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**IMPLEMENTATION OF THE EUROPEAN
AUTONOMOUS FRAMEWORK AGREEMENT
ON HARASSMENT AND
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Final joint report by the European Social Partners
adopted at the Social Dialogue Committee
on 27 October 2011



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On 26 April 2007, ETUC (and the liaison committee Eurocadres-CEC), BUSINESSEUROPE, UEAPME and CEEP signed the autonomous framework agreement on harassment and violence at work.

The negotiations formed part of the Work Programmes of the European Social Partners for 2003-2005 and 2006-2008. Building on the conclusions of a joint preparatory seminar (12 May 2005 in Brussels), the negotiations started on 7 February 2006 and finished on 15 December 2006.

With this agreement, the European social partners firmly condemn harassment and violence in all their forms and recognise that harassment and violence can potentially affect any workplace and any worker; even if in practice some groups and sectors can be more at risk and not all workplaces and not all workers are necessarily affected by harassment and violence. The framework agreement applies to all workplaces and all workers, irrespective of the size of the company,

field of activity, or form of employment contract or relationship. The agreement also recognises that EU and national law define the employers' duty to protect workers against harassment and violence in the workplace.

According to the framework agreement, harassment and violence are due to unacceptable behaviour by one or more individuals and can take many different forms, some of which may be more easily identified than others. Harassment and violence can be physical, psychological and/or sexual, be one-off incidents or more systematic patterns of behaviour, be amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients, pupils, etc. and range from minor cases of disrespect to more serious acts, including criminal offences, which require the intervention of public authorities.

The agreement provides employers, workers and their representatives a method to prevent, identify and manage

problems of harassment and violence at work. It is also aimed at increasing awareness and understanding of the issue. Elements of the agreement include:

- recognising the responsibility of employers, in consultation with workers and/or their representatives, to determine, review and monitor the appropriate procedures for preventing and dealing with problems of harassment and violence at the workplace,
- requiring enterprises to have a clear statement outlining that harassment and violence at the workplace are not tolerated and specifying the procedure to be followed in case of problems, including investigation and dealing with complaints, taking appropriate measures against the perpetrator and allowing for support for the victim,
- recognising that pre-existing company procedures may be suitable for dealing with harassment and violence at the workplace,
- allowing for the provisions of the agreement to deal with cases of violence by third parties where appropriate.

The European social partners opted for the third time for a European framework agreement to be implemented directly by their members, in accordance with the procedures and practices specific to management and labour in the Member States as defined now in Article 155 of the Treaty on the Functioning of the European Union (TFEU). As for the framework agreement on work-related stress, this framework agreement also fits in a larger framework of existing national and EU legislation, such as several Directives on non-discrimination and the Framework Directive 89/391/EC on health and safety at work (cfr. footnote 1 to Clause 1 "Introduction" of the agreement). By formulating a framework agreement, which sets the broad lines of action, national social partners can devise measures tailored to their specific situation.

The implementation had to be carried out within three years after the date of signature of the agreement, i.e. by April 2010. When the European framework agreement on harassment and violence at work was concluded, the EU had 27 members and social partners from candidate countries, like at that moment Croatia and Turkey, were invited to implement the agreement.

This joint report provides a comprehensive overview of how, both at European and national level, members of the signatory parties disseminated, explained and transposed the European framework agreement in their European and national context between 2007 and 2010. It is important to note that implementation of the agreement is an ongoing process and it should continue to raise awareness on the issue of harassment and violence at the workplace and provide an impetus for action at national level in the future.

As foreseen in the framework agreement, the European social partners have also submitted during the first three years after the signature of the agreement (2008-2010) to the Social Dialogue Committee a yearly table summarising the on-going implementation of the framework agreement. These annual tables are available at both the Employers' Resource Centre (<http://www.erc-online.eu/>) and the ETUC Resource Centre (<http://resourcecentre.etuc.org/>). Also in line with the framework agreement, the members of the Social Dialogue Committee decided during its meeting on 23 February 2011 to set up an ad hoc group entrusted with the preparation of the final report on the implementation of the agreement on harassment and violence at work. This ad hoc group met on 24 May 2011. By October 2011, joint national implementation reports had been received from 14 EU Member States and EEA countries. Final joint reports have not yet been received from Belgium, Bulgaria, Estonia, Germany, Greece, Hungary, Iceland, Ireland, Lithuania,

Luxembourg, Malta, Romania, Slovakia, Slovenia and Spain.¹

The present joint implementation report was adopted by the European social dialogue committee on 27 October 2011 and transmitted to the European Commission in March 2012.

Building upon the experiences on the implementation of this framework agreement, as well as of the ones on telework and work-related stress, and in order to improve the implementation, the European social partners have started in 2011, as foreseen in their joint work programme 2009-2010, their joint reflections on these framework agreements, as well as other European social dialogue instruments, which can have a positive impact at various levels of social dialogue.

For ETUC

For BUSINESSEUROPE

For UEAPME

For CEEP

Bernadette Ségol
General Secretary

Philippe de Buck
Director General

Andrea Benassi
Secretary General

Ralf Resch
General Secretary

¹ However for some of these countries, relevant information as it figured in the joint implementation tables for 2008, 2009 and 2010 and/or communicated at the preparatory meetings organised in the framework of the drafting of this final implementation report, were taken into consideration. In addition, some information provided unilaterally by social partners in these countries has been included.



II. SOCIAL PARTNERS TAKE ACTION

II.1 Overview of implementation

1. The framework agreement has had clear added value, starting or enhancing existing dialogue between the social partners on how to combat harassment and violence at work.
2. In implementing the framework agreement, there has been a clear focus on elaborating concrete measures, tools and procedures to prevent, identify and manage problems of harassment and violence at work.
3. In many cases, the framework agreement has been implemented through agreements between national social partners. As well as overarching agreements, this has also included jointly agreed guidance, declarations/statements and integration of elements of the framework agreement into existing social partner agreements.
4. There has also been some implementation through sectoral and company level agreements.
5. Since the framework agreement fits in a larger framework of existing national and EU legislation (e.g. directives on non-discrimination and health and safety at work), in a large number of countries implementing measures have focused on assessing and in some cases fine-tuning existing regulations in line with the framework agreement.
6. In a considerable number of countries, social partners have also undertaken a diverse range of complementary measures.

More information on the use of different instruments from a statistical point of view is provided below. Information per country is provided further in the two tables below.

In numbers

- In 16 countries the framework agreement was implemented through national cross-industry social partner agreements of varying forms:

- In 7 countries overarching agreements were made by social partners
 - In 6 countries national social partners jointly agreed on or unilaterally developed guidance
 - In 4 countries national social partners made a joint declaration or statement
 - In 3 countries national social partners integrated elements of the framework agreement into existing social partner agreements
 - In 4 countries the framework agreement was implemented through national or regional sectoral social partner agreements.
- Sectors covered included hospitals, university level education and training schools, transport, metal, construction and chemicals industries, pharmacists, taxis, retail, banking and hotel and restaurant.
 - Implementation in company level collective agreements has been reported in 3 countries.
 - In 10 countries social partners undertook an assessment of their national legislation, leading to changes in some cases.
 - Complementary measures including research, training, communication activities and events have been reported in 11 countries.

Per country and instrument

| Implementation instrument - National social partner agreement | | | | |
|---|-----------------------|----------------|------------------------------|--|
| Country | Overarching agreement | Joint guidance | Joint declaration/ statement | Integration into existing agreement |
| Austria | | x | x | |
| Cyprus | | | x | |
| Czech Republic | | | | |
| Denmark | x | x | | x (state sector, regions and municipalities) |
| France | x | | | |
| Ireland | | x | | |
| Italy | | | | x |
| Latvia | x | | | |
| Luxembourg | x | | | |
| Netherlands | x | | | |
| Norway | x | x | | |
| Poland | | | x | |
| Slovenia | | x | | |
| Spain | | | | x |
| Sweden | x | | x | |
| UK | | x | | |

| | Implementation instrument | | | |
|-----------------------|------------------------------------|------------------------------------|------------------------------------|--------------------------|
| Country | Sectoral social partner agreements | Company level collective agreement | Assessment of national legislation | Complementary activities |
| Austria | | | | X |
| Belgium | | | X | |
| Czech Republic | X | X | X | X |
| Denmark | | | X | X |
| Finland | | | X | X |
| Germany | | X | | |
| Iceland | | | X | |
| Ireland | | | X | X |
| Italy | | X | | |
| Latvia | | | X | X |
| Netherlands | X | | X | X |
| Poland | | | X | |
| Portugal | X | | | X |
| Slovenia | | | X | X |
| Spain | X | | | |
| Sweden | | | | X |
| UK | | | | X |

II.2 Providing the basis: Translation and dissemination

→ Translation

As with the previous autonomous framework agreements on telework and work-related stress, this framework agreement was negotiated and drafted in English which is thus the only original version adopted by the signatory parties. The European Commission translated the framework agreement into all official EU languages and annexed it to its Communication to the Council and the European Parliament transmitting the European framework agreement on harassment and violence at work (COM(2007) 686 final of 8 November 2007). In several countries, the social partners used this translation as a basis for their own translation (e.g. Austria, Italy and Poland).

In addition to this, in several countries social partners themselves took action to work and agree on a translation of the European framework agreement in their national language(s). This is the first concrete step taken in the implementation process, forming the basis for further joint work. Moreover, it is the start of the negotiation process between the social partners at national level to implement the framework agreement.

Translation between the national social partners was discussed and agreed upon amongst others in **Cyprus, Czech Republic, Finland, Germany, Iceland and Norway** (and where the translation was even signed by social partner organisations not member of the signatory parties to the European framework agreement), **Poland, Portugal, Spain and Sweden**. A joint translation is currently being worked on in **Italy**, awaiting official approval.

In addition, the European Social Partners Joint Translation Fund was used by a number of countries. This fund has been created for translating texts negotiated through the

EU social dialogue into languages of EU member states as well as candidate countries. It assists in promoting full implementation and dissemination of EU social dialogue texts throughout Europe. 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. The European framework agreement on harassment and violence at work has been translated into the following languages through this fund: Croatian, Danish, German, Hungarian, Latvian, and Swedish.

→ Dissemination

Following this important first stage in the implementation process, the dissemination activities of the social partners at national and EU level formed the next stage. Through this, national social partners have completed one of the main tasks in implementation – increasing the awareness of both employers and employees concerning the issue of harassment and violence and the ways to tackle it. In all countries the implementation instrument and/or other relevant materials were largely disseminated to the national social partners' affiliated organisations and the general public via different means such as social partners' brochures and periodicals, their websites and general press.

A joint brochure was elaborated by the **Austrian** social partners, for example, and made available on their respective websites and via printed copies. 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 brochure 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 against harassment and violence at work. Also, the **Finnish** social partners have drafted a joint brochure incorporating the main messages of the framework agreement and disseminated via amongst others the website of the Centre for Occupational Safety (COS). The social partners in the **Danish regional sector** have also jointly published a brochure with the purpose of promoting well-being at work and preventing violence/harassment at work. The brochure is aimed at the so-called Cooperation and co-determination Committees (works councils) in the regions. It offers guidance to the employers and employees at the local level on how to work jointly with the topic of violence and harassment. With the brochure the central social partners send a joint signal that violence/harassment cannot be tolerated. A similar brochure has been published by the social partners in the municipal sector.

Following translation of the framework agreement into **German**, in 2008 Zentralverband des Deutschen Handwerks (ZDH) invited its partners 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.

The translation of the European framework agreement into **Spanish** as agreed by the social partners was published in the Spanish Official Gazette thus achieving maximum social, juridical and political impact and also annexed to the 2008 Interconfederal Agreement on Interprofessional Collective Bargaining. Information on the European agreement was also included in a special issue of the Scientific and Technical Journal of the Permanent Observatory on Psychosocial Risks (Issue 0, 2008) as well as other specialised guides and journals. In **Hungary**, the translation was adopted alongside an

information note by the national level social partners sent to their members and the sectoral social dialogue committees.

In some cases, in addition to activities such as the above, the agreement was also integrated or attached to existing documents, including general guidelines and recommendations on implementation of social partner agreements, and national collective agreements.

In the **Netherlands**, for example, the translation into Dutch is annexed to the implementing recommendation concluded by the national social partners in November 2008 and made available amongst others via the website of the National Labour Foundation. In the **Czech Republic**, the European framework agreement formed part of the practical information brochure, produced in the framework of Czech social partners' joint project, on all the autonomous agreements of European social partners containing also all the joint translations of the agreements. Similarly, in **Latvia**, the trade union LBAS published "Guidelines on European social partners Work Programs and Implementation of European social partners' Framework Agreements in Practice". These guidelines were distributed to trade unions, employers' organisations and other partners' organisations and contained next to the text of the framework agreement also some real practical examples based on interviews.

In other cases, social partners publicised the agreement through specific events. In **Cyprus**, for example, the Greek translation of the agreement was complemented with a Policy Statement and signed at an official ceremony in the presence of the Minister of Labour.

→ Trans-national dissemination activities

In order to achieve maximum awareness-raising of the framework agreement, it was not only disseminated at national level, but also through trans-national activities. This action was undertaken mostly by the **European interprofessional social partners** themselves, as signatory parties to the agreement. Several activities were conducted, highlighting the commitment to and ownership of the agreement and thereby fully recognising that their role is not merely to negotiate European framework agreements, but also to raise awareness about them and where appropriate and necessary to assist their member organisations in the actual implementation of the framework agreements. A considerable part of the European social partner activities were realised under the framework of the European Social Partners' Integrated Programme, specifically under the section devoted to social dialogue capacity building, and consisted of activities dealing both directly or indirectly with the content and objectives of the European framework agreement.

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. ETUC Resource Centre website and Employers' Resource Centre website:

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

Other joint European social partners' activities

consisted of for instance a joint presentation of the framework agreement to a specific or general public. For instance, in November 2007, they presented the agreement at a public hearing on "sexual harassment in the workplace" organised by the European Parliaments' Committee on Womens' Rights and Gender Equality. Similarly they did the same at a Multi-Stakeholder Forum organised by the European Commission in March

2008 and where representatives of 16 sectors discussed issues related to third-party violence and the role of social partners. (cfr. also below)

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

The **ETUC** advanced training "Developing a common understanding of European social dialogue instruments and their impact at the various levels". 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.

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.

And as for the framework agreement on work-related stress, the ETUC again ran a specific project, with the financial support of the European Commission, which foresaw different but complementary actions, such as the elaboration of an ETUC interpretation guide on the agreement (and made available in several languages), a specific section on the ETUC website relating to the agreement and its implementation, three regional information meetings, etc.

In some cases, transnational activities were also undertaken by different groups of national social partners.

For example, implementation was initiated in **Poland** in 2008 as part of an **international project** managed by NSZZ "Solidarnosc". It allowed for the organisation of conference, training courses for trade union leaders (including the Lithuanian and Belgian trade unions) and publication of the brochure promoting the European agreement. Joint workshops of Polish social partners were another important part of the project. As a result, methods and scope of the implementation process were agreed on and the European Commission's translation of European agreement into Polish was verified and officially adopted by the partners.

Also this European framework agreement has a considerable impact on the **European sectoral social dialogue**.

On 16 July 2010, EPSU, UNI EUROPA, ETUCE, HOSPEEM, CEMR, EFEE, EUROCOMMERCE, COESS, representing the social partners of the **commerce, private security, local governments, education and hospital sectors** have reached an agreement on multi-sectoral guidelines aimed to tackle third-party violence and harassment at work. These Guidelines have been developed following two major conferences organised with the support of the Commission in March 2008 and October 2009 at which the outcomes of a research on third-party violence were presented along with case studies and joint conclusions. Therefore, these Guidelines build on these initiatives and complement the cross-sectoral Framework Agreement on Harassment and Violence at Work of 26 April 2007. Currently, these European Sectoral Social partners are in the process of implementing the Multisectoral guidelines by firstly, translation them into a number of languages, to guarantee a better accessibility for all the national organisations and a broader dissemination of the document and secondly, as foreseen in the Guidelines, by carrying out, with the financial support of the European Commission, a project to disseminate and promote the Guidelines and comprising of three workshops and a final Conference held in the course of 2011 (9th May in

London, 14th June in Rome and 6th September in Prague and a Final conference on 27th October in Warsaw). The aim of this project is to encourage the promotion of the Guidelines in Member States at all appropriate levels taking account of national practices, through joint and/or separate actions.

Furthermore, Joint Declarations were concluded in the **gas sector** between Eurogas/EPSU/EMCEF on 15 November 2007 and in the **electricity sector** between Eurelectric/EPSU/EMCEF on 7 December 2007.

Also, a specific project "Stop it! Preventing third party violence in commerce", run by UNI-Europa commerce and EuroCommerce on the promotion of a safer working and shopping environment has been implemented by the social partners for the **commerce sector** in the period between September 2008 and December 2009. This project 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. The toolkit is available in EN, FR, DE at: http://www.eurocommerce.be/media/docs/Public/Manifestos/ec-jointhandbook_finalcorrected.pdf; http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_DEFINAL.pdf; http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_FRFINAL.pdf

In the **education** sector, ETUCE coordinated in 2007-2008 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. 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 in November 2008. For 2009/2010, a new project focused on tackling cyber-harassment against teachers. Two surveys have been conducted, one identifying 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 and a second on 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 and 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. 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.

II.3 Implementation: Using the full range of social partner instruments

Social partners at national level have used the full range of instruments available to them to implement the framework agreement, including agreements between national social partners of varying forms, actions at sectoral level, and specific company level activities. The choice made by national social partners reflects the different national settings and industrial relations systems. The flexible nature of the framework agreement is valuable in this respect, as it can be adapted to a variety of national realities.

The majority of social partners have concentrated on activities to prevent, identify and manage harassment and violence at the workplace in a general way, as stipulated in the framework agreement. However some social partners have also focused on some more specific elements or included additional elements compared to the framework agreement. This reflects the varied perception of the problems of harassment and violence at the workplace and the need to devise actions that are relevant and appropriate in the national setting to prevent and manage such problems. There has also in some cases been a joint evaluation at national level of actions taken.

The approach for different sectors and individual companies is also naturally quite varied. Harassment and violence is a very subjective topic, depending on national culture, economic sector, individual companies and personal perception. Although there are some common features of harassment and violence at the workplace, as highlighted in the description of the phenomenon in the framework agreement, harassment and violence can manifest itself in different ways. There was also some acknowledgement that existing tools at company level could be used to deal with these issues, especially in the area of prevention.

As highlighted in the framework agreement, a number of pieces of EU and national legislation define the employers' duty to protect workers against harassment and violence in the workplace. This is both through general legislative frameworks concerning equal treatment and occupational health and safety, as well as in some cases national legislation specifically protecting workers from harassment and violence at the workplace. In some instances, social partners agreed that the existing national legislation was already sufficient in preventing, identifying and managing harassment and violence at the workplace. This does not show a lack of implementation of the agreement, rather an acknowledgement that there is no need to replicate existing national frameworks, but rather to use these as the basis for work in this field.

The complementary activities undertaken by social partners are an important element in implementation of the agreement, which should not be neglected. These allow social partners to develop innovative and targeted initiatives which fit their national setting, as well as broadening out the awareness-raising activities to a wider group of stakeholders.

→ National cross-industry social partner agreements

The framework agreement has in many cases been implemented at national level through cross-industry social partner agreements. The different types of agreement are testament to the diversity in industrial relations systems across EU member states. For example, in a number of countries, the framework agreement was implemented through joint guidelines, or declarations, as these were the most relevant instrument in the national context. In other countries, elements of the framework agreement were integrated into existing national agreements.

→ In 7 countries, social partners have implemented the framework agreement through an overarching agreement at national level. This provides a generic tool to promote the uptake of the issue of harassment and violence in collective agreements at sectoral, local and company level. Moreover, the discussions between social partners to develop such agreements are useful in themselves, in raising awareness and understanding between social partners on the issues, as well as increasing experience on social dialogue in general. In 2 countries, although no formal agreement has been made, dialogue is underway. Highlights of some of such actions are provided below:

The Free Trade Union Confederation of **Latvia** (LBAS) and the Employers' Confederation of Latvia (LDDK) have concluded on the 11th of February 2008 an agreement on the implementation of the European framework agreement on harassment and violence at work in which they amongst others commit themselves to dissemination information to their members organisations, society as a whole and different institutions, organize information campaigns, round table discussions on regional and local level and promote the conditions and aims of the agreement into the collective agreements on local and sectoral level.

The **Dutch** social partners through the National Labour Foundation concentrated on turning the agreement into a recommendation on harassment and violence at work, published in November 2008. This was a result of close consultation between the social partners, whereby a great deal of time was devoted to improving the knowledge of all the stakeholders concerning this issue. The recommendation calls on the parties engaged in collective bargaining at sector and company level to take serious steps to prevent and combat harassment and violence at work. It points out that it is in everyone's interests to fight against undesirable behaviour and that mutual respect in the workplace contributes to a company's success and to employee job satisfaction.

In the public sector in the **Netherlands**, the Framework Agreement is mainly implemented through SHW codes and voluntary SHW agreements (*arbeidconvenanten*). The social partners make a survey in each sector of the risks and best solutions. Rules are laid down in SHW codes and voluntary SHW agreements on how to deal with violence and harassment at work, regarding prevention (of the causes of aggression), action against aggressors (reporting attacks and claiming compensation) and awareness-raising. The Dutch social partners in the public sector also signed a voluntary safe workplace framework agreement in 2009, which has led to a number of safe workplace agreements and is expected to lead to more. These include agreements on standards, prevention, reporting, registration, dealing with damage caused by aggressors, care for victims after an incident, the role of the Works Councils, regular consultations within different sectors, and rules on working conditions.

In May 2010, the Association of **Netherlands** Municipalities (VNG) and municipal trade unions (including Abvakabo) agreed on a new collective agreement with a substantial section devoted to policies to reduce harassment. For instance, the section provides that municipalities should appoint a harassment and violence coordinator to ensure sustained attention by management to the subject and the adoption of best practices and procedures and they should adopt an incident reporting system. Joint attention to this subject from the employers and trade unions has resulted in a reduction in number of incidents in local government, as noted in the report 'Aggression and Violence'. In 2008, 52% of employees reported incidents, while in 2010 the figure decreased to 48%.

In **France**, the social partners concluded on 26 March 2010 an agreement concerning harassment and violence at work which transposes the European framework agreement and enriches a number of its provisions. For instance, the French 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. They also 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. Furthermore, they entrusted the informal phase of advice and assistance outlined in the European agreement to health and work departments and to institutions representing personnel and they highlighted the role sectoral associations can play by putting into place appropriate tools for companies, especially small companies. It is also foreseen 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 social partners in **Luxembourg** signed a joint agreement on harassment and violence at work on 25 June 2009. 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. This agreement also sets out guidelines on raising awareness, preventing and managing acts of harassment and violence at work. Managing harassment and violence must for instance include setting up a specific procedure to ensure the confidentiality of complaints, their impartial handling, protection of and support to victims and the sanctioning of wrongful acts. Upon the request of the signatory social partners, the government incorporated the agreement in a Grand Ducal decree published in the Official Gazette of 13 January 2010 and making the agreement applicable to all companies legally established in Luxembourg and to all workers bound to the them by an employment contract.

The Cooperation Agreement 2006 is just one of the legal instruments for the implementation of the Framework Agreement in **Denmark** and is currently implemented at the company level cooperation committees by the support from 13 employer and trade union cooperation consultants working as couples.

In **Norway**, a new Tripartite Agreement on a more Inclusive Workplace was signed on February 24th 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.

The **Swedish** social partners in the central government sector in 2010 signed a collective agreement with a new joint program "*Förändring och utveckling – ett constant tillstånd*" ("*Change and development – a constant condition*"), where one area of initiative is to prevent harassment and violence. Work with the program began in 2011. Action was also taken in 2009 by the Swedish 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. Building on the 2005 collective agreement on cooperation and work environment, in which the implementation of EU autonomous agreements is included as an issue for joint commitment, they 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). These social partners are now also working on the implementation of the the European multi-sectoral guidelines on third-party violence.

Dialogue is also underway by the social partners in **Cyprus** in an attempt to address the issue in the collective agreements in a mutually acceptable manner. Also, the **Czech** social partners seek for more attention to be

paid to the issue of harassment and violence in collective agreements and other documents in companies.

→ In 5 countries, the social partners have implemented the framework agreement by developing guidance at national level, either jointly or unilaterally, in some cases on a tripartite basis. This has provided direct assistance and advice to sectors and companies on how to deal with the issue of harassment and violence at the workplace. In some cases, this has even included advising companies on how to draft a policy in this area, and providing sample internal rules to be adopted by companies. In one example, the usefulness of the guidance has been measured. Implementing the framework agreement has given social partners the opportunity to build on existing work in this field, allowing them to capitalise on the understanding and awareness-raising that has already taken place.

In the **UK**, the national social partners launched joint guidance on Preventing Workplace Harassment and Violence at an event at the European Commission offices in London in November 2009, with speakers from all the social partners and government. Since the event, the guide has been hosted on a specially designed website: www.workplaceharassment.org.uk. It is supported by the Health and Safety Executive (HSE), the Department for Business, Innovation and Skills (BIS), and the Advisory, Conciliation and Arbitration Service (ACAS). An evaluation of the impact of the guidance was made through two surveys, in particular to assess how the guide has been used. This highlighted that the main uses were for providing training, spreading awareness, for reference and general information and developing policy and procedure. 250 individuals responded to the second survey, 86% of which highlighted that they have an existing policy. More than 60% of respondents who had read the guidance felt that it had helped to improve their approach. A follow-up survey will be conducted from September 2011, and efforts will be made to extend awareness of the guidance in SMEs.

In **Ireland**, 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 to their needs and in investigating complaints. In addition, the Irish Trade Union Congress (ICTU) has set up an Advisory Commission on stress, bullying and violence at work in order to:

- Examine the effectiveness of existing measures aimed at preventing workplace bullying, stress and violence;
- Examine the effectiveness of the current legal framework, risk assessment and codes of practice;
- Examine the effectiveness of workplace agreements, including clients, students, suppliers contracts in preventing and responding to stress, bullying and violence;
- Examine members and trade union experience and examine the effectiveness of trade union responses to stress, bullying and violence at work;
- Recommend improvements to the legal framework, codes of practice, dispute resolution procedures, workplace agreements and employer responses;
- 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;
- Report to the Biennial Conference of the ICTU in 2011 on their findings and recommendations.

The Womens Committee of ICTU published guidelines in November 2009 entitled: Domestic Abuse – Guidelines for Trade Unions available at: http://www.ictu.ie/download/doc/da_report_niroi_final.doc

The implementation of the agreement in **Ireland** built upon existing work, specifically a Charter on Dignity in the Workplace developed by the Irish Health and Safety Authority with the support of Irish employers and trade unions in 2001. It also built on the development in 2002 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. Also 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:

- what is meant by sexual harassment and harassment in the workplace
- how it may be prevented
- what steps to take if it does occur to ensure that adequate procedures are readily available to deal 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.

In order to support the various actions in **Ireland**, which were used as the basis for implementation of the agreement, two national advisory groups have been established. These advisory groups include 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).

ZDS, the **Slovenian** employers' organisation, prepared in accordance with the autonomous agreement and in accordance with the Slovenian Labour code a sample of internal rules to be adopted in the companies. The sample includes all of the obligatory and recommended elements from the framework agreement. A comprehensive foreword is added in order to provide the general overview and the reasons and benefits of adopting such internal rules relating to prevention of harassment and violence at work. All members of ZDS, employing about two thirds of all workers in the private sector, were entitled to free consultations on how to adopt such internal rules and to establish prevention schemes and policies. This sample of internal rules was for instance adopted as the official sample by the Association of Banks of Slovenia.

As highlighted above, in some cases tripartite activities were undertaken, allowing for a joined up approach between the social partners and government. For example, the **Norwegian** social partners together with the Norwegian Labour Authority have established guidelines for preventing threats and violence at the workplace with a special emphasis on the role of the manager in preventing and managing these problems. Also, the social partners in the health care sector and for local schools in Norway established guidelines on preventing threats and violence at the workplace. In addition, in **Denmark**, a tripartite body in September 2010 finalised a Working Environment Authority Guideline on Risk of Violence related to Performance of Work.

→ Social partners in some countries, albeit fewer, have opted to implement the framework agreement through a joint declaration or statement. In such cases, the social partners have committed to deal with the issue jointly, thereby acknowledging the objectives of the framework agreement and the importance of combating harassment and violence at the workplace. This helps in raising awareness and can act as a basis for further actions by social partners.

The social partners in **Sweden**, for example, made a joint declaration stating that they support the EU agreement, expressing 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. Also, in **Cyprus** a Policy Statement on Harassment and Violence at Work was signed in 2009.

The social partners, including one not a member of one of the European signatory parties, in **Poland** signed in March 2011 a joint declaration setting out measures to raise the awareness and improve the level of knowledge of employers, employees, employers' organisations and trade unions on the issues of harassment and violence at work. The document is intended as a starting point for further joint action of social partners. To assist the social partners, a standing joint Task Force on issues of harassment and violence at work was established, which will coordinate the exchange of good practices and prepare proposals for joint initiatives.

→ In the remaining cases, implementation has been achieved by integrating the issues of harassment and violence at the workplace into a variety of existing agreements. This allows social partners to deal with the issues as part of a broader framework. Moreover, since the social partners have already developed mutual understanding and experience through the negotiation and implementation of existing agreements, this

provides a good basis for social partners to deal with these specific issues. In some cases, this has even led to the agreement being directly implemented at company level, and the adaptation of company collective agreements and internal company rules.

In **Slovenia**, for example, the European framework agreement was mentioned in the 9th chapter of the social agreement signed by the Slovenian social partners and government for the period 2007-2009. Although originally it was expected that this would lead to a national agreement transposing the European agreement, in actual fact it was mainly transposed via internal company rules and collective agreements.

The European Framework Agreement has featured in three areas of collective bargaining in **Spain**. Firstly, and most widely, in the Interprofessional Agreements signed by the most representative confederations of trade unions, the UGT and CCOO, and employers, the CEOE. These apply to all fields of activity and throughout Spain. In this context, the European Agreement formed part, as an attachment, of the Interconfederal Collective Bargaining Agreement for 2008. Secondly, following from the inclusion in the interconfederal collective bargaining agreement for 2008, it features in the Collective Regulation agreements. These agreements have full normative force. They therefore place a direct obligation on all employers and workers included in the geographical and functional scope of the Agreement. In 2008 and the beginning of 2009, some collective agreements began to incorporate the provisions of the framework agreement. In June 2009 around 20 collective agreements at national level either made explicit reference to the European Agreement or, without directly citing it, incorporated its substance and basic implementation guidelines. Prominent examples of these are the Collective Agreements of the VIPS group (2008) (Official Gazette 28 March 2008) and the ZENA group (Official Gazette 26 March 2008.)

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 by agreeing to incorporate in the Agreement on Cooperation and Joint Consultation Committees in State Sector Enterprises and Institutions a provision requiring amongst others that the Cooperation Committees have to lay down guidelines that ensure a working environment where employees are not exposed to mobbing, (sexual) harassment or violence from colleagues, management or a third party.

Similarly, in connection with the collective agreement for the **Danish regional and municipalities** sector in 2008, the social partners signed an agreement on health and well-being at work. This agreement, implementing amongst others the European framework agreement, has been incorporated into the entire package of agreements concluded between regional and municipal employers and the Danish Association of Local Government Employees' Organisations which means that the European agreement on harassment and violence is, in general, incorporated into the general framework for informing and consulting employees – the so called co-determination committee system – and it is thus the supreme co-determination committee in municipalities and regions which, based on the agreement, will were are responsible for establishing the overall guidelines for how to address harassment and violence (a process which had to be completed by 1 April 2010). One of the focus areas of the agreement on health and well-being at work has also been to ensure that special efforts are made to address harassment and violence by third parties such as patients, users and relatives. In 2009, Local Government Denmark and Danish Regions, in collaboration with the Danish Association of Local Government Employees' Organisations, published two leaflets explaining the background for the work on the guidelines to assist the co-determination committees and providing a detailed description of the requirements to be met by the guidelines. In 2011, the results of a survey

investigating how the work with implementing the agreement on health and well-being and the sub agreements is progressing, was published and is available at amongst others: <http://www.personaleweb.dk/vold>.

The social partners in the public sector in **Italy** agreed that the substance of the framework agreement is taken into account by the discipline provided by the National Collective Agreements for the public sector since 2003. These collective agreements look at the question of harassment and violence at work from two different points of view. Firstly, from a psychological point of view and in this respect, Joint Committees on Mobbing have been created. These committees operate inside each public administration and are responsible for amongst others collecting data on the matter and formulating proposals in order to prevent and resolve possible problems. Secondly, the agreements look at the question from a physical-sexual point of view, resulting in the provision of the "Behaviour Code against Sexual Violence at Work", which represents a model of code to be implemented by each administration in order to face the problem of physical harassment and violence at work. Amongst others, the Code institutes the figure of the "Advisor" operating like a reference person that shall take care of the worker once he/she suffered from violence at the work place.

→ **National and regional sectoral social partner agreements**

The framework agreement has proved useful for a number of sectors at national level to tackle harassment and violence at the workplace. This has been the case in 4 countries and in more than 10 sectors.

The **hospital sector** is one such example. In the Netherlands, the Collective Agreement for Hospitals 2009-2011 makes the following recommendation with respect to violence: "The Risk Inventory and Evaluation

should pay special attention to tackling work pressure, aggression, physical strain and violence". Also, in Portugal, a clause on harassment and violence at work was introduced in the Hospitals EPE Labour Collective Agreement in 2008. Collective bargaining is considered as the main instrument to consecrate rules for prevention and protection of workers who are victims of violence and harassment acts at the work place.

Also, at regional level in Spain, in the first Collective Agreement of the **Teaching and Research Staff of the Public Universities** of Castilla y León of 2008, reference is made to a specific negotiation body to examine the incorporation of the Agreement's clauses.

Another example is the **transport sector**. In the Netherlands, the collective agreement for the public transport sector draws attention to sexual harassment and makes specific recommendations such as appointing a confidential counsellor and establishing a complaints procedure. The **railway sector** in the Czech Republic also included the issue of the agreement into its company collective agreements. Also, the Collective Bargaining Negotiating Committee of Cemex España SA's **Transport Division**, at a regional level in Spain, formalised the Equality Plan and the Harassment and Violence Prevention Code by way of Collective Agreement.

Industrial sectors at national level have also found inspiration from the framework agreement, including the **metal, construction and chemical industries** in the Czech Republic, which included the issue of the agreement into their company collective agreements. Also, the 2008 National Collective Agreement of **Engineering Companies and Technical Consultancies** in Spain has incorporated the agreement as a recommendation clause and in the National Collective Agreement on the **Paper and Graphic Arts Trade Cycle** of 2007 reference is made to a specific negotiation body to examine the incorporation of the Agreement's clauses.

The framework agreement has also had an impact in services sectors, including **pharmacists, taxis, petrol stations and vocational training schools**, which in the Netherlands, for example, have agreed to include harassment and violence in their legally binding safety, health and welfare (SHW) codes (arbocatalogus).

The social partners in the **retail sector** in Germany have reached an understanding on measures to prevent violence in the sector, going beyond the social partner agreement in some respects. For instance, they have set up the social partner working party on robbery attacks on retail businesses, bringing together representatives of HDE (employer organisation), ver.di (trade union) and specialists from the trade association. 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. A special security check has been developed specifically to help small businesses address the issue of robbery attacks and a special security check has also been developed for large businesses. In addition, a distance learning course has been designed. A seminar on prevention of robbery attacks looks at measures that can be taken by businesses and multipliers before, during and after robbery attacks, and which have been successfully deployed on the ground. Activities are complemented by publications in trade magazines and presentations at retail trade fairs. To provide retail businesses with information about the activities of the trade association on robberies, flyers have been prepared jointly on "We are there for you" and "Prevention of robbery attacks".

Also, at the level of the autonomous communities in Spain, sectoral collective agreements dealing with harassment and violence at the workplace exist, for example in the **Hotel Sector**, signed by the Madrid Hotel Employers Organisation, the UGT and the CCOO. In the **food and restaurant sector**, various measures

have been taken in Germany to combat harassment and violence at work, including setting up a special employee service and complaint centralisation point for members of the employers' sectoral organisation (Bundesverband der Systemgastronomie), development of a "food chain charter" by the employers' organisation, regarding relations between employees, vis-à-vis the employer and also apply in the relationship with business partners and guests. (www.charta-der-systemgastronomie.de). Also, when employees are being trained, particular value is placed on discussion and de-escalation behaviour. Meetings are regularly held with the trade union NGG in the sector, to address sector-wide challenges and possible fields of conflict through dialogue.

The **banking sector** in Germany has conducted a number of activities in accordance with 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, which form the basis of action in Germany on this topic. Employees including trainees and in particular managers are informed and trained accordingly. 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. 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. 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.

→ **Company level collective agreements**

The implementation of the framework agreement through national social partner agreements has had a positive influence on the inclusion of the issues of harassment and violence at work in company level collective agreements. Also in some cases, companies have integrated elements of the agreement on their own initiative. As with the implementation by specific sectors at national level, the flexible approach of the framework agreement is valuable in terms of targeting the objectives of the agreement to specific company situations. This has also led in some cases to the development of practical tools or building on existing tools, which assist companies to deal with these issues. Some examples below:

In the **Czech Republic**, the implementation of the agreement on the level of companies is realised by means of various management techniques, forms and systems. Attention is paid not only to identification of problems and their solutions, but also to their prevention. The tools used most often 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 behaviour 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.

In **Germany**, the theme of harassment and violence at the workplace has been incorporated in the comprehensive code of conduct of a large car manufacturer. It covers behaviour rules for both workers and managers. Another large manufacturing business has concluded a company-level agreement on "partnership behaviour at work" which targets a reduction of discrimination, harassment and violence at the workplace.

Poste Italiane devotes particular attention to the fulfilment of work activities in a friendly environment. For such reason, coherently with orientations indicated in the Framework Agreement of the European Social Partners regarding Harassment and Violence at work, Poste Italiane has included in the National Collective Labour Agreement, signed on 11th July 2007, a specific provision for the protection of the rights and dignity of workers. In particular, the signatories of the National Collective Agreement intended to stress out the need to guarantee that business relations would be carried out in an environment suitable for a peaceful fulfilment of job assignments, in order to avoid all those behaviours, of any nature, capable of causing psychological and moral inconveniences and which are, in any case, detrimental to personal dignity. Such principles have been confirmed by the following Memorandum of Understanding on Corporate Social Responsibility, signed on 31st July 2007, through which Poste Italiane has started a process oriented towards Corporate Social Responsibility issues, with the main objective of defining and sharing tools and actions focused on the psycho-physical wellbeing of workforce, also with reference to harassment and violence at work. The coherence of Poste Italiane's policies on the matter through the national and EC legislation, the implementation of best practices and communication campaigns are the main tools towards the implementation of what is provided for in the National Collective Labour Agreement. In coherence with such a model, the Joint National and Regional Bodies of

the company (Equal Opportunity Committee, Bilateral Body for Training and Retraining, Joint Committee for on-the-job health and safety), as well as the Joint Observatory on Corporate Social Responsibility, are considered to be the most appropriate bodies for the development of initiatives on this specific subject.

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.

→ Assessment of national legislation

Employers are legally obliged through the EU Framework Directive on health and safety at work to protect their workers regarding all elements of occupational health and safety. This is a general obligation, which also covers harassment and violence at work to the extent that they have an impact on workers' health and safety.

The general legal framework is reflected in member state labour legislation as well as specific health and safety legislation. In some cases, legislation specifically dedicated to harassment and violence at the workplace also exists. In such member states the social partners have jointly agreed that the existing legislative framework already covers the issue of harassment and violence and that it is not necessary to add to this legislation in order to effectively implement the framework agreement. However, this does not mean that there has been no action on the issue in such cases; rather the focus is more on raising the awareness of both workers and employers in terms of the legislation already in place and the issue of harassment and violence in general.

There are also examples in which changes have been made to the legislation to take account of the framework agreement or where such changes are currently being discussed. The actual exercise by social partners of assessing national legislation in view of the framework agreement is an important process in itself. Whether this results in an agreement between social partners to revise the national legislation or an agreement that such a revision is not necessary, this actual assessment process still constitutes a valuable result of the framework agreement.

For example, the **Danish** social partners have highlighted that the Danish Working Environment Act is the legal instrument for the implementation of the Framework Agreement. Also, the **Icelandic** social partners considered that the Icelandic regulation of 2004 on measures against

harassment at work covers the scope of the European framework agreement. This stipulates that employers shall state clearly that harassment and other unacceptable behaviour at the workplace is forbidden and prescribes which procedures shall be followed where cases arise.

In **Portugal**, although the legal system does not establish any specific regime directly applicable to violence at work, the issue is framed in the general principles of several pieces of law. For example, the Constitutional Law foresees "the right to personal identity, to the development of personality, to the good name and reputation, to image and to protection against any form of discrimination", as well as providing workers with a right to protection of health and safety at work. In the Portuguese Labour Code, there are several further provisions that regulate this issue, namely those concerning equality and non-discrimination principles, including the right to physical and moral integrity. The specific notion of harassment is mentioned in the labour code, and was expanded on in its revision in February 2009. The Labour Code defines harassment as "all unwanted behaviour, namely the discrimination based factor, practiced when accessing labour or on the workplace, with the objective or effect of disturbing or constraining the person with regard to his dignity, or creating an intimidating, hostile, degrading, humiliating or disruptive environment".

In **Belgium**, there has been a law governing this issue since 2002: a specific chapter on violence and psychological or sexual harassment was introduced in 2002 into the 1996 Act concerning wellbeing at work. Also, the Royal Decree of 17 May 2007 concerning the prevention of psycho-social stress caused by work includes violence and psychological or sexual harassment at work. An evaluation of the Act is ongoing.

In **Germany**, the issues of the framework agreement are covered by the general equal treatment law (Allgemeines Gleichbehandlungsgesetz - AGG) and the German

equal treatment law on protection of employees against discrimination harassment and violence at work which came into force on 18 August 2006. For example, implementation by the German municipal employers means that 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. The works council concretely shall hear employees’ grievances and, if they appear justified, induce the employer to remedy them. Furthermore the works council has to see that effect is given to Acts (e.g. the AGG) for the benefit of the employees. Moreover the works council has the right of co-determination in matters of developing codes of conduct, ethical policies or ‘whistle-blowing’ hotlines, which contain procedures about reporting processes. If there is no consensus on the matter, a conciliation committee has to be set up for the purpose of settling differences of opinion between the employer and the works council. Furthermore, in many companies works council agreements already exist which address the issue of “non-discrimination and partnership at the work place” covering measures to prevent and tackle harassment and violence at the workplace.

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). 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 contains a specific provision stating that employers must be “managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health or welfare at work of his or her employees at risk;”. The term “improper conduct or behaviour” is directly linked to bullying, harassment, violence and aggression. This Act 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. The risk of violence and aggression must also be identified through risk assessments and then provided for in a corresponding safety statement. 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.

In **Latvia**, the social partners agreed that the framework agreement strengthened the existing labour law tools on the protection against harassment and violence at work and raised awareness of the social partners on the necessity to prevent violence and harassment at the workplace.

Concerning changes to legislation, under the **Dutch Working Conditions Act** employers are responsible for the health and safety of their employees in the workplace. In 2007, that responsibility was explicitly extended to include preventing and combating harassment, violence and bullying through the recommendation agreed by social partners in the framework of the Dutch Labour Foundation (more information on the recommendation is available in the section “social partner agreements”). The definition of harassment in the legislation was used as the basis for the definition in the social partners’ recommendation, noting that harassment includes repeated bullying and baiting.

In **Slovenia**, the Labour Code/Employment Relationship Act was amended in 2007 prohibiting harassment (and particularly mobbing) and establishing a duty for the employer to take the necessary (preventive) measures in order to provide a working environment where workers will not be exposed to sexual or any other harassment or violence. Based upon these provisions, special torts regarding violence and harassment for non-material damage can be carried out. These changes are a direct result of tripartite negotiations. Furthermore, in 2008, the Penal Code was amended and foresees now sanctions in cases of harassment of up to two years of imprisonment and even up to three years if there is damage to the health.

In the **Czech Republic**, negotiations on a broad amendment to the Labour Code are taking place. The basic spirit of the framework agreement is already contained in the Labour Code, however it may be amended to bring a new and more exact and concrete wording. There is also ongoing work between the **Finnish** social partners and the Ministry of Social Affairs and Health to improve occupational safety at Finnish workplaces. The need for further legislation is under discussion.

→ Complementary activities

A wealth of complementary activities have been undertaken by national Social Partners. This includes research on the topic of harassment and violence at the workplace, training, development of communication and IT tools, and campaigns, amongst others. Such initiatives aim at increasing awareness and understanding amongst employers and workers, in some cases targeting specific sectors or other groups. Such initiatives can also have a much wider impact by raising awareness and understanding amongst the general public.

Research

Research in this area can help in assessing the situation in terms of the prevalence of violence and harassment at the workplace, which can provide a useful base of knowledge for assessing whether action needs to be taken and if so what type of action.

In the public sector in the **Netherlands**, for example several studies were conducted in 2010 on the prevalence of violence and harassment at work by third parties, as well as a study examining harassment and violence at political representatives in local government and provinces.

Swedish 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. Also, the social partners in the municipal sector are currently preparing a research project to develop and evaluate practical tools to prevent harassment, threats and violence.

In the **Czech Republic**, health service social partners are jointly implementing a 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 being done.

The trade union UGT in **Portugal** promoted a study on harassment in the banking sector covering 25.000 workers. On its side, the CGTP-IN Men and Women Equality Commission has also given a lot of attention to the subject of harassment and violence. Particular reference can be made to awareness actions to union representatives and developed under an "EQUAL" communitarian initiative called "Acting for Equality". The actions begun in 2007 and were developed at sectorial and regional levels. The project has also 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.

Together with the **Swedish** Association of School Principals and Directors of Education 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. In 2010, SALAR, together with the trade unions SKTF and Akademikerförbundet SSR, published God arbetsmiljö för handläggare i socialtjänst (Good working environment for personnel in social services).

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

the employer would refuse to react when harassment or violence was reported. Furthermore, the trade union ZSSS has prepared training on workers representatives and employer consultations regarding mobbing/harassment and includes the presentation of a tool, based on the autonomous agreement, which a trade union at company level could propose to the employer during consultations and which calls "a violence and harassment non-tolerance statement of the employer". Furthermore, ZSSS carried out in 2008/2009 a research project, co-financed by the European Commission, and called "MODEL FOR MEDIATION - A tool to achieve equal opportunities on the labour market" that entails the preparation of tools for a peaceful resolving of among other things also harassment complaints at workplace level.

Training

Training has helped in implementation of the agreement by providing direct assistance to employers and workers, to better understand the issues of harassment and violence at work, and to manage them, as they may be required to do in their daily work. Providing training can also have a multiplier effect, whereby those people who have received the training can pass that knowledge on to others. This helps in spreading awareness, understanding and knowledge on techniques to manage harassment and violence at the workplace.

In **Austria**, for example within the Vienna Hospital Association harassment and violence at work has been dealt with before the agreement came into force. 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. Trainings were started in psychiatry, then extended to include hospitals and geriatric centres. After the agreement came into force, such trainings were in 2009 introduced to paramedics and emergency medical services. Nowadays training is part of the formal education

of psychiatry students and the general education of students in hospital facilities. Furthermore, courses were organised by the Austrian Trade Unions to train works council members for in-company mediators (betriebliche KonfliktlotsInnen) and also training of management staff in Austria has become an important field of activity concerning prevention of harassment and violence.

In **Latvia**, on the trade union side, free of charge consultations, help in preparation of claims and submitting them to the court are offered to employees. On the employers' side, consultations and seminars for employers who need help to improve work organisation are provided. Also, social partners are aiming to increase the integration of occupational health and safety issues into basic education, apprenticeship and further programmes thus preventing cases on harassment and violence.

In order to raise awareness for the problem of violence and harassment, seminars for works council members were held by the **Austrian** trade unions. The **Irish** employers' organisation – IBEC - has run numerous courses/seminars for managers and supervisors on how to prevent and deal with the issue in the workplace.

The **Finnish** Occupational Safety and Health Administration (MSAH) and Finnish social partners organised a common educational tour on the issue of harassment and violence at work aimed at employers and employees. The impact of these actions, the experiences and feedback from the tour, and any need to change existing safety regulations will be analysed in the Advisory Committee on Preparation of Occupational Safety Regulations of the MSAH.

In the **Czech Republic**, as part of a project funded by the ESF, health service social partners jointly elaborated a curricula of a training course on this topic for key persons of employers and employees' representatives who would multiply the gained knowledge.

Communication tools

The development of communication tools, whether provided through IT applications, documents or other means have been useful in providing guidance and advice for employers and employees. In some cases, such tools have also been a means to provide feedback, especially for workers, on experiences at the workplace regarding harassment and violence.

In **Denmark**, for example the Working Environment Authority (WEA) on 22 April 2010 launched a new hotline primarily for employees who want to either take advice on the prevention of harassment and violence on their workplace or to complain to the WEA about actual harassment or violence. By the end of 2010 the hotline has received 502 enquiries from harassment victims and witnesses as well as companies.

In **Latvia**, the initiatives taken following signing the agreement at national level are aimed at information society and rising awareness of employees and employers as well as directly helping employees to solve the cases of harassment and violence at work.

The social partners in the **Danish** state, regions and municipalities sectors jointly developed a so-called "Trivselmeter" or "Wellbeing metric". It consists of an electronic tool which can be adjusted according to the local needs and circumstances and through which job satisfaction and wellbeing can be measured and the results followed up by action plans at the work place. An evaluation of the tool is scheduled for June 2011 in order amongst others to assess how well it complements the guidelines implementing the European framework agreement in the Danish state sector.

Furthermore, in **Latvia** the national social partners LDDK and LBAS have developed together a Sustainability Index where companies can evaluate their progress on

implementation of corporate social responsibility principles based on international standards and stakeholders analysis, the principles include human rights and labour rights. It is considered to be one of the manifold activities which also helps to prevent harassment and violence at work. More information is available on the website <http://www.ilgtspejasindekss.lv>.

In 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 emphasises how systematic work environment efforts can prevent and counteract harassment at work and mentions the European framework agreement. Prevent also published in 2009 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.

With the purpose of enhancing the awareness on the subject, the **Portuguese** Employers' Organisation, CIP wrote articles that were published in some associations' newspapers.

The **German** skilled crafts magazine *Handwerksblatt* published an article to raise awareness among apprentices in initial vocational training on stress, mobbing and violence in September 2009. It also refers to advisory services where those affected can seek help. See <http://www.handwerksblatt.de/Handwerk/Mittelstand/Bildung/9476.html>.

In the **Netherlands**, a special website was set up by the Dutch government at the request of social partners dealing with the subject: www.arboportaal.nl/agressie-intimidatie. 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 communicate with and involve the works council.

The Cologne Chamber of Skilled Crafts in **Germany** offers information and advice on its website regarding the topic of sexual harassment at the workplace. The different types of sexual harassment are described, as well as the possibilities to seek legal recourse for those affected. See http://www.hwk-koeln.de/Aus_und_Weiterbildung/02_Berufsausbildung/11_Ratgeber_Ausbildungsrecht/sexuelleBelaestigung.html.

Programmes and events

Programmes and events have the benefit of raising awareness on the issue amongst a broad group of stakeholders, for example by increasing media attention to the issue. Bringing different stakeholders together can help in pooling knowledge and experience. Programmes or campaigns also allow social partners to work together over a certain period of time on the issue, developing mutual understanding as well as practical tools.

The **Austrian** economic chamber, for example created the initiative "proFITNESS" to support especially SMEs to implement effectively workplace health promotion measures. The main aim of "proFITNESS" is the creation of an umbrella encompassing all existing initiatives in order to clearly show the advantages for SMEs. Social security institutions, sport organisations and other providers are invited to participate. The three main pillars nutrition, exercise and relaxation are addressed to employers, workers and providers.

In **Netherlands**, a national stop aggression day was organised to draw attention to violence and harassment at work. Also, in the framework of the already mentioned Safe Public Services programme use is now made of

social media, like Facebook and others, to reach out to a wider public. One of the programme's interactive awareness campaigns (<http://www.youtube.com/watch?v=VLE5216Ule4>) has won a SpinAward for creativity in interactive communication. Furthermore in the public sector, several activities were organised like 1) five pilots on external violence against public servants in the Labour-inspectorates, Tax services, Public Prosecution services, Legal public relations services and Prison services were started with an obligatory registration of violent acts to secure follow-up, 2) networks on Violence and aggression in Central government were created and planning all sorts of activities, 3) the Tax-Directorate manufactured films on harassment to enhance sensitivity around truly occurred situations within the service and its consequences or instance in terms of sickness absence and 4) model code of conducts & integrity policy was made obligatory for all central government public employers.

The **Finnish** social partners, together with the Centre for Occupational Safety (COS), concluded a regional awareness-raising tour to combat workplace harassment.

In **Sweden**, 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. Also, the harassment and violence agreement are topics on the program for Swedish and Nordic work environment conferences organized jointly by the social partners in the municipal sector.

The **Swedish** social partners for the central state authorities have collaborated in "Satsa Friskt" (Go for health), a nationwide program for the state sector with an 18 million € budget. Material concerning harassment and violence are still available on the associated website www.hotpajobbet.se. An evaluation of "Satsa Friskt" in 2010 concludes that the methods to prevent work harassment and violence

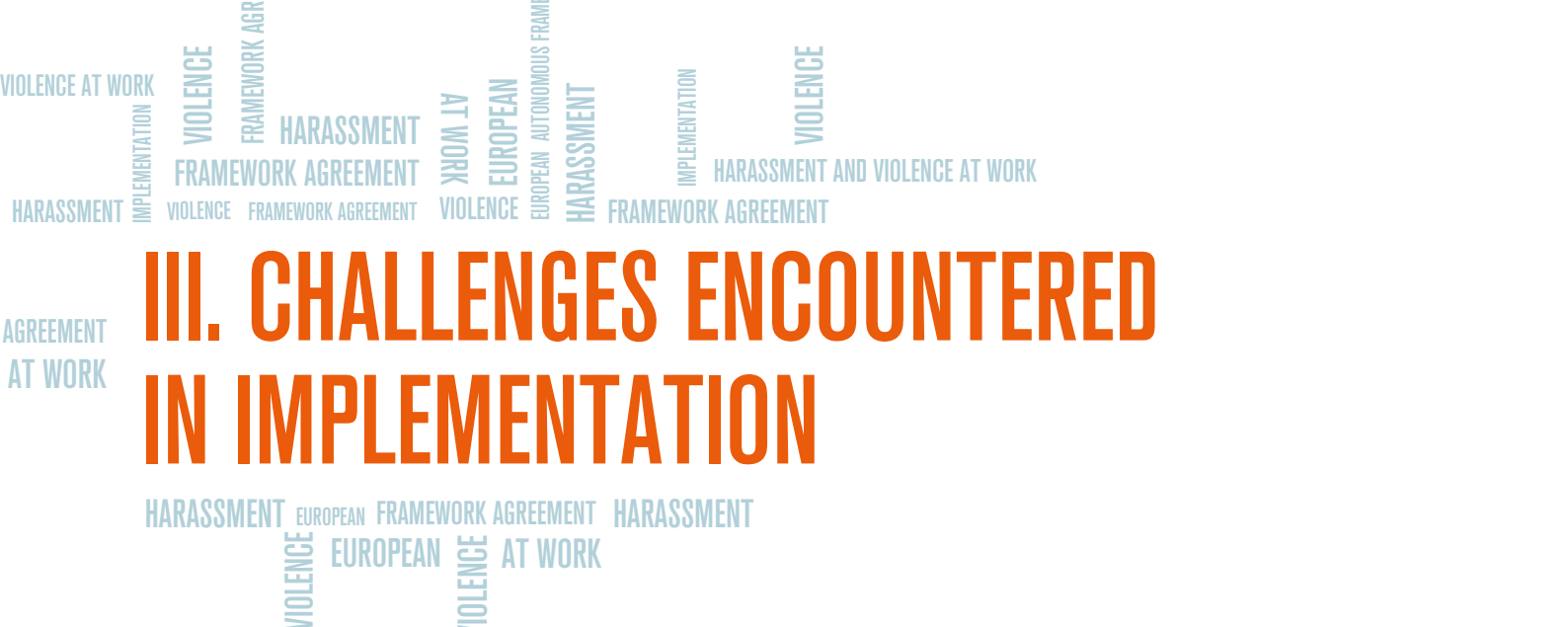
had a positive outcome. Much of the work is integrated in everyday support to the work environment and will continue in different authorities. Also, the Swedish Organisation for Local Enterprises (KFS) has initiated several activities to implement the EU agreement concerning harassment and violence at 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. 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 **UGT-Portugal** created a working group within its women's committee to monitor and discuss issues of harassment, with performance reports and biannual meetings. It furthermore foresees for 2011 an information campaign on violence in the work place.

In the **UK**, the CBI has worked closely with the HSE to promote leadership in the workplace.

In the **Netherlands**, the public authorities with the close involvement of the social partners have tackled the problem of aggression and developed a number of prevention programmes. For example, the Ministry of the Interior and Kingdom Relations launched the "Safe Public Work" project in 2008. The programme focuses on third-party violence towards providers of public services such as policing, health care and education, working closely and primarily with stakeholders and employers and it aims at reducing the percentage of public service employees who experience harassment or violence at work by third parties by 15% (from 66% in 2007 to 51% in 2011).

On 19 May 2009, the **Latvian** 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.



III. CHALLENGES ENCOUNTERED IN IMPLEMENTATION

The implementation of the framework agreement demonstrates that it has provided a clear added value for social partners to deal with this important topic, however there were some challenges in doing so. In some cases these related to the national framework and context in which the agreement was implemented and in other cases more to the actual topic of harassment and violence at the workplace.

The ability of social partners to effectively implement the agreement depends on the **social dialogue structures and processes within the national context**, as this creates the necessary basis for joint action. Where these are weak or if there is a lack of experience in social dialogue, this posed a challenge for implementation. In some cases, EU-funded projects had a positive role as a starting point for implementation. Support was also given to some social partners by public authorities.

National social partners were also faced with the challenge of tailoring the implementation of the framework

agreement to the national context. The flexible nature of the framework agreement is crucial in this respect, as it allows national social partners to decide on the actions to implement the agreement, according to their specific priorities and needs. It is natural that the topic dealt with by the framework agreement was more relevant for social partners in some member states than others, in particular where national activities were already undertaken on the topic. It is also important to note that in this particular area, the framework agreement builds on the existing national and EU legal framework (for example the EU Framework Directive on health and safety at work). Therefore, some of the actions naturally tended towards fine tuning the legislative frameworks or existing actions, rather than devising completely new instruments. There were some challenges in deciding whether the existing legal framework needed to be changed in view of the framework agreement.

Another key challenge was dealing with the different perceptions between employer and worker representa-

tives regarding the status of the framework agreement. In some cases this went as far as a lack of willingness to take action on one or other side. There were different expectations in some cases in terms of the instrument to be used.

In dealing with the topic of harassment and violence at the workplace, challenges included in some cases a lack of awareness or information on the topic, as well as lack of statistics and difficulties in collecting data. This is crucial in making a baseline definition of the problem and highlighting the extent of it, to decide on future action and where this should be targeted.

Although the broad concepts used in the framework agreement led to some difficulties in interpretation, they are an important element of flexibility, allowing for tailored measures. This was important to allow for different perceptions of the topic, for example according to the sector or company size. There were also some discussions between social partners on what would be the

most effective approach - preventive or curative, as well as the role of risk assessment in this area.

Finally, some specific sub-topics posed challenges, in terms of how these should be dealt with in line with the framework agreement. These included third party violence, collective or collectively organised harassment and/or violence against (groups of) workers, and the possibility for workers to highlight cases of harassment and violence at work and the protection of victims/witnesses in such cases.



The framework agreement has brought real added value in terms of raising awareness and better equipping employers and workers to deal with situations of harassment and violence at the workplace. The key to this is the flexible nature of the agreement, which despite causing some challenges in implementation (as highlighted above), is important for the agreement to be tailored to the different national, sectoral and company realities.

It is natural that the measures taken at national level to implement the agreement differ, due to the different national industrial relations systems, relevance of the issue, and to what extent it is already tackled at national level. In particular, rather than duplicating existing measures, social partners concentrated on building on these with inspiration from the framework agreement. This is the case for example regarding existing legislative frameworks, social partner agreements and company tools.

Distinction can be made between different forms of implementation measures, in particular concerning

agreements between national social partners. As highlighted in the implementation report, these differ from overarching social partner agreements, joint guidelines, joint statements or integration of elements into existing national social partner agreements. However European social partners believe that each has its own merits, not the least in terms of its appropriateness at national level. The different implementation measures highlight different approaches to the process, whether there has been a preference for example for a general framework, or action specifically targeted at company level.

In all cases, the outcome is not the only important element, but also the process to arrive at this point. The discussions that took place between national social partners have helped to forge a better understanding of each others' needs and the employers and workers they represent, in terms of tackling harassment and violence at work. It has also helped in generating more experience in social dialogue processes, which is useful for the future. This is not only the case for the specific

agreements between national social partners, but also, for example, in the translation of the agreement and the assessment of existing legislation.

The implementation of the framework agreement has also brought lessons in relation to EU social dialogue in general. The European Social Partners and their members acknowledge that there are gaps in the reporting of implementation of the agreement, as a number of countries have not yet submitted joint implementation reports. The European Social Partners acknowledge that this is a more general issue, which they plan to address through the future joint project on resource centre of the European social dialogue. Ensuring a better implementation of autonomous social dialogue instruments will also be considered in the context of the next EU Social Dialogue work programme.

In addition to the examples highlighted in this final implementation report, based on the reports provided by our members, there have without doubt been other

actions inspired by the framework agreement. It is clear that action will not stop here – the framework agreement will continue to be a useful tool for tackling the issue of harassment and violence at work in the future.

ANNEX 1:

European Autonomous Framework Agreement on Harassment and Violence at Work

1. Introduction

Mutual respect for the dignity of others at all levels within the workplace is one of the key characteristics of successful organisations. That is why harassment and violence are unacceptable. UNICE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) condemn them in all their forms. They consider it is a mutual concern of employers and workers to deal with this issue, which can have serious social and economic consequences.

EU¹ and national law define the employers' duty to protect workers against harassment and violence in the workplace.

Different forms of harassment and violence can affect workplaces. They can

- be physical, psychological and/or sexual
- be one off incidents or more systematic patterns of behaviour,
- be amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients, pupils, etc.
- range from minor cases of disrespect to more serious acts, including criminal offences, which require the intervention of public authorities.

1 This includes amongst others the following Directives:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and
- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work

The European social partners recognize that harassment and violence can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity or form of the employment contract or relationship. However, certain groups and sectors can be more at risk. In practice not all workplaces and not all workers are affected.

This agreement deals with those forms of harassment and violence which are within the competence of social partners and correspond to the description made in section 3 below.

2. Aim

The aim of the present agreement is to:

- increase the awareness and understanding of employers, workers and their representatives of workplace harassment and violence,
- provide employers, workers and their representatives at all levels with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.

3. Description

Harassment and violence are due to unacceptable behaviour by one or more individuals and can take many different forms, some of which may be more easily identified than others. The work environment can influence people's exposure to harassment and violence.

Harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.

Violence occurs when one or more worker or manager is assaulted in circumstances relating to work.

Harassment and violence may be carried out by one or more managers or workers, with the purpose or effect of violating a manager's or worker's dignity, affecting his/her health and /or creating a hostile work environment.

4. Preventing, identifying and managing problems of harassment and Violence

Raising awareness and appropriate training of managers and workers can reduce the likelihood of harassment and violence at work.

Enterprises need to have a clear statement outlining that harassment and violence will not be tolerated. This statement will specify procedures to be followed where cases arise. Procedures can include an informal stage in which a person trusted by management and workers is available to give advice and assistance. Pre-existing procedures may be suitable for dealing with harassment and violence.

A suitable procedure will be underpinned by but not confined to the following:

- It is in the interest of all parties to proceed with the necessary discretion to protect the dignity and privacy of all
- No information should be disclosed to parties not involved in the case
- Complaints should be investigated and dealt with without undue delay
- All parties involved should get an impartial hearing and fair treatment
- Complaints should be backed up by detailed information
- False accusations should not be tolerated and may result in disciplinary action
- External assistance may help

If it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrator(s). This may include disciplinary action up to and including dismissal.

The victim(s) will receive support and, if necessary, help with reintegration.

Employers, in consultation with workers and/or their representatives, will establish, review and monitor these procedures to ensure that they are effective both in preventing problems and dealing with issues as they arise.

Where appropriate, the provisions of this chapter can be applied to deal with cases of external violence.

5. Implementation and follow-up

In the context of article 139 of the Treaty, this autonomous European framework agreement commits the members of UNICE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.

The signatory parties also invite their member organisations in candidate countries to implement this agreement.

The implementation of this agreement will be carried out within three years after the date of signature of this agreement.

Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue Committee will prepare and adopt a yearly table summarising the on-going implementation of the agreement. A full report on the implementation actions taken will be prepared by the Social Dialogue Committee and adopted by the European social partners during the fourth year.

The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.

In case of questions on the content of this agreement, member organisations involved can jointly or separately refer to the signatory parties, who will jointly or separately reply.

When implementing this agreement, the members of the signatory parties avoid unnecessary burdens on SMEs.

Implementation of this agreement does not constitute valid grounds to reduce the general level of protection afforded to workers in the field of this agreement.

This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level, agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.

Brussels, 26/04/2007

ANNEX 2:

Links to concrete implementation and dissemination results (collective agreements, legislative texts, guidelines, brochures, websites, etc.)

National

Austria – Joint social partners' brochure "*Belästigung und Gewalt am Arbeitsplatz - Instrumente zur Prävention*" (Harassment and violence at work - instruments for prevention) (available amongst others at: http://www.arbeitundgesundheit.at/helpers_03.htm)

Belgium - a website on psycho-social wellbeing at work: <http://www.respectautravail.be> (including legislation, publications, diagnostic and intervention tools, best practices, research reports, etc.) A network of prevention counsellors and confidential counselors

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

Cyprus – OEB, CCCI, SEK, PEO, DEOK and PASYSYD Policy Statement on Harassment and Violence at work of September 2009 (unofficial translation).

Denmark – Local Government Denmark, Danish Regions and The Danish Association of Local Government Employees' Organisations brochure „Avoiding Harassment and violence In Danish Municipal and Regional Workplaces“, available at: <http://www.personaleweb.dk/vold>

Finland – Joint social partners' brochure and other material available at http://www.ttk.fi/files/1675/Good_behaviour_preferred.pdf

Latvia – LBAS and LDDK Agreement on the implementation of the European framework agreement on harassment and violence at work – 11 February 2008

Luxembourg – National collective agreement of 25 June 2009 and Grand Ducal decree published 13 January 2010

Netherlands – VNO-NCW, MKB-NL, LTO-NL (employers' organisations) and FNV, CNV and MHP (main trade union organisations) Joint recommendation on harassment and violence at work ("Aanbeveling intimidatie en geweld op het werk") - 5 November 2008 – available at: www.stvda.nl ; in particular: http://www.stvda.nl/~media/Files/Stvda/Aanbevelingen/2000_2009/2008/20081105.ashx)

Netherlands – Special website set up by the Dutch government at the request of social partners dealing with the subject: www.arboportaal.nl/agressie-intimidatie and special programme/website public sector "Veilige publieke taak" ("Safe Public Service" – <http://www.veiligepublieketaak.nl>)

Norway – joint guidelines and brochure with Norwegian Labour authority

Norway – Tripartite Agreement on "A more inclusive Workplace" – 24 February 2010 Norway- KS and Unio – Guidelines to reduce threats and violence at the workplace in local schools

Norway- KS, HSH, Spekter, LO and Unio – Guidelines to reduce threats and violence at the workplace in the health/ care sector.

Poland – NSZZ Solidarnosc, OPZZ, FZZ, PKPP Lewaiatan, Pracodawcy RP and ZRP Joint declaration of 24 March 2011 on harassment and violence at work

Spain

CEOE, UGT and CCOO – Interconfederal Agreement on Interprofessional Collective Bargaining 2008 – Official

Gazette 14 January 2008, No 12
Collective Agreements of the VIPS group – Official Gazette 28 March 2008

Collective Agreements of the ZENA group - Official Gazette 26 March 2008
Madrid Hotel Employers Organisation, UGT and CCOO – Hotel Sector Collective Agreement - Madrid Municipal Official Gazette 24 November 2008, No 280

Agreement Cemex España SA's Transport Division formalising the Equality Plan and the Harassment and Violence Prevention Code - Official Gazette of the Valencia Autonomous Community 13 October 2008, No 5868

Sweden – LO, TCO, SACO and Confederation of Swedish Enterprises Joint declaration 2008

Sweden - Central government sector – SAGE, SACO-S, SEKO and OFR collective agreement with a new joint program “*Förändring och utveckling – ett constant tillstånd*” (“Change and development – a constant condition”) 2010

United Kingdom – TUC, CBI and PPE Joint guidance on Preventing Workplace Harassment and Violence” (available at a specially designed website: <http://www.workplaceharassment.org.uk>)

EU interprofessional social partners

Employers’ Resource Centre: <http://www.erc-online.eu/>
ETUC European Resource Centre: <http://resourcecentre.etic.org/>

European sectoral social dialogue

More information on the EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS Multi-sectoral guidelines to tackle third-party violence and harassment related to work and the related imple-

mentation activities can be obtained at <http://www.epsu.org/a/6886> and <http://www.epsu.org/a/7549>

Eurogas/EPUS/EMCEF Joint Declaration on Violence at work of 15 November 2007 (Available at http://ec.europa.eu/employment_social/dsw/public/actRetrieveText.do?id=8540)

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

UNI-Europa commerce and Eurocommerce “Stop it! Preventing third party violence in commerce – A toolkit” (available in EN, FR, DE at: http://www.eurocommerce.be/media/docs/Public/Manifestos/ec-jointhandbook_final-corrected.pdf; http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_DEFINAL.pdf; http://www.eurocommerce.be/media/docs/Public/Manifestos/eurocommerce-violence_FRFINAL.pdf)

In the previous section only a selection of publicly available instruments, texts, projects, etc. are presented. More details on the vast number of national and sectoral implementation measures can be found by consulting the dedicated websites of the European social partners. In particular, national joint social partners’ implementation reports from the following countries can be consulted:

| | |
|----------------|---|
| Austria | Netherlands |
| Cyprus | Norway |
| Czech Republic | Poland |
| Denmark | Portugal |
| Finland | Sweden |
| France | United Kingdom |
| Italy | EU sectoral social dialogue for Hospital sector |
| Latvia | |
| Luxembourg | |

IMPLEMENTATION OF THE EUROPEAN
AUTONOMOUS FRAMEWORK AGREEMENT
EUROPEAN ON HARASSMENT AT WORK
VIOLENCE ON HARASSMENT AND
HARASSMENT AT WORK VIOLENCE AT WORK
HARASSMENT IMPLEMENTATION FRAMEWORK AGREEMENT
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