

## Violence at the workplace

Raili Perimäki-Dietrich\*

Research surveys show that the many forms of violence at the workplace - long played down - are a growing problem in working life. But reliable statistics and reporting procedures are still lacking. This was a finding made as far back as 1996 in the Commission's guidance on violence at work<sup>1</sup> based on surveys carried out in several Member States. Eurostat reports also show that few victims report acts of violence, especially forms of psychological violence like threats and harassment. Cultural and language issues, a lack of awareness and specialized knowledge, and prejudice compound the problem. It is time to get to grips with all aspects of this issue, and take action to halt the damage to workers' health and safety.

### What the Commission and Parliament are doing

At the request of the Commission's Advisory Committee, an ad hoc working group drew up an Opinion on violence at the workplace, which was adopted at the Committee's November 2001 plenary. It expresses the consensus that workplace violence in all its forms is a risk to health and safety. These situations are risks in the same way as chemicals, and so are covered by Framework Directive 89/391/EEC. This means that employers must assess, analyse and prevent these risk factors in order to protect workers in all circumstances. So it is vital for provision to be made in law which is appropriate to changed work patterns, and that these legal requirements should be carried over into national law, applied, policed and enforced.

The ad hoc working group defined violence as "a form of negative behaviour or action in the relations between two or more people, characterised by aggressiveness, sometimes repeated, sometimes unexpected, which has harmful effects on the safety, health and wellbeing of employees at their place of work".

In its Opinion, the working group calls on the Commission to "draft guidelines based on the definition of the phenomenon in all its various forms and on its inclusion among the risk factors that employers are obliged to assess under the terms of the framework Directive. A model for the assessment of the specific risk as part of the overall assessment would therefore be useful. The guideline should be based on an essentially preventive approach and therefore set out measures designed to head off the problem. The focus should therefore be on working conditions, work organisation, promoting a good working climate, and good cooperation between management and labour. Training programmes for managers and workers would be particularly useful in order to draw attention to the problem and identify the appropriate conduct to be

maintained in relations with the victims of violence. While preventive measures should be the priority, they need to be accompanied by psychological and other support for the victims".

In the meantime, the European Parliament adopted a resolution<sup>2</sup> in September 2001 based on a report on harassment at the workplace<sup>3</sup>. The report points out that the problem of harassment at work is not being taken seriously enough, is often underestimated, and that only a few Member States deal with it through legislation. More must be done to put long-term, across-the-board prevention in place and assess the need for legal initiatives on preventive measures to safeguard working conditions, including against psychological harassment. Parliament calls on the Commission to put in place a real Community strategy on health and safety at work, and also to clarify or extend the scope of the Framework Directive. Risks like psychological harassment should be covered, and employers' obligations clarified and extended. The Commission is asked to publish a detailed analysis of the situation regarding harassment at work in a Green Paper and an action programme based on its analysis.

The strategy on health and safety published by the European Commission in March 2002 states that the increase in psychosocial problems and illnesses poses challenges to the health, safety and wellbeing of workers. It recognizes that the various forms of psychological harassment and violence at work require legislative action. But the Commission's action programme to implement the strategy should lay down practical measures with a roll-out plan to prevent violence at the workplace.

### The forms that violence takes

Violence takes many forms, ranging from physical aggression emanating outside or inside the workplace to psychological violence and sexual harassment. All

\* SAK, Finland

Raili Perimäki was Chair of the Advisory Committee's Ad Hoc Working Group on Violence at work

<sup>1</sup> R. Wynne, N. Clarkin, T. Cox, A. Griffiths, *Guidance on the prevention of violence at work*, European Commission, Directorate general V, Employment, Industrial Relations and Social Affairs, Luxembourg, 1997.

<sup>2</sup> European Parliament resolution on harassment at the workplace (2001/2339(INI)).

<sup>3</sup> *Report on harassment at the workplace*, 16 July 2001, (A5-0283/2001), Rapporteur: Jan Andersson.

require different approaches, methods, actions and interventions be it as preventive measures, dealing with actual incidents, in official policing and enforcement procedures, and legislative provisions.

There is an easy consensus on what constitutes **physical violence to the person originating outside the workplace**, and how to tackle it. High-risk jobs and activities can be identified. The employers' obligations are easy to determine and enforce, e.g., implementing technical measures, reducing risks inherent in the work organization, training employees, or minimizing one-person working.

However, surveys reveal major failings in practice and wide gaps between the Member States. The likelihood of violence is seldom if ever, included in risk analyses. Employers' duties to provide information and training for workers are grossly neglected. A Finnish survey reports complaints by hotel industry workers that their fundamental rights are being trampled on, e.g. :

- being able to remove themselves from the threat of serious violence;
- seeking protection;
- calling attention and calling for help;
- capturing incidents on videotape;
- following in-service training (practical exercises).

Not by any means can the health effects of exposure to violence at the workplace be under-rated. Countless workers suffer enormous stress every day due to fear and often face intimidation. Workers may end up quitting as the only way out of this constant state of fear and exposure to danger. In the long-term, fear produces physical and psychosomatic disorders, which can in turn result in incapacity for work. The threat of violence is a health hazard in and of itself, and should be included in risk analyses. Temporary and insecure work practices stop workers standing on their rights or speaking out for fear of losing their job. All workers should be entitled to a debriefing (crisis management) after exposure to intimidation or actual violence.

**Psychological violence at the workplace** can take such forms as bullying, psychological harassment and negative behaviour. Such situations are still denied or dismissed as personal problems. The EP report on harassment at work and the opinion of the Advisory Committee show there is much still to do to identify and deal with this process properly.

Constant upheavals in working life are obviously a breeding ground for psychological harassment. As the surveys point out, factors include stress, under-staffing, atypical employment contracts, work build-up, poor management, inappropriate authority structures, and ignorance of the ways in which harassment takes place. The most recent EU-wide survey by the Dublin Foundation found that 9% of workers (12 million people) had suffered harassment. There are wide variations between Member States and between sectors, and these must be taken into account when designing practical preventive measures.

Imagination knows no bounds when it comes to the forms of harassment. It is not just psychological, it can also be physical or sexual, or all combined. So we cannot produce an exhaustive check-list of all situations, or leave out any types of behaviour. What counts is the effect on the individual.

Sound specialized knowledge is always necessary to deal with incidents of harassment at the workplace properly. How bullying happens is widely described in the literature, but this is not much help when dealing with practical problems. Specific methods and procedures are needed. Guidelines must be set to both prevent and address harassment situations. Multidisciplinary cooperation between the different players (employers, trade unions, occupational health institutes and inspection agencies) is vital to effectively address these problems. Agreeing on internal ground rules is another sign of progress.

The labour inspectorate and workplace health service often play a key role in helping workers. The resolution of harassment cases is beset with pitfalls. The victim may be scarred for the rest of their working life, and the harasser may become the next victim. It is worrying that labour inspectors lack the specialized knowledge, and that not all workers are catered for by the workplace health service. Workplace health and safety training in the EU varies widely between Member States. The technical knowledge is lacking to deal with harassment properly.

**Sexual harassment** is an even thornier issue, but we cannot just shut our eyes to the problem. It is a serious problem which affects both sexes, and is well described and defined in the Directive on equal treatment in employment

and occupation (2000/78/EC). The European Parliament report also put these problems on the agenda and calls on the Commission to come to the necessary conclusions.

## The tasks of enforcement agencies

Employers' legal obligations should be better policed, and penalties imposed for breaches. Employers must take preventive action, as required by the Framework Directive. They play a key role.

The workplace health and safety authorities are responsible for :

- developing ways of acting at the workplace;
- framing guidelines;
- policing the application of legislation;
- providing advice and support to employers, companies and victims of violence;
- disseminating good practice;
- developing methods for recording and collecting reliable statistics;
- enforcement policy.

## Conclusion

Common guidance on violence at the workplace must be developed and the legal situation at both national and Community levels must be examined. Workers in all Member States must benefit from the same rights and protection.

There remains a job of work to do to address the problems created by the various forms of violence at the workplace. In my view, that involves close collaboration at national level with both sides of industry to resolve day-to-day problems. The occupational health and safety authorities must develop their cooperation with workplace health services.

Violence at the workplace is a growing menace which takes a considerable economic and social toll. It is an issue that must be addressed at source with preventive measures in which the EU must give a lead. ■