



Debrief note from the Social Dialogue: Harassment and Violence Meeting (6)
7-8 September 2006

The sixth social dialogue negotiation meeting on harassment and violence took place on 7-8 September 2006. As per usual, the meeting began with an internal group discussion, where the results of the previous days' drafting group (DG) were presented. This was followed by a plenary meeting with the employers.

At the internal group discussion, the main issues discussed by the drafting group were presented. These focused on the possible content of chapters 4 (Identifying problems of harassment and violence), 5 (Responsibilities of employers and workers) and 6 (Preventing, eliminating and managing harassment and violence).

Discussions were based on 2 documents:

- ETUC Task Force: Revised Chapters 4+5 (29/08/2006) (sent in advance of meeting)
- ETUC Drafting Group: Chapters 4+5 (06/09/2006 – 12.00h) (distributed during meeting – copy attached)

Maria Helena André took the group through the changes which had been made by the ETUC drafting group to the text which had been sent out on 29 Aug, noting that most of the changes were minor / grammatical with only a few of a substantive nature, such as the idea in chapter 5 to integrate the issue of “zero tolerance” into the introductory paragraph rather than keeping it as a bullet point.

She explained that very little progress was made in the DG with the employers. Once again, the employers group said that they did not want to focus on the causes of violence and harassment, preferring a solution oriented approach. They listed some examples of this such as providing employees with information on where to go in case of a problem, the need to proceed with discretion, supporting the idea of zero tolerance. (Text attached: employers contribution, 06/09, 15.30h). All of these are points which we can live with, albeit formatted somewhat differently. The biggest problem that we have with their position as it stands is not so much with what it contains, but with what is missing, as well as the fact that their starting point is exclusively to tackle interpersonal conflicts, mainly between colleagues. While our text doesn't specifically mention 3rd parties, it is written in a way which covers them.

Following our discussion, it was clear that there is a lot of frustration and disappointment with the progress (or lack of it). However, the general feeling was that although the employers' position is weak, it does contain some elements with which we can work.

Plenary Session

During the plenary session, Jörgen Rönne, spokesperson for the employers' delegation noted that harassment is a problem for individuals and companies alike and it was in our mutual interest to tackle it. (Note: NO reference to violence!) He underlined (again) that the employers group do not see any need to carry out risk assessment, and rather see more value in focusing attention on procedures on what to

do and how to do it once a problem has been identified. In that light, they see no need to distinguish between chapters 4+5.

Maria Helena replied that our group strongly supports the idea of a separate chapter 4+5, arguing the need to be able to identify problems, take measures to prevent them as well as being able to resolve a problem once it has arisen. She also underlined the need to be able, in a balanced and logical way, to identify the interaction between subjective and objective factors and between the individual and collective approach.

Despite the obvious differences in approach, she welcomed the fact that some proposals from the employers reflect what we have said in our text and suggested that we try to make progress in these areas. However, she asked for clarification on a number of points including:

- What role they envisage for workers and their representatives
- Why they seem to favour denunciation rather than prevention measures
- How can they ensure that victims will always initiate complaints

The employers replied that they are in favour of prevention, but they do not want to tackle risk assessment. They explained that for them, much of the risk assessment type measures are already contained in the Stress agreement, and so they see no added value in reopening this debate. (For us, the issue is separate!) What does not exist is how to deal with specific cases of harassment and this agreement should focus on this. (Again note no reference to violence and see the underlying reference to individual measures, tackling the issue on a case-by-case basis!!).

At this point it was decided to go back into drafting groups.

At the end of the afternoon, the employers DG presented our DG with a counter proposal, (copy attached: employer drafting group: 07/09/2006 17.15h), which we worked on (ETUC DG 08/09/2006 10.30h). It is clear that their strategy at this stage is to delay procedures as much as possible, to wait for us to produce something which they can then destroy. Despite the fact that we have repeated our key messages since the first meeting, a number of major problems remain at this stage include the following:

- Nothing on the collective measures
- Little on preventative and responsive approaches
- No reference to internal mediator
- They insist on taking a case-by-case approach
- Refuse to acknowledge risk assessment
- They want to add a footnote on the Stress agreement – mixing up the issues

During our group meeting on Friday morning, it was agreed that unless a number of these key issues are resolved, we will be in a very difficult situation. Nonetheless, our group remains committed to continuing the negotiations at this stage, to see if there is any way to unblock the contentious issues. Colleagues have agreed to make contacts at national level to try to do this.

To do:

Contacts to be made at national level to try to understand the reasons behind the approach of the employers.

Please inform us of these contacts and we will circulate a table on the responses and see how to use this to help us advance

A report will be made to the ETUC Steering Committee 20/09 where the concerns we have will be raised.

A mini-drafting group will try to meet before the next round of negotiations (04-05/10) where we hope to be able to make some progress. We will keep you posted!

Encl.: 5 docs

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