







# Implementation of the ETUC<sup>1</sup>/BUSINESSEUROPE-UEAPME/CEEP Framework agreement on Harassment and Violence at work<sup>2</sup>

**Yearly Joint Table** summarising ongoing social partners activities

 $2009^{34}$ 

<sup>&</sup>lt;sup>1</sup> Including the Liaison Committee Eurocadres/CEC

<sup>&</sup>lt;sup>2</sup> Signed on 26 April 2007 by ETUC, BUSINESSEUROPE, UEAPME and CEEP <sup>3</sup> Adopted by the Social Dialogue Committee on 16 June 2009

<sup>&</sup>lt;sup>4</sup> To be read in conjunction with the 2008 yearly joint table available at: http://resourcecentre.etuc.org/ or www.erc-online.eu

Country	Implementation results /initiatives
Austria	The Austrian interprofessional social partners continued their discussions with the aim to find appropriate measures to implement the agreement.
	In 2008, the Austrian Trade Union Federation organized two training courses for in-company mediators ("betriebliche KonfliktlotsInnen"). One training course comprises three modules with three training days each. On the whole, 30 in-company mediators were trained in 2008. In order to raise awareness for the problem of violence and harassment, two seminars for members of the works council were held in the same period.
	Furthermore, violence and harassment was made the subject of discussion for 182 employees within the framework of meetings of the workforce in five different companies. In addition to that, 14 presentations about violence and harassment were given to approximately 630 employees.
Belgium	The framework agreement has not been translated given the existence of a law governing this issue since 2002 and therefore predating the agreement:
	<ul> <li>Act of 4 August 1996 concerning wellbeing at work: a specific chapter on violence and psychological or sexual harassment was introduced in 2002 and amended in 2007.</li> </ul>
	<ul> <li>Royal Decree of 17 May 2007 concerning the prevention of psycho-social stress caused by work, including violence and psychological or sexual harassment at work.</li> </ul>
	The new regulation places extra emphasis on primary prevention and provides useful details on the analyses of psycho-social risks.
	Actions taken to promote this regulation

By public authorities: publications on the new regulation, information sessions for prevention actors (employers, prevention counsellors, worker representatives, etc.), a website on psycho-social wellbeing at work (legislation, publications, diagnostic and intervention tools, best practices, etc.), a network of prevention counsellors and confidential counsellors. In the trade unions: specialised publications on this issue, training modules for representatives and workers. The problem of psycho-social stress is part of the training programme for new worker representatives in the prevention committees (training cycle of 4 years aimed at representatives from all sectors starting on their first mandate). The legal departments of the trade union members of ETUC accompany affiliates lodging a complaint with the labour tribunal. Monitoring and evaluation of the impact of this implementation The regulation implemented in 2002 was subject to an in-depth evaluation, in which the social correspondents were involved and which led to the modification of this regulation. An evaluation of the current regulation is planned, featuring in the programme of the Ministry of Employment and Labour. Bulgaria The procedure for the signing of the Framework Agreement on Harassment and Violence at Work by the Cyprus Cyprus Social Partners was instigated by the Cyprus Employers & Industrialists Federation (OEB), in cooperation with SEK and DEOK,, in early 2009. The agreement was translated by OEB in Greek and the translated text was agreed and approved by the Social Partners in April 2009. A 'Policy Statement' on Harassment and Violence at Work was then drafted to compliment the agreement. The Agreement has not been signed or implemented yet. The draft 'Policy Statement' has been circulated to all Social Partners, including non members of the European Organisations – signatories of the Agreement, in

particular of ETUC. The text was edited accordingly and concession has been reached regarding its contents.

Currently, the Cyprus Employers & Industrialists Federation (OEB) is making arrangements, in cooperation with the two ETUC members in Cyprus, for an official signatory ceremony to be held in the presence of the Minister of Labour and Social Insurance.

It is expected that the Agreement will be signed in September.

## **Czech Republic**

Joint text of Czech-Moravian Confederation of Trade Unions (CMKOS) and Confederation of Industry of the Czech Republic (SPCR)

## • Translation of the agreement

The agreement was jointly translated by the social partners in April 2007. No difficulties were encountered during this process.

### • Dissemination of the Agreement

- The translated text was sent to the affiliates of social partners' organisations.
- It was also published in social partners' information bulletins and periodicals.
- It was put on social partners' web sites.
- The agreement is a part of the practical information brochure concerning the autonomous agreements of European social partners containing also all the joint translations of the agreements. This brochure was produced within a social partners' joint project on social dialogue in summer 2007.
- CMKOS published in its bulletin and put on its website also the interpretation guide worked out and translated by the ETUC in the framework of its project on harassment.

# • The state of implementation

The issue of the agreement was included into 19 company collective agreements in construction, metal industry, services, chemical industry and railways. It represents around 1.5 per cent of monitored collective agreements. Although the figure is low, it signalises certain growing awareness.

In connection with the present preparation of an amendment to the Labour Code social partners consider that it should also contain the implementation of the agreement. The CMKOS explicitly included this demand into its comments on the draft amendment of the Labour Code.

A lot of attention to the agreement is paid by public sector, especially health service. For instance the Trade Union of Health Service and Social Care is organizing a number of seminars and training on this topic.

Similarly as before, CMKOS again adopted a recommendation to take the framework agreement on harassment and violence at work into account during the collective bargaining at the branch level.

Enterprise based organizations were advised to apply the framework agreement articles to the company conditions, where it is possible.

The employers take the problem of violence and harassment at work place very seriously and are interested in a deeper debate on this emerging phenomenon. The awareness is still very low.

The agreement is focusing particularly on the violence and harassment directly at the workplace among colleagues, superiors and subordinates, but it gives a space for any extension or additional agreement in certain sectors affected by violence evocated by the third party.

For this reason, the Confederation of Industry of the Czech Republic has decided to co-operate closely with the Association of Hospitals and with the Association of Trade and Tourism to improve the implementation of the existing agreement on harassment and violence, to identify the potential risks and analyse the situation.

#### **Denmark**

#### Danish state sector

As part of the collective bargaining 2008, the social partners – the State Employer's Authority and the Confederation of Danish State Employees' Organisations – have agreed to incorporate the following text in the Agreement on Cooperation and Joint Consultation Committees in State Sector Enterprises and Institutions ("The Cooperation Agreement"):

	Article 5, 10: Harassment and violence The Cooperation Committee shall lay down guidelines that ensure a working environment where employees are not exposed to mobbing, (sexual) harassment or violence from colleagues, management or a 3 <sup>rd</sup> party. The Cooperation Committee must continuously oversee that the guidelines fulfil their purpose. (Unauthorized translation)
	Danish regions and municipalities
	As part of the collective bargaining in the spring 2008, the social partners in the regional and municipal sectors agreed to incorporate the European cross-sector agreement on harassment and violence at the work place. It was agreed to include third party violence.
	The regional and municipal social partners agreed to implement the European agreement on harassment and violence into our existing Agreement on corporation and participation. In the Agreement on corporation and participation there has been an article added covering the issue of violence and harassment saying that the works councils in each region/municipality will have to make guidelines on how to prevent, identify and manage violence and harassment at the workplace.
	The local guidelines have to be agreed on by the works councils by 1 <sup>st</sup> of April 2010. If the work councils have not reached agreement by this date, the employers (region/municipality) have to impose the guidelines unilaterally.
Estonia	
Finland	The Confederation of Finnish Industries (EK), the Commission for Local Authority Employers, the Office for the Government as Employer, the Commission of Church Employers, the Central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK) and the Confederation of Unions for Professional and Managerial Staff (AKAVA) are currently working on a joint brochure to combat workplace harassment incorporating the main messages of the framework agreement. This brochure is likely to be

	finished by early autumn and will be disseminated to Finnish workplaces through the member associations of the Finnish social partners. Violence at work is currently being discussed separately between Finnish social partners and the Ministry of Social Affairs and Health.
France	
Germany	Joint report by BDA, ZDH and DGB: The German Social Partners are evaluating the impact of the agreement on the legal framework in Germany to fight harassment and violence at work. Numerous agreements and other initiatives which often go beyond the requirements of the European text already exist - be it at enterprise level e.g. in works council agreements or in Social Partners initiatives at local, regional and national level. These collective agreements concluded at various levels by the Social Partners are based on German labour law which already covers most of the issues dealt with in the European agreement.
Greece	
Hungary	<ol> <li>The translation of the framework agreement into Hungarian and its distribution among the representatives of the employers and employees</li> <li>The framework agreement is available to the social partners in 2 forms: one document elaborated by the European Commission, and a translated version funded by the translation fund allowing some financial assistance for the social partners.</li> <li>In the second half of June 2009, the text of the framework agreement alongside with an information note adopted jointly by the national level social partners will be sent to their members and the sectoral social dialogue committees for their information, proposals and comments.</li> </ol>
	2. The implementation of the framework agreement
	The Hungarian social partners welcomed the information and the proposal of the Hungarian delegates in the Social Dialogue Committee that they should meet in the second half of June 2009 in order to discuss the details of the implementation procedure and the applied means. The Hungarian members of the European

	Social Dialogue Committee are responsible for the coordination regarding the implementation of the agreement.  3. <u>Difficulties</u> No difficulties have been met so far in the current phase of the implementation procedure. However, the social partners have raised the question, whether the translation costs of the joint reports on the acceptance procedure- with special regard to the final joint report of the implementation procedure- could be considered eligible for the translation fund allocated for the translation of the framework agreements.
Iceland	
Ireland	
Italy	Confindustria, CGIL, CISL and UIL  The Italian social partners Confindustria, on the employers' side, and CGIL, CISL and UIL, on the trade union side, have agreed the start up of a discussion aimed at implementing the joint translation of the text of the agreement, in compliance with paragraph n. 5 of the agreement.  CEEP-IT, CGIL, CISL, UIL and sectoral trade unions  Translation of the agreement  The agreement has been enclosed to the Commission Communication a COM(2007) 686 a and translated
	The agreement has been enclosed to the Commission Communication - COM(2007) 686 - and translated by the competent staff. Nonetheless, the in force version remains the English one insofar as the translation has not been approved by the signatory parties.  Dissemination of the agreement
	The agreement has been disseminated among the governmental offices through a ministerial letter.

## Actual implementation of the agreement

The substance of the agreement was already taken into account by the discipline provided by the National Collective Agreements for the public sector since 2003.

The Collective Agreements face the question of harassment and violence at work from two different points of view:

- A) psychological, by creating the Joint Committees on Mobbing;
- B) physical-sexual, by providing the Behaviour Code against Sexual Violence at Work.

The *Joint Committees on Mobbing* have been created to tackle the phenomena of psychological violence at work. The committees operate inside each public administration performing that following tasks:

- 1. collecting data on the matters concerning its competence;
- 2. identifying, prevent and managing the reasons of the problem;
- 3. formulating proposals in order to prevent and resolve the problem.

Public administrations shall support the action of the committees by giving efficacy to the results achieved. The Committees are required to perform an annual report on their work.

The **Behaviour Code against Sexual Violence at Work,** provided by the Collective Agreement for the public sector signed in 2003, represents a model of code to be implemented by each administration in order to face the problem of physical harassment and violence at work.

It is inspired by the following principles:

- 1. sexual harassment and violence are due to unacceptable behaviour by one or more individuals;
- 2. the workers hold the right to work under the best possible circumstances according to the rights of

dignity and freedom;

3. the workers have the right to report to the competent forums any violent act or harassment suffered on the workplace.

The Code institutes the figure of the *Advisor* operating like a reference person that shall take care about the needs of the worker once she/he suffered violence at workplace. The Advisor shall give him/her effective support by providing information on the procedures to be followed in case of violence or harassment. The Code guarantees the dignity and privacy of the parties involved as well as the impartial hearing and fair treatment of them.

Moreover, the Code states that the victim will receive support and, if necessary, help with reintegration.

Finally, if it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrators. As for this point, the Collective Agreement signed on 2007 tightens disciplinary action up to and including dismissal.

Furthermore, the Italian public companies created *ad hoc* bodies to deal with those kinds of matters. For instance, the questions related to harassment and violence at work fall within the scope of both the *Observatory on Corporate Social Responsibility* and *Observatory on Equal Opportunities* instituted by *Poste Italiane*. In these two joint bodies, the topic of harassment and violence at work is discussed by company and unions under the prospective of corporate social responsibility and in the wider context of the dignity of the workers.

#### Latvia

The Free Trade Union Confederation of Latvia (LBAS) and the Employers' Confederation of Latvia (LDDK) have concluded on 11 February 2008 an agreement on implementation of the Framework agreement on harassment and violence at work.

The framework agreement on harassment and violence at work is translated into Latvian by the Joint Translation Fund and appended to the agreement on implementation of the same.

Whereas the social partners' efforts in the area of the working environment are very important, as regards employers and trade unions to ensure that the legislation protecting workers and managers is duly implemented. **Activities on implementation:** The signatory parties have since the signing of the agreement on the implementation of the Framework agreement on harassment and violence at workplaces carried out following actions: 1. LDDK organizes regular meetings for employer organizations' management and representatives and for representatives of companies on employment matters, including prevention of harassment and violence at work. LBAS has organized several informative meetings for trade union regional consultants and leaders of affiliated branch organisations on this issue: 2. LDDK organizes information campaigns, round table discussions on regional and local level about these problems. On 19 May 2009, the Health and Social Care Employees Trade Union, affiliated to LBAS, held a major conference against violence and harassment at work with participation of trade union and employers' representatives, representatives of public authorities and ministries. The key issue discussed at the conference is how to reduce violence and harassment in health and social care institutions: 3. LDDK and LBAS promote the conditions and aims of Framework Agreement on Harassment and Violence at Work into the collective agreements on local and sectoral level. These instruments were chosen because they are effective and not money consuming. They point out that the culture of prevention must also be strengthened by increasing the integration of occupational health and safety issues into basic education, apprenticeship programmes and further education. Lithuania Luxembourg Joint report by Fedil (Business Federation Luxembourg - member of BUSINESSEUROPE), the Fédération des Artisans (Federation of Skilled Craftsmen) and the Chambre des Métiers (Chamber of

	Trades) (members of the UEAPME), and the trade unions CGT-L (OGBL/FNCTTFEL) and LCGB
	(members of ETUC)
	1. ENTERPRISE INITIATIVES IN LUXEMBOURG
	During their negotiations concerning the implementation of the framework agreement on harassment and violence at work, the social partners from Luxembourg have finalised an agreement project that is currently in the process of being adopted by the various partners.
	Once the agreement has been signed, it will be communicated at European level and the social partners from Luxembourg will solicit the declaration of general obligation to all employers and employees by virtue of a procedure given in Article L. 165-1. of the Luxembourg Labour Code concerning agreements on interprofessional social dialogue.
	The negotiations are essentially based on the English text that the social partners have translated and adapted as per the progress of their discussions in French.
	2. DIFFICULTIES ENCOUNTERED IN THE GRAND DUCHY
	The social partners from Luxembourg have not encountered any particular difficulty during their discussions on the implementation of the framework agreement on harassment and violence at work.
Malta	
Netherlands	Joint report Labour Foundation on the implementation of the European framework agreement on harassment and violence at work in the Netherlands
	The Labour Foundation, which is a national consultative body of the social partners, incorporating the main employers' confederations in the private sector (VNO-NCW, MKB-NL and LTO-NL) and the main trade union confederations (FNV, CNV and MHP) has implemented the agreement by issuing a recommendation ("Aanbeveling intimidatie en geweld op het werk"). This recommendation is addressed to social partners at

sectoral level who are engaged in collective bargaining and social partners in companies. They are called on to seriously combat and prevent harassment and violence at the workplace in the interest of all parties concerned. According to the Labour Foundation, respectful behaviour will contribute to the success of the company and to the job satisfaction of the workers.

According to Dutch legislation, employers are responsible for the health and safety of workers in the workplace, including the prevention and combating of harassment, violence and mobbing. In its recommendations aimed at the implementation of the European framework agreement, the Labour Foundation has taken the existing Dutch legislation as a starting point for its work. This has the following consequences. In the European framework agreement, the emphasis is on (the prevention of) violence and harassment amongst workers. In Dutch legislation no distinction is made between violence and harassment amongst workers and by third parties, such as clients and suppliers. Therefore, the Labour Foundation's recommendation is based on this broader scope.

The text of the recommendation contains:

- 1) a description of the scale of the problem as determined by research projects;
- 2) the obligations resulting from the Dutch legislation;
- 3) suggestions for practical working methods at sectoral and company level, based on the European framework agreement.

The Dutch translation of the full text of the European framework agreement is included in the annex.

The recommendation was published on 5 November 2008 and widely distributed to the members of the organisations that are part of the Labour Foundation. The recommendation is also available on the internet (www.stvda.nl particular: http://www.stvda.nl/~/media/Files/Stvda/Aanbevelingen/2000 2009/2008/20081105.ashx )

# Norway

Joint report from the Norwegian Confederation of Trade Unions (LO), Confederation of Unions for Professionals (Unio), Confederation of Vocational Trade Unions (YS), for the trade union side, and, the Confederation of Norwegian Enterprises (NHO), the Employer's Association Spekter, the Norwegian Association of Local and Regional Authorities (KS), the Federation of Trade and Service Enterprises

#### (HSH) and the Ministry of Government Administration and Reform (FAD) for the employers' side

- 1. The <u>working group</u> established in 2008 (see joint table 2008) is planning a national conference on harassment and violence at work in October 2009. Maria Helena André (ETUC) and Jørgen Rønnest, (BUSINESSEUROPE) are invited to the conference.
- 2. Guidelines and information in progress:
  - a. The Norwegian Labour Authority in cooperation with the social partners: Guideline for preventing threats and violence at the workplace.
  - b. KS, HSH, Spekter, LO and Unio in cooperation: Guidelines to reduce threats and violence at the workplace in health/care-sector. Methods for reducing violence and threats by third party at workplaces based on identification, preventing and making procedures for dealing with harassment and violence.
  - c. Unio and KS in cooperation: Guidelines and information for the local employers and workers to identify prevent and manage problems of harassment and violence at work in schools.
- 3. <u>Legislation</u>. The Norwegian Working Environment Act contains separate provisions that protect workers from harassment and violence at work, and threats from third party.
  - a. In April 2009, a new paragraph in this Act was approved which entails that the employer has to assess/reduce risk factors when the employee works alone.
  - b. The employee's organisations want detailed regulations in order to prevent harassment and violence at work.
- 4. Nordic level:
  - a. The social partners in municipal sector at Nordic level (Norway, Sweden, Denmark and Finland) discuss the Framework Agreement on harassment and violence at work in their annual conference.

**Poland** 

Joint report by NSZZ "Solidarność" and OPZZ, for the trade union side and both members of ETUC, and PKPP Lewiatan (Polish Confederation of Private Employers), KPP (Confederation of Polish

# Employers) and ZRP (Polish Craft Association), for the employers' side and respectively member of BUSINESSEUROPE, CEEP and UEAPME

In Poland, the background work for the implementation of the European framework agreement on harassment and violence at work is carried out within a project coordinated by NSZZ "Solidarność" (Independent and Self Governing Trade Union "Solidarność). It is co-financed by the European Commission from the "Industrial Relations and Social Dialogue" budget line. The project is supported in terms of know-how by other Polish social partners.

As part of the project, an international conference was organized in October 2008, during which the European agreement was presented. Belgian, Lithuanian and Romanian experiences in this area were discussed. Conference materials, together with the text of the European agreement were published and they are currently being distributed amongst social partner organisations.

At the beginning of April 2009, NSZZ "Solidarność" officially invited the other Polish social partners (BCC, FZZ, KPP, OPZZ, PKPP Lewiatan and ZRP) to negotiate the implementation of the European agreement. The Ministry of Labour and Social Policy was informed and asked to conduct an analysis of the Polish law in regards to the contents of the agreement. Furthermore, the National Labour Inspectorate (PIP) and Central Institute for Labour Protection (National Research Institute) were asked to share data on the scale of violence violations in the work place. They were also asked to participate in the negotiations from an expert and consultative standpoint.

Additionally, NSZZ Solidarność approached its sectoral and regional organizations to send through input on the suggested scope of actions to be introduced for implementation by the social partners.

A workshop for five social partner organizations was held at the end of April 2009. These were: NSZZ Solidarność, OPZZ, KPP, PKPP Lewiatan and ZRP. Further actions, to be followed through in the next few weeks, were agreed upon. These were:

- 1. Official confirmation from the organizations on the willingness to negotiate the implementation of the European agreement and the nomination of the negotiators;
- 2. Agreement on the joint translation into Polish of the European agreement, based on the translation done by the European Commission;
- 3. Defining the structure and rules governing negotiation meetings and workshops;
- 4. Approaching the Ministry of Labour and Social Policy to provide support to the social partners during the implementation of the agreement;
- 5. Familiarization with the findings of the workshop of other organizations (BCC and FZZ) members of the Tripartite Commission for Social and Economic Affairs.

Moreover, the participants of the workshop have recognized that, once the Polish translation of the agreement is finalized, it would be advisable to approach the Government to review how Polish law corresponds to the content of the agreement.

After initial discussions were held, it was found that the areas listed below were interpreted differently by the trade unions and by the employers. This indicates that they will be undoubtedly further discussed by the social partners during the negotiations. The areas were:

- ▶ The need (or lack of it) to introduce new legal policies
- ▶ The question of employment risk assessment in terms of threats related to social psychology
- Violence by third parties

### **Portugal**

Joint report by UGT (General Union of Workers) and CGTP-IN (General Confederation of Portuguese Workers), for the trade union side and both members of ETUC, and CIP (Confederation of Portuguese Industry) and APOCEEP for the employers' side and respectively member of BUSINESSEUROPE and CEEP

## a) Legal framework

Despite the 2009 Labour Code revision, social partners reinforce, globally, the legal framework exposed on the last joint report over the implementation agreement.

Nonetheless, the harassment notion was altered by the Labour Code revision, approved by the Law no 7/2009 of 12 February 2009.

The previous Labour Code, approved by the Law 99/2009 of 27 August 2009, defined harassment as "all unwanted behaviour regarding certain discriminating factors (ascendancy, age, sex, sexual orientation, legal status, family situation, genetic heritage, reduced working ability, deficiency or chronic illness, nationality, ethnic origin, religion, political and ideological convictions, and trade union affiliation), practiced when accessing work, on the workplace, labour and vocational training, with the objective or effect of affecting the persons dignity or producing an intimidating, hostile, degrading, humiliating or disruptive environment". (art. 24)

The presently enforced Labour Code, approved as mentioned by the Law 7/2009 of 12 February 2009, defines harassment as "all unwanted behaviour, namely the discrimination based factor, practiced when accessing labour or on the workplace, labour and vocational training, with the objective or effect of disturb or constrain the person affect its dignity, or create an intimidating, hostile, degrading, humiliating or disruptive environment". (art. 29)

The revised legal provision expands the harassment definition beyond the one foreseen by the Directive because it incorporates situations unrelated to discrimination factors.

# b) Social Partners' Initiatives

UGT and its trade unions note that the major problem on harassment issues is the workers lack of knowledge and information about their rights and the cultural and social constraints, which create impunity situations. Therefore UGT develops seminars to promote a discussion on this issue.

In the collective bargaining field, UGT developed "standard clauses" about harassment and violence on the

workplace so that they can be negotiated in the public sector.

The UGT's Women's' Commission has through specific action followed some workers victims of harassment at the workplace. Through this, it was noticed that the reinforcement of the labour legislations' effectiveness is one of the central problems for an effective and real regulation of the labour market of which the insufficiencies today are serious and obvious.

CGPT-IN distributed the Agreement to their associates through trade unions meetings and through by providing information on their website.

Importance was given to collective bargaining, with the elaboration of a "standard clause" which was sent to the collective bargaining structures, in particular Federations and National Trade Unions, with the objective of facilitate their work.

CGTP-IN organised on 22 May 2009 the "5th National Conference on Equality between Men and Women" to which 360 participants attended. This Conference and its preparation was an important way to raise awareness and promote the discussion on the problems regarding harassment and violence on the workplace.

The Men and Women Equality Commission has equally given these subjects notice in their activity, mainly in the framework of current projects. It is important to refer to the work through the Equal communitarian initiative (Acting for Equality), particularly the awareness actions taken towards union representatives. The actions begun in 2007 and were developed at sectoral and regional levels. The project has a schooling objective (Acting for Equality in Schools) through teachers training, and it includes an approach of violence at the workplace and in the family.

CIP wrote articles that were published in some associations' newspapers with the purpose of enhancing the awareness on the subject.

APOCEEP followed the implementation of the Agreement in its associated companies, concluding that, in general, those companies made an effort in this field and there were progresses in this domain.

Romania	
Slovakia	
Slovenia	Join report by ZSSS (Zveza svobodnih sindikatov Slovenije (Association of Free Trade Unions of Slovenia) - Member of ETUC), ZDS (Združenje delodajalcev Slovenije (Association of Employers of Slovenia - Member of BUSINESSEUROPE) and OZS (Obrtno podjetniška zbornica (Chamber of craft and small business of Slovenia - Member of UEAPME)
	Dissemination:
	ZSSS presented the agreement to the public in 2007 when it was first signed. It is published on the ZSSS web site (www.zsss.si). Since then, it has also been promoted by ZSSS at different seminars and trainings.
	The 5th congress of ZSSS in December 2007 outlined the policy of ZSSS regarding the action to prevent both stress and harassment and violence at work. This policy implements the principles of the autonomous agreement.
	Since May 2007, ZSSS has prepared training on workers representatives and employer consultations regarding mobbing/harassment. A tool was presented, based on the autonomous agreement, which a trade union at company level could propose to the employer during consultations: "a violence and harassment non tolerance statement of the employer".
	ZSSS carried out in 2008/2009 a research project that was co-financed by the European Commission »MODEL FOR MEDIATION - A tool to achieve equal opportunities on the labour market« (European Commission agreement reference No. VS/2008/0274) that prepared tools for a peaceful resolving of among other things also harassment complaints at workplace level. The tool is based on the principle of mediation. As the employers organization GZS in 2009 also considers mediation to resolve workplace disputes, ZSSS hopes that the project will in follow up gain support of both trade unions and employers.

ZZZS also cooperated with an NGO that in 2009 prepared an awareness raising publication on mobbing at work place.

ZDS, on its side, realizes the importance of a healthy working environment, without harassment and violence, for labour efficiency. Therefore, in accordance with the autonomous agreement and in regard and in accordance with the amended Slovenian Labor code<sup>5</sup>, ZDS has prepared a sample of internal rules to be adopted in the companies. The sample includes all of the obligatory and recommended elements from the framework agreement. A comprehensive foreword is added in order to provide the general overview and the reasons and benefits of adopting such internal rulers relating to prevention of harassment and violence at work.<sup>6</sup> This sample of internal rules was also adopted as the official sample by the Association of Banks of Slovenia.

In order to raise awareness, ZDS carried out a series of seminars including on the issue of "harassment and violence at work". Some additional promotion on the issue was carried out during the promotion of the samples of internal rules mentioned above. All the members of ZDS<sup>7</sup> were entitled to free consultations on adopting the internal rules and to free consultations on establishing prevention schemes and policies.

Also due to the resolute approach of ZDS, employers recognize the importance of a "healthy" working environment as an element of enhancing work productivity and decreasing absenteeism. The increased awareness is also manifested in the integration of mechanisms for preventing the harassment and violence at work in the branch collective agreements and collective agreements at company level.

OZS has provided information and consultation on the new legislation on prevention of work-related violence and harassment. Special attention was given to the support to employers who were subject to the inspection

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<sup>&</sup>lt;sup>5</sup> The new provisions of the Labour code establish a duty for the employer to take the necessary measures in order to provide a working environment where workers will not be exposed to sexual or any other harassment or violence. The employer is obliged to take all necessary preventive measures. The amendment on "harassment and violence" was adopted by a mutual consent of all social partners and the government.

<sup>&</sup>lt;sup>6</sup> In accordance with the Labour Code, workers or their representatives have to be included in the process of adopting such internal rules.

<sup>&</sup>lt;sup>7</sup> Employing 2/3 of all workers in private sector

procedure.

As for Tripartite activities/actions, the European framework agreement is mentioned in the 9<sup>th</sup> chapter of the social agreement signed by the Slovenian social partners and the government covering the period of 2007-2009.<sup>8</sup> planned a national agreement that would transpose the European agreement in the Slovenian national industrial relations. Framework agreement in regard was instead transposed thru internal company's rules and collective agreements, but also laid down in the law (general outlines).

### **Implementation**:

- 1. The social partners agreed on the importance of a working environment where no worker shall be exposed to any form of harassment or violence. There is also no dispute that providing such environment is primarily the employer's obligation. However, there are some differences on how to achieve that goal. Employer's associations believe that the framework agreement was successfully transposed in Slovenian national industrial relations by including provisions prohibiting any kind of harassment and violence at work in the Labour act and obliging the employer to adopt accordingly rules and measures.
- 2. In 2007 and 2008, two laws sanctioned harassment and particularly mobbing:
  - a. The Employment Relationship Act amendment in 2007: harassment and mobbing is prohibited and it is the employer's duty to act; there is a definition of mobbing; a time frame for the employer to act after receiving of complaints and it provides for sanctions (fines, etc.) – this is a direct result of the tripartite social partners/government negotiations. Upon the basis of the labour law provisions, special torts regarding violence and harassment for non-material damage can be carried out.
  - b. The Penal code 2008: up to 2 years of imprisonment or even up to 3 years if there is damage to the health – ZSSS was involved in the NGO movement that advocated for this provision of the penal code. The social partners were however left outside the debate on the text.

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<sup>&</sup>lt;sup>8</sup> Official journal of the Republic of Slovenia, number 93/2007 of 12 October 2007

3. A 2008 national survey on mobbing/harassment was presented at the tripartite government council for occupational health and safety in January 2009. It was prepared by a doctrinal institute for occupational medicine. The survey of 823 persons shows that in the 6 previous months 10.4 % were victims of workplace harassment themselves and 18.8 % witnessed harassment of co-workers. The survey was based workers' replies. The problem about mobbing in Slovenia is also the fact that workers do not report mobbing to the employer, due to the lack of information; the employer is unable to prevent such unwanted forms of behaviour if information regarding unwanted behaviour does not reach him/her. However, there is no reported case where the employer would refuse to react when harassment or violence was reported.

#### **Spain**

# Joint report by UGT and CCOO (both members of ETUC) and CEOE (member of BUSINESSEUROPE)

#### 1. TRANSLATION OF THE EUROPEAN FRAMEWORK AGREEMENT INTO SPANISH

The Framework Agreement has been translated into Spanish. The translation was made on the initiative of the social partners -- both the trade unions (UGT and CCOO) and the CEOE -- and has been approved. The translation reflects, with reasonable latitude, both the letter and the spirit of the official English version.

# 2. DISSEMINATION OF THE EUROPEAN FRAMEWORK AGREEMENT TO THE SPANISH LABOUR RELATIONS SYSTEM

The European Framework Agreement on Harassment and Violence has been published in the Spanish OFFICIAL GAZETTE, thus achieving the maximum social, political and juridical dissemination. The Agreement was published in Official Gazette No 12, dated Monday 14th January 2008, and has been incorporated into this year's Interconfederal Agreement on Interprofessional Collective Bargaining -- an extension to 2008 of the 2007 Agreement.

The UGT has taken several initiatives to disseminate the European Agreement at the social and trade union levels:

- It was included in a special issue of the Scientific and Technical Journal of the Permanent Observatory on Psychosocial Risks (N° 0, 2008)
- A workshop was held on GOOD PRACTICES IN IMPLEMENTATION of the Agreement in Collective Bargaining, in Madrid in May 2008
- Its translation and good practices in implementation have been included in ALL GUIDES to PSYCHOSOCIAL RISK MANAGEMENT drawn up by the UGT-CEC Permanent Observatory on Psychosocial Risks
- Brief comments and references have been included in Specialised Journals on Labour Risk Prevention (of the MC MUTUAL and FRATERNIDAD mutual insurance companies, "Formación de Seguridad Laboral," etc.)

#### **CEOE-CEPYME:**

- The industrial organisations have disseminated its substance in printed documents distributed to all affiliated organisations. The employers' organisations (CEOE and CEPYME) have also published an internal circular on the subject.
- The CEOE, specifically, has distributed the document to its associated organisations (55 local and 165 sectoral) and to directly associated firms (102).
- The CEOE's website also provides a link to the content of the Agreement and the circular (<a href="http://www.ceoe.es">http://www.ceoe.es</a>; the Agreements Page sets out the Agreements reached with the trade union organisations, including the 2007 Collective Bargaining Agreement).
- The CEOE and CEPYME employers' organisations also provide services based on the prevention needs and challenges reported to them by their Associates. Rather than a centralised system featuring guidelines set by the Confederal Organisation, a method has been adopted whereby Local and Sectoral Organisations themselves provide guidance in this connection. The CEOE and CEPYME conduct activities (including those held at the Autonomous Communities' Technical Prevention Centres) to coordinate national and European initiatives in the field and to form an overview of the problems and challenges in labour risk management from the employers' viewpoint.

The CEOE's Risk Prevention Committee, which has 179 members, 16 of them firms and 163 organisations (111 sectoral and 52 territorial,) analyses various initiatives in the risk prevention field and brings together employers' experiences, difficulties and anxieties relating to new challenges in labour risk management and prevention, including psychosocial risks, with reference to the European Agreement.

# 3. ACTUAL IMPLEMENTATION OF THE FRAMEWORK AGREEMENT IN SPAIN'S COLLECTIVE BARGAINING SYSTEM

The European Framework Agreement has featured in three areas of collective bargaining in Spain, namely:

• Firstly, and most widely, in the *Interprofessional Agreements* signed by the most representative confederations of trade unions, the UGT and CCOO, and employers, the CEOE. It applies to all fields of activity and throughout Spain. The European Agreement forms part, as an attachment, of the *Interconfederal Collective Bargaining Agreement for 2008.* 

This Agreement contains the main recommendations for collective bargaining this year. It has been dealt with in the same way as the European Framework Agreement on work-related stress.

By the social partners' decision, these Collective Agreements have no normative juridical effect -- with both workers and employers under an obligation to apply them directly -- but do have obligatory or contractual juridical effect, placing a duty on the signatories to influence action in the various spheres of collective bargaining.

It is also important to point out that Spanish juridical doctrine grants them juridical force in the interpretation of legal duties, particularly with regard to the obligations to prevent labour risks -- High Court of Justice Ruling, Madrid 5 October 2005, amongst others.

• In the COLLECTIVE REGULATION AGREEMENTS, following the recommendations of the 2008

Collective Bargaining Agreement. These agreements have full normative force, as do the other regulatory provisions of collective agreements in Spain. They therefore place a direct obligation on all employers and workers included within the geographical and functional scope of the Agreement. In 2008 and the beginning of 2009, some, albeit few, collective agreements have begun to incorporate the Agreement's provisions, and there are now OVER 20 COLLECTIVE AGREEMENTS at the NATIONAL level which, either with express reference to the European Agreement or without directly citing it, incorporate its substance and basic implementation guidelines. Prominent among these are the Collective Agreements of the VIPS group (2008) (Official Gazette 28 March 2008) and the ZENA group (Official Gazette 26 March 2008.)

• There are also some, albeit few, examples of sectoral or branch Collective Agreements at the AUTONOMOUS COMMUNITY level, solely regional. Examples include the Hotel Sector Collective Agreements, signed by the Madrid Hotel Employers Organisation, the UGT and the CCOO, to which part of the contents are appended as an attachment (Madrid Municipal Official Gazette 24 November 2008, No 280). There are also Collective Agreements in the INDUSTRIAL SPHERE (the Agreement of the Collective Bargaining Negotiating Committee of Cemex España SA's Transport Division, to formalise the Equality Plan and the Harassment and Violence Prevention Code: Official Gazette of the Valencia Autonomous Community 13 October 2008, No 5868.

Sometimes negotiating parties have preferred to confine themselves to the level of obligatory effect, through incorporation as a recommendation clause (Article 42.1 Section XV of the National Collective Agreement of Engineering Companies and Technical Consultancies, Official Gazette 29 May 2008, NO 130,) or reference is made to a specific negotiation body to examine the incorporation of the Agreement's clauses (National Collective Agreement on the Paper and Graphic Arts Trade Cycle: Official Gazette 26 February 2007, No 49; 1st Collective Agreement of the Teaching and Research Staff of the Public Universities of Castilla y León: Castilla y León Official Gazette 16 June 2008, No 114).

Sweden

Joint report by the Confederation of Swedish Enterprise (Svenskt Näringsliv –member of

BUSINESSEUROPE), the National Section of CEEP in Sweden (members of the section are SALAR; SAGE, KFS, Fastigo and Pacta) and, for the trade union side, the Swedish Trade Union Confederation (LO), the Swedish Confederation of Professional Employees (TCO) and the Swedish Confederation of Professional Associations (Saco) (all three member of ETUC)

#### **Actions taken**

The Swedish social dialogue partners, both separately and jointly, have conducted on-going and specific activities prior to, in parallel with and following the European Framework agreement on harassment and violence at work. These activities are in agreement with Swedish regulations and only a few are done within the Framework agreement. Examples of separate and joint activities are provided below.

The Swedish social dialogue partners have translated the autonomous agreement and began distributing the Swedish version from spring 2008. The social partners in the private sector (Confederation of Swedish Enterprise, the Swedish Trade Union Confederation (LO), the Swedish Confederation of Professional Employees (TCO), the Swedish Confederation of Professional Associations (Saco) have reached an agreement on the implementation of the EU agreement concerning harassment and violence at the workplace. The organizations declare that they support the EU agreement and have expressed the joint opinion that the agreement gives guiding principles when initiatives are to be taken to identify and prevent or deal with problems concerning harassment and violence at the workplace.

During recent years the social partners in Sweden have conducted several joint projects, primarily in the area of third-party violence, in a variety of branches.

Harassment and violence at work is an issue continuously dealt with at a number of trade unions affiliated to the Swedish Trade Union Confederation (LO), The Swedish Confederation of Professional Employees (TCO) and The Swedish Confederation of Professional Associations (Saco). The safety representatives are active in this issue, especially regarding violence. Most of these activities and have been conducted without reference to the agreement on harassment and violence.

Examples referring to the agreement: During 2008 Prevent, an organisation owned by Confederation of Swedish Enterprise, The Swedish Trade Union Confederation (LO) and The Council for Negotiation and Cooperation (PTK) published the book "Undvik mobbning på jobbet" (Avoid harassment at work). The book is the result of a joint project designed to assist employers and employee organisations to achieve the purpose of the Framework Agreement. The book emphasizes how systematic work environment efforts can prevent and counteract harassment at work.

The Swedish Union of Local Government Officers (SKTF) has, within the framework of the agreement, had a full day seminar on good practice from EU member states, on how to work with third party violence.

Many activities were initiated prior to or independent of the social dialogue agreement. *Examples:* Several of the unions within LO, TCO and Saco (e.g. Swedish Teachers' Union, National Union of Teachers in Sweden, University Graduates Union) cover violence in their education and training programmes, seminars and member meetings.

The Union of commercial employees has together with the employer organisations conducted a campaign "secure in the shop". The Swedish Transport Workers Union works together with the employers' organisations and the police conducted activities against robbery when transporting valuables, robbery at petrol stations and for a secure watchman work. The Swedish Police Union is promoting evaluation of incidents of violence, and then, as a consequence of the evaluation, further development of equipment and education. A handbook and a web-based support for dealing with violence and threat at work are done by the social partners within the state sector (see also reference below). Saco prepared during 2008 a report about violence at work.

#### Actions taken by CEEP's Swedish member organizations

The social partners in the municipal sector (SALAR and Pacta) signed a collective agreement in April 2005 about cooperation and work environment (so-called "FAS 05") in which the implementation of EU autonomous agreements is included as an issue for joint commitment. The social partners collaborated in "Sunt liv" (Healthy Life) a nationwide program which began in 2002. Material concerning harassment and violence are available on the associated website <a href="https://www.suntliv.nu">www.suntliv.nu</a>. The social partners also initiated a research and

development project focusing upon the topic of work-related violence in schools, social services and healthcare. The harassment and violence agreement is a topic on the program for Swedish and annual Nordic work environment conferences organized jointly by the social partners in the municipal sector.

The social partners in the state sector - SAGE and Swedish trade unions for the central government administration; the Central Organization of Professional Associations Saco-S, the Swedish Union of Service and Communications Employees SEKO and the Central Organization of Salaried Employees OFR- signed a collective agreement in 2003 about cooperation and work environment in which one of the areas of initiatives are harassment and violence.

The social partners collaborate in "Satsa Friskt" (Go for health) a nationwide program for the state sector with an 18 million € budget. One example of work is the website www.hotpajobbet.se with material concerning harassment and violence in all phases: prevention, emergency response and rehabilitation. The agencies in the state sector can free of charge copy the website to their own intranet and adapt it to fit their needs and conditions.

These actions were initiated prior to the Framework agreement and are seen as demonstrating our long-term commitment to effectively dealing with harassment and violence.

The Swedish Organisation for Local Enterprises (KFS) has initiated several activities to implement the EU agreement concerning harassment and violence at work. Several of KFS members have access to a system for constructive conflict solving, which supports robust cooperation cultures. The system was developed in a joint collaboration project with six unions. Reports from members using the system show that it has been very successful. Another tool that KFS members can use to prevent harassment and violence at work is the project "Healthier Companies". This project, carried out in collaboration with nine unions, focuses upon several different important health promotion issues.

During 2008 Fastigo began production of material for a work environment survey. The material is intended to be an aid for Fastigo's member companies in their systematic work environment activities. An important issue is to identify risks due to violence, threats and harassment in the working environment and to take measures

	to avoid such risks. Another important area that is emphasized in the working material is the importance of routines to support employees that have been exposed to threats or violence at work. Fastigo has during the last year carried out a large number of training sessions for directors and co-workers in the member companies, with special emphasis on issues related to violence, threats and harassment in the working environment.
United Kingdom	Joint report by CBI, CEEP-UK and TUC
	Following a scoping exercise of guidance and agreements available across industry sectors in 2008, drafting of the guidance document is now in the advanced stages. The social partners are currently making refinements to the draft guidance, which will be published later this year.
Candidate	
countries	
Croatia	
Turkey	
EU interprofessional social partners	On 14 March 2008, European social partners presented the agreement at a Multi-Stakeholder Forum organised by the European Commission following the demand of four sectors on the issue of third party violence. In this forum 16 sectors discussed issues related to third-party violence and the role of the social partners. They jointly looked at whether and how to complement the cross-industry agreement from a more specific sectoral and/or multi-sectoral point of view. The possibility of developing "principles and guidance on preventing, identifying and managing problems of third-party violence at work" has been envisaged by the sectoral social partners in the commerce, private security, hospital and local government sectors.
	On 10 April 2008, BUSINESSEUROPE presented the agreement on harassment and violence on behalf of European social partners at a meeting of the Sectoral Social Dialogue Committee on Gas held in Brussels. European social partners in the gas sector have endorsed the cross-industry agreement.
	On 28 October 2008, European social partners presented the agreement at a conference organised in

Warsaw by Solidarnosc with the financial support of the European Commission as part of its project "European social dialogue as an instrument in implementing the framework agreement on harassment and violence at work in 4 Member States – good practice exchange".

A considerable part of European social partner activities were realised under the framework of the European Social Partners' Integrated Programme and specifically under the section devoted to social dialogue capacity building. In this context, a series of activities dealing directly or indirectly with the content and objectives of the European framework agreement on harassment and violence at work were carried out.

- 1) Mentoring programme: This programme is available for national employers' and trade union organisations and individuals wanting to strengthen their knowledge about the outcomes, content and procedures of the European social dialogue. The programme was managed with a different approach from the trade union and the employers' side respectively. On the trade union side, via so-called seminars on "Training and mentoring on European social dialogue" around 40 trade unionists from EU member states and the candidate countries. with a working knowledge of English but little knowledge of the European social dialogue mechanisms, were introduced to the content and background of a number of European social dialogue results, with a view to further developing their negotiation skills. With specific regard to the framework agreement on harassment and violence at work, its content was described and the main points relevant from a trade union perspective outlined. As a result, participants became acquainted with the objectives of the European agreement and could share their experiences in terms of the transposition as well as the implementation of it. Moreover, the impact of this cross-industry agreement was extended with the experiences that have been developing at sectoral level through interventions made by representatives of European Trade Union Federations. On the Employers' side, a training component is not conducted in the programme, which is mainly intended to facilitate the attendance of meetings in Brussels for individuals from member organisations of BUSINESSEUROPE, CEEP and UEAPME from EU12 countries and Croatia and Turkey who apply to benefit from the mentoring programme.
- 2) Translation Fund: In order to promote full implementation and dissemination of EU social dialogue texts throughout Europe, a fund has been created for translating texts negotiated through the EU social dialogue into languages of EU member states as well as candidate countries. The fund is jointly managed by ETUC

and BUSINESSEUROPE (on behalf of the European employers' organisations) and their respective affiliated member organisations may use it. To date, the European framework agreement on harassment and violence at work has been translated into the following languages through this fund: Croatian, Danish, German, Latvian, and Swedish. These translations have been made available in the EU Employers' and ETUC Resource Centre websites (see below).

3) ETUC Resource Centre website and Employers' Resource Centre website: The ETUC as well as the European Employers' organisations have published on their respective resource centre websites the original version of the agreement on harassment and violence at work together with all the translations into the EU languages available (realised through the translation fund or other EC funded projects). In addition, other documents published either by the European Commission and/or by the European social partners that accompany the implementation of this framework agreement have been published on line (i.e. implementation tables, ETUC interpretation guide, etc.). See: <a href="http://resourcecentre.etuc.org/">http://resourcecentre.etuc.org/</a> and <a href="http://resourcecentre.etuc.org/">www.erc-online.eu</a>

In addition to those joint activities, there have been unilateral initiatives from the European social partners' organisations. Reference could be made to amongst others the following:

The ETUC advanced training "Developing a common understanding of European social dialogue instruments and their impact at the various levels". Since January 2009 the ETUC organised two-day seminars aimed to further develop senior trade unionists' skills and knowledge on EU social dialogue process and instruments through a translational exchange of experiences and practices. In line with this objective, trade unions' representatives had to describe the process and main challenges in transposing the agreement on violence and harassment at work. Each presentation was followed by a debate where participants could share not only the results achieved but also common issues of concern. In addition, representatives from the ETUC secretariat, the ETUI and the European Trade Union Federations enriched the discussion by presenting other national and sectoral examples and comparing and contrasting the different situations.

Moreover, since January 2008, trade unions confederations based in EU Member States that joined the EU in 2004 and 2007 are given the opportunity to organise national seminars on issues related to the European social dialogue. The ETUC provides a budget (through EC funding) to run one-day national seminars and help

find European experts to contribute at these events. Trade unions based in ten different EU member states took advantage of this possibility and decided to devote part of their respective events to the agreement on harassment and violence at work.

# European sectoral social dialogue

### Multisectoral initiative on third party violence.

The initiative was launched by the social partners in the private security, commerce, hospital and local and regional government sectors trough a multisectoral seminar in 2008, as a follow to the cross-sectoral agreement on harassment and violence at work of 2007 and aiming to explore this subject further in order to establish whether joint multi- sectoral action is required at European level to help address the challenge of third party violence in the workplace. The results of the seminar were translated in a more structured and long term EU funded project involving UNI-Europa, EPSU, CoESS, Eurocommerce, HOSPEEM and CEMR. The project results will be delivered at a final conference in October 2009, following which the involved parties will decide whether to follow up the initiative with a multisectoral social dialogue measure or with separate sectoral instruments.

### Promotion of a safer working and shopping environment in the commerce sector:

Third-party violence has been at the agenda of the social dialogue committee for commerce - between UNI europa and EuroCommerce - since many years. As a follow-up of their former joint texts on this issue signed in 1995 and 2006 and of their in-depth discussions on this issue, they have decided in 2008 to implement a joint project with the financial support of the European Commission to work on a common solution and to raise awareness on the problem at EU level. They have developed a toolkit based on the best practices implemented by the social partners at company and national level intended to be a practical and flexible tool to be widely disseminated; it has a special focus on SMEs, which represent 95% of companies in the sector. The outcomes of this project will be presented at a final conference in October 2009. Furthermore, it has been recognized as eligible to the OSHA campaign "Healthy workplace: good for you, good for business".

#### Gas sector

Eurogas/EPSU/EMCEF Joint Declaration on Violence at work of 15 November 2007 (Available at

http://ec.europa.eu/employment\_social/dsw/public/actRetrieveText.do?id=8540)

# **Electricity sector**

Eurelectric/EPSU/EMCEF Joint Declaration on Harassment and Violence at work of 7 December 2007 (Available at http://ec.europa.eu/employment\_social/dsw/public/actRetrieveText.do?id=8569)