

The European framework agreement on harassment and violence at work

Final report by the Labour Foundation on the working methods used and activities undertaken by the Dutch social partners when implementing this framework agreement

1. From European framework agreement to Dutch recommendation

The process of cooperation

In the year following publication of the European framework agreement, the social partners who make up the Labour Foundation concentrated on turning the agreement into a recommendation addressing the parties engaged in collective bargaining at sector and company level. The recommendation, entitled *Intimidatie en geweld op het werk*¹ [Harassment and violence at work], was published in November 2008. In its recommendation, the Labour Foundation calls on the bargaining partners to take serious steps to prevent and combat harassment and violence at work. It points out that it is in everyone's interests to fight against undesirable behaviour. Mutual respect in the workplace contributes to a company's success and to employee job satisfaction.

Under the Dutch Working Conditions Act [*Arbeidsomstandighedenwet*], employers are responsible for the health and safety of their employees in the workplace. In 2007, that responsibility was explicitly extended to include preventing and combating harassment, violence and bullying. The recommendation therefore looks not only at the European framework agreement, but also at the obligations arising from Dutch legislation in this area. For example, the European agreement emphasises preventing and combating harassment and violence among workers. However, Dutch legislation makes no distinction between harassment and violence among workers and harassment and violence by third parties (for example customers or suppliers). In both cases, the employer must do everything possible to avoid any risk to employee health and safety. The recommendation also bases its definition of "harassment" on Dutch legislation; for example, it notes that harassment includes repeated bullying and baiting.

The recommendation was the result of close consultation between the social partners. A great deal of time was devoted to improving the knowledge of all the stakeholders concerning this issue. It was then up to the Labour Foundation's member organisations and to the bargaining partners at sector and company level to develop specific activities based on the recommendation. In no single instance did the consultations lead to controversy.

¹ The recommendation *Intimidatie en geweld op het werk* can be downloaded from www.stvda.nl

2. The social partners' activities

As the recommendation took shape, it became clear that, in addition to general measures, every sector/occupation required a specific approach to preventing or limiting violence and harassment at work. As a result, this issue was a frequent topic of discussion in collective bargaining discussions between employers and employees.

Both the social partners and the public authorities have paid particular attention in recent years to limiting customer aggression against employees. This is in part because violent incidents tend to draw considerable media attention, but it is also because the trade unions, whose members raised many questions about this subject, have placed this issue on the agenda.

Below is a summary of national activities and examples of sector-specific approaches and company level approaches.

2.1 National activities

The FNV trade union confederation named 6 April "Anti-Aggression Day" [*Dag tegen agressie*]. The FNV hopes that drawing the attention of employees, employers and politicians to the prevention of workplace aggression every year will aid in the search for solutions.

On 6 April 2011, the FNV presented a manifesto to members of the Dutch House of Representatives. In it, the FNV calls on politicians to allow perpetrators of aggression to be detained and to punish them more severely. The FNV would also like to make anonymous reports possible.

The public authorities have also tackled the problem of aggression and developed a number of prevention programmes with the close involvement of the social partners. For example, the Ministry of the Interior and Kingdom Relations launched the "Safe Public Work" [*Veilige publieke taak*] project in 2008. The Labour Inspectorate [*Arbeidsinspectie, AI*] introduced a three-year programme in 2009 concerning aggression and violence against employees who work with the public. A set of tools were developed within the context of the programme to assist both employers and employees. One such tool is a digital test that can be used to analyse an organisation's policy on aggression.

The FNV is consulting with the Ministry about a large-scale project meant to tackle aggression against employees. The project will commence in the course of 2011 and will run for two years. It will devote special attention to the role that works council and other employee representatives and trade union officials can play in limiting aggression against employees.

2.2 Health and safety catalogues

Since 2007, the social partners at sector and company level have had the option of drawing up a health and safety catalogues² for their industry. By now they have developed some 150 health and safety catalogues in close consultation. Of these, 38 draw attention to the work-related risk of aggression and violence, 27 to harassment, including sexual harassment, and 23

² A health and safety catalogue documents agreements between employers and employees in a specific industry, sector or company concerning measures aimed at satisfying the target requirements of the Dutch Working Conditions Act. The Labour Inspectorate conducts a marginal check on health and safety catalogues to assess whether the proposed measures offer adequate protection against occupational risks and are not contrary to the law. If the result is positive, the catalogue is published.

to bullying. The catalogues concerned include those covering employees working in public services and care, waste disposal, street trading, pharmacies, private security and taxi transport.

2.3 *Collective bargaining*

Violence and harassment at work is an increasingly common subject in collective bargaining, with policy and measures being laid down in various provisions and recommendations in collective agreements.

One example is the Collective Agreement for Hospitals 2009-2011, which makes the following recommendation with respect to violence: “*The Risk Inventory and Evaluation should pay special attention to tackling work pressure, aggression, physical strain and violence*”. Another example is the collective agreement in the public transport sector, which draws attention to sexual harassment and makes specific recommendations such as appointing a confidential counsellor and establishing a complaints procedure.

2.4 *Examples of sector-specific approaches*

- *Building trades*

The social partners in the housing corporation sector set up a nation-wide project to tackle customer aggression against employees. The project makes it possible for employees to consult coaches by telephone without going through their employer if they require counselling after a violent incident.

In cooperation with the national knowledge platform for infrastructure, traffic, transport and public space (CROW), the social partners have commissioned a study into the reasons for road user frustration.³ Such frustration often leads to motorists acting aggressively toward road workers. The partners are working together to come up with solutions for this problem.

- *Public transport*

Several transport companies operating in the public transport sector have appointed security staff on night services.

Campaigns have also been implemented to warn passengers that violence towards staff is unacceptable, for example the CNV Vakmensen union’s *Short Fuse* campaign.

- *Education*

The trade unions advocate extending the statutory obligation to report incidents of aggression to special education. Employees in the public education sector are required by law to immediately report crimes that come to their attention in the course of their work (Article 162 of the Dutch Code of Criminal Procedure [*Wetboek van Strafvordering*]).

The education sector trade union AOb (an FNV affiliate) reports frequent problems between the union and employers concerning the introduction of a preventive safety policy at schools.

³ It appears that motorists become frustrated mainly by road blocks that they deem unnecessary, a lack of information, and by other similar circumstances.

According to the union, the policy is often limited to a set of protocols that have disappeared into a drawer.

2.5 *Tackling matters at company level*

In addition to agreements at collective bargaining level, an increasing number of companies are paying attention to harassment and violence in the work situation at company level. The matter is increasingly discussed by works councils, with such discussion resulting in company rules and complaints procedures being drawn up. An increasing number of larger companies are also making it possible for employees to report such abuse anonymously if they so wish.

3. Conclusion

The Labour Foundation has found that the social partners both at national and sector/company level have been working actively and in partnership to implement the European framework agreement in a manner appropriate for Dutch employment relations. The social partners have also noted that the issues put forward in the European framework agreement will remain relevant in the foreseeable future. The aim of limiting harassment and violence at work is and will remain a subject that requires an innovative approach.