



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

**European Parliament
Committee on Women's Rights and Gender Equality
Brussels
21 November 2007**

**Stefan Clauwaert
ETUI-REHS Senior Research Officer**



Outline

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



I. History

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

- **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

- **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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 -