

NEGOTIATIONS ON HARASSMENT AND VIOLENCE
Joint contribution from the Drafting Group
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CHAPTERS 1, 2, 3 & 4

1. Introduction

Harassment and violence are unacceptable. UNICE, UEAPME, CEEP and ETUC condemn them in all their forms. They consider it is a mutual concern of employers and workers to deal with this issue, which can have serious social and economic consequences.

EU¹ and national law define the employers' duty to protect workers against harassment and violence in the workplace.

Different forms of harassment and violence can affect workplaces. They can

- be physical, psychological and/or sexual
- be one off incidents or more systematic patterns of behaviour,
- be amongst colleagues, between superiors and subordinates or by third parties such as clients, patients in hospitals, pupils in schools or their friends or relatives,
- range from minor cases of disrespectful behaviour to more serious acts, including criminal offences, which require the intervention of public authorities.

The European social partners recognize that harassment and violence can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity or form of the employment contract or relationship. However, certain groups and sectors can be more at risk. In practice not all workplaces and not all workers are affected.

The present agreement deals exclusively with those forms of harassment and violence which are within the competence of social partners and correspond to the description made in section 3 below.

¹ This includes amongst others the following Directives:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and
- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work

2. Aim

The aim of the present agreement is to :

- increase the awareness and understanding of employers, workers and their representatives of workplace harassment and violence,
- draw attention to possible signs that a problem of harassment and violence may exist,
- provide employers, workers and their representatives with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.

3. Description

Harassment and violence are due to unacceptable behaviour by one or more individuals and can take many different forms, some of which may be more easily identified than others. The work environment can influence people's exposure to harassment and violence.

Harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.

Violence occurs when one or more worker or manager is [physically] assaulted/attacked in circumstances relating to work.

Harassment and violence may be carried out by one or more [persons/managers or workers], with the purpose or effect of violating a manager's or worker's dignity, affecting his/her health and /or creating a hostile work environment.

4. Preventing, identifying and managing problems of harassment and violence

Raising awareness and appropriate training of managers and workers can reduce the likelihood of harassment and violence at work.

Enterprises need to have a clear statement outlining that harassment and violence will not be tolerated. This statement will specify procedures to be followed where cases arise. Procedures can include an informal stage in which a person trusted by management and workers is available to give advice and assistance. Pre-existing procedures may be suitable to deal with harassment and violence.

A suitable procedure will be underpinned by but not confined to the following:

- It is in the interest of all parties to proceed with the necessary discretion to protect the dignity and privacy of all
- No information should be disclosed to parties not involved in the case
- Complaints should be investigated and dealt with without undue delay
- All parties involved should get a fair hearing and treatment
- Complaints should be backed up by detailed information
- False accusations should not be tolerated and may result in disciplinary action
- External assistance may help

If it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrator(s). This may include disciplinary action up to and including dismissal.

The victim(s) will receive support and, if necessary, help with reintegration.

Employers, in consultation with workers and their representatives, will review and monitor these procedures to ensure that they are effective both in preventing problems and dealing with issues as they arise.
