



IMPLEMENTATION OF THE EUROPEAN AUTONOMOUS FRAMEWORK AGREEMENT ON WORK-RELATED STRESS

Report by the European Social Partners
Adopted at the Social Dialogue Committee
on 18 June 2008

FOREWORD

On 8 October 2004, ETUC (and the liaison committee Eurocadres-CEC), BUSINESSEUROPE (then UNICE), UEAPME and CEEP signed the autonomous framework agreement on work-related stress.

While describing the phenomena of stress and work-related stress, the agreement provides a framework for employers and workers and their representatives to identify and prevent or manage problems of work-related stress. It acknowledges that when a problem of work-related stress is identified, action must be taken to prevent, eliminate or reduce it and defines the reciprocal responsibilities of employers and workers in this context. To that end, it proposes an action-oriented framework to help employers, workers and their representatives to develop both collective and individual measures, which better respond to the challenges posed by work-related stress. This is particularly important, as the EU social partners fully recognise that tackling stress at work can lead to greater efficiency and improved occupational health and safety, with consequent economic and social benefits for employers, workers and society as a whole.

The European social partners opted for the second time for a European framework agreement to be implemented directly by their members, in accordance with the procedures and practices specific to management and labour in the Member States as defined in Article 139 of the EC Treaty.

At European and national level, members of the signatory parties agreed on the instruments and procedures for implementation. They also disseminated, explained and transposed the European framework agreement in their European and national context between 2004 and 2007.

The European social dialogue is made richer by the deepening of the autonomous social dialogue, as it is by the range of implementing instruments chosen by the social partners according to the practices and procedures in the Member States. As part of their joint work programme for 2006-2008, the European social partners have decided to develop further their shared understanding of these instruments and how they can have a positive impact at various levels of social dialogue.



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I INTRODUCTION

I INTRODUCTION

On 8 October 2004, ETUC (and the liaison committee Eurocadres-CEC), BUSINESSEUROPE (then UNICE), UEAPME and CEEP signed their second autonomous framework agreement on work-related stress, following the one on Telework. The negotiations on this agreement formed part of the Work Programme of the European Social Partners 2003-2005. Building upon the conclusions of a joint preparatory seminar held in Brussels on 25-26 February 2003, negotiations started on 18 September 2003 and finished on 27 May 2004, in accordance with the 9 months negotiation period foreseen in article 138(4) of the EC Treaty. The European social partners opted for the second time for a European framework agreement to be implemented directly by their members, in accordance with the procedures and practices specific to management and labour in the member States as defined in Article 139 of the EC Treaty.

Stress is described as a state, which is accompanied by physical, psychological or social complaints or dysfunctions. The agreement recognises that work-related stress can be caused by different factors such as work content, work organisation, work environment, poor communication, etc. The aim of the agreement is to increase the awareness and understanding of employers, workers and their representatives of work-related stress, and to draw their attention to signs that could indicate problems of work-related stress. It provides employers and workers with a framework to identify and prevent or manage problems of work-related stress. It furthermore provides a non-exhaustive list of potential stress factors which can help identifying eventual problems. If such a problem is identified, action must be taken to prevent, eliminate or reduce it. The agreement therefore highlights a number of both collective and individual measures which can be taken both as specific measures at identified stress factors or as part of an integrated stress policy encompassing both preventive and responsive measures.

The agreement applies to all workplaces and all workers, irrespective of the size of the company, field of activity, or form of employment contract or relationship, although it is recognised that not all work places and not all workers are necessarily affected by work-related stress.

The nature of the topic and of the European framework agreement on work-related stress differs quite remarkably from the first autonomous agreement on telework, which was adopted in July 2002, both in terms of content and context:

- 1** In terms of content: Whereas the telework agreement aimed in particular at defining the rules applicable to an emerging form of work organisation, the work-related stress agreement on the other hand provides more an action-oriented framework for employers and workers with a view to identifying and preventing or managing problems of work-related stress.
- 2** In terms of context: In most Member States, the European social partners' agreement on telework was the first form of regulation in the field of telework. The work-related stress agreement however fits in a larger framework of existing national and EU legislation, such as the Framework Directive 89/391 on "health and safety at work".

These differences highlight the adaptability of the autonomous European social dialogue to different needs and goals according to the topics at stake, its capacity to cover a wide array of issues and to respond positively to a broad range of situations.

However, these differences have also had practical implications throughout the implementation process. The European social partners have observed the more diverse form and content of the measures taken by their members to implement the agreement. Given the broad range of EU and national legal and contractual regulations already in place, implementing measures have firstly focused on fine-tuning these existing regulations in line with the European agreement, secondly, on raising awareness of the European framework agreement at national, sectoral and company levels, and thirdly, on elaborating and providing concrete measures and tools to help employers, workers and their representatives to tackle work-related stress at the work place. It is indeed clear from the national reports received that the European framework agreement created momentum to step up the efforts and make progress towards the establishment of (more) appropriate rules and mechanisms to identify, prevent and manage problems of work-related stress.

The implementation had to be carried out within three years after the date of signature of the agreement, i.e. by October 2007. When the European framework agreement on work-related stress was concluded, the EU had 25 members. However, social partners from Bulgaria and Romania, who joined the European Union in January 2007, as well as from the other candidate countries Croatia and Turkey, were invited to implement the agreement.

Building upon their experience on telework and in order to improve the quality of implementation, the European social partners decided to submit a yearly table summarising the on-going implementation of the agreement to the Social Dialogue Committee the first three years after the signature of this agreement (2004-2007) (available at both the Employers' Resource Centre: <http://www.erc-online.eu/> and the ETUC European Resource Centre: <http://resourcecentre.etuc.org/>). In 2008, an ad hoc group working under the responsibility of the Social Dialogue Committee was set up by the signatory parties to prepare this joint implementation report. By June 2008, joint national implementation reports had been received from 21 EU Member States and EEA countries. Final joint reports have not yet been received from Bulgaria, Estonia, Greece, Iceland, Italy and Lithuania¹.

The present joint implementation report was adopted by the European social dialogue committee on 18 June 2008 and transmitted to the European Commission in October 2008.

1 However for some of these countries, relevant information as it figured in the joint implementation tables for 2006 and 2007 and/or communicated at the preparatory meetings organised in the framework of the drafting of this final implementation report, were taken into consideration.

II DISSEMINATION ACTIVITIES

-  **Translation of the European framework agreement**
-  **National dissemination activities**
-  **Trans-national dissemination activities**

II DISSEMINATION ACTIVITIES

✓ Translation of the European framework agreement

The European framework agreement was negotiated and drafted in English which is the only original version adopted by the signatory parties. Therefore, as was the case with the Telemwork agreement, the first step taken in most countries in the implementation process consisted in agreeing on the translation of the European framework agreement in the national language(s) of each country concerned. This was in some countries a purely technical exercise, i.e. to translate as literally or strictly as possible the European framework agreement (e.g. Sweden), although in many other countries this translation exercise also formed a first step in order to identify future action, including concrete implementation actions and measures (e.g. Czech Republic, Poland, Slovenia). In several countries, the translated version agreed upon was annexed to or integrated in the concrete implementation results achieved, whether national collective agreements (Spain), joint recommendations (Sweden), joint guidelines (Austria), joint policy statements (Cyprus) or information brochures (Netherlands, Poland). These translations were then widely disseminated via the different channels and sources available such as employers' and trade union websites, newsletters, training actions (Portugal), brochures (Czech Republic), etc. in order to raise awareness of their members and the general public of the European agreement². All these translations resulted thus from a bipartite dialogue, although it is interesting to note that in some cases it was done within a tripartite setting (e.g. Economic and Social Councils) and the government even offered translation facilities (e.g. Slovenia).

✓ National dissemination activities

Irrespective of whether a translation was elaborated or needed, in all countries the social partners carried out information and dissemination campaigns and activities in particular vis-à-vis their member organisations, to raise awareness of the European framework agreement amongst employers and workers. These activities were carried out either jointly or separately by the social partners. Also, and with the European agreement as an impetus, several individual companies carried out different activities. In the main, these information and dissemination activities were carried out via publications and brochures and the internet. As well as information tools, more action-oriented measures were taken, such as seminars and conferences, round-tables and awareness raising campaigns aimed at various audiences. In many countries a mixture of action and information tools were used.

In **Finland**, for example, a series of joint seminars has been planned to take place in the future by social partners, to raise awareness in workplaces and the media. Also in **Hungary**, a joint seminar gathering some of the interprofessional social partners was organised with the central theme of prevention of work-related stress, which triggered considerable interest in the public media promoting greater awareness of the issue of stress.

2 It could be highlighted that most of the translations (whether jointly or not accepted or elaborated via other sources) can be consulted on the respective Resource Centre websites of ETUC and the Employers' organisations. See annex "others".

In **Latvia**, dissemination to employer and employee representatives, as well as the public at large was successful through use of booklets, organisation of seminars, training, and a web-based questionnaire. Similarly, in the **Czech Republic** within the framework of a joint project on social dialogue financially supported by the Czech Government and the European Commission, the social partners amongst others produced in 2007 a practical information brochure containing all autonomous European social dialogue agreements, including the one on work-related stress, in Czech.

The interprofessional social partners in **Germany** jointly and separately organised and/or participated in several high-level international and national (occupational safety and health) conferences where they presented the European framework agreement to a very diverse public ranging from OHS experts, prevention experts, managerial and executive staff, etc. Also the sectoral social partners, for instance in the insurance sector, police forces and agriculture and environment sector, undertook jointly or separately several actions in the form of seminars, brochures, information CDs, etc.

Also in **Spain**, both joint and separate dissemination activities took place. This mainly consisted of the interprofessional social partners disseminating the content of the Interconfederal Agreements on Collective Bargaining (“AINC’s”) of 2005, 2006 and 2007. These incorporated the recommendation to lower level bargaining actors to implement the European agreement, to their respective affiliates at these lower bargaining levels. Both on trade union and employers’ side, specific awareness guides, brochures and circulars were also made available. For example the trade union CC.OO, together with ISTAS, has edited an awareness guide and a guide on trade union intervention as well as trade union journals dedicated to the European framework agreement. Also, the trade union UGT, via the Permanent Observatory on Psychosocial Risks, disseminated information guides both in the form of general guides as well as sector specific guides (e.g. textile sector, private security sector, telecommunications, primary and secondary education, primary and specialised care in the health sector, etc.). Apart from also disseminating specific brochures and circulars, the employers’ organisations CEOE and CEPYME also conduct coordinated activities via the so-called sectoral and territorial company organisations or specific committees such as the CEOE’s Risk Prevention Committee comprising 179 members representing companies and/or sectoral/territorial organisations. As foreseen in the AINC, both the employer and trade union organisations assess the actual implementation at the lower bargaining level (e.g. CCOO published the results of the 2005 collective bargaining round - available at: <http://www.ccoo.es/comunes/temp/recursos/1/3529.pdf> - pages 67-68).

As highlighted, dissemination activities also gave impetus for action at company level, for example in **Slovenia**, companies carried out surveys on stress management, as part of a strategy for attracting highly skilled employees to their company.

The manifold activities also opened the public debate on the issue, thereby increasing awareness and understanding of the need to recognise stress at work as a topic to be dealt with. This was particularly the case in the new member states, for example in **Romania**, where the agreement led to sectors of the economy becoming increasingly interested in the psycho-social climate of the workplace, including elaboration of employee surveys.

✓ **Trans-national dissemination activities**

Various activities took place to allow social partners in different member states to learn from each other and to exchange experience on how to deal with work-related stress.

In **Poland**, for example, an EU funded project supported by all interprofessional social partners was carried out on the topic of “Work-related stress as a supranational problem to employees and employers: Methods for counteracting the phenomenon by exchanging good practices”. The project included several different actions such as:

- a series of training courses disseminating knowledge on the phenomenon of work-related stress;
- the publication of a brochure containing information on the phenomenon of work-related stress itself, as well as on good practices which contribute to limiting its occurrence; the brochure also contained the Polish translation of the European Agreement;
- negotiation workshop for Polish social partners;
- BUT also a conference during which experiences were exchanged with the representatives of foreign social partners (Lithuania, Malta, Italy, Slovenia) and preliminary agreements made between Polish social partners with regard to the agreement's implementation.

These actions then culminated in a workshop where all interprofessional social partners (including non-members of the European signatory parties) agreed on the preparatory arrangements (e.g. mapping has been done at sectoral and company level social partners; asking governmental experts to analyse to what extent Polish legislation aligns to the European framework agreement; requesting opinions from other institutions like the Labour Inspectorate) to be made for actual implementation negotiations which are still ongoing.

In fact it is reported that this example from Poland has stimulated the **Slovenian** social partners to envisage using a similar approach and exercise to ensure the implementation of both the work-related stress framework agreement and the recently concluded framework agreement on harassment and violence.

As signatory parties to the agreement, the **European interprofessional social partners** themselves also conducted several activities, thereby fully recognising that their role is not merely to negotiate European framework agreements but also to raise awareness about them and where appropriate and needed assist their member organisations in the actual implementation of the framework agreements.

A considerable part of these activities were realised under the framework of the European Social Partners' Integrated Programme, and specifically under the section devoted to social dialogue capacity building. In this context, a series of activities dealing directly or indirectly with the content and objectives of the European framework agreement on work related stress were carried out.

- 1** *Mentoring programme*: this programme is available for national employers' and trade union organisations and individuals wanting to strengthen their knowledge and content and procedures of the European social dialogue. The programme was managed with a different approach from the trade union and the employers' side respectively. On the trade union side, via so-called Seminars on "Training and mentoring on European social dialogue" around 40 trade unionists from EU member states and the candidate countries, with a working knowledge of English but little knowledge of the European social dialogue mechanisms, were introduced to the content and background of a number of European social dialogue results, with a view to further developing their negotiation skills. With specific regard to the framework agreement on work-related stress, its content was described and the main points relevant from a trade union perspective outlined. As a result, participants became acquainted with the objectives of the European agreement and could share their experiences in terms of the transposition as well as the implementation of it. Moreover, the impact of this cross-industry agreement was extended with the experiences that have been developing at sectoral level through interventions made by representatives of European Industry Federations. On the Employers' side, the training was not conducted in collective sessions, but towards tailor-made programmes for individual members of BUSINESSEUROPE, CEEP and UEAPME who applied for the mentoring programme.
- 2** *Translation Fund*: In order to promote full implementation of EU social dialogue texts throughout Europe, a fund has been created for translating texts negotiated through the EU social dialogue into languages of EU member states as well as candidate countries. The fund is jointly managed by ETUC and BUSINESSEUROPE (on behalf of the European employers' organisations) and their respective affiliated member organisations may use it. To date, the European framework agreement on work-related stress has been translated into the following languages through this fund: Croatian and Danish. These translations have been made available in the EU Employers' and ETUC Resource Centre websites (see below).
- 3** *ETUC Resource Centre website and Employers' Resource Centre website*: The ETUC as well as the European Employers' organisations have published on their respective resource centre websites the original version of the agreement on work related stress together with all the translations into the EU languages available (realised through the translation fund or other EC funded projects). In addition, other documents published either by the European Commission and/or by the European social partners that accompany the implementation of this framework agreement have been published on line (i.e. implementation reports, ETUC interpretation guide, etc.).
See: <http://resourcecentre.etuc.org/> and www.erc-online.eu

In addition to those joint activities, there have been unilateral initiatives from the European social partners' organisations. We would like to mention, amongst others:

"The ETUC second level training "Developing a common understanding of European social dialogue instruments and their impact at the various levels". Between September 2007 and June 2008, the ETUC organised three two-day seminars involving trade unions

confederations from the new EU Member States. These seminars aimed to further develop the skills and knowledge of trade unionists from the new EU Member States in order to help them to contribute effectively to the implementation of the European social dialogue at national level. In line with this objective, country representatives had to describe the process and main challenges in transposing the agreement on work-related stress. Each presentation was followed by a debate where participants could share not only the results achieved but also common issues of concern. In addition, representatives from the ETUC secretariat and the ETUI-REHS enriched the discussion by presenting other national examples and comparing and contrasting the different situations.

Moreover, between March and June 2008, trade unions confederations based in new EU Member States were given the opportunity to organise national seminars on issues related to the European social dialogue. The ETUC provided a budget (through EC funding) to run one-day national seminars and helped find European experts to contribute at the events. Trade unions based in seven different EU member states took advantage of this possibility and decided to devote part of their respective events to the agreement on work-related stress.

Finally, in order to assist its member organisations as effectively as possible in the actual implementation of the European framework agreement, the ETUC also ran a specific project, with the financial support of the European Commission, which foresaw different but complementary actions, such as the elaboration of an ETUC interpretation guide on the agreement (and made available in several languages), a specific section on the ETUC website relating to the agreement and its implementation (<http://www.etuc.org/a/3574>), three regional information meetings, etc.

The **UEAPME** Business Support Programme III – SME FIT II covering Bulgaria, Croatia, Turkey and Romania has been used for the promotion of the stress agreement. The project aims to help small and medium sized enterprises to familiarise with the acquis communautaire, as well as to strengthen SME associations. Activities include raising awareness for the social dialogue. To this end, UEAPME promotes and disseminates European Social Partner Agreements as an integral part of the social acquis, including the Agreement on Work Related Stress.

The agreement also had an impact on the **European sectoral social dialogue** activities. Several of them, within their respective sectoral social dialogue committees, concluded joint guidelines or statements with the objective to raise awareness of the European framework agreement and ensure more effective and targeted implementation in their respective sectors throughout Europe. Examples which can be referred to are: Joint Statement of the European Construction Industry's Social Partners FIEC and EFBWW on the prevention of occupational stress in the construction sector (January 2006), a Joint Declaration in the electricity sector between EPSU, EMCEF and Eurelectric (December 2007) and a Joint Declaration for the private security sector by COess and UNI-Europa on work-related stress (June 2008). Interesting to note is that all these texts also foresee some kind of monitoring exercise in order to evaluate how their respective member organisations have indeed been able to respond to the call of their European sectoral colleagues. In the private security sector, a specific working group has

even been set up which will continue to develop several actions, including a so-called “European stress remediation guide” that could directly be used by key players at national and company level. ETUCE, the ETUC affiliated European Industry Federation for the education sector, inspired by the ETUC assistance project, developed with the financial support of the European Commission a similar but more tailor made project targeted at its members and sector. One of the main aims of the project was to raise awareness among its affiliates on the European framework agreement, as well as training on its implementation, including the role of teacher unions in it. Also a booklet on the European framework agreement with an ETUCE implementation guide (from a teacher’s point of view) was produced and disseminated to all its members. (http://etuce.homestead.com/News/2008/March2008/ETUCE_implementation_guide_WRS_EN.pdf). As a final policy outcome of the project, a Draft ETUCE Action Plan on teachers’ work-related stress was discussed and proposed for a approval to the ETUCE Executive Board. The Action Plan was adopted on 14-15 April 2008 (http://etuce.homestead.com/Publications2008/ETUCE_action_plan_WRS_EN.pdf)

III THE CHOICE OF INSTRUMENTS: RANGING FROM SOCIAL PARTNER AGREEMENTS TO TRIPARTITE ACTIVITIES

- ✓ **Social partner agreements**
- ✓ **National, sectoral and company level collective agreements**
- ✓ **Implementation through national legislation**
- ✓ **Tripartite activities**
- ✓ **Complementary activities**

III THE CHOICE OF INSTRUMENTS: RANGING FROM SOCIAL PARTNER AGREEMENTS TO TRIPARTITE ACTIVITIES

The plethora of activities to implement the European framework agreement highlights the different approaches of member states and social partners to activities in this field and to the subject of work-related stress itself.

The fact that employers and workers, and/or their representatives in different member states have employed different strategies in implementing the European agreement is testament to their different history, national social settings, and communication style and structure. Every member state has naturally used its own methods and instruments to implement the European agreement.

What is, however, important to note is that in every member state, the existence of the agreement has led to a discussion between employers and workers and/or their representatives on the issue of work-related stress. Although different types of initiatives have been developed and different methods used, these have in the majority of cases been an agreement between social partners.

There has been recognition in many member states by social partners that there is no point in reinventing the wheel. That is to say, that where elements of the European agreement already exist, there has been no need to replicate these, but simply to use the existing mechanisms. In this way, the European agreement has been very timely, either fitting in with existing activity or acting as an impetus for action in those member states where measures were not being taken beforehand. The European framework agreement has therefore been a very positive and effective way of dealing with this topic and has added great value, in terms of the joint involvement of social partners in this issue.

In many ways, work-related stress is a very subjective topic, depending on national culture, economic sector, individual companies and personal perception. It is therefore not surprising that there have been some difficulties in dealing with the issue of work-related stress, not only since it is multifaceted, but also since it can be very sensitive.

In this way, not only the formal social partner agreements, but also the complementary activities are particularly important in preventing and reducing problems of work-related stress, as well as assessing the problem. Therefore, in most member states, not one line of action has been taken to implement the agreement, rather a combination of joint agreements and complementary activities.

Social partner agreements

Depending on the industrial relations systems in the member states, the European agreement has been implemented through a wide variety of social partner agreements. These do not all have the same legal status and differ in terms of their obligations on the signatory parties and, depending again on the industrial relation system concerned, on the bargaining partners at lower levels (regional, sectoral, company, etc.). Also the way in which these different implementation instruments are or can be combined differs across the different industrial relation systems.

In many member states the European framework agreement was implemented through guidelines jointly agreed by the employers and trade unions. Guidelines allow the social partners to tailor the aims and objectives of the framework agreement not only to the national situation, but also social partners at lower bargaining levels to their specific region, sector or company situation. This is in particular essential in the case of work-related stress, for the reasons highlighted above.

For example, in **Sweden** joint agreements have been signed in the spring of 2005 and 2006 respectively for the whole private and public sector. These agreements serve as a guideline when initiatives are taken to identify and prevent or manage work-related stress. The agreements allow however the necessary flexibility, whereby social partners are left a free choice on how to implement this (collective agreements, plans of action, policy documents, guidelines, educational programmes, etc.).

In **Austria** joint guidelines have also been adopted in May 2006 by the interprofessional social partners to put the European agreement into practice at the workplace. These guidelines briefly explain the main content of the European framework agreement and point to the activities/measures that already exist in Austria (e.g. in regards to work-life balance, stress prevention within the workplace, health promotion, re-integration of groups at the margins of the labour markets). These guidelines together with the jointly agreed translation of the agreement are attached to an existing and now updated social partner publication on stress (“Impuls-Broschüre”) and made available on a joint social partner web-feature “work and health”. http://www.arbeitundgesundheit.at/bgf_06.htm.

As for **Spain**, the European Framework Agreement on work-related stress was received incorporated into the so-called “AINC”, a large intersectorial agreement signed by the most representative Trade Union Organisations and Employers’ organisations at national level (UGT, CC.OO., CEOE and CEPYME), in the years 2005, 2006 and 2007. The AINC serves to inform and recommend actions to trade union and employers’ representatives within lower bargaining scopes who can, wherever pertinent, insert them into sectorial collective agreements, thereby providing legal effect. Furthermore, there is a Follow-up Commission whose task is to verify the results obtained and to highlight possible difficulties related to application.

All interprofessional social partners (private sector, state and municipalities, churches) in **Finland** have agreed a joint recommendation on preventing and managing work-related stress on 19 November 2007. The aim of the recommendation is to increase understanding and awareness of employers and workers and to provide methods for identifying and managing work-related stress. Here also, the recommendation was then widely disseminated by both sides via different sources and channels.

Also in **Latvia**, an interprofessional framework agreement was signed in April 2006 and in Ireland an interprofessional social partner approved guide was completed in October 2007 under the auspices of the Labour Relations Commission.

In the **Czech Republic**, the ETUC affiliate CMKOS included the issue of stress into its recommendations to negotiators for collective bargaining for the year 2008. The Confederation of Industry of the Czech Republic, on its side, will take more a sectoral approach concentrating its efforts on the sectors more affected by stress at work like retail, hospitals, services etc.

And in **Cyprus**, the main interprofessional employers' (OEB and CCCI) and trade union organisations (SEK, PEO and DEOK), agreed in June 2008 on a joint policy statement in which they amongst others adopted the European Framework Agreement unconditionally, engaged to start a dialogue regarding the implementation of the agreement within the third quarter of 2008 and called upon their member organisations to enter into a dialogue at sectoral or enterprise level where appropriate, aiming at the adaptation of the European framework agreement to the particularities of their sectors and/or enterprises. The interprofessional social partners consider that a proper implementation of the European agreement will contribute amongst others to the improvement of the work environment, the advancement of the labour relations, to increase the productivity and improve the competitiveness of the enterprises and to increase the job satisfaction of the employees. This policy statement has been countersigned by the Ministry of Labour and Social Insurance which thus means that the Government obliges itself to actively support the implementation of the agreement.

In **Poland**, the interprofessional social partners were able to conclude an agreement on 25 September 2008 which is - at the time of finalisation of this report - going to the internal consultation processes of the different parties in order to get the final approval of the respective decision-making bodies.

Negotiations on a social partner agreement are still continuing in **Spain, Hungary and Slovenia**. Negotiation working parties have been convened and in some cases topics for national agreements have already been set.

National, sectoral and company level collective agreements

Collective agreements specifically on work-related stress have not been a common method of implementation. This being said, there are some examples of national and sectoral collective agreements on health and safety at work, which relate to work-related stress, which were either already existing in member states and which were fine-tuned in view of the European framework agreement or which were triggered by this agreement.

Already in 1999, the social partners in **Belgium** concluded, within the National Labour Council, a national collective agreement on management and prevention of work-related stress (CCT n° 72 of 30 March 1999), which is considered by the Belgian interprofessional social partners as being in conformity with the European framework agreement and that thus for the private sector no additional implementation measures were necessary. However, in the framework of an evaluation of the collective labour agreement, the National Labour Council has issued an opinion in which it asks for identical measures to be prepared for some categories of persons to whom the collective labour agreement does not apply, such as persons employed by the public authorities as well as some personnel members subsidised by the state (e.g. working in subsidised free education). By a Royal Decree of 17 May 2007, this lacuna was rectified. Furthermore, the National Labour Council published following the evaluation an information brochure on the application of the agreement and offers companies a number of guidelines to allow them to develop an adequate policy to combat work-related stress.

In June 2007, an interprofessional collective agreement was agreed in **Iceland**. Within the framework of the applicable Icelandic law, the agreement sets out minimum rights and obligations for all employees in the relevant occupation within the area covered by the collective agreement of the parties to the agreement. The agreement contains the main content of the Articles 1-4 of the European Framework Agreement. In addition, it refers to several applicable Acts and Regulations which specify for instance the responsibility of employers of drawing up a written programme of safety and health and how health and safety measures (e.g. risk assessment, follow-up after improvements have been made, etc). The parties to the agreement state also that they are of the joint opinion that the present Icelandic legislation gives a satisfactory legal foundation and that by using the processes and methods stipulated by these Act and Regulation the aims of the European Framework Agreement can best be reached. Finally, the parties agreed on establishing a Consultation Committee with two representatives from each side to monitor the implementation and application of the agreement.

The **Romanian** interprofessional social partners agreed in September 2006 upon a new Collective Agreement at National Level covering the period 2007-2010, wherein article 37 in Chapter 3 on "Health and Safety at the work place" deals specifically with tackling stress at work by specifying obligations and measures to prevent work-place stress, related to work content, control on the work undertaken, support at the work place and employee consultation. This article was also integrated in some agreements at company level at a later stage (e.g. airships producers, food industry, tourism, industrial design).

In **Denmark**, implementation by the public sector has been undertaken through so-called and renewed Cooperation Agreements, at local government and regional level (respectively in 2005 and 2006), as well as state sector employers (2005). In all three agreements, it is stipulated that cooperation committees must lay down guidelines for workplace measures in order to identify, handle and prevent work-related stress. In the State sector, the social partners also published in June 2006 as a follow up to their agreement a substantial guide for the local cooperation committees' work concerning work-related stress. The guide contains specific advice to the committees on their tasks in this field, as well as descriptions on how to identify, handle and prevent work-related stress. The social partners have also confirmed that for the ongoing collective bargaining round in 2008, the psychosocial working environment, including work-related stress, continues to be an important focus area.

In the **Netherlands**, since January 2007, amended health and safety legislation stipulates that tailor made solutions should be reached on a sectoral or company level, also concerning work-related stress. At sectoral or branch level so-called 'Arboconvenanten' are concluded by the social partners. In these agreements there is focus on the health and safety risks that are specific for the sector or branch and on the necessary actions to prevent the occurrence of risks. In several sectors social partners have committed themselves in a sectoral agreement to prevent stress-related work situations. Examples are: financial sector, cleaning industry, car companies, carpentry industry, hotel and catering industry, agriculture and public state sector. As the Dutch social partners concluded that the implementation of this agreement in the Netherlands will be most successful when work-related stress is integrated in the dialogue or consultation between management and work councils, they finalised within the framework of the Labour Foundation in September 2006 a revised version of an existing brochure on the subject. In order to facilitate this dialogue, the brochure is targeted especially at managers, work councils and trade union representatives.

Apart from a description of work-related stress and how it can be recognized, it also offers a model to analyze, prevent or reduce work-related stress. The brochure provides also at the end references to relevant and applicable law texts and the addresses of some institutions which can provide more help. The brochure is available on the Labour Foundations' website (www.stvda.nl).

As for **France**, the interprofessional social partners concluded on 2 July 2008 a collective agreement which transposes the European framework agreement but also enriches it by adding provisions on issues such as the definition of stress, work organisations, reconciliation of family, private and working life and the responsibility of the employers. As the European agreement, this collective agreement does not apply to harassment and violence at work, an issue on which the French social partners engage themselves to start negotiations in the 12 months following the signature of the agreement on work-related stress.

The **Swedish** social partners in the municipal sector (SALAR and PACTA) signed a collective agreement in April 2005 about cooperation and work environment (so-called "FAS 05") in which the implementation of European framework agreement was included as an issue for future commitment. Also the Swedish Organisation for Local Enterprises has in the 2007 round of wage negotiations signed a collective bargaining agreement that includes a statement that work-related stress shall be an integrated part of the parties common programme on "Healthier companies" ("Friskare företag").

In **Norway**, the basic agreements in the different sectors do not make any particular reference to stress, but consist of framework provisions which commit the social partners to cooperate at enterprise level, and commit the employers to ensure the right of the workers representatives to participation and information. However, the social partners are now in a process of encouraging and motivating the enterprises to agree locally on how to deal with work-related stress.

Following a recommendation of the **Hungarian** tripartite special Occupational Health and Safety Committee, which invited the sectoral social dialogue committees to discuss the possibilities of implementation in their concerned sectors, the members of the Agricultural Sectoral social dialogue committee agreed that experts from both sides should prepare a proposal for a common agreement for their sector. Also in the Light industry sector, first discussions on the concrete application in their sector were scheduled to start in September 2008.

In **Spain**, several collective agreements (with provincial or regional scope) concluded over the past years dealt with prevention of psychosocial risks and work-related stress. The following examples could be highlighted: Collective Agreement for the Hostelry Sector 2005-2008 in Tenerife province, Collective Agreement on Bingo Halls in Alicante (province scope) 2006-2009, Collective Agreement on private Old People's Homes in Castilla-La Mancha (regional scope) 2006-2008, General Agreement for the Chemical Industry (state scope) 2007-2009, Collective Agreement for the Contact Centre sector (previously Telemarketing- state scope) 2007-2009, collective Agreement for the Hostelry sector in Zaragoza (provincial scope) 2007- 2010, Collective Agreement for companies with contracts with public administrations to manage old people's homes, day-centres, 24-hour women's centres, support centres, public home-help services in the Valencia Regional Autonomy (regional scope) 2007-2010, Cataluña Collective Agreement for social action with children, young people, families and other at risk (regional scope)

2008-2009 and the inter-professional Agreement on Work Health and Safety for collective Bargaining in Castilla La Mancha (regional scope) 2008-2009.

Also in the **Slovak Republic**, several collective agreements, in particular at branch and company level, regulate the issue of work-related stress and the interprofessional social partners are considering the possibility to conclude an interprofessional agreement on the issue.

As for **company level agreements**, also several examples can be highlighted. The actions range from genuine collective agreements to agreements to introduce projects or programmes in the company targeted at tackling work-related stress.

For example, in **Sweden**, at Fastigo a collective bargaining agreement was reached regarding the co-operation in the companies. While the collective agreement mainly deals with negotiation issues between parties, it also contains a section which specifically mentions that the parties dealing with local working environment issues should work to identify and counteract conditions contributing to work-related stress. Also in **Germany**, several companies have been motivated by the framework agreement to implement procedures in the work organisation and/or in the internal communication procedures taking into account work-related stress. For instance, a comprehensive works agreement for risk assessment in general and mental stress in particular was negotiated and agreed within Daimler AG. Based on this works agreement a new assessment tool for measuring work-related mental stress was developed and is now being deployed. Gothaer Versicherungen on the other hand has chosen a more holistic approach to eliminate and reduce work-related stress and include measures such as ensuring ergonomically-designed workplaces, periodical informative meetings (“After-work Coms”) with board members to clarify the company’s objectives, classes on health promotion and stress management and stress coping training programs for both managers and workers. Also Debeka Versicherungen has implemented several instruments to prevent and to reduce work-related stress including consideration of stress-related diseases in the occupational rehabilitation, involvement of workers in the decision-making process, work life balance programmes: flexible working time, possibility of telecommuting, company parental leave and qualification of workers and managers through in-house training courses. In **Portugal**, several companies were also inspired by the European framework agreement to deploy different actions. An Agreement on Prevention of Psycho-Social risks was signed at EDP Produção. It includes measures such as risk assessment through a survey directed to workers, the inclusion of stress management in occupational medicine carried out in the company, and a plan for medical and psychological evaluations of workers. “CP – Caminhos-de-ferro Portugueses, E.P.” (Portuguese Railways) and the bank “Montepio Geral”, both members of APOCEEP (Portuguese affiliate of CEEP), are currently developing some projects in the field of work related stress. The project of “CP – Caminhos-de-ferro Portugueses, E.P.” (Portuguese Railways) has three major pillars. Firstly, it deals with the internal communication policy system, in order to explain and anticipate expectable changes in the company. Secondly, it deals with the external violence to what workers from the railway sector are exposed. Thirdly, it gives guidance on how should workers deal with the constant changes in their working time shifts. The bank “Montepio Geral” is currently developing a study on work related stress, with the aim to identify the major sources of stress in the company, in order to formulate measures for prevention and for reduction of stress levels at work.

✓ Implementation through national legislation

Under the European Framework Directive 89/391 on health and safety at work, all employers have a legal obligation to protect the occupational safety and health of workers. This duty also applies to problems of work-related stress in so far as they entail a risk to health and safety. As outlined in the introduction, this means a general framework for preventing, assessing and dealing with work-related stress already exists to a certain extent, even if not explicitly referred to. This is reflected in many member states' labour legislation, particularly concerning organisation of work and working conditions, or specifically in their health and safety legislation. This naturally has an impact on the implementation of the European framework agreement and in some cases social partners have agreed that the issue of stress at work is already covered in existing national legislation.

The **Norwegian** Working Environment Act, for example, in a general way covers the content of the European agreement and therefore, according to social partners, gives a satisfactory legal foundation for focusing on work-related stress. Although the Act does not make any particular reference to work-related stress, a number of provisions which make demands on how the working place and the working environment should be organized, have been formulated on the basis of knowledge about what causes work-related stress and are thus very relevant. Interesting to note also is that the Act requires the top manager of an enterprise to take part in health and safety training which is hoped to lead to even more recognition of how important it is to work towards reducing the level of work-related stress.

Similarly, in **Denmark**, the social partners in the private sector considered that the European framework agreement was already implemented through existing rules and regulations.

In **Belgium**, as mentioned, Royal Decree of May 2007 concerning the prevention of psychosocial burdens caused at work extended the application of the 1999 interprofessional collective agreement on management and prevention of work-related stress to the public sector. The Royal Decree obliges every employer to analyse and identify all situations which might entail a psychosocial burden. Aspects such as work content, working conditions and work relationships must thereby be taken into consideration. Also potential psychosocial burdens stemming from contact with third parties must thereby be looked at. The Royal Decree also allows for interventions where necessary by the Labour inspectorate and foresees penal sanctions in case of infringements.

In some cases existing legislation was amended to take into account the European framework agreement. For example, in the **Czech Republic** the content of the European agreement was integrated via amendments into the new labour code (Law n° 262/0226 Coll. of 21 April 2006 in force since 1/1/2007) which obliges employers to create safe working conditions and to adopt measures for assessing, preventing and eliminating risks. However, it should be noted that future amendments of the labour code may be made to further integrate the European framework agreement, if agreed by the social partners.

In addition, in **Latvia** implementation of the agreement led to new provisions in labour law in particular on the determination and evaluation of work environment factors.

As mentioned, and in view of the preparation of actual implementation negotiations, the **Polish** social partners decided to ask governmental experts (amongst others) to analyse Polish legislation to check its alignment with the European framework agreement and to see whether changes to existing legislation are needed. According to the experts, the Polish law provides several relevant provisions and does not need to be amended or reinforced, although this view is not shared by the Polish trade unions.

Following a preparatory process within the Occupational Health and Safety Committee, which is a specialised committee within the tripartite National Interest Reconciliation Council (OÉT), the **Hungarian** Parliament amended the Health and Safety at Work Act (Act CLXI of 2007) which includes now stress in the health risks at work as a psychosocial hazard and defines it. In accordance with this, in order to protect their employees' safety and health at the workplace, employers – when assessing the risks – must pay special attention to the assessment, prevention, reduction or elimination of the psychosocial risks related to carrying out the work, which may generate, among other things, harmful stress. The amendments came into force on 1 January 2008.

And, in the **Slovak Republic**, the efforts to implement the framework agreement also found their expression in the labour legislation as the issue of preventing or reducing is ruled by different laws, in particular the Labour Code (Law 311/2001), the Health and Safety At Work Law, the Labour Inspection Law as well as several sectoral legal regulations. The Labour Code imposes the employers' obligation to take measures to protect the life and health of employees at work and create a safe labour environment for employees. It also prescribes specific working conditions for vulnerable categories of employees, such as young workers, women, mothers, etc. Furthermore, it also provides regulations on for example working time (including rest periods), flexible working time and leave arrangements which can also contribute to the prevention and/or reduction of work-related stress. The respective sectoral regulations relate more to certain specifics of characteristics of work in the different individual sectors.

Tripartite activities

It is clear from the different reports that, in comparison to the implementation of the Telework agreement, a wider range of activities were undertaken with the support of or in cooperation with public authorities (ministries, labour inspectorates) and/or institutes (national or other health and safety institutes), in addition to bipartite activities. This is not only due to the marked differences between this agreement and that on telework, but also certainly due to the fact that the issue of work-related stress lends itself more to a broader range of actions. (See also below the chapter on complementary activities). These tripartite activities also differ between member states, from formal agreements, to brochures, studies, campaigns and projects, as well as discussions between the three parties on the subject of work-related stress.

A tripartite social agreement was signed in **Slovenia** for 2007– 2009 on health and safety at work. This specifically mentions that social partners will conclude special agreements to implement the European framework agreement. A national agreement on stress is also in the process of being drafted.

The **UK** social partners convened a working group facilitated by the then Department for Trade and Industry to oversee the implementation of the agreement in the UK. In November 2004, the UK Health and Safety Executive launched their management standards for work-related stress, which are important tools to help employers implement their general obligations to assess and manage physical and mental health risks as required by law. As there were clear parallels between the ambitions of the management standards and the European framework agreement, the group adapted the text of the agreement and it was recognised that by implementing the management standards organisations were implementing the European framework agreement. To ensure a successful implementation of the standards, which would mainly require action on the company level, a jointly funded UK booklet, called “Work-related stress: a guide – implementing a European social partner agreement” was launched by ministers and representatives of the social partners in July 2006 and which was widely promote via different channels such as websites, e mail alerts, conferences, other electronic distribution, etc. Furthermore, the HSE with the support of social partners embarked as from 2005 upon their stress priority programme which sought to concentrate efforts on reducing work-related stress in those five sectors which exhibited the highest level (i.e. Central Government, Local government, Health services, Finance and Education (including higher and further education)). This programme includes actions such as a dedicated Helpline, guidance on the HSE website and ministerial events.

In **Hungary**, the implementation of the European framework agreement, as mentioned, took place within the framework of the Committee of Health and Safety which forms part of the National Interest Reconciliation Council. This has amongst others led to changes to the Health and Safety Act of 1993 but also to a recommendation of this Committee whereby the prevention of work-related stress was selected as a priority among the 2008 themes of the fund for applications established from occupational health and safety penalties.

In **Luxembourg**, tripartite discussions in the Economic and Social Committee led to adoption of a report in June 2006, which recommended firstly, that regular studies on stress factors should be conducted, as evaluation tools, secondly, that company level assessment of stress factors should be undertaken in dialogue with the works council and, thirdly, to launch an awareness raising campaign concerning work-related stress on national level and for all sectors.

In **Latvia**, the social partners organised educational campaigns on negative influences of stress in cooperation with the State Labour Inspectorate (campaign on “Stop overwork!”) and the Ministry of Health (campaign on “Love your Heart!”). Furthermore, the trade union LBAS signed in May 2007 an Agreement of Cooperation with the State Labour Inspection to encourage assessment of psycho-social risks in enterprises, to elaborate plans of elimination of risk elements and to follow their implementation together with employers.

The interprofessional social partners in the **Netherlands** developed in cooperation with the Ministry of Social Affairs and Employment a new web-based risk-assessment which also deals with work-related stress.

In **Norway**, the social partners, the Ministry of Government Administration and Reform (as employer for the state employees) and the Ministry of Labour and Social Inclusion renewed in 2006 an agreement of 2001 called “Letter of Intent regarding a more

inclusive working life". The Letter of Intent shall contribute (amongst other elements) to achieving a more inclusive working life for the benefit of the individual employee, workplaces and society at large, the reduction of sick leave and disability pensions and developing and utilising individuals' resources and working capacity through active work. Local activity to improve the working environment, including of course work-related stress, forms a very important part of this agreement. Furthermore, and in addition to its own guidelines on "Organising and arranging work and the work place" which also deal with work-related stress, the Labour Inspectorate published in cooperation with the social partners a specific brochure on work-related stress.

In June 2008, the **Portuguese** ETUC affiliate CGTP-IN and the employers' organisation CCP are due to sign, with the ACT (National Authority for Working Conditions) a protocol on the funding of a study on work related diseases and absenteeism. The content of this study also includes work related-stress and will focus on three different sectors (commerce, transportation of goods and temporary work agencies). The protocol furthermore provides also for training and awareness-raising actions.

Complementary activities

The European social partners when negotiating the European framework agreement had the intention to provide their member organisations with a truly action-oriented framework allowing for the development of targeted measures and instruments for tackling stress directly at the workplace. This aim has clearly been realised in the implementation of the European agreement, whereby, in addition to the more traditional implementation instruments, manifold targeted measures and tools were elaborated for concrete action at the work place. These include a plethora of complementary activities, which, as highlighted previously, lend themselves to action in this field, as they are an integral part of assessing, preventing and dealing with the issue of work-related stress. These complementary activities range from tripartite, bipartite or individual social partner training activities, to so-called "stress barometers", and targeted assessment tools.

As an example, training is highlighted in the European agreement as a contributory factor to preventing and reducing problems of work-related stress. In many member states, training has assisted managers and workers in better understanding stress and most importantly how to deal with it. For example, in **Portugal** training actions were organised for shop stewards and for worker health and safety representatives using the content of the European agreement.

Particular activities are also those developed within or in cooperation with insurance institutions/organisations. In **Germany**, for example, to increase the awareness of inspectors in their daily consulting work a common special training guideline was implemented for all "Unfallversicherungen" (Accident Insurances). (German Gesetzliche Unfallversicherungen at sectoral level are self-administered by their members (companies) and the insured (employees) and therefore their activities can be considered as social-partner activities). Similarly, the German Krankenversicherungen (health insurances with parity structures) also increased their promotion activities on work-related stress prevention. This includes general information and activities (brochures, workshops, training courses, Internet-based tools, etc.) as well as direct consulting activities to and for companies. Others, like the Association of Health Insurances for handicraft companies (IKK-Bundesverband) developed specific

guidelines for the prevention of stress-related mental diseases. The Federal Association of Company Health Insurance Funds (BKK- Bundesverband) elaborated a specific project called WORKHEALTH which is financially supported by the European Commission. Also the **Austrian** social partners are intending to offer consultations for stress prevention in companies sponsored by the Accident Insurances (AUVA).

Another example of innovative complementary activities includes a social partner tool in **Denmark** called the “Stress Barometer” to measure the degree of work-related stress amongst employees and which is used in governmental institutions.

Also in **Germany**, some innovative projects and activities were elaborated. Although by individual social partners, these actions still illustrate the usefulness of developing innovative tools to assist in joint social partner implementation of the Agreement. In 2007, the ETUC affiliate DGB elaborated a questionnaire for a survey called DGB-Index “Good Work”, which seeks to develop a standard for good work quality from the employees’ perspective. The tool, which was tested on employees of different regions, sectors and income groups, with various employment relationships, is amongst others appropriate for broad-based awareness-raising on work-related stress. Furthermore, an institute of the German metal and electro industry elaborated, promoted and evaluated an instrument for assessing work-related mental strain particularly in SMEs. This tool is suitable for all sectors and is particularly relevant because of difficulties in smaller companies in dealing with work-related stress, where expensive external consulting is often needed. The trade union IG Metall developed and promoted an assessment tool in the form of a questionnaire called “Stress-Barometer”, available both in written form and as a CD, for self-evaluation by employees.

Following the signing of the joint agreement in 2005, the interprofessional social partners in **Sweden** began a joint developmental project that focused upon work-related stress. The goal of the project was to provide support for employers, supervisors, employees and their union representatives. A handbook to inspire and guide supervisors and employees was prepared. In April 2008, a report describing the project and its results was presented to the Director and his associates at the European Agency for Health and Safety at Work in Bilbao.

In **Norway**, the interprofessional social partners created a working group responsible for elaborating different supportive actions. One concrete result consists in the creation of a specific web site text linked to the websites of all organisations involved. The employers’ organisation NHO has initiated a project called “Mastery, coping, knowledge and tools” with the objective to increase employees’ abilities to cope with work-related stress through systematic reflection and training. The target group is frontline workers (airports/flight crew and people in the hospital sector). The methods used in this project have also been implemented in the nursing sector. The trade union LO has amongst others initiated a survey on “Working Conditions in Norway” which includes also questions concerning psychosocial working environment and work-related stress. The results will be published in June 2008.

In the **Netherlands**, and specifically for the public state sector, a specific instrument was developed which consisted in developing a web based stress-measurement tool, as part of a general employee satisfaction research project. The project was called “Internet-monitoring through a web based questionnaire”. The tool enables management to discover stress-generating spots in their organization and to react accordingly.

The CCP (**Portuguese** Commerce and Services Confederation) and the ETUC affiliate CGTP-IN concluded a “Co-operation and partners protocol” including several actions aiming at: 1) disseminating the European framework agreement via awareness-raising events, training actions, improving communication at the workplace level and developing mechanisms of information and consultation and 2) developing studies on potential stress factors in the trade and retail sector. The protocol is still being implemented. A specific training kit recognised by the IEFP (National Institute on Employment and Training) is thereby used. The protocol is promoted amongst others via a CD, including the European framework agreement in Portuguese and other awareness-raising documents on the prevention of work-related stress. Similar protocols with other employers’ confederations are being envisaged. SITRA, the UGT Transport workers union, launched an awareness and information campaign called “Eliminate stress before it kills you”, directed to all drivers in the sector, in particular long distance drivers.

IV CHALLENGES ENCOUNTERED IN IMPLEMENTATION

 **Industrial relations systems and social partner negotiations**

 **Topic of work-related stress**

IV CHALLENGES ENCOUNTERED IN IMPLEMENTATION

As for the EU social dialogue and its procedures and instruments, the European social partners and their member organisations recognised - also following the experiences made with the Telework agreement - that implementing such autonomous agreements poses challenges to the national industrial relation systems and its actors. Therefore, the questionnaire sent to the member organisations also inquired about the problems, obstacles and challenges encountered during implementation, but also what they considered to be the main added value of the European agreement for their country/sector. The main objective, based on the experiences highlighted, was to allow both the European social partners and their member organisations to come to a better understanding of how to enhance the quality of the European social dialogue, its instruments and their implementation throughout Europe. The challenges, problems and obstacles reported can be summarised mainly in two categories: those linked to the industrial relation systems and social partners' negotiations and those related to the actual issue of work-related stress.

Industrial relations systems and social partners negotiations

Several reports clearly identified some positive as well as problematic aspects in the implementation process which are often linked to how the national industrial relation system and/or social dialogue processes are developed and organised.

In particular in the EU 12, challenges were still encountered in the implementation of the agreement, due to the lack of experience with autonomous social partner negotiations and not fully developed social dialogue structures. For example, in the **Czech Republic** most labour standards are stipulated by law, not through social partner negotiations or bilateral agreements and in addition bargaining coverage is relatively low. Also in **Poland**, autonomous negotiations are still rare. In addition, the formula of the bilateral secretariat for autonomous dialogue (Round Table for Social Dialogue in the Matter of European Integration), which was helpful when negotiating the European agreement on telework, has not been continued, mainly because governmental technical and financial support is in principle provided only for tripartite dialogue. As a result, there were difficulties with the coordination of actions leading to the implementation of European agreements, in particular because in Poland this implementation process involves 5 organisations affiliated to the European social partners' organizations and 2 other organisations represented at the national level but not affiliated at the EU level. This causes delays in implementing at the national level. Furthermore and due to the form and status of the European framework agreement, it has therefore been difficult to decide how to implement the agreement and in particular whether reinforcement of the agreement in Polish law is needed (as claimed by the trade unions) or whether it is (as the employers claim) sufficient to elaborate common guidelines by the social partners. The **Slovenian** report also mentions the lack of precedent in their national industrial relations system regarding how to transpose European agreements. It was possible to implement some parts of the European agreement on telework in national legislation through tripartite negotiations on amendments to applicable laws, but this will not be possible for the work-related stress agreement. Similarly, the **Hungarian** report also identified the lack of well functioning bipartite social dialogue forums and procedure on both interprofessional and sectoral level as currently being still an obstacle in effectively implementing European framework agreements.

On the other hand, these countries (amongst others) clearly indicate that by implementing this second autonomous agreement experiences are being gained towards more effective and productive - in particular bipartite - social dialogue. Thus, the implementation of both European framework agreements has helped in building up or reinforcing bipartite social dialogue and related structures and procedures.

Some other problems in negotiations were highlighted, for example, in **Germany** where different ways of promoting the agreement meant that most initiatives were taken forward unilaterally by the social partners. However, this has not hampered the fact that these activities have still been effective in raising awareness of the issue and further dealing with work-related stress.

The **Portuguese** report indicated that although the Portuguese Labour Code contains general norms on health and safety at work, which is also the case for collective bargaining, neither contain specific norms on work-related stress. This, as well as the lack of awareness in Portuguese society of the potential problems caused by work-related stress made it rather difficult to start a genuine discussion on further implementation actions.

As to other positive aspects revealed from the national reports, one could firstly highlight that several of them mentioned the successful inclusion in the implementation processes of trade union and/or employers' organisations which are not a member of any of the European signatory parties and which thus extends the coverage of application of the achieved implementation results. Examples are for instance: **Poland** (where the employers' organisation Business Centre Club (BCC) and the Trade Unions Forum take part in the implementation negotiations), **Austria** (where the Chambers of Agriculture co-signed the agreed guidelines), **Norway** (with the Federation of Norwegian Professional Associations (Akademikerne) being member of the interprofessional working group developing several implementation actions) and Slovenia (where also non members of the European social partners will take part in the implementation negotiations).

Topic of work-related stress

Firstly, it should be recalled that indeed in most member states, the European social partners' agreement on telework was the first form of regulation in the field of telework. The work-related stress agreement however fits in a larger framework of existing national and EU legislation, such as the Framework Directive 89/391 on "health and safety at work". Given this marked difference, implementing measures have indeed firstly focused on fine-tuning these existing regulations in line with the European framework agreement, secondly, on raising awareness of the European agreement at national, sectoral and company levels, and thirdly, on elaborating and providing concrete and targeted measures and tools to help employers, workers and their representatives to tackle work-related stress at the work floor level. This is certainly a reason why many of the implementation actions reported aim at finding targeted solutions and measures for sectors and/or companies, rather than the creation of new legislation and/or collective agreements. On the other hand, the prior existence of rules and regulations in the area has also led in several countries to what could be called a "mapping exercise", i.e. the European agreement triggered the social partners (and public authorities) into analysing these different regulations for their alignment with the European agreement in order to

see whether, and if so, which changes were needed both in contractual and legislative terms (e.g. UK, Poland, Norway).

There were also some other challenges encountered in dealing with the actual topic of stress. These challenges were apparent right from the start of negotiations on the European framework agreement, particularly in defining such a broad and multifaceted topic. The result was to include a description of work-related stress in the agreement, rather than a pure definition. It is also acknowledged in the text of the agreement that stress originating outside the working environment can lead to changes in behaviour and reduced effectiveness at work. All manifestations of stress at work cannot be considered as work-related stress. In **Slovenia**, for example, challenges were encountered regarding the description of work-related stress, as opposed to non-work related stress. On the other hand the European agreement was of great value in **Norway** in discussing this issue, as it helped to distinguish in terms of action between work-related stress and stress outside the workplace. Also in **Italy** and **France**, during the negotiations discussions were held on how to best “translate/interpret” certain notions of the European agreement in order to best adapt them to the characteristics in their respective countries.

It is also clear that individuals react differently to similar situations and at different times of their life. Work-related stress can also be caused by different factors such as work content, work organisation, work environment, poor communication, etc. This highlights the highly subjective nature of this topic regarding the sector, the company, the management and the individual. In **Italy**, there were lengthy discussions for instance regarding to what extent work organisation can indeed be a stress factor or not. In **France**, current discussions centralise on the need to tackle work-related stress from a collective point of view rather than merely from an individual point of view.

Given these various factors, it can be difficult to assess the level of stress and to evaluate the work environment in practice. Discussions took place on these challenges in some member states, for example, **Germany** and **Latvia**. In terms of the impact of action taken either stemming from the agreement or otherwise, it has also been a challenge to demonstrate a cause and effect linkage between the levels of stress reported and intervention activity. This issue was encountered in the **UK** where work is now focussing on improving people management competencies of managers generally rather than on management interventions to reduce stress as an individual issue. Linked to the issue of risk assessment and evaluation of the work environment, several reports also indicate that this led to thorough discussions on the financial aspect of such assessment and evaluations, in particular for SMEs (e.g. **Slovenia**).

Other reports (e.g. **Portugal**) also mentioned the lack of awareness in society, including employers, workers and their representatives, about the damages work-related stress can cause at the work place and for society at large. This makes it more difficult not only to address the issue as such, but in particular to approach it from a preventative point of view rather than applying solutions once a problem has occurred. In some countries, e.g. **Romania**, there also seems to be a problem in the first instance to increase awareness of the need to tackle work-related stress amongst both trade union officials and business leaders.

On a more positive note, two features should be highlighted as well. Firstly, there is clearly a higher incidence of instruments/actions developed between social partners and public authorities and/or institutions in view of raising awareness but also to develop common and targeted tools and instruments. Secondly, and as recognised in the European framework agreement, there is an acknowledgement of the role management at large and professional and managerial staff can/should play in tackling work-related stress. Several national reports (as well as reports received from the representatives of the Liaison Committee Eurocadres-CEC) indicate concrete initiatives targeted to this group of the work force.

V CONCLUSION

V CONCLUSION

✓ **An agreement of real added value**

Despite the different challenges and obstacles, implementation of the European framework agreement and the reports themselves clearly contribute an important added value in the area of work-related stress and the development of social dialogue.

It is clear that the setting in which the European agreement was implemented is very different compared to the European framework agreement on Telework. This has certainly had an impact on the implementation processes and results, in that a wide range of instruments has been used, including - next to the traditional ones - also more targeted work place solutions and instruments. The fact that different member states have employed different strategies for implementation is a positive element. A common understanding of (work-related) stress is very difficult and in this sense the European agreement has added value in terms of enabling social partners to discuss the topic and find solutions that benefit both workers and employers, as well as fitting the national situation.

✓ **A catalyst for action and awareness**

The existence of the European agreement and the obligation to implement it clearly created momentum to step up efforts and make progress towards the establishment of (more) appropriate rules and mechanisms to identify, prevent and manage problems of work-related stress. It is very doubtful whether this would have been the case without the European agreement, particularly in those member states where the topic was unknown territory, and where there was previously a lack of awareness on the issue (e.g. Romania, Portugal, Czech Republic).

In several countries work-related stress or attention to psycho-social problems at work at large has become (again) a priority in OHS strategies and policies (e.g. Denmark, Germany, Hungary).

Where work-related stress was already a hot topic and awareness is high (e.g. UK), partly due to existing rules or national measures on Health and Safety, the implementation of the European framework agreement was timely, as it gave social partners a framework within which to discuss the issue bilaterally and triggered debate.

As mentioned, the European agreement also allowed for - as was intended - a focus on real concrete and targeted work place actions to handle work-related stress.

It is also important to recognise that next to what is mentioned in the report it is very likely that a lot of other measures in relation to working conditions, environment and organisation were taken not necessarily with the view to tackling work-related stress, but which surely helped in addressing or even avoiding work-related stress.

✓ **Development of social dialogue**

As already mentioned, given the fact that this is the second autonomous framework agreement at the European level, experiences are growing on how to properly and effectively implement these agreements and even help in the development of social dialogue rules, procedures and structures where they might have been non existing or less developed. On a more practical level it has also helped social partners to understand how to work together to tackle complicated and difficult issues in a consensual way.

✓ **Lessons to be learned**

As highlighted previously, the context in which the European framework agreement was implemented is particular, since it fits in a larger framework of existing national and EU legislation concerning health and safety. There is therefore a need to focus on consolidation and implementation of work that has been done.

The rationale of this report is to highlight how the European agreement has been implemented, not to provide information on or an assessment of the concrete impact it had. Given the challenges identified in relation to the issue as such, it will have to be defined how such an assessment can be jointly undertaken in order to further discuss and develop the issues which have arisen.

In terms of EU and national social dialogue, questions have arisen regarding how, if possible, to jointly tackle the different challenges, including:

- 1 Dealing with differences in reporting, to ensure clarity, e.g. clearer and targeted questionnaires?
- 2 How to assist jointly the endeavours of the member organisations building up their social dialogue structures and procedures?
- 3 How to ensure that member organisations sign up to results achieved?
- 4 How to ensure increased awareness in trade union and employers' leadership on the importance of the issue at stake and the need to tackle it?

As part of their joint work programme for 2006-2008, the European Social Partners have agreed to further develop their common understanding of social dialogue instruments, including of autonomous framework agreements. The conclusions reached by the European social partners in this report are very relevant to this work. They will therefore be duly considered in their forthcoming discussions on social dialogue instruments and how they can have a positive impact at the various levels of social dialogue.

VI ANNEX

- ✓ **Full text of the Autonomous Framework Agreement on Work-related Stress**

- ✓ **Links to concrete implementation and dissemination results**

VI ANNEX

- ✓ **Full text of the Autonomous Framework Agreement on Work-related Stress**

- ✓ **Links to concrete implementation and dissemination results** (*collective agreements, legislative texts, protocols, guidelines, brochures; websites, etc.*)

FRAMEWORK AGREEMENT ON WORK-RELATED STRESS

1. Introduction

Work-related stress has been identified at international, European and national levels as a concern for both employers and workers. Having identified the need for specific joint action on this issue and anticipating a Commission consultation on stress, the European social partners included this issue in the work programme of the social dialogue 2003-2005.

Stress can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity, or form of employment contract or relationship. In practice, not all work places and not all workers are necessarily affected.

Tackling stress at work can lead to greater efficiency and improved occupational health and safety, with consequent economic and social benefits for companies, workers and society as a whole. Diversity of the workforce is an important consideration when tackling problems of work-related stress.

2. Aim

The aim of the present agreement is to

- increase the awareness and understanding of employers, workers and their representatives of work-related stress,
- draw their attention to signs that could indicate problems of work-related stress.

The objective of this agreement is to provide employers and workers with a framework to identify and prevent or manage problems of work-related stress. It is not about attaching blame to the individual for stress.

Recognising that harassment and violence at the work place are potential work related stressors but that the EU social partners, in the work programme of the social dialogue 2003-2005, will explore the possibility of negotiating a specific agreement on these issues, this agreement does not deal with violence, harassment and post-traumatic stress.

3. Description of stress and work-related stress

Stress is a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations placed on them.

The individual is well adapted to cope with short-term exposure to pressure, which can be considered as positive, but has greater difficulty in coping with prolonged exposure to intensive pressure. Moreover, different individuals can react differently to similar situations and the same individual can react differently to similar situations at different times of his/her life.

Stress is not a disease but prolonged exposure to it may reduce effectiveness at work and may cause ill health.

Stress originating outside the working environment can lead to changes in behaviour and reduced effectiveness at work. All manifestations of stress at work cannot be considered as work-related stress. Work-related stress can be caused by different factors such as work content, work organisation, work environment, poor communication, etc.

4. Identifying problems of work-related stress

Given the complexity of the stress phenomenon, this agreement does not intend to provide an exhaustive list of potential stress indicators. However, high absenteeism or staff turnover, frequent interpersonal conflicts or complaints by workers are some of the signs that may indicate a problem of work-related stress.

Identifying whether there is a problem of work-related stress can involve an analysis of factors such as work organisation and processes (working time arrangements, degree of autonomy, match between workers skills and job requirements, workload, etc.), working conditions and environment (exposure to abusive behaviour, noise, heat, dangerous substances, etc.), communication (uncertainty about what is expected at work, employment prospects, or forthcoming change, etc.) and subjective factors (emotional and social pressures, feeling unable to cope, perceived lack of support, etc.).

If a problem of work-related stress is identified, action must be taken to prevent, eliminate or reduce it. The responsibility for determining the appropriate measures rests with the employer. These measures will be carried out with the participation and collaboration of workers and/or their representatives.

5. Responsibilities of employers and workers

Under framework directive 89/391, all employers have a legal obligation to protect the occupational safety and health of workers. This duty also applies to problems of work-related stress in so far as they entail a risk to health and safety. All workers have a general duty to comply with protective measures determined by the employer.

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.

6. Preventing, eliminating or reducing problems of work-related stress

Preventing, eliminating or reducing problems of work-related stress can include various measures. These measures can be collective, individual or both. They can be introduced in the form of specific measures targeted at identified stress factors or as part of an integrated stress policy encompassing both preventive and responsive measures.

Where the required expertise inside the work place is insufficient, competent external expertise can be called upon, in accordance with European and national legislation, collective agreements and practices.

Once in place, anti-stress measures should be regularly reviewed to assess their effectiveness, if they are making optimum use of resources, and are still appropriate or necessary.

Such measures could include, for example:

- management and communication measures such as clarifying the company's objectives and the role of individual workers, ensuring adequate management support for individuals and teams, matching responsibility and control over work, improving work organisation and processes, working conditions and environment,
- training managers and workers to raise awareness and understanding of stress, its possible causes and how to deal with it, and/or to adapt to change,
- provision of information to and consultation with workers and/or their representatives in accordance with EU and national legislation, collective agreements and practices.

7. Implementation and follow-up

In the context of article 139 of the Treaty, this voluntary European framework agreement commits the members of UNICE/UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.

The signatory parties also invite their member organisations in candidate countries to implement this agreement.

The implementation of this agreement will be carried out within three years after the date of signature of this agreement.

Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue Committee will prepare a yearly table summarising the on-going implementation of the agreement. A full report on the implementation actions taken will be prepared by the Social Dialogue Committee during the fourth year.

The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.

In case of questions on the content of this agreement, member organisations involved can jointly or separately refer to the signatory parties, who will jointly or separately reply.

When implementing this agreement, the members of the signatory parties avoid unnecessary burdens on SME's.

Implementation of this agreement does not constitute valid grounds to reduce the general level of protection afforded to workers in the field of this agreement.

This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level, agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.

8 October 2004

LINKS TO CONCRETE IMPLEMENTATION AND DISSEMINATION RESULTS

(collective agreements, legislative texts, protocols, guidelines, brochures, websites, etc.)

Austria

Joint social partner web-feature „work and health“ -
http://www.arbeitundgesundheit.at/bgf_06.htm

Impuls Broschüre (including the joint interprofessional guidelines and the jointly agreed upon translation of the European agreement) - <http://wko.at/sp/bgf/impuls.pdf>

Belgium

Convention collective de travail n° 72 du 30 mars 1999 concernant la gestion de la prévention du stress occasionné par le travail (ratifiée par l'AR du 21 juin 1999 paru au MB du 9 juillet 1999) - <http://www.cnt-nar.be/F11.htm>

National Labour Council's Brochure with practical guidelines for the application of the CCT n° 72 (2004) -
<http://www.cnt-nar.be/DOC-DIVERS/Stress/Pr%E9vention%20du%20stress-2004.PDF>

Royal Decree of 17 May 2007 -
<http://www.emploi.belgique.be/moduleTab.aspx?id=2894&idM=102>

Cyprus

Joint policy statement on the framework agreement on work-related stress of 17 June 2008 by OEB, CCCI, SEK, PEO, DEOK – see the compilation report of received joint reports – available at the EU social partners' resource centre websites (addresses see further below)

Czech Republic

Labour Code (Law n° 262/2006 Coll.) – Article/section 102 -
http://www.mpsv.cz/files/clanky/3221/labour_code.pdf

Joint social partners' information brochure containing amongst others translations of all autonomous agreements -
<http://www.cmkos.cz/evropske-a-mezinarodni-vztahy/evropska-unie/evropsky-socialni-dialog/spolecne-texty-evropskych-socialnich-partneru>

Denmark

Circular on the Agreement regarding Cooperation and Joint Consultation Committees in State Sector Enterprises and Institutions 2008 -
http://www.samarbejdssekretariatet.dk/fileadmin/user_upload/documents/Rammer_for_SU/Publications_in_english/012-08-english.pdf

State sector social partners guide for local cooperation committees (June 2006) - http://www.samarbejdssekretariatet.dk/fileadmin/user_upload/documents/Rammer_for_SU/Vejledning/Stressvejledning.pdf

France

Interprofessional collective agreement of 2 July 2008 - http://www.cftc.fr/e_upload/pdf/accord-stress.pdf

Germany

DGB “Good Work” Index - <http://www.dgb-index-gute-arbeit.de/>

BDA brochures on mental workload - <http://www.bda-online.de/www/bdaonline.nsf/id/Broschueren>

Ireland

Labour Relations Commission Guide Work-Related Stress (October 2007) - <http://www.lrc.ie/documents/publications/codes/workstressguide.pdf>

Netherlands

Labour Foundations brochure “Druk werk?! Omgaan met werkdruk en stress” (October 2006) - http://www.stvda.nl/~media/Files/Stvda/Brochures/2000_2009/2006/Brochure_20061000.ashx

Norway

Letter of Intent regarding a more inclusive working life 2001-2009 between social partners, Ministry of Government Administration and Reform and Ministry of Labour and Social Inclusion – <http://www.lo.no/s/Arbeidsliv/IA-avtalen/IA-avtalen1/?t=116>

Poland

Polish translation of the European framework agreement - http://www.solidarnosc.org.pl/eksperci/news/2005/dzbnk/25_lis.pdf

Portugal

Cooperation and partners protocol between CGTP-IN and CCP (17 June 2007) - http://www.cgtp.pt/index.php?option=com_content&task=blogcategory&id=159&Itemid=243

Tripartite protocol between CGTP-In, CCP and ACT (National Authority for Working Conditions) (6 June 2008) - http://www.cgtp.pt/index.php?option=com_content&task=blogcategory&id=159&Itemid=243

Spain

Acuerdo Interconfederal para la Negociación Colectiva (AINC) 2005 - <http://www.boe.es/boe/dias/2005/03/16/pdfs/A09354-09363.pdf>

Acuerdo Interconfederal para la Negociación Colectiva (AINC) 2006 - <http://www.boe.es/boe/dias/2006/02/10/pdfs/A05330-05330.pdf>

Acuerdo Interconfederal para la Negociación Colectiva (AINC) 2007 - <http://www.ccoo.es/comunes/temp/recursos/1/27907.pdf>

CC.OO Trade union information journals on the AINC 2005/2007 - <http://www.ccoo.es/comunes/temp/recursos/1/36.pdf>
<http://www.ccoo.es/comunes/temp/recursos/1/32275.pdf>

CEOE and CEPYME explanatory internal circular – e.g. <http://www.ceoe.es> –section acuerdos

CCOO/ISTAS awareness guide - http://www.istas.ccoo.es/descargas/guia_de_sensibilizacion_def.pdf,
<http://www.istas.net/web/abreenlace.asp?idenlace=2616>

CCOO/ISTAS guide on trade union intervention - <http://www.istas.net/web/abreenlace.asp?idenlace=4891>,
http://www.istas.ccoo.es/descargas/GUIA_azul_psicosociales_2007.pdf

UGT website – reports on follow-up of AINC’s – <http://www.ugt.es/slaboral/observ/index.php> and different sectoral prevention guides - <http://extranet.ugt.org/saludlaboral/CEC/Docs/Lists/Guas/AllItems.aspx>

Sweden

Joint translation of European framework agreement - <http://www.lo.se/home/lo/home.nsf/unidView/AE930DBFE8EC30DCC12571CB003-F73E8>

Interprofessional social partners guide “Work-related stress- a guide to systematic work environment management” - <http://www.prevent.se/crosslink.asp?key=bokhandel/startside.xml>

Social partners municipal sector (SALAR and PACTA) nation wide programme “Sunt liv” (Healthy Life) including the issues of stress - <http://www.suntliv.nu>

United Kingdom

Health and Safety Executive – specific links: <http://www.hse.gov.uk/stress/index.htm> and <http://www.hse.gov.uk/stress/eurostress.pdf>

EU interprofessional social partners

Employers' Resource Centre: <http://www.erc-online.eu/>

ETUC European Resource Centre: <http://resourcecentre.etuc.org/>

European sectoral social dialogue

Construction: Joint Statement of FIEC and EFBWW on the prevention of occupational stress in the construction sector (10 January 2006) -

http://ec.europa.eu/employment_social/dsw/public/displayRecord.do?id=1339

Electricity: EURELECTRIC / EPSU/ EMCEF Joint Declaration on Stress (7 December 2007) -

http://ec.europa.eu/employment_social/dsw/public/displayRecord.do?id=5054

In the previous section only a selection of publicly available instruments, texts, projects, etc. are presented. More details on the vast number of national and sectoral implementation measures can be found by consulting the dedicated websites of the European social partners. In particular, national joint social partners' implementation reports from the following countries will be consulted:

Austria
Belgium
Cyprus
Czech Republic
Denmark
Finland
France
Germany
Hungary
Ireland
Latvia
Netherlands
Norway
Poland
Portugal
Romania
Slovak Republic
Slovenia
Spain
Sweden
United Kingdom

Employers' Resource Centre: <http://www.erc-online.eu/>

ETUC European Resource Centre: <http://resourcecentre.etuc.org/>

