

**"Helping the member organisations implement and monitor  
the autonomous ETUC-UNICE/UEAPME-CEEP  
framework agreement on workplace stress"**

**Final Conference  
Prague, 21-22 September 2006**

**MEETING REPORT**

**Thursday 21 September 2006:**

**Welcome addresses**

First of all, Maria Helena Andre, Deputy General Secretary of the ETUC, thanked the Czech ETUC affiliated organisation, CMKOS, for the excellent cooperation and assistance in the organisation of this closing conference in the framework of our project on Work-Related Stress.

She explained the main raisons for ETUC starting this project and in particular the series of regional seminars in Riga (Oct. 2005), Budapest (Nov. 2005) and Brussels (Jan. 2006) as well as this final conference in Prague in September 2006, being to enhance the knowledge and dissemination of the Work-Related Stress framework agreement in the EU/EEA Members States and candidate countries.

The ETUC considered it also of outmost importance to organise this final conference in a new Member States, as the ETUC main target is thereby also to strengthen its support in developing and settling social dialogue, as a new process and /or in adjusting existing national processes of social dialogue to the understanding and implementation of EU social dialogue instruments as part of the EU *acquis communautaire*. This does however not prejudice the fact, that also in the "old" member states the implementation of the *acquis* and in particular autonomous agreements such assistance is necessary to ensure effective results.

The Work-Related Stress framework agreement was signed on 8 Oct 2004, as 2<sup>nd</sup> autonomous framework agreement at EU level to be transposed at national/sectoral level by trade unions organisations and employers associations but also by joint initiatives of social partners at company level. Indeed as "owners" of the agreement, trade unions have the responsibility to act and initiate the implementation of EU social dialogue framework agreements.

This process of implementation is important as regards the content and results of the agreements. Although the implementation deadline is not over yet (2007), annual joint reports, elaborated with the European employers associations UNICE (now *BusinessEurope*), UEAPME and CEEP based on joint national reports, are discussed at the European Social Dialogue Committee. If we compare with the telework agreement and its implementation, the already existing differences in transposition is that trade unions and sometimes employers are quicker in putting the issue on the national and sectoral agenda and various instruments at national level are developed to ensure the implementation.

Here again, and in comparison with the framework agreement on Telework, the ETUC acknowledged the need for EU support as we noticed that our affiliates had much difficulty at national and sectoral level, especially as employers' organisations are not so much responding. The difficulties encountered can be divided as follows: As the results of the EU social dialogue do not always get enough downwards to the affiliated organisations at national level, the ETUC considered it necessary to establish three kinds of actions:

- 1. Support for translation: as the EU negotiations are run in English, there is a need to translate the framework agreement in (now) 28 languages. In this respect, the ETUC offered its support. However, reports state that in some countries translation is also used to renegotiate the agreement, with the intention to reduce the level of the agreement, which should not be the case.
- 2. Provide affiliates with the ETUC interpretation guide of the agreement, explaining each paragraph and providing some reference documents in the annexes. The reason of this interpretation guide is that there is no proper joint interpretation mechanism at EU level (yet) that could help the affiliates to better understand the agreement.
- 3. The ETUC organised an interactive Website section on the Work-Related Stress framework agreement. This will apart from the different language versions of the agreement and the interpretation guide, also provide information on the monitoring of implementation, which is organised by the ETUC in close cooperation with the Research and Health and Safety Departments of the ETUI-REHS, as well as an update of the process of implementation at national level.

The ETUC organised three decentralised seminars in Riga, Budapest and Brussels in 2005 and 2006. The objectives were to discuss the content of the framework agreement, the experiences of each affiliated organisation in implementing it and to elaborate a checklist as a tool for the affiliates in order to help to identify the weak and strong points of the various implementation processes. The purpose of this final conference is mainly the state of play in the "national implementation action plans" discussed at the regional meetings and to fine tune the checklist for accuracy. Furthermore, this final seminar aims at evaluating the added value of this project and at sharing experiences of the implementation at national level.

**Marcela Kubinkova, Vice-President of CMKOS**, welcomed all participants and looked forward to the intensive discussion on this important topic. She then gave a detailed overview of the impact of the EU social dialogue in the Czech Republic. After having stressed the general difficulties encountered within the social dialogue processes and structures in the Czech Republic, she mentioned the problems Czech trade unions face to implement the Work-Related Stress framework agreement. First of all, the three Czech trade unions organisations (business and non business related) have difficulties to find a common position. Furthermore, the tripartite organisation of the social dialogue in the Czech Republic tend to give, for the time being, priority to non legal provisions in implementing EU social dialogue instruments such as autonomous framework agreement. Much depending on the colour of the government in place, domestic implementation measures can have a binding or a non-binding character. For the time being, the tendency is to implement EU autonomous framework agreement via gentlemen agreements. CMKOS highlighted however that it was in favour of a governmental legal proposition.

For both framework agreements on Telework and Work-Related Stress framework agreement, no negotiations were organised. However, social dialogue is of utmost importance especially since the democratic set up of the Czech Republic. This is a mutual understanding for the Czech social partners and this is why they actively supported and participate to this final conference on the implementation of Work-Related Stress framework agreement.

Practically difficulties were encountered, such as:

- Autonomous framework agreements are instruments with which they are for the moment unfamiliar
- The goals of certain directives are sometimes difficult to understand
- Also difficulties to understand the language and terminology of directives and their impact on labour issues
- Legislative process of implementation of EU instruments into domestic law should allow for the participation of the social partners: every government needs to organise the opportunities to do that. Trade unions have to take part and be active in consultation procedure and join forces with civil associations.

Finally she referred to the new Czech labour code that will be adopted in January 07 and which will enhance collective bargaining rights allowing for enterprise level collective bargaining, next to collective bargaining at sectoral level. In this respect and to better implement EU framework agreements on Telework and Work-Related Stress, guidelines for trade unions in company and sectors may be needed/used.

### **Sessions 1:**

#### **Translation of and awareness raising about the EU Agreement on Work-Related Stress**

*Chair: Sinead Tiernan (ETUC Advisor)*

*Rapporteur: Isabelle Schömann (ETUI-REHS Senior Researcher)*

As mentioned before the ETUC organised 3 regional seminars to spread information and interpretation of the framework agreement on Work-Related Stress. At each seminar, three thematic sessions were discussed: “dissemination” (translation and awareness raising), “Implementation actions” and “Foreseen actions on reporting and impact assessment”.

Based on a checklist elaborated by the ETUC, and to which already 16 affiliated organisations responded, it became clear that needed more responses in order to better evaluate the difficulties encountered at domestic level and find the appropriate solutions.

Sinead Tiernan gave then a short overview of the responses to the questionnaire and the audience shared experiences.

As translation is concerned, progress was reported in most EU Member States, so that the situation may be in general described as positive. A translation of the framework agreement on Work-Related Stress exists in most EU Member States or is at least in elaboration. When problems were encountered, the ETUC provided a non official translation that had to be checked by national trade unions. This translation could be used as starting point for implementation. In most cases, translation resulted from cooperation between social partners who agreed on one common version. In some cases, trade unions elaborated their own translation, as

the employer's organisations were not willing to get involved. In other –fortunately rare- cases, there are different trade union versions (Italy), and no translation from the employers' organisations.

Based on the reactions from the participations, it became clear that at national level, some employers' organisations argue that as they are not affiliated to UNICE they see no point in joining implementation processes and measures at national level (e.g. for the sector of agriculture tourism and trade in Portugal). In general, it seems that the public sector is not so often involved (except in Denmark). On the other hand, the question was raised if employer's associations not affiliated to UNICE or individual employers not affiliated to national employers' associations may get in touch with trade unions to implement and use the agreement, if they are interested. The answer to this question was of course: yes!

As dissemination is concerned and based on the information gathered from the national trade union organisations, three different stages of awareness raising can be distinguished:

- Main means that trade union use to push the issue as a priority: Websites, trade union media, brochures, training activities and projects are used and appreciated, but it is sometimes difficult to raise the issue of stress as a priority. It is also important to link the issue of stress with other issues such as restructuring to better raise awareness. In Malta, using mass media (popular TV show/radio shows/popular news paper) for instance helped to raise awareness beyond traditional trade union channels and this seems to have reached a broader audience with effects at the work place
- To get employers on board is still a difficult issue and joint activities are rare. Experiences were shared from CZ, MT, EE, DK (private sector) This should become a priority action!
- To involve public authorities depends on national structures of social dialogue and differs thus widely across the EU. A Danish colleague, referring to existing good legislation in place, raised the issue of the necessity for trade union to focus more on awareness raising. An Estonian colleague referred to the clear non-interest of the government (and employers) who consider health and safety problems rather as a private/personal problem than a work related problem.

As a **summary**, it seems difficult to raise awareness for many reasons, the main being the total lack of interest of employers' association in the issue. If action is jointly taken, the tendency to lower down the standards of the framework agreement on Work-Related Stress (minimal translation, stress on the individual aspects, etc) can be witnessed. Furthermore, Work-Related Stress is not seen as a priority for negotiation in some Member States also on the side of trade unions (Malta). In the Czech Republic, social dialogue is in general not a priority as there is a degradation of working conditions.

Furthermore, trade unions' lack of resources may cause also delay in implementing the framework agreement. A common recurrent feature is that training is extremely important and the regional conferences organised by the ETUC help a lot in this respect.

Finally, the participation of trade union to legislative initiative to implement the framework agreement on Work-Related Stress is of most importance as the tendency in Europe is to weaken existing working conditions, the issue of health and safety at work being one of them. However, a recurrent difficulty encountered by trade unions at national level when implementing the EU framework agreement on Work-Related

Stress is the uncertainty about the nature of the agreement, as this makes it difficult to find the right procedure at national level, especially in the Member States where social dialogue is moving from a tripartite to a bipartite structure. To conclude on this particular point, Maria Helena Andre stressed that the most appropriate tool for implementation at national level are the procedures and practices specific to management and labour as the EC Treaty specified. However, binding or not, procedures and practices specific to management and labour have to be respected. Derogation to this should not be accepted. There is no need to sign at any price (guidelines for example where the procedures and practices specific to management and labour are collective bargaining). "Be creative but do not invent things which would allow the circumvention of existing normal procedures and practices", was her advice to the audience in this respect!

## **Session 2:**

### **The actual implementation of the EU framework agreement in the concerned countries/sectors**

*Chair: Stefan Clauwaert (ETUI-REHS Senior Researcher)*

*Rapporteur: Juliane Bir (ETUC Advisor)*

During this second session, a round table was organised in relation to the initiatives, obstacles and national/sectoral results concerning the application of the agreement (more in particular problems related to interpretation, the nature of the agreement, the different actors involved in the negotiations, the implementation instruments used, the time calendar, etc.)

Stefan started off with a general and schematic overview showing the state of play in the actions undertaken (or lack of it) in the different countries, thereby also highlighting the results achieved so far or forthcoming in the near future. He also invited the organisations which had not yet submitted this information for their sector/country, to do so in the near future. He stressed that the implementation of such framework agreements was in most cases a new experiences and that in several countries is was a kind of "learning by doing" process which necessitated to change the used methods in the course of the process. Finally, he described in a more detailed way the implementation actions in the different countries. (see his power point presentation) This was divided in the following four parts:

1. implementation via collective agreements on national, sectoral/regional and enterprise level
2. implementation via legislative instruments
3. implementation via other forms and instruments
4. problems identified during the implementation

This presentation was followed by a very intensive debate during which the participants where able to present their views on the implementation (problems) in their respective countries. On a country by country basis, these could be summarised as follows:

**Sweden:** The implementation took place in different steps : adoption of the agreement by the parliament, the referral of the agreement to the institute for health and safety ; referral to the labour inspection services and finally the dialogue between trade union and employers' organisations. The employers were initially completely reluctant to implement but nevertheless the discussions were ended successfully.

**Spain:** The law relating to the prevention of risks at work is rather recent and dates only from 1996. Therefore, the interest in issues such as stress at work is hardly developed up till now and for trade unions it are mainly the problems of increased work load, overtime and the lack of involvement by workers at the work place are the areas of key concern. Between 2001 and 2002, the trade unions did however launch a campaign to ensure that psycho-social risks were better dealt with and that it would be explicitly referred to in the OHS legislation. This EU agreement might serve as an additional tool to be used in this still ongoing debate. In certain areas, effective actions were taken and put in place thanks to a specific commission on this issue.

**Portugal (UGT & CGTP):** In Portugal the trade unions try to include the issue of stress into the list of occupational diseases with success so far. This mainly to a very reluctant attitude of both government and employers' organisations as so many sectors are affected by the problem of work-related stress. A discussion on work-related stress was scheduled within the framework of the national health and safety Council but this council does not meet anymore for the moment and there exists thus no platform where the trade unions can present their views and launch the debate. The CGTP representative referred to a joint project started in 1997 and foreseen to end in 2007, as well as to an apparently existing willingness in the tourism sector to cooperate on the issue in the near future.

**Malta:** The Maltese representative referred to the role of NGO's which work a lot in the area of health and safety. So even when the trade unions have a certain authority to act on these issues, the government (often) addresses itself to other institutions.

**Estonia:** Apparently, 60% of the sicknesses in Estonia are the result of stress at work. In order to tackle the problem, the Estonian trade unions were able to benefit very much by learning from Swedish and Finnish experiences on how to built up proper impact assessments.

**Slovak Republic:** Here, there exists a law on public health which covers aspects such as the measuring of psychological and physical burdens. The EU agreement has not yet been implemented by the social partners, but certain parts of it are thus covered by legislation (including the labour code)

**Finland:** Firstly, the trade unions organised discussion with experts on the matter in order to better understand the phenomenon. The implementation process which started in February 2006 is still ongoing and the existing legislation is currently also examined. The option of running a specific campaign is being studied. The trade unions have organised their own conference in the mean time, the results of which were published.

**Bulgaria:** Both the eventual strategy to follow as the actual implementation have not yet started on the national level. Nevertheless certain actions are up and running:

- In the education domain: a national programme of mobility of students and teachers has been launched
- Also a programme on the minimising stress in the food sector has started.
- A research on the public sector, conducted by the trade unions, in the framework of an ILO project has been launched in order to identifier the phenomenon of stress and its impact in the sector.
- Several articles on the issue where published in both general and trade union press

**Italy:** Before summer 2006, the trade unions were able to get a re-launch of the

discussions with the employers. Objective was to find agreement on a common translation and to transform the EU agreement into an intersectoral national agreement which would be applicable at all lower bargaining levels. A problem might lie in the composition of the employers' delegation as all 22 organisations want to be involved in the negotiations. In addition, and despite the number, this would not cover the public sector but only the private sector. As the trade unions fear that this process is used by the employers to slow down progress, they will ask the government to present a legislative initiative on the matter. Furthermore it should be noted that the employers do not at all want trade unions to get involved in matters of work organisation also not in order to tackle work-related stress.

**Poland:** a common translation has been agreed upon, but actual implementation negotiations have not yet started.

**Hungary:** The situation is quite similar to the Polish one. There exist albeit two translations: on trade union one and one on employers' side. As the trade unions would also like to start working on the sectoral level they have started widespread dissemination of the text in the different sectoral committees.

**France:** According to a CFDT representative, the French social partners are not any more dealing with the issue, but it is now dealt with in the framework of the ANACT (a national agency for working conditions) and within the Ministry of Labour.

At the end of this round table, Stefan concluded by stating that the overall picture could be considered as either pessimistic or optimistic depending on the concrete cases, but most importantly was that in several countries (considerable) progress was made. He ended by recalling that the deadline for implementation was (in principle) October 2007.

## **Friday 22 September 2006**

### **Morning Session**

#### **Foreseen actions of reporting, monitoring and impact assessment following the implementation in the concerned countries/sectors**

*Chair: Roland Gauthy (ETUI-REHS Researcher)*

*Rapporteur: Sinead Tiernan (ETUC Advisor)*

Roland Gauthy introduced this session by reminding colleagues of the obligation to carry out a monitoring exercise on the implementation of the agreement across the various countries and sectors concerned. It was pointed out that this exercise aims to monitor how the agreement is being used, rather than monitoring the actual levels of stress! He reminded colleagues that this was foreseen in the text of the agreement itself - annual reports must be presented to the Social Dialogue Committee and after 4 years, a full report will be carried out, on the basis of which, if deemed necessary by the European social partners, the agreement can be evaluated and reviewed. Therefore, this monitoring work is of great importance.

To be able to do this properly, we need to develop some type of a tool, in the form of a questionnaire / checklist/ grid to be completed by member organisations. One of the aims of the seminars on stress to date has been to try to finalise such a questionnaire and to encourage member organisations to complete and return it to the ETUC.

Although the agreement is still in its infancy and therefore may seem premature to monitor its impact at this early stage, it is not. Key actions which we need to determine from the outset include how to carry out an impact assessment in terms of quantitative and qualitative data required – have we managed to decrease the amount of stress at work, what have been the main strong points of the agreement as well as the weaker elements, how could this agreement be improved, how could we develop other instruments in this regard.

So far, in terms of responses received, the information has been patchy and varies a lot between countries. This reflects where the various countries are in terms of tackling the problem of stress at work, what type of national provisions already exist and how developed the process of social dialogue is.

A tour de table followed where colleagues explained the situation in the various countries:

In **Belgium** they are obliged to carry out an evaluation of their agreement, and they are also obliged to do this at the sectoral level. However, despite this, much information is still missing and the exercise leaves room for improvement. **Finland** reported that there are plans afoot to begin the monitoring exercise although they haven't been realised at this stage. **Estonia** noted that no real monitoring has been carried out at this stage, however much attention is being paid to training on how to prevent stress at work and the medical effects of stress on workers. In **France**, some sectors (insurance and banking) have begun working on the agreement in the broad sense, but nothing has been done regarding the actual implementation of the agreement at this stage. **Lithuania** reported that it was too early to carry out any kind of impact assessment at this stage. **Malta** noted that NGO's as well as trade unions are taking the issue very seriously. **Portugal** reported on a joint project between UGT-P and CGTP to carry out an impact assessment and analysis and this will be evaluated at the end of 2007. The 4 trade union confederations in **Romania** are carrying out research to gather data on the problem of stress and work and how to deal with it. **Slovakia** reported that the agreement has not been ratified by the employers and therefore the trade unions are pushing this issue alone. They are trying to ensure that the agreement will be included in their work programme and hope to push the employers in this direction. The **Spanish** colleagues reported that the agreement is part of their collective bargaining process and is thus being monitored accordingly. However, the underlined some limiting factors including the fact that the agreement only applies to certain companies and this needs to be taken on board. The **Swedish** colleagues reported on some difficulties they are having due to the legal set-up at national level. They have to decide whether to implement the agreement via social partners or via the Parliament. Indirect methods of assessing the impact of the agreement were also noted, such as evaluating the impact of training health and safety officers.

Following the debate, Roland reminded colleagues that the ETUC secretariat would re-work the questionnaire/checklist taking account of the comments raised over the 2 days of the seminar. It will then be resent and you will be asked to complete it. He underlined the fact that this exercise is not only of great importance for the ETUC so as to assess progress etc, but also for the national/sectoral level too.

### **Afternoon session**

### **Concluding session**

*Chair: Maria Helena André (ETUC Deputy General Secretary)*



*Rapporteur: Stefan Clauwaert (ETUI-REHS Senior Researcher)*

Before really starting the concluding session, Stefan Clauwaert presented the checklist again to the participants with a view to hearing their remarks on eventual changes which needed to be made to make it more user-friendly. Several useful suggestions were made which will now be integrated in a re-worked version.

Maria Helena André started her concluding remarks with reminding the colleagues of the social dialogue procedures at EU level, in particular inside the ETUC starting with the elaboration and adoption of the negotiation mandate, the actual negotiations, but in particular the obligation to implement at all levels (!) as soon as a result was achieved. Social dialogue and in particular the results achieved under it are thus not an option!

As soon as colleagues are confronted with the implementation, they have several possibilities. One might be to do nothing because the issue at stake is already – compared to the EU agreement- sufficiently covered by law and/or collective agreements. But even in this case the EU agreement might be a trigger to at least review the existing norms and to see to what extent they indeed correspond to the EU agreement.

If the issue is not yet sufficiently covered in the national context, doing nothing is certainly as said not an option. As soon as possible, dissemination activities should be identified and launched and this on different levels and by using different means. Trade unions have here a particular role to play in both raising awareness amongst the trade union and general public, but also to train the shop stewards at the work places.

Before starting dissemination, it might be necessary to have a translation of the EU agreement in the national language(s). This can be provided by the ETUC where necessary. It will also provide the interpretation guide but this interpretation guide, when used, has at the same time be read with the national situation in mind so that immediately the necessary adaptation to the characteristics of the country can be integrated in any implementation action.

She thereby also strongly pleaded that in any step of the implementation process, trade unions, in cases of trade union pluralism, should work as closely as possible, knowing that it will not necessarily be the employers who will start the eventual implementation in the given countries.

It should also be considered how certain dissemination action can be done together with the employers as they also have a responsibility as affiliate of their EU organisations. Thus, get in touch with employer organisations of private and public sector and SME's. In relation to the latter it is important to remember that due to the signature of UEAPME SME's are covered by these agreements and their respective national interest organisations should thus be involved and can not opt-out.

Organisations not member of any of the EU social partners are of course more than welcome to join in if they want to or if this is the tradition in the given country/sector. But they can not be allowed to block negotiations or be used as an excuse for our members not to act!

Important is as stated before that trade unions take the initiative and lead in the implementation actions! First step thereby to identify clearly what the normal used procedure and instrument would be to implement; as soon as this is identified any

other option suggested/wanted by the employers is “imagination”. It might be sometimes better to have no agreement than to have a bad or “wishy-washy” text which serves nobody. If nevertheless another option would be used (e.g. because of the issue at stake), it must be explained why so!

The fact that some countries are still developing their own industrial relation system can not be an option to do nothing and in any case not to accept blindly only soft implementation methods.

As soon as actions are taken, it should always be reminded that they have to be taken on all levels, including enterprise level. And in particular this issue of stress at work is a very suitable theme for concrete action at the work place.

Finally, one should not overlook the importance of monitoring and evaluating the achieved results. Monitoring and evaluation within the national context needs firstly to be adapted to the national context, but secondly also be construed and conducted in a way that it fits in smoothly with the monitoring and evaluation obligations towards the EU social partners. It should be ensured that also in reporting to the EU level joint reports are not too rosy but indeed clearly identify the obstacles and problems encountered as well. Only that can help us at the EU table to discuss these problems in order to identify solutions which do not only reinforce the national implementation but also the effectiveness of the EU social dialogue and its instruments as such. Therefore, the checklist as discussed at this conference will be re-worked in the light of the discussions and will most likely be further adapted in the future when it is also used for other purposes and/or instruments.

Maria Helena André closed the conference by thanking

- the participants for their active involvement in the discussions
- the colleagues of ETUC and ETUI-REHS for their tremendous help in running the project and the organisation of the meetings in particular (and this from both a content and practical point of view)
- the Czech colleagues for their hospitality and cooperation
- the interpreters for helping us to understand each other in particular given the fact that the “EU social dialogue language” is often not properly known and understood given its specificities