

European social dialogue: Multi-sectoral guidelines to tackle third-party violence and harassment related to work

EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS

16 July 2010

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(I) INTRODUCTION

1. The aim of the Guidelines is to ensure that each workplace has a results-oriented policy which addresses the issue of third-party violence. The Guidelines set out the practical steps that can be taken by employers, workers and their representatives /trade unions to reduce, prevent and mitigate problems. The steps reflect the best practices developed in our sectors and they can be complemented by more specific and/or additional measures.

2. According to EU and national law, both employers and workers have obligations in the field of health and safety. Although, the duty to ensure the health and safety of workers in every aspect related to the work lies with the employer , the employee also has a responsibility to take care, as far as possible, of their own health and safety and that of other persons affected by their actions at work, in accordance with their training and the instructions given by their employer. Employers also have an obligation to consult workers and/or their representatives and allow them to take part on all questions relating to health and safety at work. This reflects awareness that, in practice, a joint approach to health and safety is the most successful.

3. The signatory social partners from the local and regional government, healthcare, commerce, private security, education sectors are increasingly concerned about the impact of third-party violence on employees because it not only undermines an individual's health and dignity, but also has a very real economic impact in terms of

absences from the workplace, morale and staff turnover. Third party-violence can also create an environment that is unsafe and even frightening to the public and service users and therefore has a wide negative social impact.

4. Work-related third-party violence and harassment can take many forms. It could:

- a) Be physical, psychological, verbal and/or sexual
- b) Be one-off incidents or more systematic patterns of behaviour, by an individual or group
- c) Originate from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public, or of the service provider
- d) Range from cases of disrespect to more serious threats and physical assault;
- e) Be caused by mental health problems and/or motivated by emotional reasons, personal dislike, prejudices on grounds of gender, racial/ethnic origin, religion and belief, disability, age, sexual orientation or body image.
- f) Constitute criminal offences aimed at the employee and his/her reputation or the property of the employer or client which may be organised or opportunistic and which require the intervention of public authorities
- g) Deeply affect the personality, dignity and integrity of the victims
- h) Occur at the work place, in the public space or in a private environment and is work related.
- i) Occur as cyber-bullying/cyber-harassment through a wide range of information and communication technologies (ICT).

5. The issue of third party violence is sufficiently distinct from the question of violence and harassment (among colleagues) in the workplace, and sufficiently significant in terms of its impact on the health and safety of workers and its economic impact to warrant a distinctive approach.

6. Although there are sectoral and organisational differences with regard to third-party violence faced by workers in different occupations and workplaces, the key elements of good practice and steps to tackle it are common to all working environments. These elements are: a partnership approach; clear definitions; prevention through risk assessment, awareness raising, training; clear reporting and follow-up; and appropriate evaluation.

7. With the support of the European Commission the multi-sectoral social partners organized two major conferences in Brussels on 14 March 2008 and 22 October

2009 at which the employers' and trade unions' research into third-party violence was presented along with case studies and joint conclusions. These Guidelines build on these initiatives. They complement the cross-sectoral Framework Agreement on Harassment and Violence at Work of 26 April 2007.

8. The way in which particular services are organised and provided reflects national, regional and local circumstances. Where social partners are already implementing the measures set out in these Guidelines the main action to take will be to report on progress made.

9. The multi-sectoral social partners recognize that the employers and workers have professional, ethical and legal obligations to third parties as well as to each other.

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