

# EUROPEAN PARLIAMENT

1999



2004

---

*Session document*

FINAL  
**A5-0283/2001**

16 July 2001

## **REPORT**

on harassment at the workplace  
(2001/2339(INI))

Committee on Employment and Social Affairs

Rapporteur: Jan Andersson



## CONTENTS

	<b>Page</b>
PROCEDURAL PAGE .....	4
MOTION FOR A RESOLUTION.....	5
EXPLANATORY STATEMENT .....	9
OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES.....	19

## PROCEDURAL PAGE

At the sitting of 28 February 2001 the President of Parliament announced that the Committee on Employment and Social Affairs had been authorised pursuant to Rule 163 of the Rules of Procedure to draw up an own-initiative report on harassment at the workplace.

At the sitting of 28 February 2001 the President of Parliament announced that the Committee on Women's Rights and Equal Opportunities had also been asked for its opinion.

The Committee on Employment and Social Affairs had appointed Jan Andersson rapporteur at its meeting of 15 February 2001.

It considered the draft report at its meetings of 20 June, 9 July and 10 July 2001.

At the last meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Michel Rocard, chairman; Winfried Menrad and Marie-Thérèse Hermange, vice-chairmen; Jan Andersson, rapporteur; María Antonia Avilés Perea, Regina Bastos, Alejandro Cercas, Elisa Maria Damião, Harald Ettl, Carlo Fatuzzo, Ilda Figueiredo, Fiorella Ghilardotti, Anne-Karin Glase, Stephen Hughes, Karin Jöns, Piia-Noora Kauppi (for Ilkka Suominen), Ioannis Koukiadis, Rodi Kratsa-Tsagaropoulou, Jean Lambert, Elizabeth Lynne, Thomas Mann, Mario Mantovani, Claude Moraes, Camilo Nogueira Román (for Jillian Evans pursuant to Rule 153(2)), Ria G.H.C. Oomen-Ruijten (for Guido Podestà), Paolo Pastorelli (for Raffaele Lombardo), Manuel Pérez Álvarez, Bartho Pronk, Tokia Saïfi, Herman Schmid, Inger Schörling (for Ian Stewart Hudghton pursuant to Rule 153(2)), Miet Smet, Helle Thorning-Schmidt, Bruno Trentin (for Barbara Weiler), Ieke van den Burg and Anne E.M. Van Lancker.

The opinion of the Committee on Women's Rights and Equal Opportunities is attached.

The report was tabled on 16 July 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## MOTION FOR A RESOLUTION

### European Parliament resolution on harassment at the workplace (2001/2339(INI))

*The European Parliament,*

- having regard to Articles 2, 3, 13, 125–129, 136–140 and 143 of the EC Treaty,
- having regard to its resolutions of 13 April 1999 on modernising the organisation of work – a positive approach to change<sup>1</sup>, of 24 October 2000 on guidelines for Member States' employment policies for the year 2001 – the joint employment report 2000<sup>2</sup> and of 25 October 2000 on the social policy agenda<sup>3</sup>,
- having regard to the relevant sections of the European Council conclusions from the summits in Nice and Stockholm,
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Equal Opportunities (A5-0283/2001),
  - A. whereas 8% of the workforce in the EU, which is equivalent to 12 million people, state that over the last 12 months they have been subject to bullying at work according to a survey of 21 500 workers carried out by the Dublin Foundation, and whereas this figure can be assumed to constitute substantial under-reporting,
  - B. whereas the incidence of violence and harassment at work, under which the Foundation includes bullying, displays major disparities between the Member States; according to the Foundation this is due to underreporting in certain countries, greater awareness in others, differing legal systems and cultural differences; whereas insecure employment is one of the main reasons for the increase in such occurrences; whereas persons who suffer from bullying are significantly more susceptible to stress than workers in general,
  - C. whereas the Dublin Foundation observes that persons who suffer from bullying are significantly more susceptible to stress than workers in general; whereas the European Agency for Health and Safety at Work observes that bullying and harassment are potential health risks that often lead to stress-related illnesses; whereas gender-specific national data on bullying at work do not, however, reveal a uniform picture according to the Agency,
  - D. whereas data from one Member State show that bullying is by far most prevalent in the case of work with a high anxiety level, which is a category of work that is more

---

<sup>1</sup> OJ C 219, 30.7.1999, p. 37–40.

<sup>2</sup> OJ C 197, 12.7.2001, p. 68–73.

<sup>3</sup> OJ C 197, 12.7.2001, p. 180–183.

common amongst women than amongst men and that expanded considerably during the 1990s,

- E. whereas studies and empirical analysis taken together point to a clear link between on the one hand, bullying at work and on the other, stress or work with a high level of anxiety, greater competition, less job security and precarious employment status,
  - F. whereas possible causes of bullying include, for example, shortcomings in the organisation of work, in-house information and management; whereas unresolved and longstanding organisational problems are a heavy strain on work teams and may lead to ‘scapegoating’ and bullying; whereas the consequences for individuals and work teams may be significant and likewise the costs to individuals, companies and society,
1. Believes that bullying, a phenomenon the true extent of which is not yet known, is a serious problem in the world of work, and that the problem urgently needs greater attention and increased countermeasures, including consideration of new ways of combating the problem;
  2. Draws attention to the fact that the growing number of short-term contracts and insecurity of employment, especially among women, is creating conditions that encourage the practice of various forms of harassment;
  3. Points out the devastating effects of harassment on the physical and mental health of its victims and thus also their families, often necessitating medical and psychotherapeutic treatment, and usually leading them to take sick leave or resign from their jobs;
  4. Points out that, according to several research, women are more frequent victims than men of every type of harassment, whether it is ‘vertical’ harassment of a subordinate by a superior, or vice versa, peer-group (‘horizontal’) harassment or harassment of a mixed type;
  5. Points out that false accusations of harassment can themselves constitute an effective form of harassment;
  6. Emphasises that measures to combat bullying at work must be seen as an important part of the efforts to achieve higher quality and improved social relations in the workplace; they will also help to counteract social exclusion; this can be regarded as the reason for Community initiatives and is in line with the European social agenda and employment guidelines;
  7. Points out that the problems associated with bullying at work are still probably underestimated in many quarters within the Union and that there are a series of arguments in favour of joint action at Union level, for example, the difficulties in devising effective instruments for counteracting and preventing bullying, the fact that guidelines on measures against bullying at work may have the effect of setting standards and influencing attitudes and the fact that reasons of fairness also justify such common guidelines;

8. Urges the Commission in the communications on a Community strategy on health and safety at work and on strengthening the quality dimension in employment and social policy and in the Green Paper on corporate social responsibility also to take into account mental, psycho-social or social factors in the work environment, including the organisation of work, thus emphasising long-term, systematic and preventive efforts concerning health and safety - with the aim, inter alia, of counteracting bullying at work - and also to consider the need for legislative initiatives to this end;
9. Urges the Council and the Commission to include quantitative indicators relating to bullying at work in the indicators for the quality of work that are to be developed for the European Council's meeting in Laeken;
10. Calls on the Member States, with a view to counteracting bullying and sexual harassment at work, to review and, if appropriate, to supplement their existing legislation and to review and standardise the definition of bullying;
11. Expressly emphasises the responsibility of the Member States and of society as a whole with regard to bullying and violence at work, and sees this as the main focus for the strategy for combating them;
12. Recommends to the Member States that they require businesses, public-service departments and the social partners to put in place effective prevention policies, to provide a system for exchanging experience, and specify procedures to solve the problem of harassment for victims and prevent any recurrence; recommends, in this context, that information and training of employees, managers, the social partners and workplace doctors be developed, in both the private and public sectors, and here draws attention to the possibility of appointing a confidential mediator at the workplace to whom employees can turn if they so wish;
13. Urges the Commission to consider a clarification or extension of the scope of the framework directive on health and safety at work or, alternatively, the drafting of a new framework directive as a legal instrument to combat bullying and as a means of ensuring respect for the worker's human dignity, privacy and integrity; emphasises in this connection the importance of systematic work on health and safety and of preventive action;
14. Emphasises that the state of knowledge, including research, can be facilitated and improved through better statistical data and draws attention to the roles of Eurostat and the Dublin Foundation in this connection; urges the Commission, the Dublin Foundation and the European Agency for Health and Safety at Work to initiate in-depth studies into bullying;
15. Emphasises the importance of closer investigation of the incidence of bullying at work related both to aspects concerning the organisation of work and, for example, to sex, age, industrial sector and profession; calls for this study to include an analysis of the particular situation of women who are victims of harassment;
16. Notes that one Member State has already introduced rules to combat harassment in the workplace and that others have begun the process of adopting legislation to combat

harassment, often along the lines of the legislation to combat sexual harassment; urges the Member States to pay heed to the problems of bullying at work and to take this issue into account in its national legislation or through other measures;

17. Urges the European institutions to set an example as regards efforts to prevent and counteract bullying within their own structures and where help and support for individuals and work teams are concerned; and if necessary provide for amendment of their civil service regulations, including an appropriate sanctions policy;
18. Notes that victims of harassment in the European Institutions currently receive too little help, and congratulates the administrative services for having set up, several years ago, a training course specifically directed at female administrators entitled 'The female style of management' and, more recently, an Advisory Committee on Psychological Harassment (Mobbing);
19. Urges that thought be given to the extent to which consultation at Community level between the social partners can help counteract bullying at work and that employees' organisations be involved in this process;
20. Calls on the social partners within the Member States and at Community level to develop their own approaches to combating bullying and violence at work, and to exchange experience about these in accordance with the principle of best practice;
21. Recalls that harassment also has negative consequences from the point of view of employers, adversely affecting the profitability and economic performance of firms as a result of the absenteeism it causes, the reduced productivity of employees arising from their sense of confusion and loss of concentration, and the need to pay compensation to dismissed employees;
22. Underlines the importance of broadening and clarifying the employer's responsibility for systematic action on health and safety at work that results in the achievement of a satisfactory working environment;
23. Calls for a debate on how voluntary networks or organisations against bullying can be supported;
24. Asks the Commission to publish by no later than March 2002 a green paper providing a detailed analysis of the situation regarding the issue of bullying at work in the various Member States and, by no later than October 2002, on the basis of this analysis to present an action programme of measures at Community level against bullying at work; the action programme should include a timetable;
25. Instructs its President to forward this resolution to the Commission and the Council.



## EXPLANATORY STATEMENT

### 1. Background

This report looks at the need for efforts to prevent and combat bullying at the workplace. There has been a growing interest in this subject within the EU in recent years. There are a number of reasons for this:

- The appearance of new working environment risks and/or better ways of distinguishing and identifying certain forms of these risks have led to a greater demand for efforts to protect people not only from physical and chemical working environment risks but also from other forms of risk at the workplace, including bullying.
- Current cooperation within the EU places much stress on efforts aimed at more and better jobs, quality of work and improved social relations at the workplace as well as measures to combat exclusion from the labour market and counteract long-term unemployment. Prevention and combating of bullying at the workplace may be seen in this context.
- Bullying at work has clear points of overlap with discrimination and sexual harassment at work, two areas in which Community initiatives have already been taken.

Your rapporteur hopes that this report will encourage swift and tough measures against bullying at work that entail positive effects for individuals, organisations and society.

Some 8% of workers in Europe, that is 12 million people, claim to have been subjected to bullying at work over the past 12 months. By way of comparison, 4% said they had been subject to physical violence and 2% to sexual harassment at work. This has emerged from the third European study of work relationships carried out by the European Foundation for the Improvement of Living and Working Conditions (Dublin Foundation) published in December 2000. The results of the study build on face-to-face interviews with 21 500 workers in the Member States.

National data from several Member States support the finding that bullying at work is widespread. The information set out below points to a clear link between the increase in bullying and the increase in stress or anxiety at work.

### 2. Definition

There does not seem to be any internationally accepted definition of bullying at work. On the other hand there are a number of definitions worked out by researchers, organisations, national authorities, etc., often with a different emphasis or angle.

Even though there is no generally accepted definition, the various definitions or descriptions may be said as a whole to cast some light on what is a reality for many people at work: a lack of humanity at the workplace, personal experiences of bullying at work, a feeling of exclusion from the social community there, encountering irreconcilable demands at work and not having the wherewithal to meet these demands.

With a view to compiling systematic information on and finding solutions to the problem of bullying at work the question of definitions is nonetheless important, and will therefore be touched on in various connections below.

No definition of bullying at work has been arrived at in the European Union either. The Commission's ad hoc group on Violence at Work has – your rapporteur gathers – recently discussed measures to combat bullying with representatives of (inter alia) the Member States' health and safety at work authorities and has in this connection also touched on the matter of definitions.

In the Member States a number of different definitions of bullying at work are employed.<sup>4</sup>

Discrimination at work and sexual and other harassment at work have clear links to bullying at work. One definition of *sexual harassment* is to be found in a proposal for an amendment to the Equal Treatment Directive<sup>5</sup>. The Working Life Directive states what is meant by *direct* and *indirect discrimination at work*<sup>6</sup> as well as *harassment*<sup>7</sup>.

---

<sup>4</sup> Some examples of definitions can be found below.

In the *British* ACAS Code, Code of Practice on disciplinary and grievance procedures, bullying is defined as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

In *France* a Bill on social modernisation includes a chapter on workplace bullying where the following definition is reproduced: "No employee should be subjected to repeated incidents of bullying aimed at or having the effect of infringing his dignity and creating humiliating or degrading working conditions".

An *Irish* Task Force on the prevention of workplace bullying has in April 2001 proposed that workplace bullying should be defined as "repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a once-off incident is not considered to be bullying".

In a speech about planned legislation against workplace bullying, the *Belgian* Minister of Labour has used the definition "bullying at work: repeated misconduct of whatever origin, outside or inside the company or institution, as manifested in particular by behaviour, words, intimidation, acts, gestures, methods of work organisation and one-sided documentation with the aim to, or likely to, infringe the personality, dignity or physical or mental integrity of an employee in the performance of his duties, to jeopardise his job or to create an intimidating, hostile, degrading, humiliating or offensive environment".

The definition of workplace bullying/victimisation at work in a *Swedish* ordinance is "recurrent reprehensible or distinctly negative actions which are directed against individual employees in an offensive manner and can result in those employees being placed outside the workplace community" (The Swedish Work Environment Authority, AFS 1993:17).

<sup>5</sup> *Sexual harassment* "shall be deemed to be discrimination on the grounds of sex at the workplace when an unwanted conduct related to sex takes place with the purposes or effect of affecting the dignity of a person and/or creating an intimidating, hostile, offensive or disturbing environment, in particular if a person's rejection of, or submission to, such conduct is used as a basis for a decision which affects that person" (COM (2000) 334 final).

### 3. Incidence, causes and effects – preventive measures

The Dublin Foundation study referred to in the introduction comprises a long series of working environment factors, including *violence and harassment*. In this area (in which the Foundation includes bullying) there are wide divergences between the Member States which, the Foundation maintains, are the result of under-reporting in some countries, greater awareness in others, and differences in the legal systems and cultural differences which may affect how the issues are perceived.

The result of this study in the Member States shows that *women* are subject to bullying to a greater extent than *men* (9% as opposed to 7%) and that casual workers are more likely to suffer from it than people in permanent jobs. The study finds that the incidence of bullying is highest in the public administration (13%), but it is also common in, for example, the service and sales sector (11%) and banking (10%). National assessments and studies also show that a number of other types of occupation or sectors of the economy are at high risk. According to the Dublin Foundation, *insecure employment* is one chief cause of the higher incidence of various types of violence at work, under which heading the Foundation includes bullying.

According to the Dublin Foundation's findings, persons who suffer from bullying are significantly more susceptible to *stress* than workers in general. 47% of victims of bullying said they had stressful work, while the proportion of all those questioned who said this was 28%. Health-related absence from work is also more frequent among victims of bullying (34%) than in general (23%).

In a specific survey of national data by the 1999 Swedish Working Environment Survey<sup>8</sup> also found a link between stress and bullying. An index measuring the combination of demands and control over one's own work showed the following:

---

<sup>6</sup> According to the Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation, *direct discrimination* should be taken to occur where one person, on the ground of religion or belief, disability, age or sexual orientation, is treated less favourably than another is, has been or would be treated in a comparable situation.

*Indirect discrimination* shall, according to the same directive, be taken to occur where an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons.

Some derogations could occur from what has been said here about indirect discrimination.

<sup>7</sup> Harassment shall, according to the Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation, be deemed to be a form of discrimination when unwanted conduct related to religion or belief, disability, age or sexual orientation takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

<sup>8</sup> Statistics Sweden, March 2001.

<i>Combination</i>	<i>Proportion of bullying victims, %</i>	
	<i>Women</i>	<i>Men</i>
Work with high anxiety level = high demands and low degree of individual control	12.6	15.9
Active work = high demands and high level of individual control	8.4	6.8
Passive work = low demands and high level of individual control	6.9	9.3
Work with low anxiety level = low demands and low level of individual control	4.5	5.7

The table shows that people who are subject to high demands at work and at the same time have a low degree of control over their own work, i.e. those who have *work with a high anxiety level*, are in a special class most susceptible to bullying. Work with a high anxiety level increased significantly during the 1990s. Women are more represented in this type of work than men, and its incidence also increased more for women than for men during the 1990s.

The specific treatment of the Swedish study also shows that the proportion of people subject to bullying is four or five times higher for people who lack support *both from their bosses and from their workmates*, compared with those who have the possibility of support from both of these. The question is whether bullying is most common where work is so hectic that people do not have time for each other, and when someone who does not perform is felt to be a burden? Is work with a high level of anxiety a more common phenomenon in modern, flexible working systems?

The pilot study by the European Agency for Health and Safety at Work, *The State of Occupational Safety and Health in the European Union*, is also interesting in this connection. The study, which was published in September 2000, was carried out using national reports from the Member States in combination with national and European statistics on working conditions. Both quantitative and qualitative data was used. The quantitative part of the document incorporates statistics from the Dublin Foundation's second European survey of working conditions from 1996.

This study concludes that bullying, physical violence and ergonomics are new risk factors with a psychological dimension, though much also still remains to be done to eliminate chemical and physical health risks. According to the Agency, bullying and harassment often lead to stress-related illnesses and constitute potential health risks.

According to the qualitative part of the study, six of the Agency's contact bodies in the Member States consider that the incidence of bullying has increased over the past 3 to 5 years (Austria, Belgium, the Netherlands, Ireland, Spain and Sweden), one considers it has fallen (Greece) while the eight others did not reply or could not say whether there was a trend one way or the other. According to the Agency, gender-specific national data on bullying at work do not reveal a uniform picture – in some countries women are more exposed to bullying, in others men.

Taken together, these studies and empirical analyses point to a clear link between on the one hand bullying at work and on the other stress or work with a high level of anxiety, increased competition and reduced confidence at the workplace.

Your rapporteur is of the opinion that there can be a number of causes for bullying at the workplace. There can be shortcomings in the *organisation of work*, the internal information system and/or management, workload or demands on staff which are too high or too low, shortcomings in the employer's staff policy or his attitude to or treatment of the employees. Unresolved or long-term organisational problems place a heavy burden on work teams. Tolerance of stress is lowered and can lead to the 'scapegoat mentality' and the attempt to exclude individual workers. Sometimes the causes of bullying or attempted exclusion are not just organisational, and may lie in the actions or attitude of individual persons.

Serious consequences of discriminatory treatment may manifest themselves in *individual workers* as difficulties with cooperation, low tolerance of stress, poor physical health, abuse or physical reactions, e.g. sleep disturbances or depression, manic symptoms, sometimes aggressiveness or serious tiredness and/or suicidal thoughts. If the bullying does not stop immediately (and the underlying problems at work are not investigated and dealt with) there is a risk of the problem becoming so serious that long-term expert medical and psychological help will be needed.

The *work team* is also affected by the serious consequences of bullying. These can manifest themselves, for example, in reduced effectiveness and productivity, increased criticism of or lack of confidence in the employer, a general feeling of insecurity, increased problems with cooperation, a high level of absenteeism on health grounds, staff turnover, general unease, exaggerated reaction to small problems, and a continual search for new scapegoats.

The various calculations of the cost of bullying yield widely varying results. In general bullying at the workplace can lead to costs in the form of reduced effectiveness and lower productivity, increased absenteeism on health grounds and staff turnover. There may also be costs in the form of deteriorating quality or company image, or the loss of customers. At the level of society at large, bullying may entail costs for medical or psychological help, sick leave or early retirement.

The above seeks not to provide an exhaustive account of the causes and effects of bullying at work but to draw attention to the seriousness of its social and organisational implications and thus to ways of preventing it. Efforts to this end, in your rapporteur's opinion, are most helpful when they seek to prevent bullying at work, but those which counteract other forms of workplace health and safety risk may also be useful.

#### **4. Community initiatives**

Counteracting and prevention of bullying at work needs to be seen as an important element in efforts towards a better quality of working life and better social relationships at work. Such measures also contribute to counteracting social exclusion and long-term unemployment, which may also be regarded as the aim of Community initiatives and which is in line with the European social agenda and employment directives.

It is clear that there are wide divergences between the Member States as regards awareness of the problems of bullying and measures taken, both in the form of regulatory systems and other efforts to counteract and prevent bullying. In your rapporteur's view, there is reason to suppose that the problems of bullying at work are being underestimated in many respects within the Union, and this could be seen as one more reason for working out common guidelines. A further argument for common initiatives at EU level is the difficulty of finding effective instruments to counteract and prevent bullying, and thus an exchange of information between the Member States could be desirable. Guidelines on measures to counter bullying at work are also likely to have a standardising effect and an influence on attitude, at least in the long term; such guidelines are also required for reasons of fairness.

Shortcomings in the working environment must not be used as a competition tool and must not lead to people being forced to leave working life early. On the contrary, as the Commission noted in its communication on the Social and Political Agenda (COM(2000) 379), quality of work strengthens the competitive position of European companies.

There are a number of arguments in favour of incorporating measures against bullying at work into initiatives to improve the quality of the working environment and to combat social exclusion and long-term unemployment. Such measures should be able to improve the working environment, prevent conflicts at the workplace, contribute to conflict resolution and thus facilitate social relations at work.

In the context of initiatives for more and better job opportunities in the EU, the Commission plans during the next few years to submit communications on a Community strategy on health and safety at work, entitled 'Strengthening the quality dimension in employment and social policy', and a Green Paper on 'Corporate Social Responsibility'. Your rapporteur considers that the Commission should also look in that connection at working environment factors often referred to as mental, psycho-social or social, including the organisation of work. It should stress the importance of long-term systematic and preventive efforts to improve health and safety at work – with the aim, inter alia, of counteracting bullying at work. The need for legislative initiatives to that end should also be considered here.

The conclusions of the European Council in Stockholm emphasise the importance of improving the quality of work. They state that regaining full employment not only involves focusing on more jobs but also on better jobs. To this end, common strategies for maintaining and improving the quality of work ought to be included as a general objective in the 2002 employment guidelines. Furthermore, the Council together with the Commission will develop indicators on quality in work and will devise more accurate quantitative indicators to be presented in time for the Laeken European Council in 2001.

In the rapporteur's opinion, the Council and the Commission should be encouraged to include quantitative indicators for bullying at work in the indicators on quality in work that are to be developed for the Laeken Summit.

## **5. Need for knowledge and exchange of experience**

In the EU at present there are large gaps in knowledge about bullying at work. The statistical background is inadequate, research in the area is sparse and knowledge about the causes of bullying and the link with other work situations, and the effectiveness of other types of measures, is limited. There is a dearth of information about the economic consequences, both for individual jobs and for society at large. In your rapporteur's opinion, better knowledge in this area may encourage the adoption of effective measures.

The state of knowledge can be improved, and research can be simplified, by improving the quality of statistics. To that end, relevant definitions are needed. It is also important that, in statistics on bullying at work, besides the link between bullying and other working environment factors, the incidence of the phenomenon should also be broken down by industrial sector, sex, age group etc.

The view that the state of knowledge needs to be improved is supported by the study by the European Agency for Health and Safety at Work, *The State of Occupational Safety and Health in the European Union*, which also investigates reports by representatives of health and safety at work authorities in various Member States, e.g. on appropriate preventive measures against bullying at work.

In your rapporteur's view, it is important for a statistical background study to be carried out to obtain better knowledge about bullying at work. Eurostat or the Dublin Foundation should take a leading role in this connection.

In-depth studies on the organisation of work and other working conditions should be able to help improve the state of knowledge about bullying at work. Good practice is of particular interest in this context, whether it be measures to prevent bullying which have actually succeeded in preventing or halting it, or studies on the economic consequences. In your rapporteur's opinion both the Commission and either the Dublin Foundation or the Agency for Health and Safety at Work should have the responsibility for initiating these in-depth studies and ensuring that the results of these studies are distributed to workplaces. Regarding initiatives by the Dublin Foundation, your rapporteur would point out that it has particular responsibility for matters of work organisation.

For the purposes of collecting knowledge and exchanging information your rapporteur would also draw attention to the open coordination method. This well-known method comprises the analysis and dissemination of good practice. By setting quantitative and qualitative criteria, parameters and indicators, it is possible to obtain better and also comparable knowledge, thus enabling the learning process to be a two-way street. In its resolution (A5-0291/2000) on the Commission communication on the social policy agenda, the European Parliament expresses a positive opinion of the open coordination method, and also stresses that the Community legislation can be used as a tool to establish minimum standards at EU level.

## **6. Legislation**

In many Member States and candidate countries legislation can be used in this connection only if specific isolated phenomena in the bullying process can be found to constitute offensive behaviour or harassment. However, generally bullying is more diffuse in nature

which makes it hard to prove in court. In some Member States there exists – or there is in preparation or under consideration – legislation which specifically targets bullying at work. Sweden is a case in point – regulations came into force there in 1994 – as are Belgium and France. Other countries have decided instead to stress the more effective implementation of general legislation applicable to bullying, best practice and cooperation between the parties involved.

It is not absolutely clear whether the EC framework directive on health and safety at work (89/391/EEC) is applicable to bullying at work, even though there is much evidence to suggest it. Your rapporteur gathers that the matter has recently been discussed in the Commission's ad hoc working party on violence at work.

Your rapporteur considers there is a need for a longer-term debate on the need for legislative measures at European level to prevent and counteract working environment risks including bullying at work. The uncertainty about the applicability of the framework directive should be eliminated: your rapporteur will return to this shortly.

Article 1 of the Framework Directive states that its object is to introduce measures to encourage improvements in the safety and health of workers at work. Without going into detail on the content of the directive we may note that mental, psycho-social and social working conditions are not specifically referred to there. Article 6 refers to the employer's responsibility to assess risks and take measures to protect the health and safety of workers, but it is not clear whether this responsibility can be regarded as extending to cover mental, psycho-social or social working environment factors.

In its resolution on a new social policy agenda, the European Parliament called on the Commission to assess the legislative framework currently in force and to define the instruments chosen to implement the social agenda. It also called upon the Commission to put in place a real Community strategy on health and safety at work which is based on the setting of common comparable objectives, contains an action plan to reinforce the implementation, control and evaluation of the existing directives and includes additional legislative initiatives on risks that are covered inadequately or not at all, and encourage the use of risk analyses.

As we have seen, the Commission proposes in the near future to submit communications and a Green Paper on initiatives for more and better job opportunities. In your rapporteur's view, it is important that a debate should be carried on in this connection, partly on working environment factors in the broader sense and the need for legislative initiatives aimed at influencing these factors, and partly on the applicability of the Framework Directive. The Commission should be called upon to consider there a clarification or extension of the scope of the Framework Directive, or alternatively the drafting of a new framework directive with a broader scope. In this connection your rapporteur would stress the importance of systematic studies on the working environment and preventive measures, not least because - as with other 'new' working environment risks - it is hard to produce evidence of bullying.

The need for a new, supplementary directive, a recommendation or similar document aimed at bullying at work, could also be considered in that connection.



The question of a definition of bullying at work could, in your rapporteur's opinion, reasonably be considered in more detail following the drafting of a legislative proposal or similar document in this area. This might, as with the definition of harassment (see above) leave room for definition in accordance with the Member States' national legislation and practice.

## **7. The social partners – local initiatives**

Your rapporteur has pointed out above the link between bullying and the organisation of work.

The social partners have a decisive role to play and major responsibility for measures being taken both at European and national level through negotiations in key areas, including the organisation of work. This was stressed by the European Parliament in its resolution on a new social and political agenda. Parliament considers that social dialogue should be promoted and strengthened, and should play an important role in the development of ideas and best practice. In your rapporteur's opinion it should be considered to what extent there should be consultation at Community level between the social partners to help counteract bullying at work.

Under the terms of the Framework Directive on health and safety at work (89/391/EEC), employers have a clear responsibility to assess, and where necessary prevent, risks to workers' health and safety, 'inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places'.

Your rapporteur is convinced that the prospect of further health and safety at work initiatives, and a strong emphasis on preventive measures, must be forthcoming if bullying at work and other forms of working environment problems are to be effectively counteracted. To that end, employers' responsibilities for the working environment must be extended and clarified. A modern approach to the working environment requires employers to be responsible for systematic working environment initiatives comprising research, implementation and follow-up of activities so that sickness and accidents at work can be prevented and a *satisfactory working environment* achieved.

This systematic approach to the working environment must be incorporated naturally into everyday work and must cover all conditions, including psychological and social conditions, which have a bearing on the working environment. This should, in your rapporteur's view, be stated in EU and other legislative acts.

There is already a support organisation and network for persons who have suffered bullying. There are also trade union organisations helping their members who have been bullied. In your rapporteur's view it is important to discuss how voluntary networks or organisations can be supported so as to develop their activities to enable these where necessary to be coordinated with professional resources. Coordinated resources and voluntary work may in the long term lead to reduced human suffering but also to lower costs for health care, rehabilitation, etc.

## **8. Conclusion**

In the European social agenda set out by the Nice European Council it was stressed that all Community instruments would be used to implement the agenda: legislation, social dialogue, the open coordination method, the structural funds, the support programmes, the integrated political strategy, analysis and research. In his proposals for Community initiatives against bullying at work your rapporteur has pointed out many of these alternatives.

It is to be hoped that the report will provide a stimulus for the adoption of tough measures against bullying at work as soon as possible. The Commission should be asked by no later than March 2002 to publish a Green Paper providing a detailed analysis of the situation regarding the issue of bullying at work in the various Member States and then, by no later than October 2002, on the basis of this analysis to present an action programme of measures at Community level against bullying at work. The action programme should include a timetable.

26 June 2001

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES**

for the Committee on Employment and Social Affairs

on harassment at the workplace  
(2001/2339(INI))

Draftsperson: Miet Smet

### **PROCEDURE**

The Committee on Women's Rights and Equal Opportunities appointed Miet Smet draftsperson at its meeting of 27 February 2001.

It considered the draft opinion at its meetings of 28 May 2001 and 21 June 2001.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Maj Britt Theorin, chairperson; Miet Smet, draftsperson; María Antonia Avilés Perea, Maria Berger (for Christa Prets), Lone Dybkjær, Lissy Gröner, Heidi Anneli Hautala, Mary Honeyball, Anna Karamanou, Thomas Mann, Maria Martens, Patsy Sörensen and Joke Swiebel.

## SHORT JUSTIFICATION

Harassment in the workplace, or 'mobbing', is not a new phenomenon. It is particularly worrying that it is a growing phenomenon in both the public and the private sectors. The first studies of harassment in the workplace were made in countries where the laws on protection of workers are particularly highly developed, whereas in those countries where such protection is inadequate, data on this risk factor are in short supply, particularly as regards the methods and measures to be used to prevent the phenomenon and to deal with the consequences when it occurs.

There are various definitions of harassment. One might quote by way of example the definition given by the psychiatrist, psychoanalyst and family therapist Marie-France Hirigoyen<sup>9</sup>: 'harassment in the workplace may be defined as abusive behaviour (in the form of actions, words, conduct, attitude, etc.) which does harm, as a result of its repeated or regular occurrence, to the dignity or psychological or physical well-being of a person, endangering their employment or causing their working environment to deteriorate'. The phenomenon can be approached differently. The word 'mobbing' is used to describe the pressure exerted by a group of employees on a fellow worker. 'Bullying' is used to describe a management practice consisting in placing the employees in a particular unit under constant pressure. It ranges from mocking or isolating the victim to sexual abuse or physical aggression.

The tactics used in a harassment situation consist in hostile actions intended to isolate the victim, downgrade his/her working conditions (reducing his/her autonomy, giving too much or too little work, not giving promotion), attack his/her dignity (criticism, insults, defamatory remarks) or commit physical or verbal violence against him/her. The harasser can be an individual or a group. Often the harasser holds a higher position in the firm or public-service department, but harassment can also be directed by subordinates against their superior.

According to a survey on working conditions carried out in 1996 by the European Foundation for the Improvement of Living and Working Conditions,<sup>10</sup> 12 million workers in Europe consider themselves to be victims of harassment. The results of the various surveys show women to be the main victims. The view is stated in the opinion of the French Economic and Social Committee (CES), adopted on 21 April 2001, that it is possible, on the basis of national and international studies, to put together a profile of a typical harassment victim, who is usually a woman, over 40 (thus focusing on the end-of-career period); the opinion also highlights the fate of young employees. According to a study carried out in France by Marie-France Hirigoyen (see above), 70% of victims are women. The women most affected are from racial minorities, have a handicap or a different sexual orientation, or are pregnant. Hirigoyen believes not only that women are more often victims, but also that women are harassed in a different way from men: chauvinist or sexist connotations are more often a component. She makes a theoretical distinction between psychological harassment and sexual harassment, although she demonstrates that one often turns into the other. Sexual harassment

---

<sup>9</sup> Marie-France Hirigoyen, *Le harcèlement moral, la violence perverse au quotidien*, Syros, 1998. See also, by the same author, *Maladie dans le travail, harcèlement moral: démêler le vrai du faux*, Syros, 2001.

<sup>10</sup> European Foundation for the Improvement of Living and Working Conditions, 'Second European Survey on Working Conditions in the European Union', 1997, Office for Official Publications of the European Communities.

only represents one step further in the process of psychological harassment. In both cases the victim is humiliated and treated as an object to be used by the harasser. According to Hirigoyen, there are a number of specific types of harassment directed at women. The first case is that of women who reject advances by a superior or colleague, and are isolated, humiliated or harshly treated as a result. Second, there is discrimination against women: women are ignored, or harassed or prevented from working simply because they are women. According to the CES, sexual harassment and psychological harassment situations display many similarities, such as the difficulties the victim experiences in talking about what has happened, defending herself or complaining, and the problems she experiences in producing evidence and finding witnesses.

The effects of harassment on the health are devastating. The victim suffers stress, nervous tension, headaches/migraines and depression, and develops psychosomatic illnesses such as stomach ulcers, colitis, thyroid problems, insomnia, high blood pressure and skin diseases. In most cases victims of harassment take long-term sick leave or even resign from their jobs. In addition, harassment has significant effects on the productivity and economic performance of the firm or public-service department concerned because of the absenteeism it generates and the costs and benefits that have to be paid as a result of sickness or redundancy. The cost of harassment to businesses and society is therefore very high.

It should also be noted that, according to the abovementioned survey carried out by the Dublin Foundation, there are major differences between countries as regards violence and harassment in the workplace, ranging from a 4% to a 15% incidence in the case of harassment, which probably reflects differences in awareness and whether or not these matters are a subject of public debate. It can therefore be assumed that in some countries the figures are underestimated. Particular emphasis should be placed on the information coming from management in businesses and the public sector. According to the 'Bullybusters' website ([www.bullybusters.org](http://www.bullybusters.org)), the 'US hostile workplace survey 2000' showed that management directly supported the harassers in 42% of cases and gave tacit support in 40%. Only 7% of the bullies were moved from their jobs, and usually they went unpunished. In 36% of cases management even turned against the victim. The site also reports that many victims regret having made complaints, because this led to their losing their jobs. All the authors cited on the Bullybusters site note that victims suffer just as much, if not more, from the passivity of management as from the acts of harassment themselves (double victimisation).

In view of the extent of the problem of harassment, your draftsman takes the view that we must now define the methods and measures to be implemented in order to provide prevention and assistance for victims and to eradicate this scourge in the medium or long term, in both the private and the public sectors. To this end, businesses and public-sector departments should be encouraged to introduce effective prevention policies and procedures designed to solve the problem and prevent any repetition.

Given that the measures envisaged should help to protect the health and safety of employees at workplaces throughout the Community, the Commission is invited to consider the problem and to present a directive or a recommendation on harassment in the workplace, along the

lines of its recommendation of 27 November 1991 on the protection of the dignity of women and men at work and the code of conduct on sexual harassment in the workplace.<sup>11</sup>

## CONCLUSIONS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Takes the view that harassment in the workplace, whether perpetrated by superiors, subordinates or peers, is serious and unacceptable in that it affects the dignity of its victims and creates working conditions that are humiliating and degrading; believes that harassment is a worrying problem, particularly as it has tended to become more prevalent in the past few years in both the public and the private sectors;
2. Draws attention to the fact that the growing number of short-term contracts and insecurity of employment, especially among women, is creating conditions that encourage the practice of various forms of harassment;
3. Points out the devastating effects of harassment on the physical and mental health of its victims and thus also their families, often necessitating medical and psychotherapeutic treatment, and usually leading them to take sick leave or resign from their jobs;
4. Recalls that harassment also has negative consequences from the point of view of employers, adversely affecting the profitability and economic performance of firms as a result of the absenteeism it causes, the reduced productivity of employees arising from their sense of confusion and loss of concentration, and the need to pay compensation to dismissed employees;
5. Points out that the fight against harassment at work must be regarded as an element in the effort to increase the qualitative dimension of employment and improve social relations at the workplace, in accordance with the commitments made by the EU with its Social Agenda;
6. Points out that, according to virtually all research, women are more frequent victims than men of every type of harassment, whether it is 'vertical' harassment of a subordinate by a superior, or vice versa, peer-group ('horizontal') harassment or harassment of a mixed type;
7. Calls on the Commission to carry out a study, drawing also on the support of the Dublin Foundation and the European Agency for Safety and Health at Work, into the various types of harassment, detailing the relative occurrence by age and sex of the various kinds of harassment, and setting out the methods and measures that prevent harassment and rehabilitate its victims, in order to counteract the phenomenon in the medium or long term in both the private and the public sectors; calls for this study to

---

<sup>11</sup> OJ L 49, 24.2.1992, p. 1.

include an analysis of the particular situation of women who are victims of harassment;

8. Recommends to the Member States that they require businesses, public-service departments and the social partners to put in place effective prevention policies, to provide a system for exchanging experience, and specify procedures to solve the problem of harassment for victims and prevent any recurrence; recommends, in this context, that information and training of employees, managers, the social partners and workplace doctors be developed, in both the private and public sectors, and here draws attention to the possibility of appointing a confidential mediator at the workplace to whom employees can turn if they so wish;
9. Wishes the European Institutions to conduct surveys on harassment within their own structures, particularly on harassment involving women, to take more vigorous steps to combat it, and to find solutions to this serious problem and if necessary provide for amendment of their civil service regulations, including an appropriate sanctions policy;
10. Notes that victims of harassment in the European Institutions currently receive too little help, and congratulates the administrative services for having set up, several years ago, a training course specifically directed at female administrators entitled 'The female style of management' and, more recently, an Advisory Committee on Psychological Harassment (Mobbing);
11. Points out that false accusations of harassment can themselves constitute an effective form of harassment;
12. Notes that one Member State has already introduced rules to combat harassment in the workplace and that others have begun the process of adopting legislation to combat harassment, often along the lines of the legislation to combat sexual harassment;
13. Calls on the Commission to examine the matter in the broader and fitter context of health and safety at work, with particular reference to Directive 89/391/EEC, while also considering the option of a separate directive incorporating the subject or a recommendation specifically addressing harassment and the employment market.