



EUROPEAN SOCIAL DIALOGUE: MULTI-SECTORAL GUIDELINES TO TACKLE THIRD-PARTY VIOLENCE AND HARASSMENT RELATED TO WORK

EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS
16 July 2010

(I) INTRODUCTION

1. The aim of the Guidelines is to ensure that each workplace has a results-oriented policy which addresses the issue of third-party violence. The Guidelines set out the practical steps that can be taken by employers, workers and their representatives /trade unions to reduce, prevent and mitigate problems. The steps reflect the best practices developed in our sectors and they can be complemented by more specific and/or additional measures.

2. According to EU and national law, both employers and workers have obligations in the field of health and safety. Although, the duty to ensure the health and safety of workers in every aspect related to the work lies with the employer¹, the employee also has a responsibility to take care, as far as possible, of their own health and safety and that of other persons affected by their actions at work, in accordance with their training and the instructions given by their employer. Employers also have an obligation to consult workers and/or their representatives and allow them to take part on all questions relating to health and safety at work. This reflects awareness that, in practice, a joint approach to health and safety is the most successful.

¹EU law includes the following Directives:

- ✓ Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. Article 5 (4) states "*The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.*"
- ✓ Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- ✓ Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- ✓ Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

3. The signatory social partners from the local and regional government, healthcare, commerce, private security, education sectors² are increasingly concerned about the impact of third-party violence on employees because it not only undermines an individual's health and dignity, but also has a very real economic impact in terms of absences from the workplace, morale and staff turnover. Third party-violence can also create an environment that is unsafe and even frightening to the public and service users and therefore has a wide negative social impact.
4. Work-related third-party violence and harassment can take many forms. It could:
 - a) Be physical, psychological, verbal and/or sexual
 - b) Be one-off incidents or more systematic patterns of behaviour, by an individual or group
 - c) Originate from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public, or of the service provider
 - d) Range from cases of disrespect to more serious threats and physical assault;
 - e) Be caused by mental health problems and/or motivated by emotional reasons, personal dislike, prejudices on grounds of gender, racial/ethnic origin, religion and belief, disability, age, sexual orientation or body image.
 - f) Constitute criminal offences aimed at the employee and his/her reputation or the property of the employer or client which may be organised or opportunistic and which require the intervention of public authorities
 - g) Deeply affect the personality, dignity and integrity of the victims
 - h) Occur at the work place, in the public space or in a private environment and is work related.
 - i) Occur as cyber-bullying/cyber-harassment through a wide range of information and communication technologies (ICT).
5. The issue of third party violence is sufficiently distinct from the question of violence and harassment (among colleagues) in the workplace, and sufficiently significant in terms of its impact on the health and safety of workers and its economic impact to warrant a distinctive approach.
6. Although there are sectoral and organisational differences with regard to third-party violence faced by workers in different occupations and workplaces, the key elements of good practice and steps to tackle it are common to all working environments. These elements are: a partnership approach; clear definitions; prevention through risk assessment, awareness raising, training; clear reporting and follow-up; and appropriate evaluation.
7. With the support of the European Commission the multi-sectoral social partners organized two major conferences in Brussels on 14 March 2008 and 22 October 2009 at which the employers' and trade unions' research into third-party violence was presented along with case studies and joint conclusions. These Guidelines build on these initiatives. They complement the cross-sectoral Framework Agreement on Harassment and Violence at Work of 26 April 2007.

² See annex for details

8. The way in which particular services are organised and provided reflects national, regional and local circumstances. Where social partners are already implementing the measures set out in these Guidelines the main action to take will be to report on progress made.
9. The multi-sectoral social partners recognize that the employers and workers have professional, ethical and legal obligations to third parties as well as to each other. .

(II) AIM

1. The aim of these Guidelines is to support action(s) by employers, workers and their representatives / trade unions to prevent, reduce and mitigate third-party violence and its consequences .
2. The multi-sectoral social partners recognize that practical measures for the prevention and management of work related harassment and/or third party violence have yet to be developed in many workplaces. These measures should:
 - a) Increase awareness and understanding of employers, workers, their representatives and other public authorities (e.g. health and safety agencies, police, etc) of the issue of third party violence
 - b) Demonstrate the commitment of social partners to work together and share experiences and good practice in order to help each other prevent and manage problems of harassment and/or violence instigated by third parties in order to reduce the impact on employees' health and well-being, sickness absence and productivity
 - c) Provide employers, workers and their representatives at all levels with Guidelines to identify, prevent manage and tackle problems of work related harassment and violence instigated by third parties.

(III) STEPS TO IDENTIFYING, PREVENTING, REDUCING AND MITIGATING WORK-RELATED HARASSMENT AND VIOLENCE BY THIRD-PARTIES

1. The likelihood of third-party harassment and/or violence occurring can be reduced through raising awareness of the issue to employers, employees and service users and ensuring that managers and workers receive appropriate guidance and training.
2. The most successful initiatives to tackle violence involve both social partners from the very beginning and involve a 'holistic' approach, covering all aspects from awareness raising over prevention and training to methods of reporting, support for victims and evaluation and ongoing improvement.
3. Employers should have a clear policy framework for the prevention and management of harassment and violence by third parties which should be incorporated into their general health and safety policies. These policies should be developed by the employers in consultation with workers and their representatives, in accordance with national legislation, collective agreements and/or practice. In particular health and safety risk assessments of workplaces and individual job functions should include an action-oriented assessment of the risks posed by third-parties.

4. The multi-faceted nature of third party violence means that policies must be tailored to each work environment. As a matter of good practice policies should be kept under regular review in order to take account of experience and related developments in legislation, technology, etc. Over time research, experience and technological advances should provide better solutions than are currently available.
5. A suitable policy framework for an employer is underpinned in particular by the following elements:
 - a) On-going information and consultation with managers, workers and their representatives / trade unions at all stages
 - b) A clear definition of third-party violence and harassment, giving examples of different forms this can take
 - c) Appropriate information to clients, customers, service users, members of the public, pupils, parents and/or patients outlining that harassment and violence towards employees will not be tolerated and that if appropriate legal action will be taken
 - d) A policy based on risk assessment which can take into account the various occupations, locations and working practices, allow the identification of potential problems and the design of appropriate responses and practices, for example:
 - ✓ Managing expectations by providing clear information regarding the nature and level of service clients/customers/service users/pupils and parents should expect and the provision of procedures for third parties to express dissatisfaction and for such complaints to be investigated
 - ✓ Incorporating safer environments into workplace design
 - ✓ Provision of suitable 'tools' to safeguard employees, e.g. communication channels, monitoring, security measures, etc
 - ✓ Cooperation agreements with the relevant public authorities such as police, justice, social services and inspectorates
 - e) Appropriate training for management and employees which will include general safety in relation to work tasks and the working environment, and which may incorporate more specific skills such as techniques to avoid or manage conflict.
 - f) A procedure to monitor and investigate allegations of harassment and/or violence from third-parties, and to inform the victims of the progress of any relevant investigation and action.
 - g) Clear policies on the support to be provided to employees who are exposed to harassment and/or violence by third-parties, which, for example and depending on the circumstances, could involve medical (including psychological), legal, practical, and/or financial support (e.g. additional insurance cover which goes beyond statutory obligations)
 - h) Clear requirements regarding the reporting of incidents by employees and on the measures taken to protect these employees from possible reprisals and address issues to other public, authorities e.g. police, health and safety agencies, etc, within national practices and procedures.
 - i) Clear policies on when it is appropriate to file complaints, report a crime or share information regarding perpetrators of third-party violence with other employers and public authorities, respecting personal integrity, confidentiality, legal obligations and data protection principles.
 - j) A transparent and effective procedure for recording facts and figures for monitoring and ensuring follow up of the policies put in place

- k) Measures to ensure that the policy framework is well-known and understood by management, workers and third-parties
6. In this regard the multi-sectoral social partners highlight the importance of working with other appropriate partners at the national or local level to identify and prevent violence and harassment by having consistent policy approaches.

(IV) IMPLEMENTATION AND NEXT STEPS

Implementation and follow-up of the Guidelines will comprise three stages.

Stage 1 – Commitment and dissemination

The signatory social partners will disseminate the Guidelines and take measures to assess and address the issue of third-party harassment and violence using the identified policy framework in Section 3 above.

- ✓ Jointly request the European Commission to support a project to disseminate and promote the Guidelines, including through workshops to be organised before the end of 2011
- ✓ Encourage the promotion of the Guidelines in Member States at all appropriate levels taking account of national practices, through joint and/or separate actions. Given the interest of the matter under consideration, the social partners will also transmit this document to all relevant players at European and national levels. They will also invite their members outside the EU to make use of the Guidelines.

Stage 2 – Awareness Raising

The national social partners will publicise the issue of third-party harassment and violence and develop and share best practice in this field within their sectors. This may include any means appropriate to the current state of knowledge and experience of the phenomenon of third party violence in the Member State and/or sector and taking into account work already undertaken in this area, including the possibilities of:

- ✓ Further research
- ✓ Publications
- ✓ Conferences drawing together interested parties to share good practice and/or work towards solutions to the problem

Stage 3 - Monitoring and follow-up

The signatory social partners will:

- ✓ Give a progress report in 2012 to their respective sectoral social dialogue committees and entrust the European Social Dialogue Committees of the respective sectors to prepare a joint report.
- ✓ When preparing the next EU social dialogue work programme, the social partners will take account of these Guidelines.
- ✓ Multi-sectoral meetings of follow-up will be organized as appropriate and a final joint evaluation will take place in 2013