

"Assisting the member organisations in implementing and monitoring the implementation of the ETUC-UNICE/UEAPME-CEEP autonomous framework agreement on work-related stress"

Brussels, 19-20 January 2006

Introduction

On 8 October 2004, after securing the approval of their respective decision-making bodies, ETUC, UNICE/UEAPME and CEEP signed an autonomous cross-industry framework social dialogue agreement on work-related stress. It was the second agreement of its kind, the first (on telework) having been signed on 16 July 2002.

The agreement stipulates that it must be implemented by all the member organisations of ETUC, UNICE/UEAPME and CEEP, in accordance with the procedures and practices specifically associated with management and work, as well as by the Member States, as stipulated in Article 139 of the Treaty. Moreover, the agreement must be applied within three years' time of its signature (i.e. by 8 October 2007 at the latest).

Throughout the procedure entailing the implementation of the telework agreement, ETUC noted that its correct application could only be guaranteed if its member organisations were given appropriate information and effective aid, whenever necessary and possible.

Where the implementation of the framework agreement on work-related stress is concerned, ETUC – together with its Institute, ETUI-REHS – intends to play a role that goes beyond just negotiations and the mere signature of framework agreements on European social dialogue, namely by providing its member organisations with the closest, most effective assistance possible. The member organisations are bound to comply with such agreements and to ensure their effective implementation.

This third decentralised work meeting in Brussels (following the ones in Riga (11-12 October 2005) and Budapest (21-22 January 2006) is one example of this.

Opening of the meeting

ETUC Advisor Sinead Tiernan opened the meeting by reiterating this framework and stressing ETUC's concern to help its member organisations implement and monitor the framework agreement on stress.

She also pointed out what had been achieved in the context of European social dialogue, highlighting in particular the signature of five agreements (three transposed into directives and two to be implemented by the social partners).

Then, taking the example of the telework agreement, she emphasised the different possible ways of implementing these two agreements, namely via collective

agreements or joint declarations or via a joint request to the public authorities to draft appropriate legislation.

Naturally, in the course of this process it is essential to aim for the agreement's improvement, if possible, when it is transposed at national level.

The agreement sets out minimum requirements, and it is up to the respective national social partners to improve on this basis, using the tools at their disposal and a method of their choosing.

It is important that the social partners should be aware that some of the social *acquis* are involved and that they have a responsibility to take action at national level.

The candidate countries are also involved in the project.

She also reiterated how important it is to promote autonomous actions by the social partners.

The seminar participants are all multipliers who will ensure that information is disseminated and passed on to the various levels of action. From the debates at the first decentralised meeting in Riga, it showed that some ETUC affiliates had unfortunately not yet informed their own member organisations of the existence of the European framework agreement, which all the more shows the relevance and necessity of these regional seminars in particular regarding the setting-up of national action plans for the implementation of the agreement.

<p><u>Introduction to the framework agreement: its background, contents, interpretation, implementation and the follow-up on its implementation</u> Roland Gauthy and <i>Isabelle Schömann</i> (ETUI-REHS experts)</p>
--

Roland Gauthy, an expert who had been actively involved in the negotiations, then took the floor to explain in detail the agreement on stress. He gave a chronological account, explaining paragraph by paragraph how we could interpret its respective articles (See the slides).

Isabelle Schömann, also an expert who had also been actively in the negotiations, complemented his presentation by taking up aspects of the agreement's implementation and follow-up. (See the slides)

Sinead Tiernan also related her experiences during the negotiations, the frequently clashing approaches taken by the employers and ETUC (E.g. does the Health and Safety Framework Directive 89/391 cover stress or not; collective approach in tackling work-related stress versus the individual approach; improvements needed in the implementation and follow-up mechanisms; etc.), and the difficulties encountered especially in a social and economic context that are not conducive to growth and quality jobs and in which unions' concerns sometimes fall on deaf ears.

After these contributions, details were provided about the support that ETUC can offer in the framework of this project, namely:

- The translation into several languages of the agreements on work-related stress;
- the production of an ETUC guide (in EN and FR) on how to interpret the agreement;
- an interactive section of the ETUC website devoted to the agreement and to its implementation;
- an interim report on the agreement's implementation;
- three decentralised meetings of the working group (including this meeting in **Brussels**);
- a closing conference.
- Based on the debates in the three decentralised meetings, a check list will be elaborated which has to serve multiple purposes: providing an overview on the state of play in the implementation; identification of results achieved and/or problems occurring in the implementation. This list, which also serves as a reporting tool, should be elaborated in a way as it can be used for all different resulting from the EU social dialogue.

Country-by-country 'round table'

Participants introduced themselves and after that there was a round table during which the following points were raised:

- The legislative/contractual framework on workplace stress;
- possibilities for improving this framework by concluding European framework agreements;
- Problems and bottlenecks in the various modes of implementation.

The participants listed the following issues (non-exhaustive list, classified by country):

Belgium:

- Already on 30 March 1999 the Belgian interprofessional social partners concluded in the framework of the National Labour Council the collective agreement (CCT N° 72) on the prevention of stress at work. This collective agreement got a legally binding effect via a Royal Decree of 21 June 1999. This agreement is however not applicable to the public sector even if the signatory parties have already asked repeatedly to the competent Minister to integrate the text of this agreement into the Code on “*Bien-être au travail*” which is applicable to the public sector as well. As foreseen, the signatory parties to CCT n° 72 evaluated its functioning and impact in 2004 (i.e. 5 years after signatory). There was no need felt to modify the text although it was noticed that the prevention of stress at work was seldom integrated in global prevention policies within enterprises. Therefore, the National Labour Council, under the authority of the interprofessional social partners, elaborated a brochure explaining how the CCT could be practically put in place at the work place level. With all this, it is considered that the EU agreement is

properly implemented in Belgian on the interprofessional level, albeit recognising the lacunae that still exist for the public sector.

Ireland

- The Irish government feels that it should not in anyway get involved in the implementation process. (Cfr. Same situation as for the telework agreement)
- In Ireland collective agreements are not binding which does however not mean that one can just violate them; in case of violations action can be brought to the labour courts.
- The idea is now to come to a Code of Practice which takes over the text of the European agreement and to have it then registered/published; through this registration/published, the text can then be used in court cases. A similar procedure was used for the telework agreement, but the government is not willing to do so as –amongst others- it considers itself not sufficiently represented at the time the European agreement was negotiated in Brussels. There seems to be however more willingness as concerns the stress agreement to do so.
- The government, in its capacity as employer, seems now also ready to consider integrating the text of both the telework and stress agreement in the applicable collective agreements for the public servants, following which they could be published. This might then trigger off a similar process for the private sector.

Poland

- No real implementation action yet; the interprofessional social partners are near the finalisation of the implementation negotiations of the European framework agreement on telework and it is foreseen that as soon as these have ended (forecast: end of January 2006), negotiations in view to implement the agreement on stress will start.
- So far also no sectoral collective agreements which touch upon the issue of work-related stress do exist.
- The notion of “stress” is also not explicitly mentioned in the Labour Code.
- Solidarnosc translated the European agreement into Polish but it is not yet accepted by the employers’ organisations.
- Solidarnosc has also posted the translated text on its website and launched a media campaign.

Czech Republic

- A translation into Czech of the EU agreement was made and accepted by the interprofessional social partners.
- The issue of work-related stress was then put on the agenda of the tripartite Health and Safety body where several discussions took place but without real action and results so far.
- Also within the bipartite social dialogue, attempts were made but they prove very difficult in particular given the “voluntary” nature of the European

agreement. In addition, collective bargaining in the Czech Republic is mainly focussed on sectoral and enterprise level bargaining.

- Contacts with the National Health Institute learned that since the signature of the European agreement neither the trade unions, nor the employers' organisations asked for assistance of this Institute on how to best implement this agreement within the Czech context.
- A project between CMKOS and the Greek trade union for mariners is set up with as main objectives to establish guidelines and a manual on stress prevention, to train so-called prevention officers. In September 2006, all actions will be reviewed and discussed in order to identify any further action needed.
- CMKOS also ensures that in its training courses the issue of work-related stress is touched upon.

France

- No real action for the moment, but implementation is felt necessary as no concrete legal/contractual measures on work-related stress exist for the moment except for a Decree of November 2001 obliging for overall risk assessment in the enterprises.
- Reference was also made to the interprofessional collective agreement implementing the European telework agreement which was however not yet made "imperative" so that via sectoral collective agreements lower protection can be agreed upon.
- The main problem in France seems to be not stress at the work place but rather "stress to find a job or stress to keep the job you have".
- Another problem is that a large majority of the French firms are SME's.

Turkey

- Due to several aspects, the implementation might prove very difficult (e.g. low trade union affiliation and thus representation in the enterprises; work-related stress not being a priority at all for the moment also on trade union side; trade unions being constantly confronted with attempts to lower and abolish trade union rights in particular in the public sector; etc.)
- It will nevertheless be tried to translate the ETUC interpretation guide into Turkish in order to ensure wide dissemination.

Action plans

The afternoon session of the first day and the second day's work focussed on drawing up national action plans.

A first round table concentrated on how to better disseminate the EU agreement and raise the knowledge about it both inside and outside the trade unions.

The table below lists the issues raised country by country:

France	- More awareness directly to the workers is surely needed as well as
--------	--

	<p>to “train the trainers” (the latter in particular in view with future sectoral and enterprise bargaining)</p> <ul style="list-style-type: none"> - This could mainly be done via information campaigns and training courses which can be either specifically focussed on the issue of work-related stress or within the framework of initiatives on larger issues (e.g. working conditions for older workers) - There will also be a need to convince the employers of the (budgetary) advantages stress prevention/elimination policies can have for both social security systems (which they co-finance) and enterprises as such. - It should also be envisaged how to use institutes such as the “ANACT”¹, the “ARACTs”² and the INRS³. - Also the currently ongoing reform of the (role of the) Labour Inspectorate should be used to ensure that in future more attention is given to the issue of work-related stress. - Main problems in all this might be the lack of resources and even lack of interest inside the trade unions.
Czech Republic	<ul style="list-style-type: none"> - As to collective bargaining, the focus will certainly lie upon sectoral and enterprise level bargaining. In this regard, the translation into Czech of the European agreement was sent to all branch unions together with an explanatory note indicating what was expected from them. - To be envisaged how to make better use of the different Health and Safety Institutions to ensure wide dissemination.
Poland	<ul style="list-style-type: none"> - Education campaigns and manuals for workers and worker representatives engaged in collective bargaining on sectoral and enterprise level should be envisaged. - There will be little change to work via and with the Labour Inspectorate which is now already overloaded and has most likely not enough expertise knowledge. - Also campaigns towards employers, in particular focussing on the budgetary advantages, will be necessary.
Ireland	<ul style="list-style-type: none"> - There is definitely a need to ensure more awareness as more and more employees, in case of problems, rather turn to a private lawyer than to a trade union. - Also health and safety representatives should be better involved. - Also more efforts towards the Labour Inspectorate will be necessary as they are not really qualified on the issue at the moment. - As soon as the European agreement is implemented, information and training campaigns will certainly be necessary to ensure that it is actually used at the work place.
Turkey	<ul style="list-style-type: none"> - Will be tried to translate the ETUC interpretation guide into Turkish in order to ensure wide dissemination

¹ L’ Agence Nationale pour l’Amélioration des Conditions de Travail (ANACT) - http://www.anact.fr/portal/page?_pageid=497,131532&_dad=portal&_schema=PORTAL

² I.e. the 25 regional associations of ANACT - http://www.anact.fr/portal/page?_pageid=497,131532&_dad=portal&_schema=PORTAL

³ L’Institut National de Recherche et de Sécurité - <http://www.inrs.fr/>

Sinead Tiernan subsequently summed up the discussion, highlighting the following steps to be taken:

1. Action to boost people's knowledge (translate the agreement into the respective national language: ETUC, via the project, has funds to help with this; also a discussion of the final version with the employers);
2. posting of the agreement on the Internet;
3. coverage of issues by the (trade union and other) press;
4. organisation of information meetings;
5. organisation of joint meetings with the employers.

In all these steps it is important to draw a clear distinction between autonomous actions taken by the social partners and the strategy to adopt vis-à-vis public authorities.

In a second round, the participants were then given 8 keywords via which they needed to identify all possible actions for their national action plan; the keywords were:

1. translation of the agreement
2. dissemination (how and when)
3. knowledge and implementation
4. negotiation (schedule)
5. problems of interpretation
6. report (in and out)
7. monitoring
8. impact (qualitative analysis at the end of the process).

The table below lists the issues raised country by country:

France	<ul style="list-style-type: none"> • Translation: OK via ETUC project • Dissemination: see above; a note on the outcome of this meeting will be send to the Confederal Bureau of CGT in view of defining eventual further action; information sheets could also be send to unions of branches which are most confronted with the issue of work-related stress. • Implementation: Also, as mentioned, the fact that most firms are SME's might render the implementation difficult. • Report/monitoring: the limited resources might render this difficult • Impact: a screening of concluded branch level collective agreements might be considered as they are made public and consultable.
Ireland	<ul style="list-style-type: none"> • Dissemination: see also above; in first instance best to the affiliated unions and as soon as the Code of Practice is registered a more wide dissemination will be possible; links to the health and safety/industrial relations press (e.g. Industrial Relations News) must be envisaged. • Interpretation: foresees that there will remain always interpretation differences which eventually will have to be solved before and by the courts.

	<ul style="list-style-type: none"> • Report/monitoring: also refers to the limited resources in order to effectively establish this.
Poland	<ul style="list-style-type: none"> • Translation: see above • Dissemination: see above • Implementation: foreseen to start after finalisation of the negotiations on the telework agreement.
Czech Republic	<ul style="list-style-type: none"> • Translation: OK see above • Dissemination: see above; • Implementation: as said mainly via sectoral collective bargaining and it will need to be looked at which branch unions could take the “lead” in this process and thereby trigger off more results in other branches.

Sinead, Roland, Isabelle and Stefan then closed the meeting by reminding the participants a number of key messages:

1. The European Social partners signed the agreement on WRS on behalf of their member organisations which will now have to deliver!
2. The argument of “Stress is not a priority” is understandable but issues like high unemployment, increased flexibility and restructuring, which are top priorities, are also the main stress factors! So do not overlook this important link!
3. The political, institutional, social and economic environment is far from ideal and further set backs can not be allowed; we thus have to act as trade unions on both European and national.

Furthermore,

4. As to the checklist, it will be elaborated and tested in preparation of the closing conference in October 2006.
5. As to the translation of the ETUC interpretation guide, this will be looked into, but no guarantees can be given; affiliates are stimulated to find institutions in their country will to do this translation.
6. Remember that constant dissemination, both inside the trade unions and towards the general public, is of utmost importance.
7. Further possibilities for training courses will be looked into, together with the Education Department of the ETUI-REHS.
8. As for the implementation negotiations in the national context, this is the full autonomy of our affiliates but DO NOT INVENT ANYTHING; use the normal procedures and practices applicable in your country and do not accept any other result than the result this normally leads to (e.g. no guidelines if the normal outcome is a collective agreement)!
9. As to reporting, monitoring and impact assessment, there will be a need to establish solid criteria and benchmarks to lead to a proper evaluation; it needs to be looked into how the Bilbao Agency could help in this regard.
10. If there is trade union pluralism in your country, please join forces in ensuring a proper implementation and also regarding the reporting towards the ETUC.

The meeting was then closed by thanking the participants for their constructive input, and of course the interpreters for their valuable help in making us better understand each other.

MHA/ SC-ST-RG-IS/ 27.01.2006