

work-related stress

Results of the negotiations on work-related stress



Explanatory note -Results of the negotiations on work-related stress

The negotiations on work-related stress are part of the Work Programme of the European Social Partners 2003-2005. Negotiations started on the 18 September 2003 and finished on the 27 May 2004, in accordance with the 9 months period that the Treaty leaves to the European social partners to negotiate (Art. 138-4).

The ETUC delegation has decided to recommend positively this agreement to the Executive Committee, although this was not done unanimously.

In the following document are:

1. The final draft of the framework on work-related stress
2. An explanatory note on the final joint text
3. A table comparing the final text and the ETUC mandate

The explanatory note intends to give an overview on the content of the agreement, chapter by chapter, focusing on the main issues at stake and that were subject to discussions throughout the negotiations.

It should be noted that as in the framework agreement on telework, this draft European framework agreement on stress at work does not solve some of the problems encountered by the European social dialogue in its present state:

1. The basis of which is to agree on a minimum common

denominator, that cannot be of immediate benefit for all of our affiliates, especially for those countries that have already more favourable conditions either legally or contractually

2. The need to launch an internal reflection on the products of the autonomous European social dialogue, in order to discuss their nature and status, and their rights and obligation attached to them. The question of the efficient implementation of the framework agreement is at stake, especially regarding the commitments of the member organisations of the signatory parties.

The comparative table aims at evaluating the final joint text as regards the mandate given to the ETUC delegation by the Executive committee on 28-29 April 2003.

The Executive Committee is asked:

- To take note of and discuss the draft framework agreement on work-related stress reached by the ETUC and UNICE delegations,
- Following the debate, to agree on the following procedure for the final adoption of the draft agreement:
 - Through written procedure, member organisations should express their opinion by the end of July 2004;
 - In the basis of the replies received, the ETUC secretariat will make a final proposal to the member organisations for adoption by the end of August 2004.

Introduction

Work-related stress has been identified at international, European and national levels as a concern for both employers and workers. Having identified the need for specific joint action on this issue and anticipating a Commission consultation on stress, the European social partners included this issue in the work programme of the social dialogue 2003-2005.

Stress can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity, or form of employment contract or relationship. In practice, not all work places and not all workers are necessarily affected.

Tackling stress at work can lead to greater efficiency and improved occupational health and safety, with consequent economic and social benefits for companies, workers and society as a whole. Diversity of the workforce is an important consideration when tackling problems of work-related stress.

ETUC position

- 1. Input: (common) concern for both, need for specific joint action, reference to the social partners work programme 2003-2005*
- 2. Broad coverage of work related stress situations also in SMEs.
First mention that WRS falls in the scope of occupational health and safety*
- 3. Broad economic and social impact of tackling WRS for the enterprises, workers and society.
Diversity: in tackling WRS specific features of the work force should be considered such as gender, but also age, qualification, ethnic origin and employment types.*

Aim

The aim of the present agreement is to:

- increase the awareness and understanding of employers, workers and their representatives of work-related stress,
- draw their attention to signs that could indicate problems of work-related stress.

The objective of this agreement is to provide employers and workers with a framework to identify and prevent or manage problems of work-related stress. It is not about attaching blame to the individual for stress.

Recognising that harassment and violence at the work place are potential work related stressors but that the EU social partners, in the work programme of the social dialogue 2003-2005, will explore the possibility of negotiating a specific agreement on these issues, this agreement does not deal with violence, harassment and post-traumatic stress.

ETUC position

- 1. Aim is to have WRS tackled at the work place by all the parties signs of WRS should be taken in consideration in order to identify WRS situations. Problems of WRS should be understood as going beyond occupational health and safety problems.*
- 2. Aim is to provide all parties involved with a framework that would enable them to identify, prevent or manage WRS. The objective of the ETUC is to have an action oriented agreement with practical instruments. First mention that WRS has to be understood as a collective issue and not remain with the individual sphere of each worker.*
- 3. Scope of the joint proposal is to deal with WRS and not with harassment, violence at the work place and post-traumatic stress, as these issues are independently issues of potential negotiation in the work programme of the EU social partners.*

Description of stress and work-related stress

Stress is a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations placed on them.

The individual is well adapted to cope with short-term exposure to pressure, which can be considered as positive, but has greater difficulty in coping with prolonged exposure to intensive pressure. Moreover, different individuals can react differently to similar situations and the same individual can react differently to similar situations at different times of his/her life.

Stress is not a disease but prolonged exposure to it may reduce effectiveness at work and may cause ill health.

Stress originating outside the working environment can lead to changes in behaviour and reduced effectiveness

ETUC position

This item of the negotiation has been the most difficult (together with the chapter 7 on implementation) as the employer delegation insisted on the subjective and individual aspects of stress. It was extremely difficult to find a joint position on a definition (the word definition was also rejected by the employer delegation. We proposed several other formulations that were rejected as too “only workers oriented” proposals. Deadlock issue

1. First part of the sentence is ok. The reference to individuals feeling unable to bridge a gap with the requirements or expectations placed on them is too subjective and non measurable. The negative aspects of the sentence are counterbalanced in the rest of the text (and in chapter 2 in the version of 11.05). Furthermore the sentence deals with stress in general and not with WRS.

2. first sentence is too individual focused and in some extend is not scientifically correct as the negative impact

at work. All manifestations of stress at work cannot be considered as work-related stress. Work-related stress can be caused by different factors such as work content, work organisation, work environment, poor communication, etc.

ETUC position

to short exposure can be as harmful and damageable to one's health as a prolonged exposure.

Second sentence is to stress the fact that reactions of one person to similar stressful situations can be different depending on their occurrence in life.

Stress is not a disease but a combination of reactions that can lead to pathology. Here again the prolonged exposure is scientifically not correct. Reference to WRS starts in this 3. sentence. Of importance is that there is a link between WRS and the impact on effectiveness at work.

4. First sentence refers to stress imported from the private sphere of individuals that may have influence work places. However, stress expressed at the work place does not automatically have its origin in the work place.

Second sentence: WRS has its origin, in particular in work content, organisation and environment; this is the "key" of the chapter and the agreement

Identifying problems of work-related stress

Given the complexity of the stress phenomenon, this agreement does not intend to provide an exhaustive list of potential stress indicators. However, high absenteeism or staff turnover, frequent interpersonal conflicts or complaints by workers are some of the signs that may indicate a problem of work-related stress.

Identifying whether there is a problem of work-related stress can involve an analysis of factors such as work organisation and processes (working time arrangements, degree of autonomy, match between workers skills and job requirements, workload, etc.), working conditions and environment (exposure to abusive behaviour, noise, heat, dangerous substances, etc.), communication (uncertainty about what is expected at work, employment prospects, or forthcoming change, etc.) and subjective factors (emotional and social pressures, feeling unable to cope, perceived lack of support, etc.).

If a problem of work-related stress is identified, action must be taken to prevent, eliminate or reduce it. The responsibility for determining the appropriate measures rests with the employer. These measures will be carried out with the participation and collaboration of workers and/or their representatives.

ETUC position

- 1. The ETUC insisted to avoid having a shopping list. Attempts to give relevant examples of signs of occupational stress. The selection of the examples has been proposed by the ETUC delegation and completed by the employer's delegation. High absenteeism or staff turnover counterbalance the request of employers to have reference to individual aspects such as complaints of workers.*
- 2. Important § as it mentions some important examples of stressors related to work organization and processes, working conditions and environment, communication. Insist on the stressors that do not have subjective aspects. Reference to employment prospect (= non standards employment and job security), and forthcoming changes (= restructuring, mergers, outsourcing, introduction of new technology).*
- 3. First mention of actions to be taken with the participation and collaboration of workers and their representatives. Should be interpreted as the active involvement of workers and workers' reps in the elaboration, implementation and monitoring of anti stress measures. We recognize the fact that without a willingness of the particular employer to address stress in "his" company, nothing serious could be done...*

Responsibilities of employers and workers

Under framework directive 89/391, all employers have a legal obligation to protect the occupational safety and health of workers. This duty also applies to problems of work-related stress in so far as they entail a risk to health and safety. All workers have a general duty to comply with protective measures determined by the employer.

Addressing problems of work-related stress may be carried out within an overall process of risk assessment, through a separate stress policy and/or by specific measures targeted at identified stress factors.

ETUC position

- 1. Reference to the framework directive on health and safety at work where employer's duties are clearly and broadly specified. Mention that these duties are applicable to WRS. This sentence reinforces the link with the FWD as WRS is concerned. Workers compliance with the measures is an acceptable item, when reference is made to the FWD. Furthermore, anti stress measures (understood as anti-stressors' measures) should be elaborated together with workers and workers reps, which give us some guarantee.*
- 2. Methods to tackle WRS have been heavily discussed. We managed to have possibility of a cumulative choice of the methods including the use of instruments foreseen in the framework directive such as risk assessment.*

Preventing, eliminating or reducing problems of work-related stress

Preventing, eliminating or reducing problems of work-related stress can include various measures. These measures can be collective, individual or both. They can be introduced in the form of specific measures targeted at identified stress factors or as part of an integrated stress policy encompassing both preventive and responsive measures.

Where the required expertise inside the work place is insufficient, competent external expertise can be called upon, in accordance with European and national legislation, collective agreements and practices.

Once in place, anti-stress measures should be regularly reviewed to assess their effectiveness, if they are making optimum use of resources, and are still appropriate or necessary.

ETUC position

- 1. Measures of WRS can be diversified, collective and/or individual and can be specific to a situation or integrated in an integrated stress policy. This leaves a certain flexibility to adapt to each WRS situation. However, anti stress policy (anti-stressors' policy) should be understood as dynamic action plan (as it's revised, etc...).*
- 2. Recourse to external expertise is possible in accordance with EU and national law, collective agreement and practices*
- 3. Regular review of anti stress measures. Reference to monitoring of measures was not easy to gain. Examples refer essentially – coherently (re-enforcing them) with the previous chapters – to management responsibility and work organisation and processes, working conditions*

Such measures could include, for example:

- management and communication measures such as clarifying the company's objectives and the role of individual workers, ensuring adequate management support for individuals and teams, matching responsibility and control over work, improving work organisation and processes, working conditions and environment,
- training managers and workers to raise awareness and understanding of stress, its possible causes and how to deal with it, and/or to adapt to change,
- provision of information to and consultation with workers and/or their representatives in accordance with EU and national legislation, collective agreements and practices.

ETUC position

and environment, training. No reference to training of workers reps possible.

Information and consultation as possible anti stress measures should be understood as additional to what the FWD already foresees. No possibility to add to the FWD reference to the quality and good timing of the information

Implementation and follow-up

In the context of article 139 of the Treaty, this voluntary European framework agreement commits the members of UNICE/UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.

The signatory parties also invite their member organisations in candidate countries to implement this agreement.

The implementation of this agreement will be carried out within three years after the date of signature of this agreement.

Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue Committee will prepare 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 during the fourth year.

ETUC position

1. Changes operated to the telework agreement.

Reference to Article 139 of the treaty in relation to the word „voluntary” put the emphasis on the procedure and not on the content of the agreement. The procedure to engage in a EU negotiation is voluntarily accepted by the EU social partners = autonomy of social partners. Move from introduction part of the telework agreement to the implementation part to focus that „voluntary” applies to the procedure of 139.

Furthermore members of the Unice and Etuc commit themselves to implement the agreement. This is a clear commitment to act and represents an added value compared to the telework agreement

We attend to reverse the trend and not to build a precedent in accepting to leave the reference to „voluntary” as it was in the telework agreement.

Reference to the EEA countries (not mentioned in the telework agreement).

2. Reference to the new candidates countries to support them in European social dialogue matters in case of accession.

3. 3 years implementation in 2007

The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.

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.

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.

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.

ETUC position

4. Changes operated to the telework agreement: improvement of the reporting and monitoring. Yearly information on the implementation process to the social dialogue committee. Concern not to overload SDC and member organisations with too many reports on social dialogue issues. Implementation report in 2008.

5. Changes operated to the telework agreement: evaluation and review after 5 years if requested by one of the signatory parties

6. Changes operated to the telework agreement: joint or separate reply of the signatory parties when questions on the agreement arise.

7. Reference to SMEs move to the implementation part (and not in the introduction as in telework agreement) for more coherence.

8. Move of the non-regression clause and more favourable clause to the implementation part (and not in the introduction as in telework agreement) for more coherence. No reference to national mediation, conciliation and arbitration was accepted by the the employer's delegation

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