



# 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

**2010<sup>34</sup>**

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<sup>1</sup> Including the Liaison Committee Eurocadres/CEC

<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 2010

<sup>4</sup> To be read in conjunction with the 2008 and 2009 yearly joint tables available at: <http://resourcecentre.etuc.org/> or [www.erc-online.eu](http://www.erc-online.eu)

Country	Implementation results /initiatives
Austria	<p data-bbox="506 347 1883 411"><b><u>Joint report by the Chamber of labour-AK, Economic Chamber-WKÖ, Federation of trade unions - ÖGB) and the Federation of Austrian Industries (IV)</u></b></p> <p data-bbox="506 448 936 480"><u>The translation of the agreement</u></p> <p data-bbox="506 483 1720 515">The agreement has been officially translated by the commissions' services (COM (2007) 686)</p> <p data-bbox="506 552 999 584"><u>The implementation of the agreement</u></p> <p data-bbox="506 620 1883 751">The Austrian social partners (Austrian Federal Chamber of Labour – AK, the Austrian Federal Economic Chamber – WKÖ, the Austrian Trade Union Federation – ÖGB) as well as the Austrian Association of Public and Social Enterprises – VÖWG – and the Federation of Austrian Industries – IV – decided to publish a brochure to contribute to the implementation of the framework agreement.</p> <p data-bbox="506 788 1883 983">The brochure “Belästigung und Gewalt am Arbeitsplatz. Instrumente zur Prävention” (Harassment and violence at work. Instruments for prevention) serves as a dissemination strategy of the agreement and has been chosen to reach a wide range of enterprises and workers within Austria. The brochure as a source of information contributes to raising awareness and promoting prevention. Victims receive support and enterprises are informed about their duties and options. The online version of the brochure, expected for 2010, is easily accessed and updated.</p> <p data-bbox="506 1023 1883 1153">The booklet, which comprises about 30 pages, is currently being produced and will be finished in the course of September 2010. The printed version will be launched in 2011 in an edition of about 10.000 copies depending on the budget. The Austrian social partners have contracted the Austrian academy for preventive medicine and health communication – ÖAPG – to write the brochure.</p> <p data-bbox="506 1193 1883 1324">The brochure “Belästigung und Gewalt am Arbeitsplatz. Instrumente zur Prävention” opens with a common declaration by the AK, the WKÖ, the ÖGB, the VÖWG and the IV on the implementation of the European social partners' agreement on harassment and violence at work. The undersigned declare to support employers and employees as well as the work councils with the implementation of measures</p>

against harassment and violence at work.

The booklet is divided into six parts: the first demonstrating the general background of harassment and violence at work, the second provides definitions. Thirdly, the publication presents the reasons for harassment and violence and the consequences for people suffering from this kind of encroachments. Fourthly, it focuses on prevention measures and, fifthly, provides an overview of concrete measures for employers and work councils if harassment and violence have already occurred in the workplace. Sixthly, the annex demonstrates a model statement to be used for enterprises concerning a zero tolerance policy against harassment and violence at work, modules for a company agreement and checklists and hints for people who are affected (employees, employers and work councils). Furthermore, the annex lists a great number of contacts in Austria responsible for legal advice, psychological counselling and other specific consultations in this field. Finally, the annex concludes with the EU framework agreement, translated into German.

#### Other social partners' initiatives in Austria

##### 1. Information from the employers (Vienna Hospital Association – KAV)

Within the Vienna Hospital Association harassment and violence at work has been dealt with since 2004, when this was recognised as being a problem. De-escalation trainings were started in psychiatry, then extended to include hospitals and geriatric centres, and in 2009 to paramedics and emergency medical services. In Vienna emergency medical services are provided by the Municipality, thus paramedics are publicly employed. The method used is „train the trainers“, meaning that from each unit some staff members are trained, who then return to their unit and train the staff there.

In 2004 a dissertation was conducted, which brought out the first data collection on this issue: 6000 questionnaires were sent out, of which 4000 were returned. With this data collection the realisation of the problem of harassment and violence at work began. Nowadays de-escalation training is part of the formal education of psychiatry students and the general education of students in hospital facilities.

##### 2. Information from the trade union for services – VIDA

	<p>Independent from the joint social partner initiatives, the Austrian trade union for services VIDA (for transport, health professions, personal services, HOTREC-sector etc.) started a project called „Crime scene workplace. Together against violence in the workplace“. Since the start in January 2009 the following activities have been taking place:</p> <ul style="list-style-type: none"> <li>• November 2009: launching event with experts. Target groups were inter alia the works councils, youth representatives, representatives of people with disabilities, safety representatives</li> <li>• The internet-portal <a href="http://www.tatortarbeitsplatz.at">www.tatortarbeitsplatz.at</a> has gone online</li> <li>• Information (flyers, posters, and articles) has been produced</li> <li>• A survey by IFES about violence and harassment has been conducted among 1815 employees in 51 enterprises</li> <li>• VIDA now offers external psychological first aid for victims</li> <li>• The works councils and the members of VIDA receive training on conflict management and harassment</li> <li>• A video about violence in different sectors has been produced</li> </ul>
<p><b>Belgium</b></p>	<p><b><u>Joint report by FEB, UNIZO, CSC and FGTB</u></b></p> <p><b>The framework agreement has not been translated given the existence of a law governing this issue since 2002 and therefore predating the agreement:</b></p> <ul style="list-style-type: none"> <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> <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> <li>• The new regulation places extra emphasis on primary prevention and provides useful details on the analyses of psycho-social risks.</li> </ul> <p><b>Actions taken to promote this regulation</b></p> <ul style="list-style-type: none"> <li>• By public authorities: publications on the new regulation, information sessions for prevention actors (employers, prevention counsellors, worker representatives, etc.), a website on psycho-</li> </ul>

	<p>social wellbeing at work: <a href="http://www.respectautravail.be">http://www.respectautravail.be</a> (legislation, publications<sup>5</sup>, diagnostic and intervention tools, best practices, research reports, etc.), a network of prevention counsellors and confidential counsellors, <u>FPS Employment makes an annual list of labour tribunal and court decisions on protection against violence and harassment at work. This list includes a quantitative and qualitative analysis of decisions on harassment and violence at work.</u></p> <ul style="list-style-type: none"> <li>• In the trade unions: specialised publications on this issue, training modules for representatives and workers.</li> <li>• 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).</li> <li>• The legal departments of the trade union members of ETUC accompany affiliates lodging a complaint with the labour tribunal.</li> </ul> <p><b>Monitoring and evaluation of the impact of this implementation</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• A survey<sup>6</sup> made in 2007 at the request of public authorities indicates that there is better knowledge of the problem and also satisfaction with regard to regulations. It highlights one difficulty, namely the fact that legislation depends to a large extent on the goodwill of the parties concerned to seek to prevent violence and harassment at work. The survey report notes a positive move towards implementing the legislation, at least in large companies, with small and medium sized companies lagging behind in this respect. It also highlights the increased role of specialised services in psychosocial aspects at work.</li> <li>• An evaluation of the current regulation is planned during 2010, featuring in the programme of the Ministry of Employment and Labour.</li> </ul>
<b>Bulgaria</b>	

<sup>5</sup> In English language: 'A detailed look at... The prevention of psychosocial load at work: stress, violence, harassment and sexual harassment' (PDF - 72 pages - 1 MB)

Cyprus	<p><b><u>Joint report by the Cyprus Employers and Industrialists Federation (OEB), the Cyprus Chamber of Commerce and Industry (CCCI), the Cyprus Workers' Confederation (SEK), The Pancyprian Federation of Labour (PEO) the Democratic Labour Federation of Cyprus (DEOK) and the Pancyprian Public Employees Trade Union (PASYDY)</u></b></p> <p>The procedure for the signing of the Framework Agreement on Harassment and Violence at Work by the Cypriote Social Partners was instigated by the Cyprus Employers &amp; 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.</p> <p>The Agreement and the 'Policy Statement' were signed in September 2009 in an official ceremony and in the presence of the Minister of Labour &amp; Social Insurance.</p> <p>The "Policy Statement" states the following:</p> <p><i>Harassment and violence can impact any workplace and any employee, regardless of the size of the enterprise, the sector of economic activity or the status of the employment relationship. However, certain groups and certain sectors are at greater risk of being impacted by the two phenomena. It is mutually recognized that in practice not all employees or all workplaces are affected.</i></p> <p><i>The Cyprus Employers and Industrialists Federation (OEB), the Cyprus Chamber of Commerce and Industry (CCCI), the Cyprus Workers' Confederation (SEK), The Pancyprian Federation of Labour (PEO) the Democratic Labour Federation of Cyprus (DEOK) and the Pancyprian Public Employees Trade Union (PASYDY), having regard to the Framework Agreement, agree and decide on the following:</i></p> <ol style="list-style-type: none"> <li><i>1. They call upon the Federations, Trade Unions, Associations, Organizations and Enterprises that are members of the Cypriot Employer and Employee Organizations to enter into a dialogue at sectoral or enterprise level as appropriate, aiming to the adaptation and specialization of the Agreement in the particularities and distinctiveness of the labour environment of each case.</i></li> <li><i>2. They call upon their members to complete the aforementioned procedure in an appointed time-frame,</i></li> </ol>
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	<p><i>that will be agreed between them and ideally it will not exceed the renewal of the next collective agreement of each case.</i></p> <p><i>3. They will monitor the procedure and assist their members, providing technical support in their attempt to adopt the aforementioned, and state their willingness to interfere whenever they are asked to, in order to facilitate the procedure.</i></p> <p><i>OEB, CCCI, SEK, PEO, DEOK and PASYDY consider that the proper implementation of the Agreement will contribute in the following:</i></p> <ul style="list-style-type: none"> <li><i>• Identify, manage and prevent incidents of harassment and violence in the workplace, while protecting the dignity and privacy of all people affected</i></li> <li><i>• Improvement of the work environment</i></li> <li><i>• Improvement of employer – employee relations</i></li> <li><i>• Support mutual respect between employees themselves</i></li> <li><i>• Advancement of the labour relations</i></li> <li><i>• Support the spirit of cooperation at workplace</i></li> <li><i>• Increase the productivity</i></li> <li><i>• Improvement of the competitiveness of the enterprises</i></li> <li><i>• Save nursing costs</i></li> <li><i>• Decrease of the absences</i></li> <li><i>• Increase the job satisfaction of the employees</i></li> <li><i>• Increase the trust relationship between employees and their employers</i></li> <li><i>• Prevent unwanted behaviours in the workplace,</i></li> </ul> <p><i>and they call upon all Trade Unions, Organizations, Enterprises or Employer Associations, to subscribe and implement the present Agreement.</i></p>
Czech Republic	<p><b><u>Joint report of Czech-Moravian Confederation of Trade Unions (CMKOS) and Confederation of Industry of the Czech Republic (SPCR)</u></b></p>

- ***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 social partners' joint project on social dialogue in the 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 agreement was sent by the SPCR on behalf of social partners to the Ministry of Labour and Social Affairs with a recommendation to place the agreement on the agenda of the tripartite Council of Economic and Social Agreement.

- ***The state of implementation***

The basic legal regulation of this issue is contained in the Labour Code. This situation is due to tradition but also to the lower coverage of collective agreements in the Czech Republic.

It is envisaged that the Labour Code will be amended in the future and the social partners push forward the idea to deepen the legal regulation of this issue in the new amendment. Especially it is promoted that the system of labour inspection should be improved and also exchange of information in this sphere between the social partners and the state. With regard to the forthcoming general elections (end of May 2010) the work on the amendment to the Labour Code was suspended and it is expected that it will be one of the important topics of the new Government.

The issue of the agreement was included into 17 company collective agreements in the metal industry, construction, services and railways sector. It represents around 1.3 per cent of monitored collective agreements. Although the figure is low it signalsises certain growing awareness.



A lot of attention to the agreement is paid by the public sector, especially health service. Social partners in this sector are jointly implementing project funded by the ESF aimed at prevention of violence at workplaces in health and social services through social dialogue. Within the project a survey on topical information on the situation as concerns violence at workplaces is envisaged, and also the elaboration of a curricula of a training course on this topic for key persons of employers and employees' representatives who would multiply the gained knowledge. There are also other projects on this topic in the pipeline.

Similarly as before, the 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.

Based on practice in the SPCR membership it can be stated that the implementation of the agreement on the level of companies is realized individually depending on the business branch and size of the enterprise by means of various management techniques, forms and systems of management. Attention is paid not only to the identification of problems and their solutions, but also to their prevention. The most often used tools include: sharing of common values within the organisation and corporate culture (e.g. emphasis on team work, sharing of knowledge and experience, free-spokenness and intelligibility in communication, awareness of mutual accountability etc.), human resources management, working regulations/work rules, ethics codes, Business Conduct Guidelines or other similar agreements between employers and employees, company collective agreements, company occupational safety and health policies (e.g. creation of safe working conditions, leading workers/employees to safe work, use of systems for identification, evaluation, monitoring and management of risks, support to various activities aimed at improvement of health and workplace protection, education in this area etc.) with the aim to influence everyday behavior of individuals in the workplace in the spirit of the autonomous agreement. A practice when employees are allowed to make complaints of different nature in private and anonymously to a person or a unit in charge of these tasks, to work councils, trade unions, etc. also concurs. In some mostly multinational enterprises ombudsmen or helpdesks can be found.

	<p>The employers take the problem of violence and harassment at workplace very seriously and are interested in deeper debate on this emerging phenomenon. The awareness is still very low.</p> <p>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.</p>
<b>Denmark</b>	<p><b><u>Danish State sector</u></b></p> <p>The social partners in the Danish State Sector implemented the European cross-sector agreement on harassment and violence at the work place as part of the collective bargaining 2008 (see the 2nd implementation table produced in 2009).</p> <p>In general, the social partners in the public sector provide various inspirational tools for the individual work places to assist their work on ensuring good work environment and job satisfaction, e.g. the so-called 'Trivselmeter' for public workplaces. This 'Wellbeing metric' is an electronic tool, which can be adjusted according to local needs and circumstances, and through which job satisfaction and wellbeing can be measured and the results followed up by plans of action at the work place.</p> <p><b><u>Danish regions and municipalities</u></b></p> <p>In addition to what was reported in the 2nd implementation table in 2009, the social partners in the Danish regional and municipal sector have agreed to produce a brochure/booklet in English presenting the implementation along with a number of cases/stories about the practical implementation and how it is done in the actual work places. The brochure is expected to be published during the autumn of 2010 and will be distributed to relevant stakeholders, among others of course CEEP and its member organisations, the Commission, etc.</p>
<b>Estonia</b>	
<b>Finland</b>	<p><b><u>Joint report by 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</u></b></p>

	<p><b><u>(STTK) and the Confederation of Unions for Professional and Managerial Staff (AKAVA)</u></b></p> <p>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) have been working on a joint brochure to combat workplace harassment incorporating the main messages of the framework agreement. In addition to the brochure, the Finnish social partners are planning a national tour addressing the issue of workplace harassment together with the Centre for Occupational Safety. This tour will take place in the latter half of 2010.</p> <p>Violence at work has also been discussed between Finnish social partners and the Ministry of Social Affairs and Health (MSAH) as part of the ongoing work to improve occupational safety at Finnish workplaces. Although there was a principal disagreement on the need for further legislation, the parties did agree on several proposals for action, some of which have already been carried out. The MSAH has drawn up special guidelines for monitoring and inspecting workplace violence and has included the prevention of workplace violence in the performance management agreements of the Regional State Administrative Agencies in charge of Occupational Safety and Health Administration. The MSAH, the Occupational Safety and Health Administration and Finnish social partners have organised a common informational tour on this issue aimed at employers and employees. The tour has visited nine different locations during spring 2010 and the total amount of participants during the tour was 850 people. The impact of these actions, the experiences and feedback from the tour and the possible needs to revise valid safety regulations will be analyzed and assessed in the Advisory Committee on Preparation of Occupational Safety Regulations of the MSAH.</p>
France	<p><b><u>Joint report by MEDEF - Mouvement des Entreprises de France; CGPME Confédération Générale des Petites et Moyennes Entreprises ; UPA Union Professionnelle Artisanale; CFDT Confédération Française Démocratique du Travail ; CFE-CGC Confédération Française de l'Encadrement – Confédération Générale des Cadres ; CFTC Confédération Française des Travailleurs Chrétiens ; CGT-FO Confédération Générale du Travail Force Ouvrière ; CGT Confédération Générale du Travail</u></b></p>

*On 26 March 2010, the social partners unanimously concluded an agreement concerning harassment and violence at work. The negotiated text transposes the European framework agreement of 15 December 2006 and enriches a number of provisions.*

The social partners added to the definition and factors of harassment and violence at work and violence towards women in the text of the European agreement. This agreement must make it possible to better prevent harassment and violence at work, to reduce and, if possible, to eliminate such violence by raising the awareness of employers, employees and their representatives and by promoting better understanding.

The social partners laid great stress on the methods of prevention within companies and highlighted the role which could be played by health at work departments and institutions representing personnel (CHSCTs) in helping companies prevent and manage harassment and violence at work within the existing framework.

**The social partners entrusted the informal phase of advice and assistance outlined in the European agreement to health and work departments and to institutions representing personnel.**

*The text states that “the employer, in concertation with employees or their representatives, shall examine situations of harassment and violence at work when such situations have been reported, including with regard to all aspects of the work environment : individual behaviour, management methods, client relations, how the company operates, etc.”*

The social partners also highlighted the role sectoral associations can play by putting into place appropriate tools for companies, especially small companies.

The text states that “the French social partners will prepare a joint annual report, which will be communicated to the European social partners in the framework of monitoring the implementation of the European autonomous agreement.”

The French social partners have agreed to meet 2 years after publication of the decree extending the agreement to evaluate implementation of the agreement at all levels.

<p><b>Germany</b></p>	<p><b><u>Joint report by German employers BDA, ZDH, VKA</u></b></p> <p>This is already the third time that the European social partners have been invited to report to the European Commission on their steps to implement the agreement of the European social partners on combating harassment and violence at work, in line with the provisions of the framework agreement itself.</p> <p>German employers report the following implementation activities for the period under review, which comprise both cross-sectoral and company-level examples.</p> <p><b>Banks</b></p> <p>Existing European and national law, in particular the European anti-discrimination directives and the German general equal treatment law on protection of employees against discrimination harassment and violence at work which came into force on 18 August 2006, are actively implemented by institutions in the banking sector.</p> <p>Employees including trainees and in particular managers are informed and trained accordingly. Training courses are repeated at regular intervals.</p> <p>The personnel department, works council and disability representative generally act as a complaint centralisation point and contact point for employees in the institutions, sometimes complemented by an ombudsman or social affairs expert.</p> <p>Large banks in particular have concluded general and group agreements with works councils as well as guidelines and integrity charters supplementing the existing statutory rules. These contain a clear commitment to partnership-based and fair behaviour at work and procedures for protection against harassment and violence.</p> <p>There is a broad spectrum of instruments and procedures for protection against discrimination, harassment and violence at work right across the member institutions of the employer federation bringing together banks of all sizes and business specialities, for instance:</p>
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- Support for affected employees in the framework of an ombudsman procedure: independent ombudsman who is not obliged to take instructions from the personnel committee; procedure: strictly confidential conversations with the affected person, organisation of clarifying discussions with three parties including a mediator, etc.,
- Involvement of in-house works doctors and works psychologists to give support to affected parties,
- Offer of so-called “situation coaching” in cooperation with external service providers and experts which cover conflicts at work and constitute a very individual approach.

### **Deutsche Telekom AG**

Deutsche Telekom has concluded a wide range of agreements which make it clear that harassment and violence at work will not be tolerated. For instance, managers and employees are offered targeted possibilities to discuss problems, prevent infringements and learn how to act adequately in the event of infringements. On the other side, infringements are punished uncompromisingly.

The following plant-level agreements deal with prevention of harassment and violence at work:

- “Group agreement on equal treatment and equality of opportunity” which has a passage which stipulates that “mobbing, sexual harassment and violence at work will be demonstrably prosecuted. Information events will be organised to this end”
- “General agreement on social counselling” which explicitly deals with the issue of “sexual harassment”
- “Plant-level agreement on partnership” which covers partnership-based behaviour at work
- “General agreement on partnership-based behaviour”

Deutsche Telekom is currently negotiating with the group works council on a revision of the code of conduct. This will also include a passage which reads:

"We will tolerate no forms of discrimination or harassment. Accordingly, actions which could have a discriminatory and/or harassing effect on others are proscribed within our company and in all business

relations.”

The code of conduct is also being expressly supplemented with these aspects in order to enshrine them in a general form as a group-wide requirement.

### **Food chains**

Various measures have been taken in food chains to combat harassment and violence at work:

- Almost all food chain businesses together with its employer federation (Bundesverband der Systemgastronomie) have signed Professor Böhmer’s diversity charter to underline their commitment to diversity and tolerance.
- Members of Bundesverband der Systemgastronomie have sometimes out in place a special employee service in addition to a complaint centralisation point in accordance with the German general equal treatment law (AGG). For instance, McDonald’s has a so-called “trust point” to which any employee can turn anonymously or openly if he feels that he has not been correctly treated. But this trust point also comes into action in individual cases and helps locally with conversations.
- In 2009 Bundesverband der Systemgastronomie initiated the “food chain charter” which was signed by all major opinion leaders in the sector. It defines the rules for interaction with other people. These relate to relations between employees, vis-à-vis the employer and also apply in the relationship with business partners and guests. ([www.charta-der-systemgastronomie.de](http://www.charta-der-systemgastronomie.de))
- For a better understanding of interaction between employees and in order to promote tolerance, a one-day exchange of perspectives is organised every year by almost all members of the food chain federation. On that day, employees who otherwise work in administration or in the office work as crew employees in the restaurant. This highlights the requirements for team work and interaction with guests. This tradition is a valuable awareness-raising exercise and promotes a team feeling also between different levels of the hierarchy. That prevents arrogance, prejudice and disputes.
- Great value is attached to equality of opportunity. For instance, food chains now employ more than 50% of women, not only as crew employees (which is not unusual in the services sector). The share of women is also over 50% in management. This balanced gender distribution acts as

a corrective to possible harassment. This prevents creeping establishment of harassing or suggestive business cultures.

- When employees are being trained, particular value is placed on discussion and de-escalation behaviour. In this way, conflicts between guest and employee – which can also have a racist background – can be avoided and employees are therefore protected.
- At the higher federation level, meetings are regularly held with the trade union NGG. Challenges are addressed sector-wide in dialogue, and possible fields of conflict can be pacified at an early stage.

### **Retail trade**

The theme of violence concerns the retail sector above all in connection with robberies in retail outlets. In particular due to the possible consequences (psychological damage, physical injury, death), this is where activities are focused, above and beyond the European framework agreement. In this connection, the following developments can be reported:

- At European level (Eurocommerce and Uni Europa Handel) the retail sector has carried out various social partner sessions and conferences on this theme. The results include a toolkit for retail businesses which focuses on the problem of robberies and offers preventive approaches.
- At national level, violence linked to robberies in retail outlets has also been the focus of actions. Thus, measures were discussed in a working group under the umbrella of the relevant professional association with the trade union, and proposals were drafted. The professional association made the theme its priority for 2010. Risk assessments were developed, precautionary measures recommended and a hotline put in place for victims of robberies which can be used to organise psychological counselling. Furthermore, a one-day seminar was developed and carried out jointly with the criminal police and professional association at regional level, and a three-day seminar was organised for experts in companies.
- The collective agreement of the provincial retail federation in Rhineland-Palatinate contains a section which discusses prevention of harassment and violence.

### **Handicrafts**



In mid-2008 Zentralverband des Deutschen Handwerks (ZDH) sent a circular to the entire handicrafts structure, i.e. central professional federations, handicraft chambers, regional associations, regional handicraft conferences, regional associations of provincial federations as well as the economic and other handicraft institutions, about the German translation of the European framework agreement on harassment and violence at work. In the circular, addressees are invited to take account of the recommendations and guidelines contained in the European framework agreement insofar as the issue of violence and harassment at work is relevant for the handicraft sector in question. Thanks to this activity, ZDH has ensured that all handicraft organisations at federal, provincial and local level are aware of the European framework agreement.

### **Municipal employers**

European legislation, especially the European anti-discrimination directives, is intensively implemented above all via the national implementation laws, here in particular the German general equal treatment law on protection of employees against discrimination harassment and violence at work adopted on 18 August 2006, in the area of German municipal employers.

Above all managers are regularly informed accordingly and trained, through to professional coaching; the central elements include mediation and conflict management. For support, external experts such as qualified psychologists are brought in. In some cases, de-escalation training is offered to employees. In the case of savings banks – which count as municipal employers – there is also a so-called “bank raid counselling concept” to address post-traumatic experiences after bank raids.

As and when necessary, the measures are organised for individuals, for departments or in the framework of a service contract.

Managers, personnel department and/or works council, disability representative and sometimes equality representative are available to receive complaints and to provide competent discussion partners.

### **Other sectors**

In numerous other sectors, implementation activities are ongoing in the relevant professional federations

	to prevent harassment and violence. Attention is also increasingly being turned towards prevention of harassment and violence – going beyond the European framework agreement.
<b>Greece</b>	
<b>Hungary</b>	
<b>Iceland</b>	
<b>Ireland</b>	<p><b><u>Joint report by IBEC and ICTU</u></b></p> <p>The issue of bullying and harassment has been on the Irish social partners agenda since the late 1990s. Thus, significant progress had been made in this area prior to the conclusion of the Framework Agreement on Harassment and Violence at Work in 2007.</p> <p>Ireland has implemented in full the European Framework Agreement on Harassment and Violence at Work.</p> <p>There are now a range of remedies available to employees who have experienced bullying, harassment and/or violence in the workplace.</p> <p><b>Irish Legislation</b></p> <p>Irish employment equality legislation introduced in 1999 outlawed harassment on 9 grounds (gender, marital status, family status, sexual orientation, age, disability, race, religious belief and membership of the traveller community).</p> <p>In 2002, a Code of Practice on Sexual Harassment and Harassment at Work was prepared by the Equality Authority with the approval of the Minister for Justice, Equality and Law Reform and after consultation with IBEC, ICTU and other relevant organisations representing equality interests. This code aims to give practical guidance to employers, employers' organisations, trade unions and employees on:</p> <ul style="list-style-type: none"> <li>• what is meant by sexual harassment and harassment in the workplace</li> <li>• how it may be prevented</li> <li>• what steps to take if it does occur to ensure that adequate procedures are readily available to deal</li> </ul>

with the problem and to prevent its recurrence.

The Equality Authority is planning to update the code of practice on sexual harassment and that Congress and IBEC will be participating in this process.

Employees may also have recourse to the Industrial Relations Acts 1946 to 2004 when seeking redress as a result of a bullying claim or an incident involving harassment.

Also, the Irish Safety Health and Welfare at Work Act 2005 places an obligation on the employer to manage and conduct work activities in such a way as to prevent, insofar as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk. Significantly, the Act also places a statutory obligation on employees not to engage in improper conduct or behaviour that is likely to endanger his or her own safety, health and welfare at work or that of any other person.

There are stiff penalties which apply in the event that criminal proceedings are successfully brought against an employer under the 2005 Act, including both significant fines and a possible custodial sentence. Employees may also seek compensation for any personal injury sustained.

In all of the legislation referred to above, redress is generally by way of compensation to the claimant, but there are other possible remedies available, including an order for the relevant employer to comply with a particular provision of the Safety Health and Welfare at Work Act, for example, or a requirement to carry out appropriate training, pursuant to the Employment Equality legislation.

#### **National Advisory Groups**

Two advisory groups have been established to address bullying in the workplace. These advisory groups included the social partners.

The first advisory group reported in 2001 and it produced an agreed definition on bullying at work. A national independent survey on bullying at work was also carried out at that time.

The second advisory group on workplace bullying reported in 2005 and it recommended further research on bullying in the workplace. That research concluded in 2007 did not show any significant increase in alleged bullying in the workplace since the first survey in 2001. (approximately 7.9% of those surveyed believed that they had been bullied at work in the previous 6 months – this compares with 7% in the survey done in 2001)

### **Charter and Codes of Practice**

In 2001, a Charter on Dignity in the Workplace was developed by the Irish Health and Safety Authority with the support of Irish employers and trade unions.

This was followed in 2002 with the development of Codes of Practice on Preventing and Dealing with Bullying and Harassment at Work under the Industrial Relations Acts, the Safety, Health and Welfare legislation and the Employment Equality legislation. Adherence to the Codes is taken into account by the Courts in determining liability of an employer in a case of established bullying or harassment. Codes of Practice were selected as an effective means of preventing and dealing with the issue in the workplace. Whilst employers are not obliged to have a written policy on preventing and dealing with bullying and harassment at work the failure to have such a policy is taken into account by the Courts in assessing liability where bullying and/or harassment occurs. The Irish Supreme Court has endorsed the definition of bullying contained in the Codes of Practice. The Codes also give employers a very detailed guide on what a policy should contain and how to make the policy effective.

### **Action by Irish Employers**

The Irish employers' organisation – IBEC – has produced a guideline policy on preventing and dealing with bullying and harassment at work for its members. It also advises member companies on drafting a policy specific for their own needs and in investigating complaints. It has also run numerous courses/seminars for managers and supervisors on how to prevent and deal with the issue in the workplace.

### **Action by Irish Trade Unions**

	<p>Congress has set up a Advisory Commission on stress, bullying and violence at work in order to:</p> <ul style="list-style-type: none"> <li>• Examine the effectiveness of existing measures aimed at preventing workplace bullying, stress and violence;</li> <li>• Examine the effectiveness of the current legal framework, risk assessment and codes of practice;</li> <li>• Examine the effectiveness of workplace agreements, including clients, students, suppliers contracts in preventing and responding to stress, bullying and violence;</li> <li>• Examine members and trade union experience and examine the effectiveness of trade union responses to stress, bullying and violence at work;</li> <li>• Recommend improvements to the legal framework, codes of practice, dispute resolution procedures, workplace agreements and employer responses;</li> <li>• Identify specific measures that unions can take to promote better workplace environments and combat workplace stress and incidences of bullying and violence in the workplace;</li> <li>• Report to the Biennial Conference of the ICTU in 2011 on their findings and recommendations.</li> </ul> <p>The Womens Committee of ICTU published guidelines in November 2009 entitled: Domestic Abuse – Guidelines for Trade Unions available at:</p> <p><a href="http://www.ictu.ie/download/doc/da_report_niroi_final.doc">http://www.ictu.ie/download/doc/da_report_niroi_final.doc</a></p>
Italy	<p><b><u>Joint report by Italian social partners Confindustria, Confapi, Confartigianato, CNA, Confesercenti, CGIL, CISL and UIL</u></b></p> <p>The Italian social partners Confindustria, Confapi, Confartigianato, CNA, Confesercenti and CGIL, CISL and UIL hereby inform the Social Dialogue Committee that next May 18th they will have a meeting on the implementation of the European framework agreement on harassment and violence at</p>

	work, starting from the joint translation of the text.
Latvia	<p><b><u>Joint report by the Free Trade Union Confederation of Latvia (LBAS) and the Employers' Confederation of Latvia (LDDK)</u></b></p> <p>The Free Trade Union Confederation of Latvia (LBAS) and the Employers' Confederation of Latvia (LDDK) have concluded an agreement on the implementation of the Framework agreement on harassment and violence at work on the 11<sup>th</sup> of February 2008. This question has become especially important now as the economical situation in Latvia has worsened. Therefore work conditions in enterprises become more and more stressful.</p> <p>The Framework agreement on harassment and violence at work is translated into Latvian by a Joint Translation Fund and attached to the agreement on implementation of the agreement.</p> <p><b>Activities on implementation:</b></p> <ol style="list-style-type: none"> <li>1. LDDK and LBAS according their target audiences have opened regional consultation centers where necessary information could be obtained and problems solved. These centers where opened using EU structural funds.</li> <li>2. LDDK organizes regular meetings for employer organization 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, up to now regional consultants have not received any claim on this issue.</li> <li>3. LDDK organizes information campaigns, round table discussions on regional and local level about these problems. On 19 May 2009, LBAS affiliated Health and Social Care Employees Trade Union held a major conference against violence and harassment at work with the participation of trade union and employers representatives, representatives of public authorities and ministries. The key issue discussed at the conference was how to reduce violence and harassment in health and social care institutions.</li> <li>4. Both LDDK and LBAS promote the conditions and aims of the Framework Agreement on Harassment and Violence at Work into collective agreements at local and sectoral level.</li> </ol>

	<p>5. In February 2010, LBAS published “Guidelines on ESP Work Programs and Implementation of ESP Framework Agreements in Practice”. These guidelines were distributed to trade unions, employers’ organizations and other partners’ organizations. These guidelines cover also provisions of the said agreement and also real practice examples based on interviews.</p> <p>These instruments were chosen because they are effective and rather cheap. 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 programs and further education.</p>
<b>Lithuania</b>	
<b>Luxembourg</b>	<p><b><u>Joint report of Fedil – Business Federation Luxembourg, BUSINESSEUROPE member; Fédération des Artisans et la Chambre des Métiers, UEAPME members; OGBL/FNCTTFEL and LCGB, ETUC members.</u></b></p> <p>1. INITIATIVES TAKEN IN LUXEMBOURG</p> <p>The Luxembourg social partners signed a joint agreement on harassment and violence at work on 25 June 2009. The purpose of this agreement is to transpose into Luxembourg law the framework agreement of 26 April 2007, concluded by the social partners at European level.</p> <p>In this agreement, the national social partners identify harassment and violence at work as being unacceptable behaviour which can potentially affect all employees, regardless of what they do and where they work. Employers, workers and their representatives should be made aware of the problem and informed of the means available to them to protect themselves against such behaviour at work.</p> <p>This agreement also sets out guidelines on raising awareness, preventing and managing acts of harassment and violence at work. The first concrete step towards preventing harassment and violence at work is to strictly forbid such behaviour, but also to inform and raise awareness. Managing harassment and violence must include setting up a specific procedure to ensure the confidentiality of complaints, their impartial handling, support to victims and the sanctioning of wrongful acts.</p> <p>It should be highlighted that the social partners sought to interpret the notion of harassment and violence</p>

	<p>at work in broad terms. These definitions foresee that harassment occurs when someone from within the company commits repeated, deliberate wrongful acts towards a worker or manager, intended to or which have the effect either of harming his or her rights or dignity, or changing his or her working conditions, or compromising his or her professional future by creating an intimidating, hostile, degrading, humiliating or offensive environment, or by affecting his or her physical or mental health. With regard to violence at work, the social partners decided that it occurs when a worker or a manager is attacked by one or more deliberate acts by another person which are intended or have the effect to harm his or her physical or mental integrity. Violence may come from people within the company or from outside. It may take the form of a single act of a certain seriousness, or several acts of the same or of differing nature.</p> <p>The agreement also protects all victims who report harassment and whoever witnesses in their favour.</p> <p style="text-align: center;">2. JUSTIFICATION OF CHOICE OF INSTRUMENTS</p> <p>The signatory social partners asked the government to make the agreement a general legal requirement by Grand Ducal decree. It therefore applies to all companies legally established in the country and to all workers bound to them by an employment contract.</p> <p>The agreement was published in the official gazette as a Grand Ducal decree on 13 January 2010.</p> <p>The social partners plan to translate their agreement into German and English.</p>
<b>Malta</b>	
<b>Netherlands</b>	<p><b><u>Report sent by the Dutch Labour Foundation, a private consultative and cooperative body incorporating the main employers' federations (VNO-NCW, MKB-Nederland and LTO Nederland) and the main trade unions (FNV, CNV and MHP)</u></b></p> <p>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</p>



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.

Since the public presentation of the recommendation in November 2008 social partners in many sectors and companies have taken their responsibility towards the implementation of the agreement in their sectors or companies.

Examples of the results of these efforts are the more than 20 health and safety catalogues (arbo catalogues)<sup>6</sup> who deal with harassment and violence. In the sectors where these arbo catalogues have been developed, harassment and violence at work are major problems in the sphere of labour conditions. Together, the catalogues cover a wide range of sectors: from pharmacists to taxi's, gasoline stations and vocational training schools. The means to implement the recommendations have been specified per sector.

Dutch social partners are confident that the arbo catalogues will help to prevent harassment and violence at work to the largest possible extent.

Another important tool is the special website dealing with the subject: [www.arboportaal.nl/agressie-intimidatie](http://www.arboportaal.nl/agressie-intimidatie), set up by the Dutch government at the request of social partners.

It offers a wide variety of information related to aggression and harassment at work, ranging from information about the scale of the problem to ways and means to find help and tips on how to

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<sup>6</sup> An arbo catalogue is a catalogue in which social partners describe the risks and dangers of specific labour conditions and how these risks and dangers can be avoided. The chosen measurements of social partners obey to the Working Condition Act. The arbo catalogues have been tested by the Dutch Labour Inspection.

communicate with and involve the works council.

The Federation of Trade Unions (FNV) devoted much attention to the issue.

Both the minister of Internal Affairs, Ernst Hirsch Ballin and FNV chair Agnes Jongerius delivered key note speeches at a symposium for FNV members *Aggression and violence at work*, in April 2010.

Another short joint national report on the implementation of the agreement related in particular to third party harassment and violence at work in the Netherlands for the public sector.

**General national introduction:**

In the Netherlands the current law related to labour conditions, which also touches upon harassment and violence at work, came into force 1<sup>st</sup> of January 2008:

[http://www.arboportaal.nl/gezondheidsmanagement/downloads/NieuweArbowet2008.pdf/at\\_download/file](http://www.arboportaal.nl/gezondheidsmanagement/downloads/NieuweArbowet2008.pdf/at_download/file)

This Working Conditions Act requires that employers protect employees against the risks of violence and harassment, whether the employer is a public organisation or a private one (article 3). The main goals are set by law, but it leaves the possibility for social partners to determine the on the ground implementation and ways to reach these goals. The implementation of the law can take different forms. One of these forms is, for example, a catalogues agreed by the social partners in a specific sector related to labour conditions (ARBO catalogue) that can be enforced before court. Other examples are; an agreement between social partners ('ARBO convenanten', not enforceable before court), security protocols for the whole sector or for individual organisations and taking up rules related to violence and harassment at work in the collective agreement (CAO).

As indicated in former reports, in the public sector the implementation of the framework agreement is covered mainly through 'ARBO convenanten' and 'ARBO catalogues'.

By law social partners are making an inventory about the risks and best solutions for these risks in their sector. In the public sector the risk of harassment and violence is a major risk. 16 of the 22 ARBO

catalogues contain the subject harassment and violence. The agreement (ARBO catalogues) is the starting point for companies in the sector to make the workplace safe. Also in the last year more of these have come into force, such as, in the primary education sector.

**Implementation of the agreement in the last year:**

The social partners in the public sector have taken several steps in the actual implementation of the agreement. To increase the awareness and understanding of employers, workers, staff and public they have launched a campaign "Stop Harassment and violence". Social partners worked together and created a considerable level of media attention. ABVAKABO/FNV (trade union) held a one week survey on harassment and violence at work, where workers were invited to respond. The results were:

- 42 % of the workers are weekly verbally harassed.
- 10 % of the workers are weekly physically harassed.
- 44 % of the workers in Public Transport don't report every incident.
- 62 % of the workers say violence has increased.
- 77 % of the workers say violence has become serious acts.
- 43 % of the workers say their organisation has too little protection.
- 41 % of the workers say their organisation don't respond to an act on aggression

The healthcare sector is confronted the most with harassment and violence at work. 90 percent of the workers have been harassed, in other public sectors this was 63- 83 percent. 65 percent of the workers were victim of violence, in other public sectors this was 21-64 percent.

Social partners agreed that more protection is necessary and also more public understanding about this problem is needed.

For the municipalities harassment and violence at work is considered as a bilateral partite issue of the social partners. In the Collective Labour Agreements VNG (association of Dutch municipalities, employers' organisation) and unions have agreed to take steps to reduce the risk of aggression and harassment and decrease incidents. In the Municipalities A+O fund (bi partite labour market fund) Health Policy committee, VNG and unions discuss possible effective policies and coordinating actions.

In 2009 (and continuing in 2010) a project was started to have an earlier developed registration system for violence and harassment at work implemented in every municipality and also in every office and/or workplace where municipal employees are fulfilling their public tasks. The ARBO catalogue, such as mentioned above, and the registration system are the basic instruments VNG has had developed. A lot of time and energy is spent on the implementation of these instruments, through articles, web news, workshops and a short film (to be developed). In January 2010 an evaluation survey has been conducted regarding the use of these instruments, from which can be concluded that the majority of the municipalities has used the catalogue and regards it as a good instrument.

A vast majority of the municipalities have adopted a policy and perform well regarding prevention (training of employees) and support of victims. However regarding damage redress municipalities could be more effective. VNG Insurance Department has developed an overall policy for this; nonetheless VNG will put more effort in this specific part of the chain.

The main problem seems to be that employees do not always report incidents. The reasons for this behaviour are manifold; employees consider the act of harassment as part of the job, are scared of losing their jobs by reporting incidents or fear that they will be seen as weak by their peers. It may also be a problem of lacking the right culture.

On April 6th 2009 unions in cooperation with the VNG organised a Reporting Day with a lot of publicity and big events in main Dutch cities. Goal was to have employees and employers focus on their task to report every incident, and act upon it.

In 2010 VNG will launch communications in the direction of the administrative municipal forces. Aldermen and mayor will be asked to take their responsibilities as employers.

Goal for 2010 is furthermore to reach a 100 percent coverage of the usage of the reporting system on this subject. If all municipalities use the same registration system social partners can more effectively monitor what is happening and what steps need to be taken to (finally) diminish the rate of aggressive behaviour.

The subject of harassment and violence at work has also been taken up by the “Veilige Publieke Taak”-

programme (“Safe Public Service” – programme (<http://www.veiligepublieketaak.nl/> )); a summary in English of the main features and objectives of this programme was sent in annex to the joint report last year) of the Ministry of the Interior and Kingdom Relations running since 2007. The programme focuses on third party violence towards services for the public, such as police, health care staff, employees in the education sector etc. The programme aims at reducing the percentage of incidents that employees in the public services are victim of harassment or violence (by third parties) at work by 15 percent (from 66 percent in 2007 to 51 percent in 2011). It has a threefold approach. Firstly it sets a **norm** regarding acceptable and unacceptable behaviour regarding the interaction between employees and citizens. This norm has been signed by more than 80 organisations.

Secondly the Safe Public Service programme **actively supports** employers to prevent, limit and deal with harassment and violence at work by offering them instruments to do so. Activities included for example:

- in the last year a new toolkit promoting an effective safety policy has been handed out to 7000 organisations. The toolkit describes eight steps (- setting the norm, - employees are facilitated in notifying an offence, - all offences are registered, - training for employees to prevent, limit and deal with harassment and violence, - the employer notifies the offender within 48 hours, - the employee is encouraged to press charges with the police if applicable,- the offender will be held responsible for the damage and - the victim of violence gets support afterwards)
- a taskforce on safe Public transport, representing all stakeholders in the Public transport sector, has set-up 16 policy measures to deal with harassment and violence at work,
- subsidies for employers in order to set-up projects against harassment and violence at work have been granted for 37 projects for an amount of 1.6 million Euros,
- an implementation regulation for the employers’ side of the police force has been rolled out in order to come to a common approach towards violence and harassment against police staff..

Thirdly the programme focuses on **dealing with the aggressors**. Aggressors are held responsible by criminal law and financially accountable. A guide for employers to establish an effective policy to press charges against aggressors had been included in the disseminated toolkit. The toolkit handed out to employers also includes a standard operating procedure on harassment and violence to be integrated in the catalogue.

	<p>Employers in public service (VNG, National Government, Tax Department, Police, Fire brigades, Health Care and Education amongst others) have joined the above programme. They have also adopted the declaration linked to the programme which includes all steps corresponding largely with the Framework Agreement (reporting acts of aggression, registration, victim support, redress, punishment aggressor).</p> <p>Within this Safe Public Service programme a major challenge to deal with is that the percentage of cases that employees in the public services are victim of harassment or violence has only fallen by 1 percentage point, from 66 percent in 2007 tot 65 percent in 2009, despite all the efforts. Mainly activities related to pressing charges towards the aggressor and financial claims are not taken up as much by employers.</p> <p>In future the programme will also closely look at implementation difficulties of policy related to the programme and focus more on prevention and support for the victims afterwards.</p> <p>Meanwhile employers can also measure their own performance on this topic by a special self assessment instrument developed.</p>
<p><b>Norway</b></p>	<p><b><u>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, Reform and Church Affairs (FAD) for the employers' side</u></b></p> <p><b>Status April 2010</b></p> <p>The main focus in 2009-2010, has been a National Conference on Harassment and Violence at work. The social partners, together with the Labour Inspectorate, have produced a brochure which was presented at the conference. The social partners have also taken part in establishing guidelines on harassment with emphasis on the role of the manager.</p> <p>The national conference in October 2009 had approximately 250 participants. Unfortunately neither Maria Helena André nor Jørgen Rønne (respectively spokespersons for ETUC and the employers' side during</p>

the negotiations on the European framework agreement) were able to attend, but Roland Gauthy from the European Trade Union Institute (ETUI) represented the social partners from European level. New Norwegian research result on harassment and violence at work was presented. The conference presented enterprises which have elaborated guidelines in order to prevent and handle harassment and violence at work "Best Practise". And all in all the social partners consider that the Conference has been a success.

A new Tripartite Agreement on a more Inclusive Workplace was signed on February 24<sup>th</sup> 2010 with a duration of four years. This agreement has a stronger focus on preventative actions at the workplace, and it also has a stronger focus on psychosocial factors.

**Reported in 2009:**

1. The working group established in 2007 are planning a national conference on harassment and violence at work in October 2009. Maria Helena Andrè, ETUC and Jørgen Rønne, 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. Legislation. The Norwegian Working Environment Act contains separate provisions that protect workers from harassment and violence at work, and threats from third party (reported last year)
  - a. April 2009 a new paragraph in this Act was approved which entails the employer to assess/reduce risk factors when the employee works alone.

	<p>b. The employee`s organisations want detailed regulations in order to prevent harassment and violence at work.</p> <p>4. Nordic level:</p> <p>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.</p> <p><b>Reported April 2008:</b></p> <ol style="list-style-type: none"> <li>1. Translation of the agreement into Norwegian. Signed by all main partner organisations (employers/workers) in Norway, also those not being members of the European umbrella organisations.</li> <li>2. The agreement was presented by LO and NHO at a national conference on bullying and harassment.</li> <li>3. The agreement was presented by LO and NHO at a council meeting of the Norwegian Labour Inspection Authority.</li> <li>4. Established a national working group which consists of the organisations mentioned above (point 1) and the Norwegian Labour Inspection.</li> <li>5. Legislation and regulations: <ol style="list-style-type: none"> <li>a. The Norwegian Working Environment Act contains separate provisions that protect workers form harassment and violence at work on threats from a third party.</li> <li>b. The Basic Agreement between LO and NHO contains a separate supplementary agreement on basic training in working issues for safety delegates.</li> </ol> </li> <li>6. Sound OSH practice: Norway has long standing and good traditions with regard to participation cooperation between the parties, both at the national, sectorial and enterprise levels.</li> <li>7. The Labour Inspection Authority has, in cooperation with the social partners, carried through a national project on bullying and harassment (2005-2007). The project has developed new methods to be used in the workplace, methods which may link directly to this agreement.</li> </ol>
<b>Poland</b>	<b>Joint report by NSZZ „ ” Solidarnosc” (member ETUC), OPZZ (member ETUC), PKPP Lewiatan</b>



**(Polish Confederation of Private Employers – member BUSINESSEUROPE), KPP (Confederation of Polish Employers – member CEEP) and ZRP (Polish Craft Association - member UEAPME)**

The starting point to the implementation of Autonomous Framework Agreement on Harassment and Violence at Work in Poland was a project carried out by NSZZ Solidarnosc and co-financed from European Commission's budget line "Industrial Relations and the Social Dialogue". Two rounds of negotiation workshops were held in the frame of the project (April, May 2009) with the representatives of 6 organizations of social partners (NSZZ Solidarnosc, OPZZ, FZZ, PKPP Lewiatan, KPP, ZRP). As a result of these meetings the Polish joint translation of the text of the European agreement was agreed upon (the translation included in the attachment to the COM (2007) 686 was corrected; correction was aimed at providing the full linguistic and content cohesion with the original text of Agreement). Also rules of conducting negotiations were accepted.

Finally all organizations affiliated at the European level (NSZZ Solidarnosc, OPZZ, PKPP Lewiatan, KPP, ZRP) and additionally – FZZ (not affiliated at the European level but recognised as representative trade union at national level) declared participation in work on implementation of the European agreement. Negotiations were initiated in November 2009 and are still going on. In the course of current process a meeting with representatives of the government and the research institution of the Central Institute of Health and Safety at Work was held. The goal of the meeting was to determine the legal conditions concerning combating violence in the work environment. The trade union side especially wanted to establish whether psychosocial threats (including violence understood in the way defined by the European Agreement) are regarded as risk factors, which would mean the need to examine them according to the Polish law. These doubts were not fully settled on account of difference of opinions between the Ministry of Labour and the Central Institute of Health and Safety at Work.

At present, negotiations are focusing on determining the framework of the implementation. The trade union side suggested that a joint declaration confirming the will to cooperate on every level of collective negotiations should be adopted. Also recommendations for public authorities aimed at mobilizing them to carry out joint actions– with social partners - to combat violence in the work environment were suggested for adoption. The trade union side is pointing out to the need to consider legislative changes aimed at increased involvement of trade unions in drawing up and implementing the anti-mobbing policies.

	<p>Undoubtedly, a difficult problem to resolve will be the issue of violence by the third party. The employers' side points to the fact that it is only valid in regards to some sectors, and in addition refers to threats that do not fall within the competence of the employer but lay in the area of the criminal law. Employers also see the problem of trade unions using violence in the course of industrial action. Violence, usually planned beforehand and logistically prepared, is directed at the employer's assets, public property and at co-workers who do not support the action. The key issue for the trade union side is one of the evaluation of the occupational risk of persons potentially exposed to third party violence and preventive action of employers, in the context of the organization of the process of work or with the staff training.</p> <p>The goal of the Polish social partners is to work out the document which at the national level will show the clear and specific plan of their joint actions to sensitize to the threat of the violence and harassment in the workplace and will constitute the impulse for taking these issues in negotiations at the level of workplaces and branches.</p> <p><u>Additional remarks:</u></p> <p>There are regulations that exist in the Polish law related to mobbing and harassment (included in the Labour Code), where mobbing means action or the omission concerning the employee or directed against the employee, consisting of persistent and long-term harassment or intimidation of the employee, triggering low self-assessment of the professional performance, causing or aiming at humiliation or ridiculing the employee, separating him from or eliminating him from the team. The employee who suffers from illness due to mobbing can demand the appropriate monetary compensation from the employer for sustained harm. The responsibility for preventing the mobbing lies with the employer.</p> <p>The Labour Code also contains the concept of "harassment" which constitutes the form of violation of equal treatment principle. Harassment is defined as an unwanted behaviour, causing or aiming at violating worker's dignity and creating intimidating, hostile, humiliating or affronting atmosphere (harassing). The person towards which the employer violated the principle of equal treatment in employment has the right to compensation. The employer, amongst other duties, has a duty of preventing discrimination.</p>
Portugal	<p><b><u>Joint report by UGT (General Union of Workers) and CGTP-IN (General Confederation of Portuguese Workers), members of ETUC (European Trade Union Confederation), CIP</u></b></p>

**(Confederation of Portuguese Industry), member of BUSINESSEUROPE and CEEP (CEEP Portuguese Association)**

**a) Legal framework**

Regarding the Portuguese legal framework on harassment and violence at work, no changes were introduced since the last report.

**b) Social Partners' Initiatives**

UGT promoted in 2009 a seminar on the theme of awareness of harassment for union negotiators that these issues were to be discussed in collective bargaining.

Within the women's committee of the UGT a working group was created to monitor and discuss issues of harassment, with performance reports and biannual meetings.

It was also sponsored a symposium on violence at work (stress and harassment), aimed at working women and young workers, to raise awareness about the issue.

Given the importance of the topic, a study on harassment in the banking sector, covering about 25,000 workers, was promoted. To conduct the study a questionnaire was distributed to the workers, the data collected will then be quantified.

CGPT-IN spread the Agreement to their associates through trade unions reunions and through information on their website.

It was given importance to collective bargaining, with the elaboration a clause-type which was sent to the structures with this area of intervention, particularly Federations and National Trade Unions, with the objective of facilitate their work. CGTP-IN made in May 22<sup>nd</sup> of this year the V National Conference on Equality between Men and Women, to which 360 participants attended. This Conference and its preparation was a important way to make aware and promote discussion on the problems regarding

	<p>harassment and violence on the workplace.</p> <p>The Men and Women Equality Commission has equally given these subjects notice in their activity, mainly on the framework of current projects. It is important to stand out the work through the Equal communitarian initiative (Acting for Equality), particularly the awareness actions taken to union representatives. The actions begun in 2007 and were developed at sectorial and regional levels. The project has a schooling objective (Acting for Equality in Schools) through teachers training, and it includes an approach of violence on the workplace and in the family.</p> <p>CIP, with the purpose of enhancing the awareness on the subject, wrote articles that were published in some associations newspapers. CIP also followed the implementation of the Agreement in its associated structure.</p> <p>APOCEEP followed the implementation of the Agreement in its associated companies, concluding that, in general, those companies made an effort on this field and there were progresses in this domain.</p>
<b>Romania</b>	
<b>Slovakia</b>	
<b>Slovenia</b>	
<b>Spain</b>	
<b>Sweden</b>	<p><b><u>Joint report by BUSINESSEUROPE's Swedish member organisation: The Confederation of Swedish Enterprise (Svenskt Näringsliv), CEEP's Swedish member organisation: The National Section of CEEP in Sweden (members of the section are SALAR; SAGE, KFS, Fastigo and Pacta), and ETUC's Swedish member organisations: The Swedish Trade Union Confederation (LO), The Swedish Confederation of Professional Employees (TCO), The Swedish Confederation of Professional Associations (Saco)</u></b></p> <p><b>Introduction</b></p> <p>The Swedish social dialogue partners, both separately and jointly, have conducted on-going and specific activities prior to, in parallel with and following the signing of the European Framework agreement on harassment and violence at work. Examples of separate and joint activities are provided below.</p>

The trade unions desire to reach collective agreements based upon the European Framework agreement on harassment and violence at work, following the collective agreement procedures in Sweden. Issues related to harassment and violence, as with other work environment issues, are in the view of Swedish employer organisations, best dealt with through the activities of employers on their own and in collaboration with workers and their representatives. There have been no collective bargaining agreements that refer specifically to the autonomous agreement on harassment and violence.

#### **Actions taken directly related to the Framework agreement**

The Swedish social dialogue partners 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) and 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.

#### **Examples when 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 Co-operation (PTK), published the book "*Undvik mobbning på jobbet*" (Avoid harassment at work). The book emphasizes how systematic work environment efforts can prevent and counteract harassment at work and mentions the Framework agreement.

The harassment and violence agreement and other autonomous agreements are topics on the program for Swedish and annual Nordic work environment conferences organized jointly by the social partners in the municipal sector.

The Swedish Union of Local Government Officers (SKTF) has, within the framework of the agreement, had 2009 a full day seminar on good practice from EU member states, on how to work with third party violence.

**Actions in the area of the Framework agreement initiated prior to or independently of the agreement**

*Examples:*

On the World Day for Safety and Health at Work, April 28 2010, the Swedish ILO-committee and the National Board for Occupational Safety and Health arranged a seminar on work-related threats and violence. The seminar program focused upon research and the efforts of governmental agencies and the social partners to prevent threats and violence in the retail sector.

Actions taken within the private sector

During 2009 Prevent, an organisation owned by Confederation of Swedish Enterprise, The Swedish Trade Union Confederation (LO) and The Council for Negotiation and Co-operation (PTK), published the book “*Personkonflikter på arbetsplatsen*” (Conflicts at work), that points out that conflicts at work can sometimes lead to harassment. The goal of the book is to show how destructive conflicts can be prevented, and to provide methods and tools for dealing with conflicts. Management, supervisors and safety representatives are viewed as the target audience.

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.

Several of the unions within LO, TCO and Saco 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 within the municipal sector

The social partners in the municipal sector (SALAR, Pacta and the Swedish Municipal Workers' Union, Public Employees' Negotiation Council, the Swedish Teachers' Union, the National Union of Teachers in Sweden and the Alliance of Professional Associations in the municipal sector) 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. During 2009, the social partners in this sector created a standing group to deal with EU-related topics, including autonomous agreements, to report to the joint Work Environment Council ("*Kommunernas och Landstingens Arbetsmiljöråd*").

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 [www.suntliv.nu](http://www.suntliv.nu). The social partners continue their involvement with a joint research and development project which began in 2008 and focuses upon work-related violence in schools, social services and healthcare. Together with the Swedish Teachers' Union and the National Union of Teachers in Sweden, SALAR published "*Trygg på jobbet*" (Secure at work), a book on preventing harassment and violence, that has been distributed to schools throughout Sweden. The harassment and violence agreement is a topic on the program for Swedish and Nordic work environment conferences organized jointly by the social partners in the municipal sector. Through its involvement in CEMR and Hospeem, SALAR also takes part in the multi-sectoral initiatives and activities arranged by UNI Europa, Eurocommerce, CoESS, EPSU, CEMR and HOSPEEM.

The social partners in the central government sector - SAGE and Swedish trade unions for the central government administration; The Central Organization of Professional Associations Saco- S, The Swedish

	<p>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 is harassment and violence.</p> <p>The social partners collaborate in "<i>Satsa Friskt</i>" (Go for health) a nationwide program for the state sector with an 18 million € budget. One example of work is the website <a href="http://www.hotpajobbet.se">www.hotpajobbet.se</a> 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. Although the project "Go for health" will end during 2010, the website will remain. During the final year of "<i>Satsa friskt</i>" the focus is on spreading experiences and arranging seminars focusing upon how to prevent harassment and violence.</p> <p>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.</p> <p>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.</p>
<p><b>United Kingdom</b></p>	<p><b><u>Joint report by CBI, TUC and PPE</u></b></p> <p><b>The translation of the agreement</b></p>



	<p>As English is the language of the UK, the framework agreement did not have to be translated. The agreement was implemented in the UK through a guide for both employers and employees entitled <i>Preventing workplace violence and harassment</i>. The guide was drafted jointly by the CBI, TUC and PPE, with input from ACAS, Department for Business, Innovation and Skills and the Health and Safety Executive.</p> <p><b>Dissemination of the agreement</b></p> <p>The guide was officially launched at an event at the European Commission offices in London on 17th November 2009, with speakers from all the social partners and government and was attended by over 50 organisations. The event was funded by the European Commission. Since the event, the guide has been hosted on a specially designed website: <a href="http://www.workplaceharassment.org.uk">www.workplaceharassment.org.uk</a> Around 500 hard copies of the guide were printed. The number was purposely kept low as employers and employees were encouraged to download the guide from the website so we could keep track of who was downloading it for evaluation purposes. The social partners sent the link to the website to all appropriate members, and that website has so far had 8649 visits from 7609 (according to Google stats which we believe underestimate actual figures by 20-25%). By 14 May 2010, 1661 people had completed a registration form on the website, and they will form the core of evaluation work.</p> <p><b>Evaluation</b></p> <p>We are currently in the process of drafting an initial evaluation questionnaire, where we will be looking to collect basic data from those that have downloaded the guide to date. This will include information on the initial impact of the guidance on workplace polices dealing with harassment and violence. This evaluation will then be followed up with a fuller evaluation of the impact of the guide at a later date.</p>
<b>Candidate countries</b>	
<b>Croatia</b>	
<b>Turkey</b>	
<b>EU interprofessional social partners</b>	<p>ETUI staff members, having formed part of the ETUC negotiation delegation, presented on behalf of the ETUC and/or EU social partners the agreement in several meetings (e.g. April 2009 Danish shop stewards meeting -Brussels, April 2009 Austrian transport sector social partners meeting in Vienna and October 2009 at a Norwegian stakeholders' meeting in Lillestrøm – For the latter see also the Norwegian joint report above).</p>

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. In the reference period two such seminars took place in Brussels in October 2009 and May 2010. 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:

	<p>Croatian, Danish, German, Hungarian, Latvian, and Swedish. These translations have been made available in the EU Employers' and ETUC Resource Centre websites (see below).</p> <p><b>3) ETUC Resource Centre website and Employers' Resource Centre website:</b> 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://www.erc-online.eu">www.erc-online.eu</a>.</p> <p>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:</p> <p>The ETUC advanced training "Developing a common understanding of European social dialogue instruments and their impact at the various levels". In September 2009 (Tallinn – Estonia) and October 2009 (La Valetta – Malta), the ETUC organised two-day seminars during which the agreement on harassment and violence has been looked at as part of broader discussions on a number of social dialogue instruments.</p> <p>Moreover, since January 2008, trade unions confederations based in EU Member States 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. Several of these seminars were organised in the reference period and at one in London in November 2009, a specific focus was given to the framework agreement and its implementation across Europe and the UK.</p>
<p><b>European sectoral social dialogue</b></p>	
<p><b>Multi-sector initiative</b></p>	<p>The 2007 agreement on violence and harassment at work concluded by the ETUC, BusinessEurope UEAPME and CEEP makes a significant contribution to dealing with violence at work, but does not deal</p>

<p><b>on third party violence</b></p>	<p>specifically with the problems caused by violence from third-parties. Furthermore, the cross-sectoral agreement leaves it open for members at national level to include third-party violence or not when implementing the agreement. The yearly joint tables on the implementation of the cross sectoral agreement show to date that third-party violence is not systematically addressed in the implementation of the agreement.</p> <p>Since the cross-sectoral social partners agreement on violence and harassment in the workplace leaves it up to national implementation to decide whether to include the issue of third party violence in each specific implementation, a number of European sectoral social partners decided that the issue was of sufficient concern for them to consider the possibility of a multi-sectoral approach to raising awareness of the problem and encouraging prevention and the development of policies and partnership solutions at the national level. A first informal meeting was held on 28 June 2007, which was followed by another meeting co-ordinated by the European Commission on 20 September 2007. This was attended by employers' organisations from the postal, commerce, hospital and local government sector, as well as by trade unions from the postal, education, hospital, local government and commerce sectors. As a result, it was decided that a declaration of intent should be sent to all relevant sectoral social partners, which would allow them to indicate the importance of dealing with the issue in recognition of the existing cross-sectoral social partner agreement and to commit to a multi-sectoral approach to addressing it. This started with the organisation of a technical seminar to discuss the context of the issue of third party violence as well as a number of examples of dealing with this issue at local level.</p> <p>The declaration of intent was signed in November 2007 by HOSPEEM, EPSU, CEMR, Uni-Europa and EuroCommerce, who were later joined by CoESS, representing employers in the private security sector.</p> <p>The technical multi-sectoral seminar on third party violence was held on 14 March 2008. At the seminar, the European Commission expressed its support for a multi-sectoral initiative on this issue; the cross-sectoral social partners presented the history, aim and content of their autonomous framework agreement; the European Foundation provided statistical information on the prevalence of violence and harassment in the workplace and third party violence in particular from their surveys; and case studies</p>
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and existing tools to deals with the issue were presented from the private security, commerce, local government and hospital sectors<sup>[1]</sup>.

Two follow-up meetings were held subsequent to the technical seminar to discuss how to proceed in relation to a potential multi-sectoral initiative. At the meeting on 4 July 2008, HOSPEEM, CEMR Employers Platform, CoESS, EuroCommerce, EPSU and UNI-Europa agreed that third party violence at work is a growing mutual concern and recognised that joint action at all levels is necessary to tackle the problems.

The partners therefore decided to develop, under the form of two separated (employers and trade unions) but coordinated projects, a multi-sectoral Action Plan that would:

- ✓ Aim to reduce the overall level of third-party violence and to mitigate the negative effects
- ✓ Complement the 2007 cross-sectoral framework agreement adopted by ETUC, BusinessEurope, CEEP and UEAPME, and particularly its chapter 4.
- ✓ Take account of health and safety regulations and existing frameworks
- ✓ Provide an instrument to raise awareness across Europe of the different issues concerning third-party violence
- ✓ Confirm the responsibility of employers, in cooperation with trade unions and workers, to ensure and promote a working environment free from third-party violence
- ✓ Identify the different measures and processes introduced by social partners to prevent and manage problems of third-party violence at work
- ✓ Draw up principles and guidance that can support joint actions by social partners at the different levels to tackle third-party violence
- ✓ Give examples of practical measures that can be taken
- ✓ Commit trade unions and employers to working together on this issue
- ✓ Provide a framework for monitoring, evaluation and review

To facilitate the drawing up of the Action Plan, the different organisations, with the support of the European Commission committed to collect information during the 2<sup>nd</sup> half of 2008 from their members on

how social partners are tackling the issue. The two projects converged into a Final Project Conference that was held in Brussels on 22<sup>nd</sup> October 2009.

The research for the Conference<sup>[2]</sup> highlighted a number of good practices in tackling third-party violence and showed how these good practices can be transformed into general policy and practice. Many of these good practices have been mentioned in the Conference and they form the basis of the joint Conference summary report distributed to participants.

HOSPEEM, UNI Europa, Eurocommerce, CoESS, EPSU and CEMR committed after the Conference to combine their efforts to translate these good practices into reality in all EU countries. Based on the Conference discussion, they aimed to develop a jointly agreed instrument to prevent, identify, and manage problems of third-party violence.

The negotiations for a social dialogue instrument on third-party violence started at the beginning of 2010, the employers' side was chaired by the Secretary General of HOSPEEM. The social partners involved were HOSPEEM, UNI Europa, Eurocommerce, CoESS, EPSU and CEMR then joined also by EFEE and ETUCE (Education Sector).

On 16<sup>th</sup> July 2010 the sectoral social partners agreed on a set of Multi-sectoral Guidelines which underpin approaches by employers and trade unions to tackling the problem and contain the main elements of the policy framework needed to tackle third-party violence, applicable to and taking into account the specificities of all sectors covered by the initiative.

The Multi-sectoral Guidelines complement Articles 4 and 5 of the cross-sectoral agreement concluded by the ETUC, CEEP, BusinessEurope and UEAPME. Each sector will be responsible for implementing the tool in accordance with national practices and procedures within a common framework and timetable for reporting and evaluation. The Multi-sectoral Guidelines should build where appropriate on the national implementation of the cross-sectoral agreement.

As set out in the Multisectoral Guidelines, the implementation and follow-up of will comprise three stages:

### **Stage 1 – Commitment and dissemination**

*The signatory social partners will disseminate the Guidelines and take measures to assess and address the issue of third-party harassment and violence using the identified policy framework in Section 3 of the Guidelines.*

- ✓ *Jointly request the European Commission to support a project to disseminate and promote the Guidelines, including through workshops to be organised before the end of 2011*
- ✓ *Encourage the promotion of the Guidelines in Member States at all appropriate levels taking account of national practices, through joint and/or separate actions. Given the interest of the matter under consideration, the social partners will also transmit this document to all relevant players at European and national levels. They will also invite their members outside the EU to make use of the Guidelines.*

### **Stage 2 – Awareness Raising**

*The national social partners will publicise the issue of third-party harassment and violence and develop and share best practice in this field within their sectors. This may include any means appropriate to the current state of knowledge and experience of the phenomenon of third party violence in the Member State and/or sector and taking into account work already undertaken in this area, including the possibilities of:*

- ✓ *Further research*
- ✓ *Publications*
- ✓ *Conferences drawing together interested parties to share good practice and/or work towards solutions to the problem*

### **Stage 3 - Monitoring and follow-up**

*The signatory social partners will:*

- ✓ *Give a progress report in 2012 to their respective sectoral social dialogue committees and entrust the European Social Dialogue Committees of the respective sectors to prepare a joint report.*
- ✓ *When preparing the next EU social dialogue work programme, the social partners will take account of these Guidelines.*

	<p>✓ <i>Multi-sectoral meetings of follow-up will be organized as appropriate and a final joint evaluation will take place in 2013</i></p>
<p><b>Commerce sector</b></p>	<p><b><u>Joint report from Uni europa commerce and EuroCommerce</u></b></p> <p><b>Stop it! Preventing third party violence in commerce - a toolkit</b></p> <p><u>Motivation/Challenge</u></p> <p>More than 3 million people working in the European commerce sector have been victims of verbal and/or physical attacks from customers while working in a retail or a wholesale shop. The effects of these attacks can have devastating consequences for the victim because of the negative psychological impact, resulting in the diminished quality of life at both personal and professional level.</p> <p>Uni europa commerce and EuroCommerce, as social partners, have discussed carefully the issue in the framework of their social dialogue and agreed that it requires special attention.</p> <p>Already in 1995, they signed a Joint Statement "Combating Violence in Commerce", calling for relevant national and European public authorities to take action, but little has happened since.</p> <p>As the problem has been growing, effective action needs to be taken to increase the safety of the millions of people employed in the sector across Europe that deserve healthy and safe working conditions.</p> <p>In order to sensitize and raise awareness of the public and authorities on the extent of the problem, the Social Partners of the commerce sector launched a unique initiative called "STOP IT!" .This project has been implemented with the financial support of the European Commission.</p> <p>"STOP IT!" is the Social Partners of the commerce sector's important initiative that demonstrates our will to take action and curb the problem. "STOP IT!" is a toolkit meant to directly help employees as well as employers to improve safety in the workplace.</p> <p>The toolkit is based on best practices from across Europe on how to deal with the issue of violence from customers in the workplace with contributions from people and companies having years of experience in this field.</p> <p><u>Description of the case</u></p> <p>A joint project on the promotion of a safer working and shopping environment has been implemented by the social partners for the commerce sector in the period comprised between September 2008 and</p>



	<p>December 2009.</p> <p>This project was aimed to raise awareness on the extent of the problem and to develop a joint toolkit to be widely disseminated among the social partners for the commerce sector across Europe, with a special focus put on SMEs.</p> <p>4 preparatory meetings have allowed the social partners to draft jointly the toolkit, illustrated by the best practices implemented at company and sectoral level in UK, SW, DK, DE, FR and IT and comprising the following chapters:</p> <ul style="list-style-type: none"> <li>• Risk assessment</li> <li>• Prevention of incidents</li> <li>• Conflict management</li> <li>• Partnership relations</li> <li>• Resources for more information and training</li> </ul> <p><u>Results/Follow-up</u></p> <p>This project has been elected in the framework of the campaign organised by the Bilbao Agency for Health and Safety "<a href="#">Healthy workplace: good for you, good for business</a>".</p> <p><u>Other stakeholders involved</u></p> <p>Due to the multi-stakeholder nature of the issue, the toolkit also describes cooperation with authorities, police, health insurance bodies etc...</p> <p>The toolkit is available in EN, FR, DE:  <a href="http://www.eurocommerce.be/media/docs/Public/Manifestos/ec-jointhandbook_finalcorrected.pdf">http://www.eurocommerce.be/media/docs/Public/Manifestos/ec-jointhandbook_finalcorrected.pdf</a>  <a href="http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_DEFINAL.pdf">http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_DEFINAL.pdf</a>  <a href="http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_FRFINAL.pdf">http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_FRFINAL.pdf</a></p>
<b>Education</b>	<p><b><u>Joint report from ETUCE and EFEE</u></b></p> <p>Violence and Harassment in schools is a top priority for ETUCE and has been on our agenda for many years. With the aim to further implement the European Social Partners' Framework Agreement on Harassment and Violence at work through the ETUCE member organisations and to support the further execution of its Action Plan on preventing and tackling violence in schools, ETUCE has organised several</p>

projects, including seminars, conferences and surveys in the education sector on this issue. Most recently ETUCE's work has focused in particular anti-cyber-harassment measures in schools.

In 2007/2008 the ETUCE coordinated a project on violence in schools with a focus on raising awareness amongst all ETUCE member organisations as this issue not only endangers pupils but all those working in the education system. The project provided teacher unions with information on the European Social partners' Autonomous Framework Agreement on Harassment and Violence at work. It also provided training on the implementation of the agreement at national level in all EU/EFTA countries, analysing existing good practices on how to tackle violence at schools and how to transfer these practices to other countries. The project result has been summarised in the ETUCE implementation guide for teacher trade unions (in line with the approach taken in the ETUC interpretation guide on the framework agreement). Additionally, the ETUCE developed its Action Plan on Preventing and Tackling Violence in Schools - a guideline on the implementation of the Framework Agreement on European, national, local and school level, which was adopted by the ETUCE Executive Board on 11 and 12 November 2008.

Drawing on the experience from this first project it has become evident that cyber-bullying /-harassment has developed into a highly discussed topic in schools because it affects teachers at their workplace and their working conditions in a most dangerous way.

The 2009/2010 project on tackling cyber-harassment against teachers has the specific objectives to:

- raise awareness of cyber-harassment at schools and on how it affects the working conditions and health of teachers
- identify and exchange good practices of anti-cyber-harassment measures in schools
- identify and promote the involvement of trade unions in this issue.

To achieve these objectives a steering group composed of union members from five different regions contributes with national expertise to monitor and guide the project development.

Data has been collected in form of two surveys and found the basis of this project. The first survey helped to identify the actual status and measures taken on anti-cyber-bullying in the member countries, i.e.

identify the actual situation and needs at national level. The second survey investigated trade union strategies on anti-cyber harassment measures and areas of future challenges. The results were presented at project seminars and conferences to which other stakeholders in education and occupational health and safety were invited to participate, such as ETUC, EFEE - the European Federation of Education Employers, the European Agency for Occupational Health and Safety, the European Commission, the Network of European Psychologists in the Education System, the European Parents Association.

The reports, surveys and survey results as well as links and more information on ETUCE's work on this field can be found on the health and safety website: [www.edu-osh.eu](http://www.edu-osh.eu).

Violence and Harassment is also on the agenda of the newly created European Sectoral Social Dialogue Committee in Education which was inaugurated on 11 June 2010 in Brussels under the auspices of the European Commission. Both representatives of the employers (EFEE) and of the trade unions agree that violence and harassment in schools is an issue that needs to be further addressed and tackled at European, national and local level.