

EU-OSHA Seminar on psychosocial risks in Europe
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Note on policy interventions on psychosocial risks in Germany

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Background

Whereas surveys show high levels of work-related stress and related negative health impact, only about 22 % of organisations in Germany (on average) reported to conduct risk assessment in relation to work-related stress and psychosocial risk factors.¹

In view of demographic changes, it is recognized that working conditions must be adapted so that employees can preserve their health and working ability for a longer working life up to retirement age.

In a comparative European perspective, the first European Survey of Enterprises on New and Emerging Risks (ESENER) conducted in 2009 showed Germany lagging behind as regards the management of work-related stress².

Against this background, there was a recognition that more should be done to combat psychosocial risks and the response to these challenges was a “policy mix” that combines three areas of action:

1. The strategic cooperation of OSH (Occupational Safety and Health) stakeholders towards jointly agreed goals in the Joint German OSH strategy (GDA).
2. Legislative changes: amendment of the OSH regulatory framework.
3. Social dialogue: Joint declaration on mental health in the workplace.

1. The strategic cooperation of OSH actors in the Joint German Occupational Safety and Health Strategy (GDA)³

1.1 In 2012, GDA issued the *Guideline on counselling and inspection in relation to psychosocial factors in the workplace*. In this document, standards were set which mandate the labour inspectorate to monitor all workplaces for psychosocial factors and to control whether employers have carried out risk assessment for these factors properly.

¹ See National Labour Force Survey 2011/2012 and Stressreport Deutschland 2012
(http://www.baua.de/de/Publikationen/Fachbeitraege/Gd68.pdf?_blob=publicationFile&v=17) .

² See EUROPEAN COMMISSION (2011): COMMISSION STAFF WORKING PAPER. Report on the implementation of the European social partners' Framework Agreement on Work-related Stress, p. 88/89
(http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/0241/COM_SEC%282011%290241_EN.pdf)

³ <http://www.gda-portal.de/de/Startseite.html>

Based on a review of scientific evidence (to be further elaborated by additional research carried out by BAuA) and agreement among OSH practitioners, a list of four basic job characteristics was defined which includes psychosocial factors:

1. Work content and Work tasks (Items: decision latitude, emotional demands, etc.).
2. Work organisation (Items: Working time, demands for communication and cooperation, etc.).
3. Relationships (Items: relation to colleagues and superiors)
4. Working Environment

For each of these job characteristics and the related items, “critical manifestations” were specified which indicate a need for action. For example, in relation to the psychosocial job characteristic “Work content & Work tasks”, a basic item is *decision latitude*, and according to the GDA guideline, the critical manifestations in relation to decision latitude are: Employee has no control over: a) work content, b) amount of work c) work methods d) sequence of work tasks.

1.2 In 2013, the German Government, the Federal States (Länder) and the social accident insurers launched a new programme on work-related stress as part of their Joint German OSH Strategy (GDA). From 2013 to 2018, this programme is offering help to companies and employees to organise work in a decent way. In doing so, it is placing emphasis on specialised training for safety & health officers, as well as raising the level of knowledge among business owners, managers and employee representatives. As an important part of this programme, OSH actors agreed on the aim *Protection and Promotion of Health in relation to work-related stress*,⁴ whereby the proportion of organisations conducting a psychosocial risk assessment is to be increased significantly until 2018. This programme focuses on sectors with shift work and night work and with client contacts, and the labour inspectorate staff will be qualified to conduct large-scale inspections in organisations from 2015 to 2017 (4.000 organisations per year), which will be prepared by in-depth information provision beforehand. The labour inspectorate will assess the current state of stress management in these organisations and support them to improve their OSH performance in relation to work-related stress if required. This will be a challenging task for the labour inspectorate itself whose traditional range of activities focus on traditional (i.e. mechanical, chemical, physical) hazards in the workplace. So the inclusion of psychosocial risks in monitoring and consulting activities by the labour inspectorate will be a gradual process.

2. Legislative changes: amendment of the OSH Regulatory Framework (Occupational Safety and Health Act)

Following intense political discourse, the Occupational Safety and Health Act was amended in 2013, and it now explicitly states that employers have to conduct a risk assessment including psychosocial risks (§5) and that measures implemented to follow up risk assessment have to consider physical and mental health as well (§ 4).

⁴ www.gda-portal.de/de/Arbeitsprogramme2013-2018/Psyche.html

This legal amendment aims to increase awareness among employers for psychosocial risks, create “certainty of action”, assist employers in complying with their duties under law, enhance implementation of psychosocial risk assessment in organizations and clarify that the concept of health is comprehensive.⁵

3. Social Dialogue: Joint declaration on mental health in the workplace

This declaration⁶ was adopted by the Federal Ministry of Labour and Social Affairs (BMAS) and the Social Partners (Confederation of German Employers’ Associations and the German Federation of Trade Unions) in September 2013.

It documents a tripartite consensus and a common understanding of the OSH actors at national level of

- a) the increasing importance of mental health in the workplace and
- b) the commitment to work together and make a common effort to help prevent mental illness and improve the successful reintegration of workers with mental health disorders.

These aims shall be achieved by combining legally binding regulations (risk management) with a non-binding approach (health promotion in the workplace). The undersigned commit themselves to step up their joint activities to promote risk assessment in organisations including psychosocial risks. At the same time, Trade Unions disagree with the Employers’ Association over the issue for more detailed regulation on the prevention of work related stress.

Summary:

The Government and social partners in Germany agree to jointly address psychosocial risks and mental health at work and there is an evolving consensus among them *how* to accomplish this legal requirement, particularly as regards which instruments, items and approaches should be used for the assessment of psychosocial risks at work.

At the same time, there is an ongoing debate in Germany on whether workers are already adequately protected from work-related stress by existing legislation, or whether additional regulations are needed for this purpose.⁷

⁵ <http://dipbt.bundestag.de/dip21/btd/17/122/1712297.pdf> (draft law with explanatory remarks by the Federal Government)

⁶ http://www.bmas.de/SharedDocs/Downloads/DE/PDF-Publikationen/a449e-joint-declaration.pdf;jsessionid=E707F09A29605CE3616A6E4AFFB02E7F?__blob=publicationFile

⁷ See e.g. this press article: <http://www.theguardian.com/world/2014/sep/18/germany-law-work-related-stress>