



This publication has been produced in the framework of a project carried out with the financial support of the European Commission, budget heading “Information and Training measures for workers’ organisations”

**Autonomous Framework
Agreement on**

**HARASSMENT AND VIOLENCE AT
WORK**

**An ETUCE implementation guide
for teacher trade unions**

European Trade Union Committee for Education (ETUCE)





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Preface

The negotiations on harassment and violence at work by the European social partners started in February 2006 and finished on December 2006, pursuant to the nine-month negotiating period accorded by the EC Treaty (Art. 138 § 4) to social partners at EU level. The Framework Agreement on harassment and violence at work was then signed by ETUC, BusinessEurope¹/UEAPME and CEEP on 26 April 2007². This Framework Agreement then has to be implemented by all member organisations of the signatory European social partners within a period of 3 years after its signature (i.e. before April 2010).

This implementation guide provides an overview of the Framework Agreement, focusing on the main concerns teachers are facing at their work place. It is largely inspired by the interpretation guide produced by ETUC³ and it includes some of the examples and good practices gathered in the ETUCE report on violence in schools carried out during the first phase of implementation of the ETUCE project “Preventing and tackling violence in schools”.

ETUCE believes that in general schools are orderly places in which children and young people as well as teachers and other education workers do feel safe. Where statistics are collected or where the outcomes of school inspections are made public, schools are often praised for precisely these features. Indeed it is sometimes highlighted that for children from dysfunctional families, living in poor housing or with other difficulties arising from family poverty, the school represents a place of safety for young people.

However, when violent incidents occur in schools they obstruct teaching and have a malign influence on the working environment of teachers and the quality of education of pupils. Whilst the incidence of the most serious violence remains low, any violent incident can be distressing both for those directly involved and for those who witness it, be they staff or students. In this sense, this guide intends to be a useful tool in assisting ETUCE member organisations in implementing the Framework Agreement on Harassment and Violence at work, and thus to help them develop concrete instruments to prevent and tackle violence in schools.

¹ In the beginning of 2007, UNICE has changed its name to BusinessEurope.

² Only the English language version of the Framework Agreement is an official version. However, other non official language versions of the Framework Agreement can be found at <http://www.tradeunionpress.eu/Agreement%20violence/Framework%20Agreement%20Harassment%20and%20Violence%20at%20Work2.pdf>

³ To read the ETUC interpretation guide (available in several languages) click here: <http://www.etuc.org/a/4634>. The ETUC guide was compiled by Maria Helena André (ETUC Deputy General Secretary and ETUC Spokesperson during the negotiations), and Stefan Clauwaert (ETUI-REHS Researcher and member of the ETUC “Harassment and Violence at work” negotiation delegation). Roland Gauthy and Isabelle Schömann (also ETUI-REHS Researchers and members of the ETUC “Harassment and Violence at Work” negotiation delegation) provided their experts comments to it.



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For several years, ETUCE has worked towards the establishment of a European sectoral social dialogue committee in education. During 2004-2006, ETUCE reinforced its activities in this field, and made significant progress on the plans for establishing this committee. The implementation of the Framework Agreement on harassment and violence at work in the education sector at European level would be an easier task if the European sectoral social dialogue committee in education were already established. Nevertheless, with the project “Preventing and tackling violence in schools” ETUCE is taking steps to raise awareness on the Framework Agreement on harassment and violence, improve the expertise of our member organisations in this issue and support our member organisations in the implementation of this agreement.



1. Introduction

Text of the agreement	Comment
<p>Mutual respect for the dignity of others at all levels within the workplace is one of the key characteristics of successful organisations. That is why harassment and violence are unacceptable. BUSINESSEUROPE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) condemn them in all their forms. They consider it is a mutual concern of employers and workers to deal with this issue, which can have serious social and economic consequences.</p> <p>EU⁴ and national law define the employers’ duty to protect workers against harassment and violence in the workplace.</p>	<p>The introduction of the agreement starts with a joint condemnation of social partners of all forms of violence and harassment at the work place. These issues were already in the Social Partners Work Programme 2003-2005. Lately, Action point 4 of the Social Partners Work Programme 2006-2008 referred to negotiations of a Framework Agreement on harassment and violence at work. As far as the education sector is concerned, violence in schools is a major social problem that not only affects the well-being of students and teachers, but can undermine the educational achievements and jeopardize the teaching and learning processes.</p> <p>This paragraph of the agreement refers to the EU antidiscrimination directives. The so called “Racial Equality Directive” covers discrimination on grounds of racial or ethnic origin, and it forbids harassment on these grounds in employment and education – among other fields - as a form of discrimination. The so called “Employment Equality Directive” forbids discrimination on all grounds covered by article 13.1⁵ of the EC Treaty – sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation – in employment and occupation. The Directive 2002/73/EC gives for the first time at Community level a definition of sexual harassment.</p>

⁴ This includes amongst others the following Directives:

- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.



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	<p>The paragraph refers as well to the so called Framework Directive 89/391/EEC on health and safety at work, which states that it is the employers’ duty to ensure health and safety of workers in every aspect related to the work. This legal document also imposes the obligation on employers to establish risk assessment systems at the work place, and the duty of workers to implement the measures adopted as a result of the risk assessment to promote health and safety at work⁶.</p>
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- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
 - Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
 - Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.

⁵ Article 19.1 of the new Treaty on the Functioning of the European Union, signed by the 27 EU Member States and currently under process of ratification.

⁶ The ETUCE report on preventing and tackling violence in schools compiles the main national legislation covering harassment and violence at the work place in five countries: Bulgaria, Germany, Spain, Sweden and UK.



<p>Different forms of harassment and violence can affect workplaces. They can</p> <ul style="list-style-type: none">• be physical, psychological and/or sexual• be one off incidents or more systematic patterns of behaviour• be amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients, pupils, etc.• range from minor cases of disrespect to more serious acts, including criminal offences, which require the intervention of public authorities. <p>The European social partners recognise that harassment and violence can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity or form of the employment contract or relationship. However, certain groups and sectors can be more at risk. In practice not all workplaces and not all workers are affected.</p> <p>This agreement deals with those forms of harassment and violence which are within the competence of social partners and correspond to the description made in section 3 below.</p>	<p>This paragraph describes the different forms of harassment and violence, including external violence (from third parties). Annex 1 of this document reproduces the “Proposal for taxonomy of violence and harassment at work” proposed by ETUC. This chart was used by the ETUC delegation during the negotiations on the European Framework Agreement.</p> <p>The chart illustrates the complexity of these phenomena, distinguishing 4 levels of harassment and violence at work. Level 1 would consist on the generic term of “violence at work”. This term would be divided into 3 different forms, constituting Level 2, being “physical violence”, “psychological violence” and “sexual violence”. Level 3 describes the expressions in which these three forms of violence show in reality. Level 4 illustrates examples for the different expressions of violence at work.</p> <p>This paragraph reaffirms the broad coverage of the agreement. In addition, it also recognises that violence affects more some sectors than others. The education sector is one of the most affected by violence. Results from an EU survey in 2000 show that 4% of employees have been subject to violence at work (from inside or outside the workplace). In addition, 12% of workers in the education sector reported having been subjected to intimidation (understood as bullying/mobbing)⁷. In 2000, 11% of employees in the health and education sectors had experienced physical violence during the last 12 months⁸.</p> <p>Although there are measures that could be applied generally to the different types of violence, the agreement recognises that more specific measures should be tackled at the sectoral level.</p>
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⁷ FACTS 47, European Agency on Health and Safety. Based on the “Third European Survey on Working Conditions 2000”, by the European Foundation for the improvement of working conditions.

⁸ “Violence, bullying and harassment in the workplace”, European Foundation for the Improvement of Living and Working Conditions.



2. Aim

Text of the agreement	Comment
<p>The aim of the present agreement is to:</p> <ul style="list-style-type: none">• increase the awareness and understanding of employers, workers and their representatives of workplace harassment and violence,• provide employers, workers and their representatives at all levels with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.	<p>As ETUC explains in its interpretation guide, the Framework agreement is an action-oriented instrument. Its aim is to help employers and workers to set a framework to prevent and tackle harassment and violence. The need for a collective response from workers and employers is therefore evident as well as the need for awareness-raising and information activities for all actors in the workplace.</p> <p>The ETUCE project on “Preventing and tackling violence in schools” was thus aimed at raising awareness to all its member organisations regarding the phenomenon of violence in schools and at the same time at underlying the specificity of the education sector, where not only the security of children should be ensured, but also a healthy workplace for those working in the education system.</p>



3. Description

Text of the agreement	Comment
<p>Harassment and violence are due to unacceptable behaviour by one or more individuals and can take many different forms, some of which may be more easily identified than others. The work environment can influence people’s exposure to harassment and violence.</p> <p>Harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.</p> <p>Violence occurs when one or more worker or manager is assaulted in circumstances relating to work.</p> <p>Harassment and violence may be carried out by one or more managers or workers, with the purpose or effect of violating a manager’s or worker’s dignity, affecting his/her health and /or creating a hostile work environment.</p>	<p>Violence among pupils, taken to include physical and psychological violence, and from pupils towards teachers and other school staff, are reported as an increasing problem in schools throughout Europe.</p> <p>It is the case however that statistics are not collected on a like for like basis across Europe and in many cases are not collated at national level. While most European countries gather data on student-student violence, data on student-teacher and/or teacher-student violence is only collected in very few countries. Research conducted on workplace violence is also available in very few states, although these statistics are essential for the understanding and coping with the violence and harassment phenomenon in schools, as being the workplace for teachers.</p> <p>One of the major difficulties encountered when it comes to collecting statistics on violence in schools is the lack of a clear definition in Europe on the term violence. This interferes strongly when data is to be provided, as some country statistics may be considered as falling out of the violence definition for other countries (e.g. criminal statistics based on legal definitions, police statistics, school exclusion data, etc.).</p> <p>Moreover, the lack of systematic data gathering and time series data should also be underlined.</p> <p>The reported situation is therefore to some extent anecdotal.</p>



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	Nonetheless, violence in schools constitutes a constraint for the protection of workers’ health and safety conditions as safeguarded by the EU Framework Directive on health and safety at work ⁹ .
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⁹ Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.



4. Preventing, identifying and managing problems of harassment and violence

Text of the agreement	Comment ¹⁰
<p>Raising awareness and appropriate training of managers and workers can reduce the likelihood of harassment and violence at work.</p> <p>Enterprises need to have a clear statement outlining that harassment and violence will not be tolerated. This statement will specify procedures to be followed where cases arise. Procedures can include an informal stage in which a person trusted by management and workers is available to give advice and assistance. Pre-existing procedures may be suitable for dealing with harassment and violence.</p> <p>A suitable procedure will be underpinned by but not confined to the following:</p> <ul style="list-style-type: none"> • It is in the interest of all parties to proceed with the necessary discretion to protect the dignity and privacy of all • No information should be disclosed to parties not involved in the case • Complaints should be investigated and dealt with without undue delay • All parties involved should get an impartial hearing and fair treatment • Complaints should be backed up by detailed information 	<p>Activities on preventing, identifying and managing problems of harassment and violence in schools could be very diverse and have different approaches. Thus the activities could be based on preventive methodologies or at the contrary on a strong security-oriented approach for the school.</p> <p>The preventive approaches aim at creating good preventive factors at school level and thus limit the risk of violent incidents to occur. The measures undertaken in this respect are aimed at improving the school climate and the class climate through teacher education, peer support, participation and citizenship activities for the pupils, enhanced personal education, etc. In many countries, <u>teacher training</u> to deal with violence is an excellent tool to raise awareness and arm teachers with materials and information on how to tackle violence and particularly on how to pedagogically prevent it. Some countries include in their school curriculum subjects aimed at providing civic education and developing positive pupils’ behaviour. Other factors that are not directly linked to violence or closely related issues are also suggested as violence preventive – smaller class sizes, greater provision of sports facilities, measures to improve the whole schools physical environment, the hiring of education assistants, mediation specialists, etc.</p>

¹⁰ Most of the measures mentioned in this section are described more in depth in the ETUCE report on “Preventing and tackling violence in school”.



- False accusations should not be tolerated and may result in disciplinary action
- External assistance may help

If it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrator(s). This may include disciplinary action up to and including dismissal.

The victim(s) will receive support and, if necessary, help with reintegration.

Employers, in consultation with workers and/or their representatives, will establish, review and monitor these procedures to ensure that they are effective both in preventing problems and dealing with issues as they arise.

It should also be underlined that teachers are in the forefront when dealing with actual incidents or reporting cases of student-student violence. Whole-school development policies (i.e. school action plans and/or protocols) are therefore essential and should be organised in cooperation and consultation with teachers, but also other non-educational staff, as they hold a vital role in developing class rules and school policies. When a whole-school strategy is developed, there is a need to concentrate on all the background factors which contribute to positive pupil behaviour in schools and to develop effective behaviour and health and safety policies which are the product of, and made fully known to, the whole school community.

In this sense, the workplace risk assessment – a recognised and advised method – could be used for analysing the current situation in the workplace and identifying the hazards at the workplace. External expertise can be used. In order to ensure good results from the risk assessment in schools, it is of vital importance that teachers and school principals are effectively trained on how to implement it, but also on health and safety issues at the workplace. A well trained school leadership with a clear vision preventing and tackling violence in the school is crucial for achieving a health and safe workplace.

The security approaches are dealing with violence when it happens but are still aimed at reducing the number of violence incidents in the school: school guards, telephone help lines, police interventions in the school, control of the entrance in the school, registers for victims support, video surveillance, etc. However, what has been concluded from the ETUCE project on violence in schools is that in countries where some of the measures mentioned above have been used, this has been always done in conjunction with more pedagogically oriented preventive measures.



5. Implementation and follow-up

Text of the agreement	Comment
<p>In the context of article 139 of the Treaty, this autonomous European framework agreement commits the members of BUSINESSEUROPE, 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.</p> <p>The signatory parties also invite their member organisations in candidate countries to implement this agreement.</p> <p>The implementation of this agreement will be carried out within three years after the date of signature of this agreement.</p> <p>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 and adopt 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 and adopted by the European social partners during the fourth year.</p>	<p>In the light of article 139 of the EC Treaty and according to the text of the agreement, the signatory members must implement the framework agreement. This implementation must be carried out by member organisations of all parties. The first three years, the Social Dialogue Committee will prepare a yearly table summarising the measures taken at national level to implement the agreement¹¹.</p> <p>As recognised Industry Federation for Education and Training of ETUC, ETUCE must observe and implement the agreement. During the one year project “Preventing and tackling violence in schools”, ETUCE has worked on the awareness raising of this agreement among its member organisations.</p> <p>As stated in the draft ETUCE Action Plan on preventing and tackling violence in schools, ETUCE intends to engage itself in continuing raising awareness on the implementation of the Framework agreement by member organisations via collective agreements, gather and disseminate the best practices identified and report on the implementation of the agreement in the education sector. In addition, harassment and violence will be an issue to be dealt with within the context of one of the ETUCE Networks¹².</p>

¹² These issues will be dealt with either in the Working Conditions Network or in an eventual future Health and Safety Network.



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 SMEs.

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.

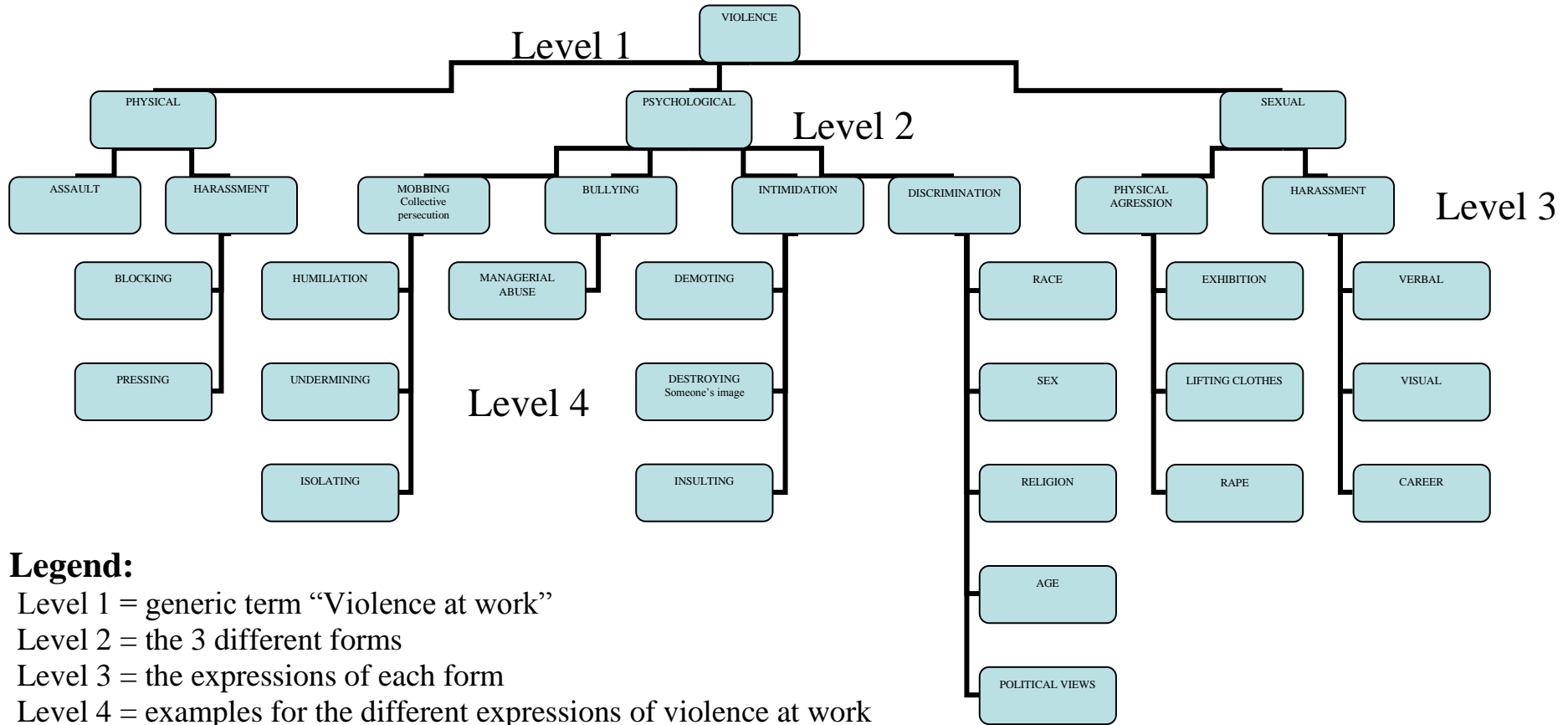
This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level, agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.

This paragraph includes two important clauses. The “non-regression clause” implies that the tenor of this agreement must not diminish the effect of other level agreements (national, regional, local, etc.) when containing most beneficial provisions. At the same time, the “most favourable clause” - included as well in this paragraph - entails that the most favourable provision or agreement must be applied in every case.

This paragraph contains the “adaptability clause”, meaning that social partners at the appropriate level can adapt or complement this agreement (i.e by signing joint declarations or statements, agreements, etc) according to their specific needs. Concerning third party violence, the negotiation of a complementary multi-sectoral agreement is being considered at present by European Social partners from different sectors (commerce, private security, local governments, etc.). ETUCE is currently taking part in this initiative as an observer.



6. Annex 1 : ETUC Proposal for taxonomy of violence and harassment at work (*)



() This chart, used by the ETUC delegation during the negotiations on the EU framework agreement, is given as an illustration of the complexity of these phenomena. However, it should not be considered as the sole recommended taxonomy of violence and harassment at work*



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