

SUPPORTING MENTAL HEALTH OF LONG-TERM CARE WORKERS - EUROPEAN WORKS COUNCIL CASE STUDY

Introduction

Participation of workers in decision-making at company or workplace level is considered a fundamental workers' right in the EU.¹ Findings from the 2019 European Survey of Enterprises on New and Emerging Risks (ESENER) suggest that workers' representation plays a crucial role in shaping psychosocial occupational safety and health (OSH) management practices, particularly in the healthcare subsector (EU-OSHA, 2024). Overall, among the health and social care (HeSCare) subsectors, 85% of establishments in residential care activities indicate that employees have a role in designing and setting up measures to address psychosocial risks (PSRs). In social work activities, 80% of establishments confirm this role for their employees, while it is less prevalent among healthcare establishments (70%). Health and safety representatives are the most common form of formal worker representation in the HeSCare sector, reported by 65% of establishments. This is followed by health and safety committees in 38% of HeSCare establishments, works councils in 35% and trade union representation in 22%. Compared to the EU-27 average across all sectors, the HeSCare sector shows a notably higher level of workers' representative bodies. For example, works councils are only present on average in 22% of EU-27 establishments (EU-OSHA, 2024).

While recognising that workers' participation in health and safety matters can take different forms, this case study will focus on works councils and their contribution to preventing and mitigating psychological risks (PSRs). Specifically, it will examine initiatives to prevent and mitigate PSRs co-developed or discussed within the European Works Council (EWC) of Clariane, a long-term care company headquartered in France.

EWCs are information and consultation bodies that ensure that employees are involved in decisions related to transnational issues. They concern companies with more than 1,000 employees operating in at least two EU or European Economic Area (EEA) countries, when there are at least 150 employees in each of two Member States. The rules regarding EWCs are laid down by the 2009 Recast Directive on the establishment of an EWC (Directive 2009/38/EC; European Commission, 2009). EWCs can be an effective way of organising workers in HeSCare companies and giving them a voice in shaping policies around the prevention and mitigation of PSRs. The Recast Directive, among other things, recognised social partners as important experts to facilitate the establishment of more EWCs, for example, by allowing trade union officials to attend negotiating meetings as experts (Teun & Lorber, 2019). Strong EWCs are linked to robust trade union participation, as the effectiveness of one reinforces the other. On the one hand, the active involvement of trade unions is beneficial to the establishment and functioning of effective EWCs. On the other hand, EWCs play a pivotal role in facilitating the organisation of new workers into trade unions, thereby contributing to the overall strengthening of trade union structures (Interview 1 data).

Care personnel are generally exposed to a variety of PSR factors, including difficult relationships with families and residents, and potential third-party aggression. Stress can also stem from the work atmosphere, poor relationships between colleagues and/or management, and personal reasons such as domestic violence or issues with children and loved ones. To prevent absence from work, increase the attractiveness of the sector, ensure the quality of care and promote employee wellbeing, the long-term care company at the centre of this case study developed several initiatives in close collaboration with employee representatives. The case study specifically focuses on how EWCs and engaged multinational companies can develop practical tools and solutions at the European level, benefiting employees in all countries where the company operates (Interview 2 data).

¹ Accepted as a fundamental right in the EU Charter of Fundamental Rights adopted in 2000 and previously in the Community Charter of Fundamental Social Rights of Workers in 1989.

This case study is part of a research project² carried out with the aim to provide an overview of research on work-related PSRs and mental health-related outcomes in the HeSCare sector.

Methodology

The findings presented in this case study are based on two interviews: one with a representative of the European Public Service Union (EPSU), and the other with the Group Social Relations and Engagement Director of Clariane, a multinational company active in the long-term care sector. The interview findings were complemented by desk research on the legislative framework for EWCs and EU-OSHA ESENER data on the prevalence of works councils in the HeSCare sector.

Description of the intervention

The HeSCare sector is facing numerous challenges and employees tend to be exposed to a high number of PSRs. The sector has traditionally been defined by low wages, challenging working conditions, insecure employment arrangements and pervasive gender stereotypes.

In 2019, an EWC was established at Clariane, a long-term care company headquartered in France and active in six other EU Member States, predominantly in Germany, but also Italy, Spain, Belgium and the Netherlands. Of the 60,000 employees, 80% are women, and most are employed in care functions in nursing homes and clinics and for home care activities. The creation of the EWC was facilitated by the shared commitment of both worker and employer representatives to establishing an EWC. After the agreement to implement the EWC in 2019, the company's status was transformed into that of a European Company, necessitating the renegotiation of the EWC agreement in 2022. A European Company, also known as *Societas Europaea* (SE), is a type of public limited company that operates under EU law, rather than the national laws of a specific Member State. It is governed by Council Regulation (EC) No 2157/2001 and allows businesses to operate more easily across multiple European countries. Renegotiating an EWC agreement becomes necessary when a company transforms into a European Company because the legal framework governing employee representation changes.³

The current EWC agreement at Clariane, signed for four years, runs until June 2026. This has significant implications for the company's care workforce, as it shapes social dialogue and allows considerable engagement with workers on topics of relevance to OSH and the mental health of workers. Within Clariane's EWC, all countries are represented based on the size of their workforce. Overall, there are 21 representatives and 21 substitutes, with the majority coming from Germany and France due to their larger workforces (Interview 2 data).

The social dialogue within the Clariane EWC is reported to be very active at the European level. There are two plenary meetings per year, featuring presentations from the board on strategy, financial matters, socio-economic issues, medical topics and training. There are also working groups (WGs) focused on OSH, reduction of absence from work, corporate social responsibility and training. The WGs most relevant for PSR prevention and mitigation are the WG on OSH and the WG on prevention of absence from work, both established in 2020. Within the framework of these WGs, a range of agreements and documents have been signed, which will be explained in more detail below.

What was done and how

As mentioned above, the WGs on OSH and the WG on reduction of absence from work within Clariane's EWCs are key players in terms of developing policies and reaching agreements with the company's management on PSRs. All initiatives related to PSRs at Clariane were developed and deployed via collective processes involving the members of Clariane's EWC.

For example, the staff absence reduction WG, set up shortly after the establishment of the EWC, carried out an in-depth analysis of the causes of and data relating to staff absence as well as options for reducing it. The data indicated that unplanned absences are primarily due to working conditions and

² The full report is available at: <https://osha.europa.eu/en/publications/overview-work-related-psychosocial-risks-and-mental-health-outcomes-eu-health-and-social-care-sector>

³ When a company becomes an SE, it falls under Council Directive 2001/86/EC, which supplements the SE Regulation (Regulation 2157/2001) with additional rules on worker involvement. In particular, the Directive 2001/86/EC introduces different procedures and requirements for worker participation, making renegotiation necessary to align the agreement with these new rules.

environment,⁴ management and work culture,⁵ the personal situation of the worker,⁶ the person's unsuitability for the job, factors related to Clariane's social commitment to its workforce (training, professional development) and, lastly, mental or physical overload due to all of these factors.

One of the outputs of the WG dedicated to absence reduction is a 'Common declaration on the reduction of absence', signed in 2022 by Clariane's EWC and management. It contains a framework of actions that revolves around three key themes: (i) Management quality and the working environment, (ii) Work organisation, and (iii) Social and psychological support.

More specifically, the commitment to social and psychological support includes three actions. The first is to implement PSR assessments at all sites and corporate offices, at the request of manager and/or employee representatives and depending on the requirements and organisation of each group country. The second is to develop social services in each country as far as possible, for example through social workers, external social service providers or through partnerships with expert associations (e.g. housing support, legal advice, assistance for women who are victims of domestic violence, or assistance for employees with caring responsibilities). Third, psychological support actions include a support hotline for employees, services adapted to the needs of employees (individual psychological support, coaching, mentoring, supervision), and training on 'stress prevention and management' and 'conflict management and mediation' offered by the Clariane Academies, which are training facilities of the company in each country (Clariane/Korian, 2022). Therefore, the initial idea to develop social and psychological support structures for the benefit of all employees originated from the EWC, based on the research conducted by the WG on absence prevention.

In 2024, the WG members worked on a 'Practical guide for managers on pragmatic measures to prevent absence'. This was a substantial effort, with a large part of the guide dedicated to social and psychological support, reflecting the company's commitment as a purpose-led organisation and the commitment to taking into account the EWC's opinion (Interview 2 data).

Another important measure originating from the common declaration on the reduction of absence is the 'Standard on social and psychological support'. The standard on social and psychological support was developed by management and the company's human resources (HR) function, with input and consultation from workers' representatives through the EWC, and specifically via the works council's WG on absence reduction (Interview 2 data). The aim is to deploy the standard in all countries by the end of 2026. The standard on social and psychological support for employees includes practical tools and procedures to support care workers and is organised around three pillars, which mirror the commitments to social and psychological support included in the common declaration on the reduction of absence.

The first pillar of the standard focuses on providing employees with the appropriate channels to raise concerns around psychosocial stress factors. They may voice their concerns to management or to staff representatives. To facilitate this, specific processes have been set up. For example, a help hotline for employees has existed in France for several years and has recently also been introduced in Italy, while 'persons of trust' (*personnes de confiance*) are appointed in each facility in Belgium to enable employees to discuss issues they encounter in a confidential manner. In Germany, a system involving health champions has been set up within the company.

The second pillar focuses on the services and the support that can be offered to staff once they have expressed their issues. This includes services such as mediation, supervision, mentoring and coaching related to professional matters. An example is in-person mediation between families and residents and staff in conflict situations by a qualified mediator to sort out the conflict and try to find a solution together.

Additional tools and services are being deployed and developed to support employees with personal issues. For example, in France, the company has established a solidarity fund managed jointly by employers and workers' representatives to provide housing assistance in cases of domestic or gender-

⁴ Workplace accidents and occupational diseases, work organisation (work schedules), work environment, equipment, and relationship with residents and families.

⁵ Implementation of the Group's Values and Ethics Charter, lack of consideration, recognition and respect; management and team stability.

⁶ Illness, difficulties related to caring for children or family members, long commutes, vulnerability due to domestic violence, excess debt or family problems.

based violence or to socially vulnerable staff. Since the fund was launched, 264 employees have received support.

The third pillar focuses on stress prevention and includes providing training and tools to employees to better manage stress. This training focuses on helping managers to effectively intervene in the case of conflicts between employees or employees and care recipients and their families, while the training for employees focuses on teaching them how to better prevent and manage their stress and to cope with emotionally difficult situations. According to a representative of Clariane, 'despite efforts, some aggression from residents and families might occur. Therefore, we focus on resilience and stress management for those who need it. We offer training, mostly online, that is accessible to everyone' (Interview 2 data).

To assess the uptake and visibility of these support measures, an annual employee satisfaction survey is conducted for all employees across Europe, including a question on these psychological and social support mechanisms. The objective is to evaluate how well the services (mediation, hotlines, etc.) are known by employees. The survey also assesses the quality of social dialogue in the company and satisfaction with work, making it a useful tool for assessing employee satisfaction within the company overall (Interview 2 data).

Another WG of Clariane's EWC, which is very relevant for the prevention of PSRs, is the WG on OSH, which has developed a protocol on OSH focused on reducing work-related accidents (Clariane/Korian, 2021). The protocol includes Clariane's commitment to assess occupational risks regularly, monitor indicators and guide action plans to improve practices, including PSRs, with a steering committee, consisting of 15 workers' representatives from the EWC, following up on the commitments. To ensure the continuity of this action, currently negotiations are taking place for a European agreement on OSH as a continuation of the protocol (Interview 2 data).

What was achieved?

The establishment of the EWC at Clariane and its continued high level of activity represents a major achievement, serving as an enabling factor for the further initiatives outlined in this case study. The activities of the WGs on reducing absence and on OSH have also increased attention to PSRs and led to the adoption and implementation of the protocols, declarations, policies, and wide range of psychological and social support services outlined above.

While there is a general impression within the company that all initiatives related to psychosocial support are useful, there is limited evidence on the exact impact of the various support services offered (e.g. hotlines, counselling, persons of trust) and the discussions within the EWC. This is largely because the annual employee satisfaction survey does not specifically cover this topic. Moreover, confidentiality concerns limit the possibility of reaching out to individuals after they have used one of the services to ask for their feedback. The aim is to avoid suspicion, build trust and ensure that employees feel safe when seeking help for their issues.

However, the employee satisfaction survey indicates a high level of awareness of the social and psychological services, with 72% of employees indicating that they are aware of the services offered and stating that they could benefit from them. While this is a good starting point, it was noted by interviewees that there is room for improvement in terms of raising awareness about the available options. Currently, the survey responses are being analysed to understand why some employees feel that they cannot benefit from the psychosocial services offered by the company. The reasons could vary, from lack of awareness to a preference for seeking help outside the company structure (Interview 2 data).

Success factors

A well-functioning system of social dialogue is essential for successfully transforming attention to PSRs into initiatives and protocols. Collaboration between workers and management representatives, along with clear communication about different agreements and services to tackle and mitigate PSRs, is key. The EWC and its WGs have played a significant role in highlighting the importance of PSRs and the need for psychological support measures to reduce absence at the company. Their efforts have helped shape Clariane's approach to both assessing OSH risks and providing psychological and social support to employees. This case study demonstrates that social dialogue at the EWC level is an effective tool for ensuring the introduction and implementation of meaningful PSR prevention measures. The

commitment to social dialogue was renewed through the signing of a Charter on Social Dialogue Principles between the company and EPSU in October 2023 (Clariane & EPSU, 2023). This charter, essentially an agreement, promotes social dialogue at all levels and in all countries where the company operates. Additionally, the company is committed to training managers in social dialogue, which is crucial for fostering understanding and constructive engagement with employees (Interview 2 data).

Another key success factor, linked to a well-functioning social dialogue, is management support for initiatives addressing PSRs and broader engagement in social dialogue. Successful initiatives require company engagement and support at the highest level, fostering collaboration and communication on all agreements and psychosocial support services offered. For instance, the bipartite composition of the solidarity fund is crucial because it allows the voices, concerns and knowledge of both workers and management representatives to be considered when setting up support structures for vulnerable employees (Interview 2 data).

Lastly, social dialogue also facilitates the monitoring of the implementation of all engagement activities and psychosocial services. It can serve as leverage for better monitoring, with staff representatives sharing information and perspectives that might otherwise be unavailable to management (Interview 2 data).

Challenges

For EWC members, finding sufficient time to dedicate to EWC activities can be challenging, particularly in a sector characterised by staff shortages. Trade unions and EU-level social partners, such as EPSU, can play a key role in supporting EWC members by providing their expertise and guidance in their role as observers. These challenges can also be mitigated by a management approach that is supportive of the EWC's work and ensures that members are given adequate time and resources to contribute meaningfully (Interview 1 data).

One of the main challenges from the management perspective is the time required for the implementation and development of initiatives to address PSRs. For example, the implementation of the social and psychological support measures (hotlines, support with housing, counselling, training) demands significant time from HR teams at both group and country levels. Communication about existing initiatives can also be challenging, especially in a company with approximately 900 sites across Europe, resulting in a geographically fragmented structure, which can make reaching every employee at each site and in every country difficult (Interview 2 data).

While it remains the responsibility of management to communicate with employees, workers' representatives may be more efficient in spreading news. Therefore, agreeing with social partners on the topics and measures within the EWC is crucial and workers' representatives are vital in communicating the outcomes of agreements, decisions made and the psychosocial support services offered to employees (Interview 2 data).

Key takeaways

This case study demonstrates how well-functioning social dialogue, in the form of an EWC within a long-term care company operating in multiple European countries, can foster the implementation of a range of initiatives to address and mitigate PSRs for care workers.

All the initiatives mentioned in this case study, along with the establishment of an EWC, are highly transferable to other companies in the long-term care sector. However, success depends on the conviction and engagement of both management and staff, as well as a positive social climate at the group level.

Both interviewees noted that significant achievements were made within the EWC, highlighting that it is rare for so many initiatives and agreements to be signed (Interviews 1 and 2 data). In this respect, this case study illustrates that EWCs can be an effective pathway to organising workers in HeSCare companies and giving them a voice in shaping policies around the prevention and mitigation of PSRs.

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