

**10th EWHN Conference for
labour & occupational
health and safety
representatives and professionals**



"Workers finding a voice in a new Europe"

Friday September 29th to Sunday October 1st 2006,
Baltic Beach Hotel, Majori, Jurmula,
Latvia



Workshop T6

Mobbing Bullying and Harassment

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Introduction

The issues of **violence** and **harassment** in the workplace have aroused considerable interest across Europe in recent years.

There remains, however, a great disparity between **awareness** and **recognition** of the problem in the different European countries.

The real extent of the problem remains unknown, but findings surveys on working conditions suggest that **the problem affects a substantial part of the workforce in Member States**

Key findings

bullying, mobbing and **harassment** share many characteristics in the psychological processes involved and their respective outcomes are similar.

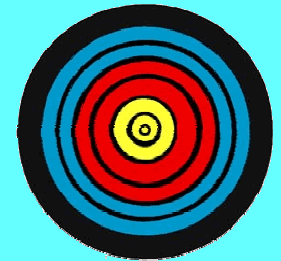
Sexual and **racial harassment** are increasingly

Both men and women experience violence, but **women** appear to be more vulnerable than men.



Workshop's tasks

- **Evaluate and estimate the impact of the problem at European level**
- **How to recognise and identify mobbing, bullying and harassment at workplace**
- **How to recognise mobbing, bullying and harassment as Company strategies particularly at multinational level**



Workshop's tasks

- **Establishing a network among European Workers, TU and Expert to:**
 - **jointly identify and face the problem, including action at Governments' and Commission level**
 - **act as "help centre" for Workers, Organisations and Groups at European Level**
 - **Indicate struggle strategies against the phenomenon**
 - **Indicate strategy for counselling, care and compensation**



European Background



EUROPEAN PARLIAMENT

1999



2004

Session document

MOTION FOR A RESOLUTION

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

2001 EP Resolution



- 8% of the workforce in the EU, (12 million people) have been subject to bullying at work according to a survey of 21 500 workers carried out by the Dublin Foundation in 2000
- the incidence of violence and harassment at work, including bullying, displays major disparities between the Member States
- insecure employment is one of the main reasons for the increase in such occurrences;
- persons who suffer from bullying are significantly more susceptible to stress than workers in general,

2001 EP Resolution



- bullying and harassment are potential health risks that often lead to stress-related illnesses
- gender-specific national data on bullying at work do not, however, reveal a uniform picture
- studies and empirical analysis point to a clear link between bullying at work and stress or work with a high level of anxiety, greater competition, less job security and precarious employment status

2001 EP Resolution



- possible causes of bullying include shortcomings in the organisation of work, in-house information and management;
- unresolved and longstanding organisational problems are a heavy strain on work teams and may lead to 'scapegoating' and bullying;
- the consequences for individuals and work teams may be significant and likewise the costs to individuals, companies and society

2001 EP Resolution

- women are more frequent victims than men of every type of harassment
- false accusations of harassment can themselves constitute an effective form of harassment
- 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;



2001 EP Resolution

- Urges the Commission in the communications on a Community strategy also to take into account mental, psycho-social or social factors in the work environment, including the organisation of work with the aim, inter alia, of counteracting bullying at work
- 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



2001 EP Resolution

- Recommends to the Member States that they require businesses, public-service departments and the social partners to put in place effective prevention policies
- Recommends that information and training of employees, managers, the social partners and workplace doctors be developed, in both the private and public sectors
- 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



2001 EP Resolution

- Urges the European institutions to set an example as regards efforts to prevent and counteract bullying within their own structures
- 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



2001 EP Resolution

- 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



Following 2001 Resolution..



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.03.2002
COM(2002) 118 final

COMMUNICATION FROM THE COMMISSION

*Adapting to change in work and society: a new Community strategy on health
and safety at work 2002–2006*

2002 Communication

- Community strategy:
 - a **global approach to well-being at work**, taking account of **changes** in the world of work and the emergence of new risks, especially of a psycho-social nature.



2002 Communication

- **KEEPING PACE WITH CHANGES IN THE WORLD OF WORK:**
 - **Changes in society**
 - **Changes in forms of employment**
 - **Changes in the nature of risk**





2002 Communication

- **TOWARDS A NEW COMMUNITY STRATEGY ON HEALTH AND SAFETY:**
 - **For a global approach to well-being at work**
 - *Prevention of social risks.* Stress, harassment at the workplace, depression and anxiety should be the subject of specific measures but should form part of a global approach in association with health care systems.
 - *Taking account of changes in forms of employment, work organisation arrangements and working time.* Workers in non-standard or precarious working relations constitute a sensitive group.

2002 Communication

- **TOWARDS A NEW COMMUNITY STRATEGY ON HEALTH AND SAFETY:**
 - **Strengthening the prevention culture**
 - *Education, awareness, anticipation: improving people's knowledge of risks*
 - *Better application of existing law*



2002 Communication

- **TOWARDS A NEW COMMUNITY STRATEGY ON HEALTH AND SAFETY:**
 - **Combining instruments and building partnerships**
 - *Adapting the legal and institutional framework*
 - *Taking account of new risks.*
 - The various forms of psychological harassment and violence at work likewise pose a special problem nowadays, requiring legislative action.





2002 Communication

The Commission will

- draw up, in conjunction with the Advisory Committee and the social partners, guides on how to apply the directives, bearing in mind the diverse nature of sectors of activity and undertakings;
- propose extending the scope of the directive on “carcinogenic agents”;
- adapt existing legislation to the emerging problem of musculo-skeletal complaints, proposing an amendment to the directive on visual display screens, and supplementing wherever necessary the existing provisions so as to take better account of ergonomics at the workplace;
- examine the appropriateness and the scope of a Community instrument on psychological harassment and violence at work;

2006: what has been done?



European Foundation for the Improvement of Living and Working Conditions

Preventing violence and harassment in the workplace

- Introduction
- Key findings
- Factors contributing to workplace violence
- Empirical evidence
- Regulatory instruments
- The costs of workplace violence
- Recommendations

2003:
Report of the
European
Foundation for The
Improvement of
Living
And working
Conditions

2003:

European Foundation Report

- Distinction has to be made between physical and psychological violence (but in some situations both aspects overlap)
- Particular attention has to be paid to psychological violence
- Focus on violence as sequence of abusive acts such as in the case of mobbing/bullying.



2003:

European Foundation Report

- The psychological processes involved in bullying, mobbing and moral harassment are similar
- Sexual and racial harassment are increasing also in countries where violence of sexual nature has often been considered a less serious offence
- There is an increasing awareness and public debate, international exchange of knowledge between academics and practitioners, activities of EU bodies, in some cases introduction of new legislation and high profile court cases



2003:

European Foundation Report

- Women are over-represented among victims of intimidation and psychological violence, while men are more frequently exposed to physical violence and assault)
- Sexual offences at work, against women in particular, are commonplace in all European Countries, but are often underreported due to fear losing job being considered guilty or being socially ostracised.
- Racial harassment is common although frequently denied.
- Recent studies reveal problems of humiliation, social isolation and harassment based on sexual orientation.



2003:

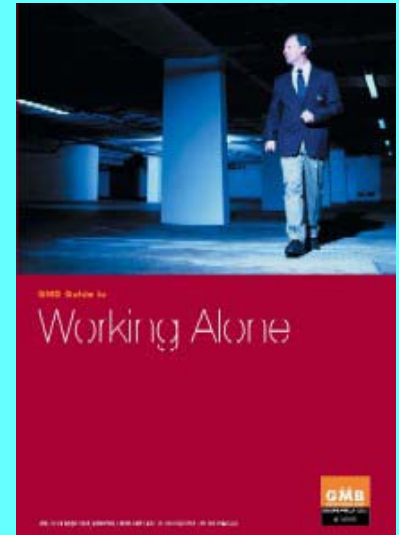
European Foundation Report

- No clear profile of either perpetrator/harasser or the harassed/victim has so far emerged
- Personnel as well as behavioural characteristics may be the result of the experience of violence, as well as representing a predisposition to such behaviour
- No single theoretical framework fully account for all forms of violence
- Contributing factors of individual, situational, organisational and societal nature have to be considered to explain and predict violence and harassment in any given context



2003: European Foundation Report

- Increased risk is associated with particular situational factors such as:
 - Working alone
 - Working at night
 - Working with the public
 - Handling cash
 - Working with people in distress
 - Working in conditions of real or perceived vulnerability



2003:

European Foundation Report

- Growing evidence of links between the presence of violence and factors as:
 - Leadership
 - Organisational change
 - Organisational stress
 - Quality of work environment
 - Organisational culture



2003:

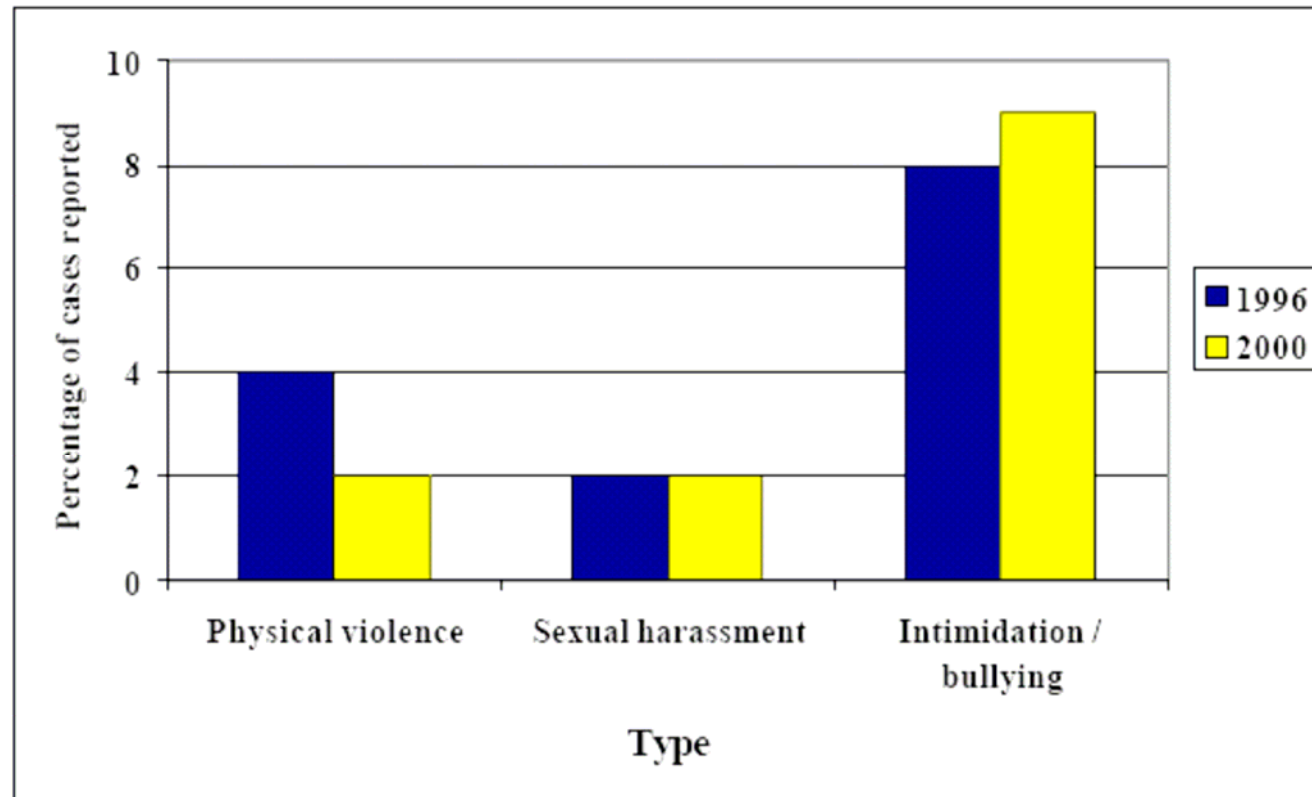
European Foundation Report

- Empiric evidence shows that levels of psychological violence are higher physical violence
- Among them, bullying and intimidation appear more prevalent than sexual harassment or other form of harassment



2003: European Foundation Report

Figure 1: Trends in violence at work in EU countries (%)

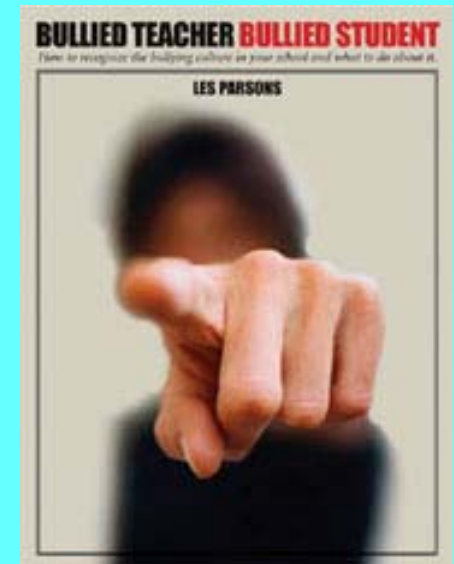


Source: Second (1995) and Third (2000) European survey of working conditions (Paoli and Merllié, 1996 and 2001)

2003:

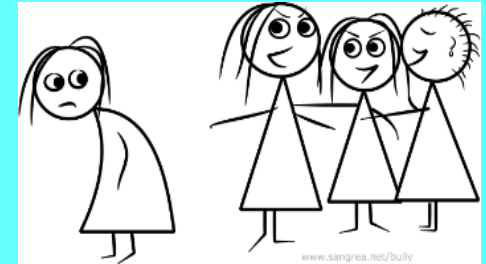
European Foundation Report

- Evidence in Northern EU Countries suggest that 2%-10% of the population have been exposed to physical violence, or threat of it in 2002
- Physical violence is particularly concentrated in certain occupations such as healthcare, police, social services, taxi drivers and public transport drivers, hotel catering employees, security personnel and teachers



2003: European Foundation Report

- 5% -10% of the European population perceive themselves to be victimised at any one time
- An higher number is exposed to behaviour that may be construed as bullying without necessarily feeling victimised



2003:

European Foundation Report

- Bullying is a prolonged affair often lasting several years
- Women and young are at higher risk
- Also managers are affected (bottom to top)
- Public sector appear to be at higher risk compared with private sector



2003:

European Foundation Report

- Sweden, France, Belgium, Netherlands and Finland have introduced specific new legislation
- Ireland, UK and Germany use existing legislation (civil, criminal and H&S)
- Some Countries adopted non legislative measures such as codes, agreements (Denmark, Luxembourg)
- Other (Italy, Spain) have given limited attention although awareness is growing



2003:

European Foundation Report

- Violence also carries financial costs in terms of sickness absenteeism, premature retirement, higher turn over rates, reduced job satisfaction and productivity, increased insurance premiums
- Violence also affects third parties (witnesses, observers) and affects relationship with family and friends
- In preventing all form of violence, organisations may increase their competitiveness by better utilising talents and skill of the whole workforce



2005: European Parliament

P6_TA(2005)0056

Health and safety at the workplace

European Parliament resolution on promoting health and safety at the workplace (2004/2205(INI))

The European Parliament,

- having regard to the Commission report on the 27th annual activity report of the Advisory Committee on Safety, Hygiene and Health Protection at Work 2002 (COM(2004)0539),
- having regard to the Commission Communication on adapting to change in work and society: a new Community strategy on health and safety at work 2002–2006 (COM(2002)0118).

2005: European Parliament

- A. whereas Article 31(1) of the Charter of Fundamental Rights of the European Union¹ stipulates that ‘every worker has the right to working conditions which respect his or her health, safety and dignity’,
9. Urges the Member States to take concrete measures to increase the level of application of the relevant directives in SMEs and the public sector, reaffirms its resolution of 23 October 2002², in which it supported the development of guides on how to apply existing directives – which should be accompanied by better training material and information, especially for SMEs, in high-risk sectors and situations where there are specific, persistent and recurrent risks; considers that Member States need to be encouraged to include subject areas dealing with risk prevention in training programmes for SMEs; calls on the Commission and the Member States to take account of gender, age and cultural factors, to enforce legislation in a uniform, efficient and equivalent way and to pay particular attention to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

2005: European Parliament

15. Stresses that the discrimination suffered by women in the labour market and the work environment affects their health and safety; calls on the Member States to implement Directive 2002/73/EC¹ which aims to eliminate discrimination, in particular sexual harassment and other forms of discrimination relating to motherhood; also calls on the Commission, once transposition into national law is complete, to carry out a qualitative and comparative assessment of the legislative provisions introduced and to promote the exchange and spread of good practice;

2005: European Parliament

16. Calls on the Commission to include in its action programme gender-specific problems faced by men and women, paying particular attention to the following:

- (i) care and control of specific health and safety problems,
- (ii) work-related risks and long-term psychological illnesses (such as burnout and depression) due to the dual burden on men and women who attempt to combine work and family life, or to the enormous pressure on the labour market,
- (iii) stress and violence, bullying and harassment at the workplace,
- (iv) the inferior coverage of all such problems by good-quality preventive services,
- (v) ergonomically unsound working conditions;

2005:

EPM Alessandro Battilocchio

- **Prevention of harassment**
- What action has been taken since 2001 to curb this phenomenon at European level?
- What other studies have been carried after European Foundation 2003 report?
- And, above all, how the results obtained have been translated into tangible measures aimed at introducing European Legislation on the subject?



2006: EPM Harald Ettl

- **Mobbing in the workplace:**
- Having regard to its original declaration of intent (2002-2006 strategy communication) what measures has the Commission taken, to contain this phenomenon in the European Union?

Europaabgeordneter
Harald Ettl





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- **Establishing a network among European Workers, TU and Expert**



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The situation in Italy



- No specific national legislation
- Some Regions have implemented specific legislation to prevent mobbing
- Some public administrations have set up internal regulations
- Several local TU have set up "help desks" to identify the problem, to act against violence and help workers on compensation



The situation in Italy



- Public H&S Insurance (INAIL) recognise and pay violence damage, but the proof is on charge of the workers
- Civil court also recognise mobbing as “biological damage”, still by proof in charge of the workers
- Some courts try to persecute mobbing, bullying and harassment on the basis of general H&S law principles and by charging persecuters for “ill-treatment”



The situation in Italy



Turin, 2006
September 26th: 1st
Employer sentenced
by criminal law for
mobbing: 18 months
prison



Turin General Prosecutor
Raffaele Guariniello



Workshop first outcomes

- It is not clear if the problem (or the problems) are really increasing: an actual survey is needed
- Few countries have specific legislation
- Specific legislation can help to prevent the problem but there are difficulties to define different issues
- Several Countries have branch or company policy or agreements also with special independent consultants to afford and solve the individual or collective problems
- It is difficult to deal together with different issues like mobbing on one side and bullying and harassment on the other side, these depending also from the cultural context
- It is necessary to precisely define terms like mobbing, harassment and bullying



Workshop 's proposal

- Setting up a subnetwork on the topics with the aim to:
 - Correctly define the topics
 - Plan and make a survey at European level to evaluate the problem
 - Report the situation in a seminar within a year
 - Suggest strategies for the next Conference

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Workshop T6

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