

A decorative graphic on the left side of the slide, consisting of overlapping colored squares (blue, red, yellow) and a black crosshair.

## The European autonomous framework agreement on harassment and violence at the work place

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**SSDC on "GAS"**

**Borschette Center**

**10 April 2008**

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## Outline

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- I/ History
- II/ Signatory parties
- III/ The agreement in a nut shell
- IV/ Implementation/follow up



# I. History

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## **From 1986 to 2007**

### **5 European framework agreements**

- **Agreement on parental leave, 14 December 1995**
  - EU Directive 96/34/EC of 3 June 1996
- **Agreement on part time work, 6 June 1997**
  - EU Directive 97/81/EC of 15 December 1997
- **Agreement on fixed term contracts, 19 March 1999**
  - EU Directive 99/70/EC of 28 June 1999
- **Agreement on telework, 16 July 2002**
  - Implementation by Social Partners
- **Agreement on work-related stress, 8 October 2004**
  - Implementation by Social Partners



## I. History

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- **Autonomous agreement on work-related stress (WRS)**
  - Recognising that harassment and violence at the work place are potential work related stressors
  - EU social partners will explore possibility of negotiating a specific agreement on these issues
  - Therefore, WRS agreement does not apply to harassment, violence and post-traumatic stress
- **Social Partners Work Programme 2003-2005**
  - Announcement to organise seminar on harassment
  - Seminar took place on 12 May 2005
- **Parallel consultations launched by the Commission on issue of violence at work (2005)**
- **Social Partners Work Programme 2006-2008**
  - Action point 4: negotiate a framework agreement on harassment and violence



# I. History

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- **Start negotiations 7 February 2006**
- **9 rounds of negotiating – 10 months**
- **At 9th round of 14-15 December 2006 a joint text was agreed upon**
- **Dec 2006-March 2007: Internal consultation round within all signatory parties for adoption agreement**
- **Official signing: 26 April 2007**
- **26 April 2007: start implementation period of three years (i.e. until April 2010)**



## II. Signatory Parties

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### Representing European workers

- **ETUC** – European Trade Union Confederation;
- Established in 1973;
- 81 member organisations in 36 countries;
- 60m members;
- 12 European Industry Federations;
- Eurocadres (professional & managerial staff)
- FERPA (retired & older people)

### Representing European employers

- **BUSINESSEUROPE** – the Confederation of European Business;
- Established 1958;
- 39 federations from 33 countries;
- More than 20m companies;
- **UEAPME** – European Association of Craft, Small and Medium-sized Enterprises);
- **CEEP** – European Centre of Enterprises with Public Participation and of Enterprises with General Economic Interest



## **III. The agreement in a nut shell**

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### **Clause 1: Introduction**

- **Mutual respect for the dignity of others at all levels within the workplace is one of the key characteristics of successful organizations**
- **Harassment and violence are unacceptable and EU social partners condemn them in all their forms**
- **Mutual concern of employers and workers to deal with it as it can have serious social and economic consequences**



### III. The agreement in a nut shell

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#### **Clause 1: Introduction (continued)**

- **EU and national law define the employers' duty to protect workers against harassment and violence in the workplace**
  - Directive 2000/43/EC of 29 June 2000 - principle of equal treatment between persons irrespective of racial or ethnic origin
  - Directive 2000/78/EC of 27 November 2000 - general framework for equal treatment in employment and occupation
  - Directive 2002/73/EC of 23 September 2002 - amending Council Directive 76/207/EEC - 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 - introduction of measures to encourage improvements in the safety and health of workers at work





## III. The agreement in a nut shell

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### **Clause 1: Introduction (continued)**

- **Different forms of harassment and violence can affect workplaces. They can**
  - be one off incidents or more systematic patterns of behavior
  - be physical, psychological and/or sexual
  - 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



## III. The agreement in a nut shell

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### Clause 1: Introduction (continued)

- **Recognition by the EU social partners 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.**



### **III. The agreement in a nut shell**

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#### **Clause 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**



## III. The agreement in a nut shell

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### Clause 3: Description

- **Harassment and violence are due to unacceptable behaviour**
  - by one or more individual
  - 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**



## III. The agreement in a nut shell

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### **Clause 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 (“Zero-tolerance” principle)
- 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



### **III. The agreement in a nut shell**

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#### **Clause 4 (continued)**

- **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



### **III. The agreement in a nut shell**

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#### **Clause 4 (continued)**

- **If it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrator(s) and 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**



## **IV. Implementation and follow up**

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### **Clause 5: Implementation and follow-up**

- **Commits the members of UNICE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to implement**
- **In accordance with the procedures and practices specific to management and labour in the EU and EEA countries**
- **Invitation towards member organisations in candidate countries to implement this agreement**
- **Implementation to be carried out within three years after the date of signature of this agreement (i.e. before 26 April 2010)**





## IV. Implementation and follow up

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### **Clause 5 (continued)**

- **Member organisations will report on the implementation of this agreement to the Social Dialogue Committee**
  - First three years 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



## IV. Implementation and follow up

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### **Clause 5 (continued)**

- **Evaluation and review the agreement any time after the five years following the date of signature, if requested by one of the signatory parties**
- **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**

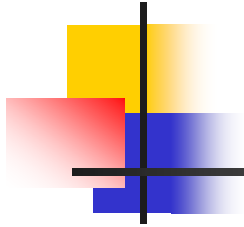


## IV. Implementation and follow up

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### **Clause 5 (continued)**

- **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 (non-regression clause)**
- **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 (more favourable provisions)**



**- Thank you for your attention -**