

"Assisting the member organisations in implementing and monitoring the implementation of the ETUC-UNICE/UEAPME-CEEP autonomous framework agreement on work-related stress"

Budapest, 21-22 November 2005

Introduction

On 8 October 2004, after securing the approval of their respective decision-making bodies, ETUC, UNICE/UEAPME and CEEP signed an autonomous cross-industry framework social dialogue agreement on work-related stress. It was the second agreement of its kind, the first (on telework) having been signed on 16 July 2002.

The agreement stipulates that it must be implemented by all the member organisations of ETUC, UNICE/UEAPME and CEEP, in accordance with the procedures and practices specifically associated with management and work, as well as by the Member States, as stipulated in Article 139 of the Treaty. Moreover, the agreement must be applied within three years' time of its signature (i.e. by 8 October 2007 at the latest).

Throughout the procedure entailing the implementation of the telework agreement, ETUC noted that its correct application could only be guaranteed if its member organisations were given appropriate information and effective aid, whenever necessary and possible.

Where the implementation of the framework agreement on work-related stress is concerned, ETUC – together with its Institute, ETUI-REHS – intends to play a role that goes beyond just negotiations and the mere signature of framework agreements on European social dialogue, namely by providing its member organisations with the closest, most effective assistance possible. The member organisations are bound to comply with such agreements and to ensure their effective implementation.

This second decentralised work meeting in Budapest (following the first one in Riga on 11-12 October 2005) is one example of this.

Opening of the meeting

ETUC Deputy General Secretary Maria Helena André opened the meeting by reiterating this framework and stressing ETUC's concern to help its member organisations implement and monitor the framework agreement on stress.

She also pointed out what had been achieved in the context of European social dialogue, highlighting in particular the signature of five agreements (three transposed into directives and two to be implemented by the social partners).

Then, taking the example of the telework agreement, she emphasised the different possible ways of implementing these two agreements, namely via collective

agreements or joint declarations or via a joint request to the public authorities to draft appropriate legislation.

Naturally, in the course of this process, it is essential to aim for the agreement's improvement, if possible, when it is transposed at national level.

The agreement sets out minimum requirements, and it is up to the respective national social partners to improve it on this basis, using the tools at their disposal and a method of their choice.

It is important that the social partners are aware that some of the social *acquis* are involved and that they have a responsibility to take action at national level.

The candidate countries are also involved in the project.

Maria Helena also reiterated the importance for Social Partners to promote autonomous actions.

The seminar participants are all multipliers, who will ensure that information is disseminated and passed on to the various levels of action. From the debates at the first decentralised meeting in Riga, it was clear that some ETUC affiliates had not yet informed their own member organisations of the existence of the European framework agreement, which all the more shows the relevance and necessity of these regional seminars, in particular regarding the setting-up of national action plans for the implementation of the agreement.

<p><u>Introduction to the framework agreement: its background, contents, interpretation, implementation and the follow-up on its implementation</u> Roland Gauthy and Stefan Clauwaert (ETUI-REHS experts)</p>
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Roland Gauthy, an expert who has been actively involved in the negotiations, then took the floor to explain in detail the agreement on stress.

He gave a chronological account, explaining paragraph by paragraph how we could interpret its respective articles (see the slides).

Stefan Clauwaert, also an expert who has also been actively involved in the negotiations, complemented his presentation by taking up aspects of the agreement's implementation and follow-up. (See the slides)

Maria Helena André also related her experiences during the negotiations, the frequently clashing approaches taken by the employers and ETUC (E.g. whether the Health and Safety Framework Directive 89/391 covers stress or not; collective approach in tackling work-related stress versus the individual approach; improvements needed in the implementation and follow-up mechanisms; etc.), and the difficulties encountered, especially in a social and economic context, that are not conducive to growth and quality jobs, and in which unions' concerns sometimes fall on deaf ears.

After these contributions, details were provided about the support that ETUC can offer in the framework of this project, namely:

- The translation into several languages of the agreements on work-related stress;
- the production of an ETUC guide (in EN and FR) on how to interpret the agreement;
- an interactive section of the ETUC website devoted to the agreement and to its implementation;
- an interim report on the agreement's implementation;
- three decentralised meetings of the working group (including this meeting in Budapest);
- a closing conference.
- Based on the debates in the three decentralised meetings, a check list will be elaborated which has to serve multiple purposes: providing an overview on the state of play in the implementation; identifying results achieved and/or problems occurred in the implementation. This list, which also serves as a reporting tool, should be elaborated in a way that it can be used for all different resulting from the EU social dialogue.

Country-by-country 'round table'

Participants introduced themselves and after that there was a round table during which the following points were raised:

- The legislative/contractual framework on workplace stress;
- possibilities for improving this framework by concluding European framework agreements;
- Problems and bottlenecks in the various ways of implementing the agreement.

The participants listed the following issues (non-exhaustive list, classified by country):

Romania:

- Although work-related stress is not explicitly mentioned in the OHS legislation, Romanian employers have – according to different pieces of law- a general obligation to protect workers against all (!) health and safety risks;
- In the period 2002-2004, several awareness and training actions were developed by the trade unions on the issue;
- An adapted translation in Romanian was elaborated by the trade unions and has been accepted by all Romanian social partners and will serve as a basis for forthcoming bipartite social dialogue discussions;
- Additionally, implementation is hoped to be ensured via collective bargaining on national, sectoral and enterprise level;
- There is also the intention to use the current reform of the health and safety legislation to have the European agreement implemented via this way;

(For further details: see joint trade union preparatory contribution– available in English only)

Slovenia

- It has been stressed that, even though since 2001 there is a law obliging every employer to conduct risk assessments, this has been scarcely implemented and rarely covers problems of work-related stress; there is also a lack of external expertise in this regard in the country;
- Within the context of a PHARE Project “Fit for Work”, training materials for employers, workers and their representatives are being prepared and will include a module dealing with work-related stress;
- First discussions on trade union side took place in order to identify the most appropriate implementation strategy;
- In November 2004 a trade union translation into Slovenian was elaborated;
- In November 2004 an awareness campaign was launched, which had a very large media coverage;
- In December 2004 , the trade unions invited the employers’ organisations, within the framework of the tripartite Economic and Social Council, to start implementation negotiations, but no progress was gained until September 2005, when the item was officially put on the agenda of the Council, and a tripartite working group, headed by the ETUC affiliate ZSSS, was established;
- Main reasons for this delay were firstly that the employers wanted guarantees that the implementation process would not be used to have work-related stress recognised as an occupational disease; secondly, that they had been informed by UNICE/UEAPME that the EU agreement entailed no obligation to implement it on a national level via collective agreements (!). This way, employers do not accept any binding measure which could be evoked in court; on top of that, employers tend to see WRS as an individual problem and cannot, therefore, see how a collective solution might help to remedy it;
- Important to note is that the Government will also be asked to be involved in these negotiations in its capacity as “public sector employer”.

Cyprus

- No progress has been achieved so far, but a proposal for starting negotiations is being prepared by the trade unions. There is a hope that these will start in the beginning of 2006;
- Demand to have the EU agreement translated into Greek via the ETUC project.

Italy

- CISL has recently organised an awareness conference on this issue;
- The trade unions elaborated their own translation into Italian; the same happened on the employers’ side by Confindustria; it now remains to be seen how these versions coincide;
- The main obstacle is that Confindustria does not accept that any measures to tackle WRS might interfere with the work organisation in enterprises; work organisation should remain a prerogative of the management of the enterprise; furthermore, they have difficulties in accepting that stress can cause ill-health,

thereby risking that WRS can potentially be integrated in the list of occupational diseases; in fact, the Government submitted an amended version of this list, including now WRS, and which led to a complaint by the employers to the Administrative Court, which partially agreed with their position;

- Conclusion: in “public” the employers recognise the need to act on this issue, but in practice they refuse any action whatsoever.
- The terms positive & negative stress are widely used by e.g. medical doctors when they assess the occurrence of stress at work; they should learn to replace “positive stress” by MOTIVATION. The fact that the ILO uses the concept of positive and negative stress does not ease the discussion as we, the ETUC, are member of the body.

(See for further details the contribution by CISL and CGIL submitted at the seminar – available in Italian only)

Portugal

- In November 2004, UGT-P made its own translation which is on the website and the information campaign around it got good press coverage; the translation is now also used by training institutions;
- A formal discussion was envisaged in the national tripartite council but the Council was recently dissolved;
- The issue is not considered a priority for the moment, when compared to (un)employment issues, social security reforms, etc.
- It is envisaged to do something in the near future particularly with the public sector authorities in their capacity of employer for civil servants, teachers, health professionals, firemen, police, etc., as these professions constitute about 4/5 of those who are mostly concerned by WRS-problems;
- It is also hoped that the upcoming revision of the national list of occupational illnesses will be largely used by the affiliates to press in the competent council for the inclusion of WRS on the list.

Malta

- The implementation will be problematic given the characteristics of the country (i.e. its size, a very low working population percentage, rapid changing economy, etc.) and WRS is not a top priority compared to unemployment issues; also most companies are SME's (in particular family run); an attempt to do something in the public sector will be made, as this is the largest employer in the country;
- The issue of WRS is covered in Section 426 of Act 27/2000, by which also a H&S Authority is established, and which operates independently, and can take the government to court if necessary;
- CMTU has contacted this authority which is offering to organise training courses on the issue;
- No translation of the agreement was required;
- From a collective bargaining point of view, a new national collective agreement has just been signed, which does not include “stress issues” and

which can only be renegotiated in 5 years' time; so implementation must mainly be envisaged via sectoral bargaining; a first step is that the Teachers union will, in the near future, organise a conference on the issue of WRS.

Hungary

- Labour Act contains some general provisions relating to H&S and work organisation, which can be used to tackle WRS as well; the revision of this act, in 2004, obliges each employer employing more than 50 workers to appoint an H&S expert in the enterprise;
- More information/awareness campaigns will be necessary as well as targeted training for these experts and doctors, for instance;
- The problematic for the implementation might be the growing grey economy and the fact that the number of self-employed is very high (and they are not covered by the EU agreement);
- A common trade union programme within the tripartite National Labour Council is foreseen;
- Sectoral social dialogue has just started and it will be tried to integrate the stress issue.
- The Hungarian translation was done via ETUC project.

Slovakia

- The Slovakian version available was done via the ETUC project;
- Social dialogue is very weak and difficult; there's high unemployment and a lot of restructuring is ongoing mainly in state institutions;
- Existing legislation covers a lot of H&S risks, but there is a problem with the enforceability of it.

ETUCE

- No action was taken so far in the education sector;
- The problem is that they have no formal EU sectoral social dialogue forum for the moment and it will also be difficult to identify the appropriate European employers to dialogue with; solving all this is a top priority in the Action Plan which ETUCE is elaborating for 2006;
- Another problem might be that workers in the sector have many different statuses (civil servants vs. workers, a lot of fixed term contracts and freelancers, etc.)
- In the meantime it could be envisaged to disseminate all the translations to its members.

Action plans

The afternoon session of the first day and the second day's work focussed on drawing up national action plans.

A first round table concentrated on how to improve dissemination the EU agreement and raise the knowledge about it, both inside and outside the trade unions.

The table below lists the issues raised country by country:

Romania	<ul style="list-style-type: none"> - Romanian translation was disseminated to all the trade union affiliates
Italy	<ul style="list-style-type: none"> - The agreement has been largely disseminated, although there has been no concrete feedback; this raises the question of whether there is a lack of interest on the Trade Union's side; - Idea of setting up a national observatory on WRS where best practices can be collected; - Envisage the organisation of targeted training sessions; - Provide a link on the website to the specific WRS section on ETUC website; - What should be done towards Bilbao?
Portugal	<ul style="list-style-type: none"> - Portuguese version was put on UGT's website and disseminated to the affiliates but also no real feed back (except from banking, flight crew workers and teachers)
Hungary	<ul style="list-style-type: none"> - The Hungarian version of the agreement will be disseminated as soon as possible to the confederal and sectoral social dialogue committees for further distribution; - The "Chambers will also be contacted to ensure that employers are also aware of the EU agreement; - Attempt to distribute it amongst the Labour Inspectorate networks; - The National Labour Council should be used to ensure wider dissemination as it also has a budget which could be used for forums or training sessions for workers' representatives
Cyprus	<ul style="list-style-type: none"> - Internal trade union meetings to raise awareness could be envisaged - Eventually also brochures or specific events (this also for the "external" dissemination)
Malta	<ul style="list-style-type: none"> - Need to increase internal meetings on the issue via the trade union council meetings; - The education section of CMTU has a H&S unit, which could be asked to disseminate further info to all H&S experts/teachers in the country - Envisages mainly to use the H&S Authority and its budget for the dissemination
Slovakia	<ul style="list-style-type: none"> - Apart from different measures envisaged in the other countries, there will be a need to ensure dissemination amongst employers (organisations)
ETUCE	<ul style="list-style-type: none"> - Will envisage the possibility to put all language versions on the website and disseminate them to all their affiliates; - Will envisage the possibility to try to set up an ETUCE network of contact persons; - Will envisage the possibility to apply for Commission funding for a specific training project in their sector - Will envisage the possibility to elaborate a questionnaire to send to

	affiliates for feed back on developments
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Maria Helena subsequently summed up the discussion, highlighting the following steps to be taken:

1. Action to boost people's knowledge (translate the agreement into the respective national language: ETUC, via the project, has funds to help with this; also a discussion of the final version with the employers);
2. posting of the agreement on the Internet;
3. coverage of issues by the (trade union and other) press;
4. organisation of information meetings;
5. Organisation of joint meetings with the employers.

In all these steps it is important to draw a clear distinction between autonomous actions taken by the social partners and the strategy to adopt vis-à-vis public authorities.

In a second round, the participants were then given 8 keywords with which they needed to identify all possible actions for their national action plan; the keywords were:

1. translation (understanding of the English)
2. dissemination (how and when)
3. knowledge and implementation
4. negotiation (schedule)
5. problems of interpretation
6. report (in and out)
7. monitoring
8. impact (qualitative analysis at the end of the process).

The table below lists the issues raised country by country:

Romania	<ul style="list-style-type: none"> • Translation: OK • Dissemination: see above • Knowledge: 1 ½ day training before end of 2005 and further meetings in 2006, conclusions to be sent to ETUC • Negotiations: as soon as conclusions are known they will be discussed in National Labour Council in view of starting negotiations + also start talks with government to change H&S laws • Monitoring: all lower level social partners will have to report every three months on developments which must be evaluated by National Labour Council and Economic and Social Council in 2006-2007 • Impact assessment: via reporting and after evaluation, the conclusions will be disseminated to the ETUC and the general public
Italy	<ul style="list-style-type: none"> • Translation: OK • Dissemination: see above • Knowledge: ETUC should promote ad hoc meetings between members and “non members” to ensure increased implementation and evaluation; in addition initiatives should be taken towards top level trade union leaders to raise their awareness as well; • Negotiations: national collective agreements which do not cover

	<p>aspects of WRS should be amended; at sectoral level, initiatives should be taken as well (although the public sector agreement has just been renewed and applicable for three years);</p> <ul style="list-style-type: none"> • Reporting: is very important and a suitable framework should be elaborated; • Interpretation: to be envisaged how the ETUC interpretation guide could be put in other languages than just FR/EN; • Monitoring: a checklist should be elaborated
Portugal	<ul style="list-style-type: none"> • Translation: OK • Dissemination: see above • Knowledge: worries about lack of interest also on trade union's side, so action should be intensified using all available channels, including the academic world ("Knowledge is power!") • Negotiations: at interprofessional level negotiations will be very difficult; at sectoral level better results might be achieved; therefore, their "internal guidelines for negotiations" have to be revised and a chapter on WRS will be added to it; the enterprise level should also be used in particular to ensure short term implementation; • Interpretation problems: will surely relate to positive stress vs. negative stress and the coverage of stress by the Framework Directive • Reporting: reports are due to be made whenever developments take place and they should be sent to ETUC • Impact: most important will be to have a solid and credible framework for this assessment (problems of statistical data, the time it takes to collect and evaluate them); another "benchmark" can be the increased number of collective agreements dealing with WRS
Hungary	<ul style="list-style-type: none"> • Translation: OK via ETUC project • Dissemination: see above • Knowledge: increased need to train H&S representatives at enterprise level; action will also be necessary to inform and raise awareness amongst employers • Negotiations: use all opportunities of collective bargaining on (aspects of) work organisation to include all the aspects of WRS; main target levels should be sectoral and enterprise level; a special strategy will have to be developed for the many SME's and micro enterprises (which will need the involvement of local authorities and eventually NGO's); it will also be tried to put the item on the agenda of the December 2005 meeting of the National Labour Council; • Reporting: important, but only when developments occur and this via the subsequent meetings of National Labour Council • Monitoring: reduction of WRS is difficult to measure but any results collected should be reported • Proposal to set up transnational trade union working groups with other colleagues of new and candidate member states, particularly

	<p>in relation to migrant workers</p> <ul style="list-style-type: none"> • Also to look at how the establishment of a third social security pillar covering workplace accidents can be revived via the discussions on the issue of WRS
Cyprus	<ul style="list-style-type: none"> • Translation: requested and already being done via ETUC project • Dissemination: see above • Knowledge: training courses could be envisaged • Monitoring: via meetings and questionnaires
Malta	<ul style="list-style-type: none"> • Translation: OK • Dissemination: see above • Knowledge: again of the H&S Authority and its resources are envisaged to organise courses for trade union officials as well as the general public; using the media might be difficult as WRS might not be an interesting issue; • Negotiations: legislation is up-to-date, but in practice there are still problems; the interprofessional collective agreement has just been signed and is applicable for 5 years; thus, implementation should mainly be achieved via sectoral bargaining; • Interpretation: the H&S Authority has given its opinion that WRS is against the law, so do not foresee major interpretation difficulties; • Reporting: via internal meetings and periodical e-mailing; there will be a need to receive information on state of play in other countries; the elaboration of a specific questionnaire might be envisaged; • Monitoring/impact: yearly statistics on sick leave are available and can be a certain, but dangerous, benchmark; the number of collective agreements dealing with WRS can be another benchmark to use.
Slovakia	<ul style="list-style-type: none"> • Translation: done via ETUC project • Dissemination: see above • Knowledge: more training to be organised with trade union officials and within enterprises; • Negotiations: following the information round, negotiations should be envisaged at national level although this will not be easy; • Reporting: as it is crucial, a framework needs to be established; the same applies to monitoring and impact assessment
ETUCE	<ul style="list-style-type: none"> • Translation: see above • Dissemination: see above • Negotiations: for the moment difficult, as no formal EU sectoral social dialogue framework exists for the education sector; • Interpretation: it should be envisaged to have the ETUC interpretation guide in more languages; • Reporting: to envisage is to send a questionnaire to the ETUCE member organisations; • Impact: an assessment from a “teachers’ perspective” could be eventually envisaged

Maria Helena, Roland and Stefan then closed the meeting by reminding the participants a number of key messages:

1. The European Social partners signed the agreement on WRS on behalf of their member organisations, which will now have to deliver!
2. The argument of “Stress is not a priority” is understandable, but issues like high unemployment, increased flexibility and restructuring, which are top priorities, are also the main stress factors! So do not overlook this important link!
3. the political, institutional, social and economic environment is far from ideal and further set backs can not be allowed; we have to act as trade unions on both European and national levels.

Furthermore,

4. As to the checklist, it will be elaborated and tested in preparation of the closing conference in October 2006.
5. As to the translation of the ETUC interpretation guide, this will be looked into, but no guarantees can be given; affiliates are stimulated to find institutions in their country to do this translation.
6. Remember that constant dissemination, both inside the trade unions and towards the general public, is of the utmost importance.
7. Further possibilities for training courses will be looked into, together with the Education Department of the ETUI-REHS.
8. As for the implementation negotiations in the national context, this is the full autonomy of our affiliates but **DO NOT INVENT ANYTHING**; use the normal procedures and practices applicable in your country and to not accept any other result, rather than the result this normally leads to (e.g. no guidelines if the normal outcome is collective agreement)!
9. As to reporting, monitoring and impact assessment, there will be a need to establish solid criteria and benchmarks to lead to a proper evaluation; it needs to be looked into how the Bilbao Agency could help in this regard.
10. If there is trade union pluralism in your country, please join forces in ensuring a proper implementation and also regarding the reporting towards the ETUC.

The meeting was then closed by thanking the participants for their constructive input, and of course the interpreters for their valuable help in making us better understand each other.

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