

Preventing violence and harassment at work

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- ANALYSING THE BASIC CONCEPTS
 - ☞ STRESS
 - ☞ VIOLENCE
 - ☞ EQUAL TREATMENT
 - ☞ PSYCHOSOCIAL RISKS AT WORK
- THE STRUCTURE OF THE PSYCHOSOCIAL/ORGANIZATIONAL RISKS
 - ☞ STEPS
 - ☞ GENERAL PRINCIPLES OF ASSESSMENT
- HOW TO FACE VIOLENCE AND HARASSMENT
 - ☞ PREVENTION (BEFORE)
 - ☞ INTERVENTION (DURING)
 - ☞ PROTECTION (AFTER)



FIRST BASIC CONCEPTS



THE CONCEPTS

- **STRESS**

- ☞ There are not properly legislation and regulations on work-related stress
- ☞ The European Agreement is the only reference

- **VIOLENCE**

- ☞ Violence has always been punished. The novelty is the legal requirement to prevent it
- ☞ The ILO has approved a Code of Practice on Violence in Service Sector
- ☞ Some States have legislated: France, Belgium, Sweden, Finland
- ☞ There is a European Agreement on Violence and Harassment at Work

- **EQUAL TREATMENT**

- ☞ The European Directive on Equal Treatment have introduced some questions related to violence and harassment at work: sex harassment and harassment related to sex
- ☞ All European legislation have transposed the Directives and they have introduced new prevention obligations for the employers

- **PSYCHOSOCIAL RISKS**

- ☞ A concept which involves the others
- ☞ Different conceptions
 - Psychological risks
 - A part of the Ergonomics
 - Interaction between organization and workers
 - Organizational aspects which could damage the workers' health



WORK-RELATED STRESS

- ILO: Manuals. No Code of Practice
- EUROPEAN AGREEMENT
 - ☞ It recognizes work-related stress within the scope of the Framework Directive 89/391.
 - ☞ Risks assessment process is not the only way of management: “Addressing problems of work-related stress may be carried out within an overall process of risk assessment, through a separate stress policy and/or by specific measures targeted at identified stress factors”.
- THE MEMBER STATES LEGISLATION
 - ☞ STRESS IS WITHIN THE CONTENT OF THE LAW:
 - Italia: Legislative Decree 81/2008: It is necessary to assess work-related stress according to the European Agreement and the official guidance
 - ☞ STRESS IS IMPLICIT IN THE OHS LAW:
 - Sweden: Guidance for stress management within the framework of the General Regulations on Prevention Management in companies
 - United Kingdom: “Stress Management Standards”, a guidance on how to apply Health and Safety Act to the work-related stress
 - France and Spain: Labour Inspectors are including stress within their enforcement actions
 - ☞ STRESS MANAGEMENT IS NOT A LEGAL REQUIREMENT. The Labour Inspectorates are carrying out the promotion and information on work-related stress. Courts can apply liability for the damages (Ireland, Germany, Portugal)



VIOLENCE AT WORK

- ILO: CODE OF PRACTICE ON VIOLENCE IN SERVICE SECTOR
- PHYSICAL VIOLENCE: EXTERNAL OR INTERNAL
 - ☞ SPECIFIC LEGISLATION: Sweden has approved a Regulation on Physical Violence at Work in 1993
 - ☞ VIOLENCE IS IMPLICIT IN OHS LAW: United Kingdom and Spain
- PSYCHOLOGICAL VIOLENCE
 - ☞ EUROPEAN AGREEMENT ON VIOLENCE AND HARASSMENT AT WORK (2007)
 - Reference to the Framework Directive in a footnote
 - Harassment and violence may be carried out by one or more managers or workers, with the purpose or effect of violating a manager's or worker's dignity, affecting his/her health and/or creating a hostile work environment.
 - Raising awareness, appropriate training of managers and workers, enterprises need to have a clear statement outlining that harassment and violence will not be tolerated, this statement will specify procedures to be followed where cases arise.
 - ☞ LEGISLATION OF MEMBER STATES
 - SPECIFIC OHS LEGISLATION ON BULLYING: Sweden, Finland, France and Belgium
 - SPECIFIC LABOUR LEGISLATION FOR PUNISHING BULLYING: Poland
 - STATES WHICH HAVE RECOGNIZED VIOLENCE IS IMPLICIT IN THEIR OHS AND LABOUR LAWS: (Codes of Practice from Ireland, Code for Labour Inspectors 39/2009 from Spain)
 - UNITED KINGDOM: Violence is within the scope of Stress Management Standards
 - VIOLENCE MANAGEMENT IS NOT A LEGAL REQUIREMENT. The Labour Inspectorates are carrying out the promotion and information on work-related stress. Courts can apply liability for the damages (Italy, Germany)



STRESS AND PSYCHOLOGICAL VIOLENCE (BULLYING OR MOBBING)

- **STRESS INVOLVES VIOLENCE**
 - ☞ European Agreement: Social Partners recognize that violence and harassment are potential factors to work-related stress
 - ☞ European Agreement says that “this agreement does not deal with violence and harassment”, but violence is within the stress risk factors in the Agreement: “exposure to abusive behaviour”
 - ☞ Violence could create stress. However not all the stress situations derive from violence
 - ☞ **Stress prevention is also Violence prevention:** the same techniques of analysis are being using. The causes of violence are used to be in organizational factors
 - ☞ Intervention measures could be different for stress and violence
- **VIOLENCE ENTAILS AN ILLEGITIMATE BEHAVIOUR**
 - ☞ Violence is a kind of stress which derives from human relationships but in illegitimate way: an abuse of employer’s powers or a humiliating behaviour addressed to a worker.
 - ☞ Violence behaviours are legally more complex: they entail a violation of different rights and laws: dignity, honour, privacy, physical and psychological integrity and health. This involves:
 - Human Rights foreseen in Constitutional laws
 - Labour basic Rights
 - Occupational Health and Safety Rights
 - Compensation and civil rights



PHYSICAL VIOLENCE

- EXTERNAL OR THIRD PARTY VIOLENCE BEHAVIOURS
 - ☞ Internal organization is not involved. There are only external environmental factors
 - ☞ It would be logical to apply them the same treatment than other emergency situations:
 - Alarm and communication systems
 - First Aid
 - Training and information to workers
- INTERNAL PHYSICAL VIOLENCE (within the normal workplace environment)
 - ☞ Internal organization or companies cooperation are involved
 - ☞ They should have the same treatment of psychological violence



EQUAL TREATMENT

- THE DIRECTIVE 2002/73 HAS INTRODUCED NEW EMPLOYER'S OBLIGATION REGARDING THE FORMS OF VIOLENCE RELATED TO SEX:
 - ☞ Sexual harassment
 - ☞ Harassment related to sex: it is a kind of bullying behaviour
 - ☞ The Directive requires the Member States **to prevent these behaviours** (Art. 1.5.):
 - Member States have transposed the Directives
 - Legal prevention requirements are now within the framework of Labour Law in some States and within the framework of Occupational Health and Safety Law in others
 - **Some employers prefer the Labour Law framework: more flexible, subjected to bargaining**
 - **Some workers prefer the OHS framework: workers participation is guaranteed**




PSYCHOSOCIAL RISKS

- ILO has no instruments and EU has Manuals (European Agency)
- STATE LEGISLATIONS
 - ⌘ Legal requirement to prevent psychosocial risks: Belgium, The Netherlands and Norway
 - ⌘ Psychosocial risks are within the expert training: Italy, Spain
- DIFFERENT CONCEPTIONS:
 - ⌘ Depending on the result:
 - Psychosocial risks would be those related with psychological illnesses
 - ⌘ Depending on the origin
 - Psychosocial risks as a part of Ergonomics
 - As a result of the interaction between organization and workers (ILO)
 - Organizational and environmental factors which could damage workers' health (European Agency)



PSYCHOSOCIAL RISKS AS A PART OF ERGONOMICS

- Ergonomics (or human factors) is the scientific discipline concerned with the understanding of interactions among humans and other elements of a system, and the profession that applies theory, principles, data and methods to design in order to optimize human well-being and overall system performance. “**Organizational ergonomics** is concerned with the optimization of socio-technical systems, including their organizational structures, policies, and processes”.(International Ergonomic Association).
- Ergonomics is the term more used in North America.
- It is also a conception extended in France, Italy and Spain
- **METHODOLOGY:** instruments to carry out the ergonomic assessment:
 -  The analysis usually affects the individual. The job content is analysed but not always the job context: the macro-organizational subjects



PSYCHOSOCIAL AS THE INTERACTION BETWEEN WORKERS AND ORGANIZATION

- PSYCHO-SOCIAL MEANS THE RELATIONSHIPS BETWEEN THE INDIVIDUAL (PSYQUE) AND THE SOCIETY
 - ☞ In our field, this would literally mean that all the relationships between the workers and all their social environment: job, family, town, etc are involved.
- European Agreement on work-related stress foresees individual risks factors: subjective factors (emotional and social pressures, feeling unable to cope, perceived lack of support, etc.).
- METHODOLOGY: Differentiated analysis of the organisational risks factors and individual risks factors
 - ☞ The questionnaire is nominative and personal
 - ☞ Organisational risk analysis is public, with workers reps participation
 - ☞ Individual risk analysis should be confidential and carried out by a doctor



PSYCHOSOCIAL RISKS AS ORGANISATIONAL RISKS

- European Agency: organisational and environmental aspects which could damage the workers' health
- This is the conception more used and extended in Europe
- **METHODOLOGY:** analysis of the organisational aspects, not the individual
 - ☞ The questionnaire is anonymous: individual situations can not be analysed, only collective situations
 - ☞ The treatment of individual problems should be carried out through the medical surveillance
- The analysed risks are not properly psychosocial but organisational
- The term “organisational risks” would be more precise and better understood by employers and workers:
 - ☞ Organisation is the power field of the employers. This word could serve them to define the scope of their liability on labour risks.
 - ☞ Workers could be relate “psychosocial” to mental health surveillance. The word “organisational” describes better the aim of the risks assessment.



UNSAFE BEHAVIOURS WHICH DERIVE FROM THE ORGANISATION

- Reports point out that a bad work organisation is the cause of the most of work-related accidents in a 80 to 90 per 100.
- UNSAFE BEHAVIORS ARE THE HUMAN ERRORS AND NORMS VIOLATION
- WHAT ARE THE CAUSES OF ERRORS: STRESS AND ORGANISATIONAL FACTORS
 - ☞ The undue work charge and work rythim
 - ☞ The lack or undue training
 - ☞ The lack of good communications
 - ☞ A bad tasks distribution, etc.
- WHAT ARE THE CAUSES OF INTERNAL NORMS VIOLATION
 - ☞ Lack of surveillance and/or incentives to act correctly
- Usually, this problems are only analysed in a reactive manner (work-related accident investigation) but not in a pro-active and preventive manner in the risks assessment
- Organisational risks assessment would be the indispensable instrument to complete risks assessment process.



PILOT EXPERIENCE IN THE LABOUR INSPECTORATE OF BISCAY

- Selection of companies with high rate work-related accidents or high rate of serious work-related accidents
- The company should make the following actions
 - ☞ Psychosocial risks assessment using any method
 - ☞ Assessment of the work-related risks perception by the workers using a method of the Spanish National Institute for Safety and Hygiene at Work (NTP 580 INSHT)
 - ☞ An audit on how the prevention tasks are integrated in the usual company management
- Results are analysed jointly by workers and employer to identify the problems and the more suitable measures to avoid and reduce them.
- Execution of the measure:
 - ☞ Plan to implement organisational changes
 - ☞ Measures of periodic surveillance
 - ☞ Technical measure to avoid human errors

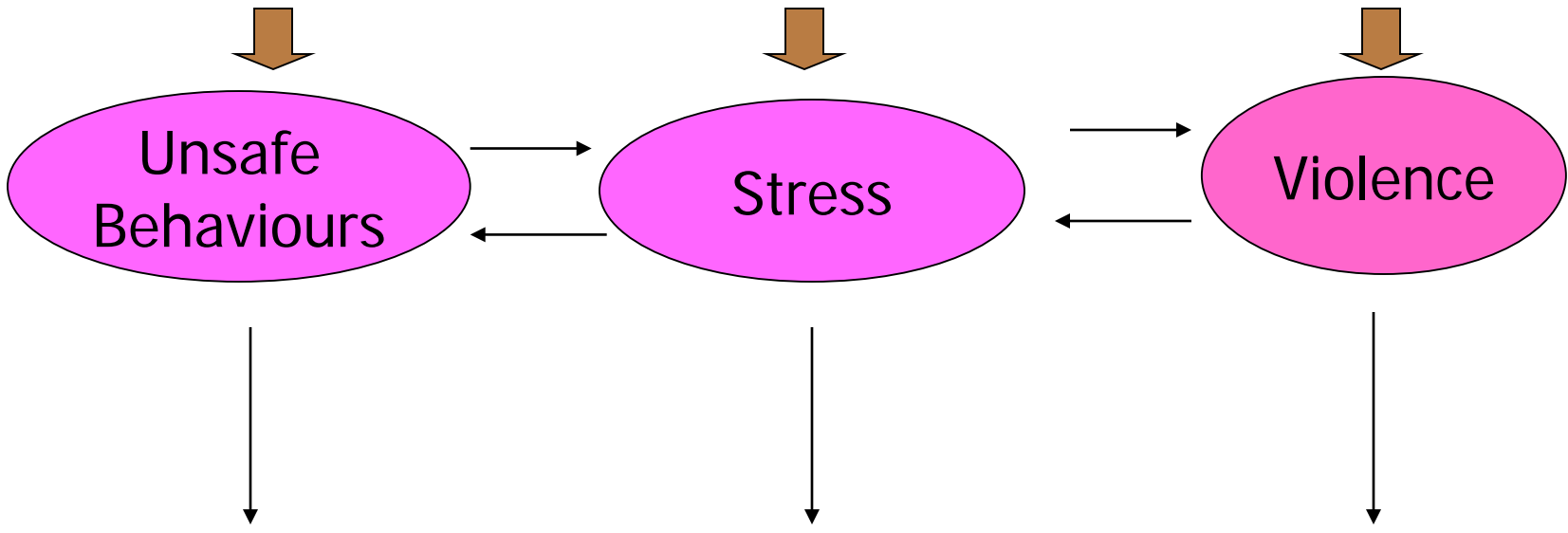


SECOND

RISKS ASSESSMENT



RISKS FACTORS IN THE ORGANISATION (CAUSES)



WORK-RELATED ACCIDENTS AND DISEASES
(physical, psychological and behavioural troubles)



DEBATES ON PSYCHOSOCIAL RISKS METHODOLOGY

- **Separate or integrated management:**
 - ☞ Integrated to the all risks assessment in the same documentation: all risks are interrelated, specially in SMEs
 - ☞ Separate from other assessments: treatment of exceptional cases which need the intervention of experts.
- **Internal or External experts:**
 - ☞ Better the Mutual collaboration
- **Methodology for small companies:**
 - ☞ It is better not to use questionnaires: interviews and discussion groups.
- **Results should be described in a comprehensive and understandable manner, not with numbers**
- **Measure to adopt should be bargained with workers representatives**
- **Measures are not static. They are properly policies**



ESTABLISHING GENERAL PRINCIPLES FOR A RISK ASSESSMENT PROCESS

- Identify the aims of the steps:
 - ☞ Preamble: experts should explain the process
 - ☞ Identifying the risks: questionnaires, interviews, discussion groups, etc by experts
 - ☞ Assessment: analysis of data and design of the measures (bargaining process between employer and workers with expert participation)
 - ☞ Execution: plan (employer with workers representatives)
- Identify indicators to revise assessments (INRS France)
 - ☞ Methods: indicators and surveys
 - ☞ Objective indicators: sick leave, turn over, overcharging, lack of human resources, work-related accidents rate.



THIRD INTERVENTION FORMS



HOW TO FACE VIOLENCE AND HARASSMENT

MEASURES:	PREVENTION (before)	INTERVENTION (during)	PROTECTION (after)
WITHIN THE COMPANY	ASSESSMENT OF RISKS FACTORS POLICIES OTHER MEASURES	INTERNAL PROCEDURES FOR DISPUTES INVESTIGATION OF ILL-HEALTH	REHABILITATION MEASURES
GOVERNMENT ACTIONS	COUNSELING ENFORCEMENT	MEDIATION ENFORCEMENT	SOCIAL SECURITY BENEFITS ENFORCEMENT



Muchas gracias por vuestra atención

Thanks for your attention
