

Negotiations on violence at work

Proposed ETUC mandate on violence at work

As announced in the European social partners work programme 2003-2005, the social partners organised a seminar on the issue of violence at work on 12 May 2005 to explore the possibility of opening up negotiations on this issue in the framework of Article 139 (2) of the Treaty¹.

1. The Executive Committee in Conformity with Article 14 of the ETUC Constitution, after having consulted national confederations and industry federations and in order to prevent and manage the problems caused by violence at work, hereby gives the ETUC a mandate to seek a cross-sectoral European framework agreement on violence, in accordance with Article 139 (2) of the Treaty, as foreseen by the social partners work programme 2003/2005 and in response to the consultation from the European Commission on violence at work. (copy of the ETUC response is attached)
2. The framework agreement shall take as a starting point the fact that there are essentially three different forms of violence – physical violence, moral harassment / psychological violence (also referred to as mobbing or bullying), sexual harassment. A distinction also needs to be made between violence committed by a third party (visitors to or clients of a company, public service, school, hospital etc) and violence actually stemming from within the workplace in question.
3. The agreement will cover all workers² having a contract or employment relation, whether in the private or public sector. However, the fact that certain target groups and sectors are more prone to violence will be recognised.
The agreement will seek to establish a number of general principles, objectives and concrete measures to prevent, combat and eliminate violence at work and it will contain provisions for implementation, monitoring, and evaluation.
4. The framework agreement will in terms of content:

¹ “Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices of specific to management and labour in the Member States or, in matters covered by Article 137, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.”

² This means all types of workers (blue collar and white collar workers)

- Recognise that violence at work is a growing problem with major social and economic consequences and that it needs to be tackled urgently by employers and trade unions;
 - Underline and spell out clearly the responsibility of employers to prevent violence at work and to establish, in cooperation with trade union and/or worker representatives, appropriate policies to achieve this, building on the existing EU legal provisions;
 - Aim to prevent violence *at its origin* by identifying, evaluating, and removing its causes;
 - Guarantee the confidentiality of information provided by workers;
 - Propose collective solutions to violence, while recognising that individuals may also need specific help to deal with the consequences;
 - Ensure that employers and trade unions at national, sectoral and company level have the tools and instruments (and, possibly, benchmarks) to effectively evaluate and remove the factors which may cause violence, linked in particular to the workplace or work organisation. Such factors may include organisational factors (poor work organisation, inadequate training, physical work environment, type of work contract, leadership or management, culture and climate), or situational factors (working alone, night work, with public, with valuables, with people in distress, job insecurity, change of management, high customer service ratio)
5. The agreement will promote a *partnership* approach by employers, workers and trade unions aimed at eliminating violence, and support collective bargaining and/or joint actions on related issues.
 6. The negotiations may also consider other issues such as strengthening training, improving services for prevention and control, and/or the reintegration of victims of violence into employment.
 7. The European framework agreement shall include a clause to ensure that 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.
 8. The agreement will be binding on the signatory parties and contain a clause regarding the effective implementation, monitoring and follow-up of the Agreement at national, sectoral and European level. The agreement should also aim to define how disputes arising from the implementation of the agreement, will be resolved.