteriorates
Teamwork	Weakens

Source: Prepared by the authors based on Bhoir and Sinha (2024), Nielsen et al. (2023), and the reviewed literature.

The reviewed literature indicates that workplace harassment affects not only direct victims but also overall organisational performance. Reduced job performance, increased absenteeism and the deterioration of the organisational climate generate significant economic and social costs. Furthermore, declining work motivation and organisational commitment negatively affect the quality of organisational processes and hinder the achievement of strategic objectives (Nielsen et al., 2023; Bhoir & Sinha, 2024).

The scientific evidence further suggests that the psychological consequences of workplace harassment are often persistent. The studies reviewed consistently report higher levels of anxiety, chronic work-related stress, depression, emotional exhaustion and insomnia among affected workers, with adverse effects that may continue even after the harassment has ceased (Galanis et al., 2024; Einarsen et al., 2020; World Health Organization, 2024).

From a legal perspective, Ecuador has made significant progress in strengthening the protection of workers against workplace harassment. The Constitution of the Republic of Ecuador recognises fundamental rights related to human dignity, personal integrity, equality and decent work. Likewise, amendments to the Labour Code have expressly recognised workplace violence and harassment as prohibited conduct

within employment relationships (Bhoir & Sinha, 2024).

Nevertheless, the documentary review identified a considerable gap between legal recognition and effective implementation. Despite the existence of legal protection mechanisms, important challenges remain, including the absence of specialised institutional protocols, victims' fear of reporting due to potential retaliation and limited training for employers and workers on the prevention of workplace violence (Cedeño Roldán, 2022).

In this context, Judgment No. 986-19-JP/21 of the Constitutional Court of Ecuador represents a landmark decision by recognising workplace harassment as a form of violence that infringes workers' fundamental rights. However, the findings suggest that legal recognition alone is insufficient unless accompanied by effective institutional mechanisms for prevention, investigation and enforcement.

The comparative legal analysis with Colombia revealed substantial differences in the regulation of workplace harassment. While Ecuador primarily addresses workplace harassment through provisions incorporated into the Labour Code, Colombia has enacted a specific legal framework through Law 1010 of 2006, establishing preventive measures, specialised procedures and workplace coexistence committees. This regulatory approach has facilitated the development of more structured mechanisms for the early detection and resolution of workplace harassment cases.

The comparative analysis indicates that the principal difference between Ecuador and Colombia lies not only in the existence of legal provisions but also in the institutionalisation of preventive mechanisms. While Colombia has established specialised procedures and workplace coexistence committees for the early resolution of workplace conflicts, Ecuador continues to rely predominantly on corrective legal responses after the harm has already occurred. This finding suggests that strengthening preventive institutional mechanisms should become a priority for improving workers' protection and safeguarding mental health in the workplace (International Labour Organization, 2019).

The findings further indicate that workplace harassment is a multidimensional phenomenon affecting workers' mental health, job performance and organisational productivity simultaneously. Consequently, effective responses require not only adequate legal protection but also preventive institutional policies, specialised reporting mechanisms and organisational cultures based on respect, equality, human dignity and the protection of workers' well-being.

Policy Implications

The findings of this review highlight the need to strengthen public policies aimed at preventing workplace harassment in Ecuador. Priority should be given to developing institu-

tional protocols for the early identification of workplace harassment, reinforcing reporting and victim protection mechanisms, and implementing continuous training programmes on psychosocial risks for both employers and employees.

The comparative analysis with Colombia demonstrates that institutionalised preventive mechanisms, particularly workplace coexistence committees, can contribute to the early management of workplace conflicts and the effective protection of workers' mental health. Accordingly, strengthening preventive strategies and coordination among labour authorities, employers and employees should constitute a central component of future labour policies aligned with international standards for decent work.

Limitations

One of the main limitations of this study is its documentary nature, as the findings are based exclusively on the analysis of previously published scientific literature, legislation and case law. Consequently, no empirical data were collected directly from Ecuadorian workers or organisations. Future research should complement these findings through quantitative or mixed-methods studies assessing the prevalence of workplace harassment and its effects on mental health and job performance across different productive sectors in Ecuador.

Table 6. Comparison of Legal Protection Mechanisms against Workplace Harassment in Ecuador and Colombia

Aspect Analysed	Ecuador	Colombia
Specific legislation on workplace harassment	No standalone law; regulation dispersed across the Constitution and the Labour Code	Law 1010 of 2006 specifically regulates workplace harassment
Legal definition of workplace harassment	General regulation of workplace violence and harassment	Explicit legal definition of different forms of workplace harassment
Specialised procedures	Limited	Yes, established under Law 1010 of 2006
Workplace coexistence committees	Not generally mandatory	Mandatory in both public and private organisations
Preventive measures	Limited development	Comprehensive preventive framework
Reporting mechanisms	Administrative and judicial procedures	Specialised internal and external complaint procedures
Protection of victims	Constitutional and labour law protection	Specific legal protection supported by preventive mechanisms
Judicial development	Developing	Extensive case law and judicial interpretation

Source: Prepared by the authors based on the Constitution of the Republic of Ecuador (2008), the Ecuadorian Labour Code, Law 1010 of 2006 (Colombia), ILO Convention No. 190, and Judgment No. 986-19-JP/21 of the Constitutional Court of Ecuador.

Conclusions

The review of the scientific literature, complemented by the analysis of the Ecuadorian legal framework and the comparison with Colombian legislation, indicates that workplace harassment represents one of the major threats to workers' mental health and job performance. The reviewed evidence consistently associates workplace harassment with anxiety, chronic work-related stress, depression, emotional exhaustion, reduced job performance, absenteeism and the deterioration of the organisational climate.

From a legal perspective, Ecuador has established important constitutional and labour law mechanisms for protecting workers against workplace harassment. However, significant challenges remain regarding prevention, institutional implementation and the effective protection of victims. The

comparative analysis demonstrates that specialised preventive mechanisms, such as workplace coexistence committees, strengthen the early detection and management of workplace conflicts.

The principal contribution of this study lies in integrating scientific evidence with legal analysis to demonstrate that the main weakness of the Ecuadorian system is not merely the existence of regulatory gaps but the limited institutionalisation of preventive mechanisms aimed at protecting workers' mental health.

Accordingly, strengthening public policies, institutional protocols and preventive strategies is essential for promoting safe workplaces that respect human dignity and comply with international decent work standards. Future research should examine these issues through empirical studies evaluating

the effectiveness of preventive measures and their impact on workers' mental health and organisational performance in different sectors of the Ecuadorian economy.

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Conflicts of interest

The authors declare that they have no conflicts of interest.

Author contributions

Fatsi S. Cedeño-Roldán and Darley G. Mero-Tituana: Con-

ceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, drafting the original manuscript and writing, review, and editing.

Data availability statement

The datasets used and/or analyzed during the current study are available from the corresponding author on reasonable request.

Statement on the use of AI

The authors acknowledge the use of generative AI and AI-assisted technologies to improve the readability and clarity of the article.

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