



EPSU prison network meeting of 6 December 2019

Report

Short summary

The EPSU network of unions organising prison staff met on 6 December in Brussels to discuss latest trends and challenges as well as opportunities to bring visibility in newly elected EU Parliament to working conditions in prisons and trade union alternatives for positive change.

It was attended by delegates from **Bulgaria, Belgium, Italy, the Netherlands, Romania, Spain, Norway and the UK. Spanish Renew MEP Pagazaurtundúa** and vice-president of LIBE Committee (the Liberties, Justice and Home Affairs) which deals with prison matters in the European Parliament, addressed the network on the topic of violence and harassment against female prison workers in Spain.

Much of the discussion throughout the day focused on safety matters with reported increased levels of violence against staff, as well as prisoners, making the penitentiary system an unsafe, dangerous workplace. Insufficient staffing level is a key contributor to that near breaking point situation as in the UK, Belgium and Spain. While the prison network's demand for 1:1 prison staff/inmates ratio (over 24h) seems increasingly a distant objective, it remains all the more relevant, together with more public investment in mental healthcare.

In terms of follow-ups, in the short-term, EPSU will further explore with Ms Pagazaurtundúa whether a workers' perspective can be added to the agenda of a hearing in Parliament on detention conditions - *it is now confirmed that EPSU will be invited to speak at the hearing on 15 or 16 April 2020.*

In the longer term, EPSU will seek to organise a next meeting, possibly on 1 October 2020 (TBC), with a focus on an EPSU strategy on health and safety in prisons.

Other EPSU-led projects in the pipeline for 2021-2022 will be relevant to the prison network: a multisectoral social dialogue project on prevention of third-party violence, in cooperation with hospitals, central, local and regional government; and a trade union project on the exclusion of public sector workers from trade union rights and EU directives in cooperation with EuroCop and Euromil. The network will be kept posted in due course.

To note, affiliates from Romania and Spain are planning meetings in 2020 to which members of the network will be invited.

Longer report

EPSU/ETUI debate and photo exhibition on Working behind bars

To kick off the discussion, delegates provided a feedback on the debate and photo exhibition on working behind bars jointly organised by EPSU and ETUI the evening before on 5 December.

It was the first time EPSU held a photo exhibition in its offices. Delegates thought it was a good way to reach out to a broader audience and share insights in the daily life in a prison and raise awareness on the topic rarely addressed of working conditions of prisoners. This was also a good opportunity to underline the close links between both working conditions of staff and living conditions of inmates, the quality of which is essential to improve the overall prison environment and achieve effective rehabilitation, i.e. as put by one of the Spanish delegates, “inmates should go out as better persons than when they get in”.

The black and white photos showed prisoners work in the print and metal workshops of a French prison in Melun, producing goods for the prison itself or for the justice, health or interior ministry. The photos were initially published in the ETUI health and safety magazine HESA to which EPSU and its affiliates from Romania, Norway and the UK contributed to, it is available here in [FR](#) and [EN](#).

Laurent Vogel, senior health and safety researcher at the ETUI, and **Sadak Souici**, one of the very few photographers allowed to take pictures inside a French prison, took part in the debate facilitated by EPSU secretariat. Background information was provided about the prison and more generally on detention conditions in France where the prison population hit an absolute record with more than 71 000 people incarcerated for a total prison capacity of about 60000. France has been subject to a number of condemnations by the European Court of Human Rights for inhumane and degrading treatment of prisoners and most recently for failing to provide prisoners with effective judiciary redress.

The employment rate at **Melun prison** - nearly two-thirds of prisoners- is quite exceptional for France. For many of the prisoners, working in prison can be their very first work experience, having a promise of a job on the outside is also essential for early release, or simply to keep busy as many of them serve very long sentences. However, the working conditions raise many concerns, wages are much below the national minimum wage, there are no employment contract, no benefits for unemployment, sick leave or workplace accidents, there is no occupational health or trade union representation. Whether in or outside prison, substandards remain unacceptable, the role of trade unions in supporting, organising and/or negotiating prisoners’ pay levels as is done in Italy deserves further discussion in EPSU.

During the debate, speakers underlined that the incarceration rate levels and poor state of detention conditions often reflects the lack of available or quality public services, from healthcare, education to access to justice, social services and youth crime prevention. Delegates from **Spain, Norway and the UK** emphasised that no or insufficient public investment in public mental healthcare invariably leads to a higher incarceration rate with many inmates suffering from serious mental health issues left without proper care. The high share of inmates with mental health issues in an inappropriate prison setting bears dangerous consequences for themselves, other inmates and staff.

Investing in mental health care has proven to be very effective to reduce jail population in the **Netherlands**, to the extent that it has become one of Europe's third-lowest incarceration rate, at 54.4 per 100,000 inhabitants. A programme of care in the community for people with psychiatric problems has been deployed to avoid jailing people unless it is necessary. Together with more sentencing before reaching or outside of the court system – such as fines – and the use of court-ordered mediation, this care programme has largely contributed to reducing prison population as well as registered crimes (by 40% between 2008 and 2018).

Should delegates wish to organise a similar debate in their respective home country, photographer Sadak Souici is available sadak.souici@gmail.com

Update of recent EU legislative developments

The second session sought to bring up to speed the prison network with EU legislative and other developments (ppt is attached) in 2019, including:

- The transparency and predictability of working conditions directive
- The whistleblower protection directive
- The Work/life balance directive
- EPSU court case against the Commission on the EU social partner agreement on workers' rights to information and consultation on matters such as restructuring in central/federal governments
- European Commission's pending social partner consultation on minimum wages and collective bargaining

In prisons, predictability of working hours and schedules varies a lot from one country to another. In Norway, schedule of working hours is subject to effective consultation with trade unions, to the extent that the latter have usually the last word on the length and frequency of work shifts, in the Netherlands an advance notice of 40 days is in place in the public sector.

The Transparency and Predictability directive can potentially be useful also to improve social dialogue providing governments will not use the possibility for exempting civil servants and other public sector workers, including prison staff, from some of the provisions of the directive. EPSU will work closely with other unions, including police and soldiers' unions, that can be affected by these exemptions to mount a campaign against the exemptions ahead of the transposition of the directive into domestic legislation by 1/8/22.

The EPSU prison network will be kept posted on further developments and will be amongst the sectors covered by this project.

On the court case, Spanish delegates commented on the unprecedented nature of the Commission's refusal to turn the social partner agreement into a legislative proposal for Council to adopt. This massive change of paradigm requires further actions, beyond EPSU's pending appeal against the court decision, more pressure should be weighed on newly elected MEPs to support EU standards on information and consultation rights in the public sector across Europe.

Romania and the UK

The third session focused on latest developments in **Romania and the UK**, see ppts attached.

Adrian Neagoe vice-president of SNPP (former SNLP), the largest union of prison officers in Romania, informed about the updated police status of prison officers, a move welcomed by the union. Collective bargaining on working time, OSH, training has improved, but pay is decided by law with some influence from the unions. The right to strike, which was removed in the middle of the financial crisis in 2011, has not been reinstated either. One of the major difficulties facing the unions is the political instability, with three Justice ministers in just over a year in 2019. Ageing workforce is another challenge, with a quarter of a total of 12000/13000 prison officers who retired in 2016-2017. Recruitment of inexperienced staff creates difficulties even if the prison population has been reduced following an early release scheme, which has since been abolished.

An increased level of aggression between prisoners and against staff has been recorded and, according to a survey by the union, half of prison officers report sleeping problems. Based on OECD's general indicators on the dangerous nature of the job, it was found that prison officers have a much higher threshold of tolerance towards aggression or intimidation than other groups of workers. The union will continue working on health and safety, alongside gender equality, digital skills as well as protection of data of prison staff in case of conflict with inmates, an issue which was raised by ACAIP-UGT. There will be possibilities for the EPSU prison network to take part in some of the union's transnational projects funded by the Norwegian government or European Commission.

Brian Morton, from the Royal College of Nursing, representing nurses in prisons, gave an update on the UK, starting off with the first ever strike action called by nurses' union earlier this year to protest at low wages.

Since the last report to EPSU in June 2018, the dramatic situation in UK prisons has not improved with a high incarceration rate and increased levels of violence between prisoners and against staff.

New research by the unions show that 26% of prison staff have been subject to physical violence within the preceding year of the research, 14% of whom have been assaulted 10 times in the same year. For half of those who reported physical violence, the reaction by management was not satisfactory. In total, 67% of staff feel unsafe working in prisons.

Safety in prisons has deteriorated rapidly over the past 7 years to the extent that prisoners and staff are less safe than they have been at any point since records began, with more self-harm and assaults than ever before. Despite a brief decline, the number of self-inflicted deaths amongst inmate is rising once again. Nursing staff who deliver healthcare in prisons to inmates increasingly find themselves unable to provide high quality person centred care. Whereas women workers used to be spared from violence in the past, this is no longer the case. As in Romania, a large proportion of new recruits have little experience and are finding it even more difficult than more senior staff to deal with a breaking point situation. For the unions, it makes no doubt that there is a direct relationship between job cuts, 10 000 prison staff have been removed over the past 10 years, privatisation of parts of prison healthcare, easing of drug supply and increased levels of violence.

Safety and security in prisons has become such a concern that British unions, most of which are affiliated to EPSU, formed a coalition and launched the *Safe Inside campaign*. The Campaign calls for safe, effective staff levels including nursing staff to be enshrined in law, union consultation on risk assessment amongst others. The situation was even worse in

private prisons, which was also the case in Spain. The union coalition was established shortly after the EPSU conference in June 2018 on quality employment in prisons. Another day of protest might be held in the UK on 18 December 2019.

In Italy, the continuous increase of the prison population is a strong concern, from 52000 in 2015 to 61000 today and many are in old and insalubrious buildings. The police forces working in prisons are short of about 4000 staff. In 2019 workers in prisons have been subject to 800 aggressions from inmates.

In **Belgium**, the dramatic combination of overcrowding and understaffing has led to an explosion of long term sickness leave, which in turn led to an increased number of unused holiday (540 000 days). A new penitentiary statute was introduced with no additional budget. While a few hundreds new staff have been recruited under the Rosetta job scheme for youth below 26 years-olds, the new recruits only receive 8 days of initial training. The shortage of staff, as in the UK, causes a more hostile environment. Dehumanisation of prison work is at play in many prisons, with often a management that prefers to ignore detention conditions. The high number of pre-trial detention also remains a concern, and the use and overuse of antidepressants. Discussion on the right to strike and the obligation of service continuity is not yet over either. A protest action is foreseen for 12 December.

Discussion on Violence and harassment with MEP Pagazaurtundúa

An exchange of views of 90 minutes was held with MEP Renew Maite Pagazaurtundúa¹ who was invited due to her interest in detention conditions and direct involvement in an ongoing campaign on eradicating abuse and violence against women working in Spain's prisons.

MEP Pagazaurtundúa reminded that Parliament adopted an own initiative report in 2017 on prison systems and detention conditions with some references to the demanding nature of work in prisons, right to training, to health and safety and social dialogue as well as to the concept of "dynamic security" based on constant dialogue between prisoners and staff. The EP report is available [here](#) in English.

She then expressed deep concerns regarding the numbers of violent acts targeting female workers in prisons often by inmates with mental health issues, the lack of support by management and the silence surrounding the issue of violence with many incidents going unreported. She said that prevention of sexual violence requires a cultural change, more appropriate staffing levels, decent rehabilitation activities for inmates, and much more support for inmates with mental health issues, some of whom should not be in prisons in the first place, as has also been underlined by EPSU for many years now. The lack of data was another problem, which the unions already identified in the context of a social dialogue project in central government on psychosocial risks two years ago; it is often the unions themselves who collect the data, or when official data are available the public authorities do not wish to discuss it with the unions. In cooperation with an NGO, the MEP announced that she was currently contributing to the setting up of a public registry of every single case of sexual violence in prisons.

¹ Renew, former ALDE, liberal group, has become Parliament's third largest group, while EPSU has long-standing close links with Socialist and Green parties, the new EU political configuration requires reaching out to MEPs from other democratic groups to achieve a majority on reports or legislation that can impact public services or working conditions in public services.

During the discussion, it was said that more light to working conditions in prisons should be shed for the benefit of both workers and inmates, and that EPSU, amongst others trade union federations at European and International levels, was currently campaigning for ratification by EU governments of the recently adopted [ILO Convention 190](#) on elimination of violence and harassment with references, amongst others, to domestic violence.

In **Spain**, the unions have long been collecting their own data on occurrences of abuse and violence against both women and men. An EU-wide registry could be useful, but CC.OO recommends all types of violence in prisons be recorded. Prisons must be safe for both women and men, and the union warned against sexual violence being misused to recruit fewer women as a result. All types of violence must be condemned.

The EPSU secretariat informed that together with other sectors including education, healthcare, central/federal, regional and local governments, a project is in the pipeline on the effective implementation of the EU multisectoral social partners' guidelines on prevention and tackling third party violence adopted in 2010.

To conclude, Spanish MEP announced that the LIBE committee would organise a public hearing on prisons in the course of 2020 and took note of the network's demand to include working conditions on the agenda, EPSU secretariat will follow up on this.

There was no time left for other agenda items, to note on privatisation, the chair Marco Ouwehand pointed to a new documentary on South Africa where privatisation of prisons has led, as in the United States, to an inflation of the incarceration rate and evidence of poor working and living conditions, the trailer is available [here](#)

Actions points and pending meetings relevant to prison staff

- To send for information the prison network meeting agendas of the social dialogue committee for central governments (SDC CGA) – EPSU secretariat will explore the possibility with members of the EPSU NEA committee which oversees social dialogue matters – next meeting is on 12 March 2020.
- To follow up on the planned hearing on prison in Parliament in 2020 to secure participation of the prison network and/or agenda item on working conditions – hearing confirmed with EPSU participation on 16 or 17/04/20
- Safety summit on 25 February, London
- ACAIP/RAN joint meeting on radicalisation in Europe's prisons, 10-11 February 2020, Madrid
- Next EPSU prison network meeting: 1 October 2020, Brussels (TBC)
- Pending projects for 2021-2022 on prevention of third-party violence and harassment at work (EU social dialogue project) and on exclusion of public sector workers from EU directives, including abovementioned EU Transparency directive, and trade union rights (EPSU only project in cooperation with Euromil and EuroCop).

Brussels, 20 February 2020

Sent to EPSU prison network and NEA committee

Available on EPSU prison staff network webpage [here](#)