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ETUCE report

“Preventing and tackling violence in schools”



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1. Introduction

Schools, which are the working environment for teachers and other school staff and the learning environment for young people, must be safe and secure to ensure the best possible situation for teaching and learning.

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.

It is therefore incumbent upon schools to take action designed to prevent violence in schools and to facilitate an atmosphere where children can learn and teachers can perform their job in a positive, healthy and safe setting.

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)¹. In 2000, 11% of employees in the health and education sectors had experienced physical violence during the last 12 months. The evidence suggests that physical violence from people other than fellow workers is much more common: 1.5% of

¹ FACTS 47 of the 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.



all employed people in the EU had been subjected to violence from colleagues, while 4.1% reported having been subjected to violence from people from outside the workplace².

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. 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. The reported situation is therefore to some extent anecdotal. 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 work³.

Moreover, accepting that when violence occurs it disrupts teaching and learning, it is recognised that teachers need specific knowledge and skills to foresee and prevent incidents of bullying and violence, and to deal with them when they occur. For this reason, it is important to enable teacher unions to exchange best practice and to provide teachers with the knowledge, skills and training to avert and handle these situations in schools. The general concern is the learning environment and the working environment, for pupils and teachers respectively. Violence in schools is a complex phenomenon that affects not only teachers and their unions, but also other actors in education. Four main relations have to be taken into account in seeking to address and prevent violent incidents in educational institutions. These relations are: pupil-pupil, pupil-teacher, teacher-teacher and parent-teacher (parent could also be substituted by any other third party e.g. siblings, former students, etc. external to the workplace). Violence obstructs the development of individual capacities. For this reason, the fight against violence in schools will have a positive impact in the fight against violence in society as a whole.

In several European countries, measures developed to prevent violence in schools have proven to be successful, which underlines the potential benefit of the exchange of best practice and an analysis of best practice transferability.

² “Violence, bullying and harassment in the workplace”, European Foundation for the Improvement of Living and Working Conditions.

³ Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.



In 1999, an ETUCE policy document was prepared by an advisory panel appointed by the ETUCE Executive Board. It was discussed at the ETUCE Round Table on 3 and 4 February 1999 and adopted by the ETUCE General Assembly in May 1999. Relevant conclusions, such as the need for initial teacher training and continuing professional development to cover this issue, the importance of the support of other professionals including psychologists, therapists and counsellors in dealing with bullying and the victims of bullying, and the importance of leadership, constructive conflict management and school action plans, were featured in this document. The current project should be seen as a timely revisiting of issues already addressed by ETUCE in 1999 but which remain an ongoing concern for teachers and students.

In this context, the Autonomous Framework Agreement on Harassment and Violence at Work, signed by the European social partners UNICE, UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) on 26 April 2007⁴, gives the trade union movement an additional tool for tackling all forms of violence and harassment in the workplace. For this reason, ETUCE is implementing the project “Preventing and tackling violence in schools”, which is aimed at achieving three main objectives. The first objective involves the exchange of experiences among trade unions in order to identify best practice on key topics, and to analyse the transferability of this best practice to different countries within EU/EFTA and candidate countries, offering teachers different options for dealing with students’ bad behaviour and violent attitudes. Providing teachers’ unions with information on the *Autonomous framework agreement on harassment and violence at work* “from a teachers’ perspective” will constitute the second aim of the project. An ETUCE Implementation Guide on the European Autonomous Framework Agreement on harassment and violence at work will be developed and disseminated to member organisations. Thirdly, developing the ETUCE policy on harassment and violence at work in the education sector will be the ultimate objective of the project. An ETUCE policy

⁴ http://ec.europa.eu/employment_social/dsw/public/actRetrieveText.do?id=8446. See also the COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT transmitting the European framework agreement on harassment and violence at work (COM(2007) 686 final, 8.11.2007) at the following link:
http://ec.europa.eu/employment_social/social_dialogue/docs/com_2007_686_en.pdf



paper will be produced, including recommendations on the implementation of the Framework Agreement at national level.

The present report intends to be a useful tool in facilitating the debate and the exchange of experiences among ETUCE member organisations. It is based on the experiences and information gathered from the five teacher union partners in the project - SEB (Bulgaria), GEW (Germany), FECCOO (Spain), Lärarförbundet (Sweden) and NUT (UK). It is intended to serve as a background paper in an ETUCE seminar that will take place in Madrid on 3 and 4 April 2008. This event will re-launch the debate on violence in schools and on harassment and violence at work. A further conference will be held in Sofia in June 2008 at which further discussion of appropriate trade union activity, the ETUCE Implementation Guide on the European Framework Agreement and the ETUCE policy paper on violence in schools will be discussed. Thereafter the intention is to produce practical guidance and action-oriented instruments to support the work of all affiliates in this area.

2. Concepts and definitions: violence and harassment

Although the project deals primarily with violence, it appears appropriate to define violence in a wider context which takes account the developments in the research area as well as in the European legislation and agreements.

2.1. Definitions by academic research and international organisations

The results of different studies show that the consequences of physical violence and mental harassment can be very harmful, both to the victims and to the work community.

Definitions of both concepts vary depending on several factors, such as the researchers’ views, the organisation defining the concept, the nature of the texts, the cultural and national contexts, etc.



According to research carried out by Vittorio Di Martino, Helge Hoel and Cary L. Cooper for the report “*Preventing violence and harassment in the workplace*” by the European Foundation for the Improvement of Living and Working Conditions⁵, the first significant efforts towards a common definition on harassment and violence at work was made by an expert meeting organised by the European Commission in Dublin in May 1999. The following definition was proposed:

Incidents where persons are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, well-being and health.

Three legal figures appear in this definition (Chapell and Di Martino, 2000):

Abuse: Behaviours that depart from reasonable conduct and involve the misuse of physical or psychological strength.

Threats: The menace of death, or the announcement of an intention to harm a person or damage their property.

Assault: Any attempt at physical injury or attack on a person including actual physical harm.

According to the above research, abuse covers all forms of harassment, including sexual and racial harassment, bullying and mobbing.

As regards the differences between mobbing and bullying, the above mentioned report of the European Foundation for the Improvement of Living and Working Conditions explains that, whereas both concepts were differentiated initially in relation to the collective (mobbing) or individual (bullying), these concepts are merging towards the same meaning, being used more prevalently depending on the country (i.e Germany and the Nordic countries use mainly the term “mobbing”, whereas in the UK and Ireland the most commonly accepted term would be “bullying”). It should be noted that linguistic and cultural differences across the EU member states make it difficult to find common definitions to both concepts.

⁵ “*Preventing violence and harassment in the workplace*”, by Vittorio Di Martino, Helge Hoel and Cary L. Cooper. Luxembourg: Office for Official Publications of the European Commission, 2003.



In relation to the division between physical and psychological violence, the World Health Organisation uses the following concepts:

Physical Violence: The use of physical force against another person or group that results in physical, sexual or psychological harm.

Harassment, bullying or psychological violence: Intentional use of power against another person or group that can result in harm to physical, mental, spiritual, moral or social development.

2.2. Definitions in European legislation and agreements

The following European directives cover the concepts of harassment as part of the concept of discrimination. They cover different grounds of discrimination. Whereas the definitions of harassment are in substance the same (but do not deal explicitly with violence), they differ in respect of the scope of the Directive.

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

Article 2

Concept of discrimination

1. For the purposes of this Directive, the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.

2. For the purposes of paragraph 1:

(a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin;

(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision,



criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

3. *Harassment shall be deemed to be discrimination within the meaning of paragraph 1, when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.*

4. *An instruction to discriminate against persons on grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.*

According to the scope defined in Article 3, “...*this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:*

- (a) conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;*
- (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;*
- (c) employment and working conditions, including dismissals and pay;*
- (d) membership of and involvement in an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;*
- (e) social protection, including social security and healthcare;*
- (f) social advantages;*
- (g) education;*
- (h) access to and supply of goods and services which are available to the public, including housing”.*

The **Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation** bans discrimination on the grounds of religion or belief, disability, age or sexual orientation within the context of



employment and occupation. As in the previous Directive (2000/43/EC), article 2 of this legal text describes harassment on these grounds as a form of discrimination:

Article 2

Concept of discrimination:

(...)

3. Harassment shall be deemed to be a form of discrimination within the meaning of paragraph 1, when unwanted conduct related to any of the grounds referred to in Article 1 takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

Article 3 of this Directive defines the scope of implementation:

Scope

1. Within the limits of the areas of competence conferred on the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:

(a) conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

(b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;

(c) employment and working conditions, including dismissals and pay;

(d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2003 amending Council Directive 76/207/EC on the implementation of the principle of



equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions⁶.

Article 2 (2) of this Directive defines harassment and sexual harassment as follows:

- *harassment: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment,*
- *sexual harassment: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.*

Article 2 (3)

Harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited.

Based on the previous mentioned legal texts, and on the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, Paragraph 2 of Clause 1 “Introduction” of the European Autonomous Framework Agreement on Harassment and Violence at work states that “EU and national law defines the employers’ duty to protect workers against harassment and violence in the workplace”.

Concerning the definitions of harassment and violence at work, the European Autonomous Framework Agreement on Harassment and Violence at work provides with the following descriptions of harassment and violence (chapter 3):

⁶ This directive is repealed by Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204, 26.7.2006, p. 23 (with effect from 15 August 2009, see Article 34 (1)). Nevertheless, the definitions will in substance remain the same.



“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 peoples’ exposure to harassment and violence.

Harassment occurs when one or more worker or manager are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.

Violence occurs when one or more worker or manager are assaulted in circumstances relating to work.

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”.

Annex 3 of the ETUC Interpretation guide on the European Autonomous Framework Agreement on Harassment and Violence at work⁷ establishes a chart with a “Proposal for taxonomy of violence and harassment at work” (see Annex 1 of this report). This chart was used by the ETUC delegation during the negotiations on the European Framework Agreement.

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.

Physical violence at work:

- Assault

⁷ The text of the Guide is available at : http://www.etuc.org/IMG/pdf_pdf_CES-Harcelement-Uk-2.pdf



- Harassment. Examples
 - o Blocking
 - o Pressing

Psychological violence at work:

- Mobbing (understood as collective persecution). Examples:
 - o Humiliation
 - o Undermining
 - o Isolating
- Bullying. Example
 - o Managerial abuse
- Intimidation. Examples:
 - o Demoting
 - o Destroying someone’s image
 - o Insulting
- Discrimination. Examples:
 - o On grounds of sex
 - o On grounds of race
 - o On grounds of religion
 - o On grounds of age
 - o On grounds of political views
 - o On grounds of disability

Sexual violence at work:

- Physical aggression. Examples:
 - o Exhibition
 - o Lifting clothes
 - o Rape
- Harassment. Examples:
 - o Verbal
 - o Visual
 - o Career



As ETUC explains in its Interpretation Guide, *“this list is not to be considered as the sole recommended taxonomy of violence and harassment at work”*. However, and due to the fact that the project in which this report is being drafted is primarily aimed at giving support to our member organisations in the implementation of the European Autonomous Framework Agreement on Harassment and Violence at work, we have considered that, in the interest of coherence within the European trade union movement, this taxonomy could be used as a good basis for implementation of the European Framework Agreement by the ETUCE member organisations.

3. Overview on the national contexts and legal frameworks/provisions on harassment and violence at work and in education

There is a range of policy, procedures and practice in all five countries.

Bulgaria

In Bulgaria a Special Experts’ Commission under the auspices of the Council of Ministers⁸ works on the issue of violence and youngsters’ anti-social behavior. Its decisions and views are based on many legislative measures in Bulgaria, amongst others the national Child Protection Act and the Act on the fight against anti-social behaviour of youngsters. The Special Experts’ Commission is composed of respected specialists in the field of youth violence and has the benefit of bringing together various stakeholders as well as Ministers with related portfolios. The strength of this Commission is also its influence on the legislative process in the areas related to violence.

Within issues related to violence, children and schools, the Commission works on the gathering of statistics, their analysis and action proposals, in cooperation with various NGOs and other national bodies and institutions, i.e. the so called “children pedagogical rooms” and the police.

⁸ Централна Комисия за борба срещу противообществените прояви на малолетните и непълнолетните към Министерски Съвет.



Moreover, a State Agency for Child Protection has been established under the Child Protection Act with an Ordinance of the Council of Ministers, which started its activities on 1st of January, 2001. The Agency is a Council of Ministers specialist body for guidance, coordination and control in the area of child protection activities. The Agency Chairperson, with the cooperation of ministries, implements childcare activities, develops the state policy for child protection, develops and controls national and regional child protection programmes, licenses natural persons and legal entities providing child care services, controls the protection of children’s rights etc. This Agency also deals with awareness raising and motivation of the national administration to intervene on important and urgent matters.

The Agency acts in cooperation with ministries and other national and international agencies and NGOs working in the field of children’s rights and child protection, particularly on:

- Raising the effectiveness of measures to protect children from violence, abuse and other forms of exploitation;
- Guaranteeing equal access of children to quality education and training to achieve their full potential;
- Reducing the number of child victims of traffic accidents.

There is also legislation in relation to domestic violence (violence in the home). Further, in Bulgaria the Ministry of Education has a long term strategy for dealing with violence which seeks to involve all stakeholders: parents, teachers, and Higher Education institutions. There are also special education programmes for children with problems relating to aggressive behaviour and “pedagogical centres” to develop expertise in dealing with children with such problems.

Given that the problem of violence is seen as significant in Bulgaria there is a need for finance to provide safe sporting and cultural facilities which will keep children off the streets.

Germany



Harassment and violence at workplace

The German legal framework differs depending on the competencies determined for education (“cultural sovereignty”) within the sub national states (“Länder”). Therefore, each of the Länder has its own approach to the problem. Nevertheless, the legal framework outside the education sector is defined by national laws (criminal law, safety and health at the workplace, etc.)

The criminal code contains different provisions on “Crimes Against Bodily Integrity”⁹ and “Crimes Against Personal Freedom”¹⁰, but also on “Representation of Violence”¹¹ or “Insult” by means of violence¹². Children below the age of fourteen cannot be prosecuted.¹³

Furthermore, concerning safety and health at the workplace, all risks to teachers’ health have to be identified, evaluated, prevented or at least reduced.¹⁴

It is important to note that anti-discrimination legislation does not contain a direct reference to violence but any discrimination would contribute to the “effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment”¹⁵ and therefore could be considered as harassment.

Harassment and violence in schools

A report on “violence in schools” in Germany¹⁶ described the legal framework as follows:

⁹ Chapter Seventeen of the Criminal Code including provisions on Bodily Injury ([Section 223](#)), Dangerous Bodily Injury ([Section 224](#)), Maltreatment of Wards ([Section 225](#)), Serious Bodily Injury ([Section 226](#)), Negligent Bodily Injury ([Section 229](#)).

¹⁰ [Chapter Eighteen](#), including i.a. Coercion ([Section 240](#))

¹¹ [Section 131](#)

¹² Section 185: Insult shall be punished with imprisonment for not more than one year or a fine and, if the insult is committed by means of violence, with imprisonment for not more than two years or a fine.

¹³ Section 19 – A Child's Lack of Capacity to be Adjudged Guilty –: Whoever upon commission of the act is under fourteen years of age lacks capacity to be adjudged guilty.

¹⁴ see for more details the GEW answers to the ETUCE questionnaire “Stress at work”

¹⁵ see Section 3 (3) of the General Equal Treatment Act

¹⁶ Schäfer, Mechthild/Korn, Stefan: Tackling Violence in Schools: A Report from Germany, 2001; <http://www.gold.ac.uk/connect/reportgermany.html>



Article 1 of the Basic Law for the Federal Republic of Germany (German Constitution: Grundgesetz: GG) defines human dignity as inviolable; article 2, paragraph 2 guarantees physical soundness. According to compulsory schooling and laws on education, the higher regional court in Saarland laid down that teachers have the obligation to protect school children against damage "in health and fortune, and also from violation of other legally protected goods"¹⁷.

The German Federal Constitutional Court (Bundesverfassungsgericht) - the court which is responsible for compliance with the constitution - sees national education in schools equal to the right of parental education (article 6 par. 2 GG)¹⁸. Thus, there is a passage in all school laws of the Länder which imposes on every school, apart from the sheer teaching of knowledge, educational functions such as teaching students the ability to compromise and tolerance towards differently minded people.

In some Länder there are regulations to the laws, which rule in detail on issues such as conflict conciliation and order measures for school regulations (e.g. in Brandenburg). The legal basis in the Federal Republic of Germany are so far unambiguous: schools are to guarantee that "their" students are protected against psychological and physical violations and damage.

Nevertheless, there are no regulations on how to handle violence in German schools. Whereas regulations of school buildings concretely determine, when, how and for how long the classrooms are to be aired between lessons and what has to be done with the garbage, only a single, very general clause refers to "a good being together at school". In principle, the handling of violence in German schools is not determined explicitly in written form. Thus threatening sanctions is not appropriate for all students and each case must be treated and discussed individually. Schools which execute explicit interventions against violence and which fix behavioural rules, are not yet the norm in Germany.

¹⁷ Oberlandesgericht (*Court of Appeal*) Zweibrücken, judgment of 05.06.97, 6 U 1/97

¹⁸ Bundesverfassungsgericht (Federal Constitutional Court), judgment of 06.12.1972, 1 BvR 230/70 und 95/71, in: BVerfGE 34, 165, <http://www.servat.unibe.ch/dfr/bv034165.html>



However, in some Länder, specific plans exist on how to react in emergency situations caused by violence in schools.¹⁹

There is no generally accepted definition of “cyber bullying”. It may be understood as defaming, threatening or harassing teachers or pupils by the publication of pictures and videos (e.g. on YouTube), or by emails, chat rooms or sms. It should be noted that a court of appeal in the city of Cologne ruled on 27 November 2007 that a website (“spickmich.de”) and the teacher rankings on it are protected by the constitutional freedom of freedom of expression, as long as the comments were not defamatory²⁰.

Spain

Harassment and violence at workplace

The Spanish Constitution, in its article 40.2, describes the obligation of the public authorities to promote a policy which guarantees health and safety at work. This statement constitutes one of the guiding principles of social and economic policy in Spain.

The Law on Risks Prevention at Work²¹ transposes the Council Directive 89/391/EC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, the Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work and the Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers on fixed-term and temporary contracts. This law regulates all matters related to risks at work, including the

¹⁹ “Notfallplan und Krisenmanagement - Powerpoint-Präsentation des Ministeriums für Schule und Weiterbildung des Landes Nordrhein-Westfalen und der Landesunfallkasse für die Lehrerkonferenz“ (19.10.2007); <http://www.tresselt.de/download/notfallplan.pps>

²⁰ The Cologne judge's judgment (15 U 142/07) upheld a lower court ruling, which also rejected the teacher's application for a closure order. GEW will exhaust all legal avenues in order to close the site. Further proceedings are expected in 2008. (<http://www.dw-world.de/dw/article/0,2144,2974421,00.html>).

²¹ Ley 31/1995, de 8 de noviembre, de prevención de riesgos laborales.



responsibility of employers and workers with respect to risk assessment, the creation of joint committees of employers and workers to deal with health and safety at work, the concrete competences of the health and safety representatives, etc. This law does not mention the terms harassment or violence. The concept of harassment is covered by different laws, sometimes depending on the ground covered by the law and thus the environment or cause in which harassment takes place. In this sense, the Law on Equal Opportunities, non-discrimination and universal accessibility of disabled persons²² - transposing parts of the Directives 2000/43/EC, 2000/78/EC and 2000/73/EC - covers harassment on grounds of disability. Harassment based on sex and sexual harassment are concepts contained in the Law transposing the Directive 2002/73/CE, the Law on equality between men and women²³. Despite the fact that the concept of harassment at work is not defined in any law, there is a body of case law in the matter, and there is an extensive “doctrina” (law research carried out by law researchers), which is taken into account by judges in their judgements.

The Law on Measures of Integrity Protection on gender violence²⁴ regulates the rights of all women victims of domestic violence. This law gives social and working rights to women victims of domestic violence, such as the right to reorganise or reduce working time, the right to reduce the requirement for geographical mobility within the enterprise, the right to change workplace and the right to suspend the contract temporarily while keeping the job. Enterprises complying with these measures receive social security benefits and tax reductions. The Penal Code has been modified in order to cover in such cases in detail. Special tribunals for dealing with cases of domestic violence have been created by this law.

An attack upon a civil servant (which includes teachers) is considered a serious crime within the Penal Code. Some judges deal seriously with such attacks when perpetrators come before the courts. However, the resultant sentences are not always consistent.

²² Ley 51/2003, de 2 de diciembre, de igualdad de oportunidades, no discriminación y accesibilidad universal de personas con discapacidad.

²³ Ley 4/2005, de 18 de febrero, para la Igualdad de Mujeres y Hombres.

²⁴ Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género.



Harassment and violence in schools

Two kinds of violence are reported by the FECCOO union as taking place in Spanish schools:

1. Bullying (harassment among peers)
2. Violence against teachers and workers (from students, and, especially, their families)

Solutions to the problem are different in the 17 Spanish regions. An Observatory on School relations has been created at national level, in order to analyse the problem and propose solutions. The coordination among these bodies is still to be enhanced.

Guidance Departments exist in every primary school. They are composed of different professional workers in the school, such as psychologists, social workers, social educators, etc.

Several organizations, school committees and other bodies have carried out surveys and studies on the issue. The most relevant one would be the survey by the Ombudsman. The main conclusions of these surveys are as follows:

1. Violence and/or bullying related problems can be found in both private and public schools;
2. Violence in schools is not a common problem; only 1-2% of children suffer from bullying in schools;
3. Teachers, educators and school staff consider that violence in schools is increasing every year. At the same time, when they are asked to report actual incidents, not many are reported. One reason could be that teachers’ answers are influenced by the media.

Sweden

Harassment and violence at workplace

In Sweden it is not possible to discuss the problems of harassment and violence at work without referring to the well-structured set of national guidelines which are applicable



across all areas of employment, including education. These guidelines, Systematic Work Environment Management, are overseen by the Swedish Work Environment Agency and cover the whole range of Health & Safety issues. As such, they deal with risk assessment, raising awareness, training and other related issues in relation to harassment and violence at work as well as a system of monitoring for compliance to the required standards. Two binding provisions enacted by the Swedish Work Environment Authority in 1993 – Provision on Violence and Menaces in the Working Environment and Provision on Victimization at Work - hold the employer responsible for preventing violence and harassment within the systematic work on occupational hazards. Employers are also obliged to inform and provide training to workers on these occupational risks.

Harassment and violence in schools

An Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students was endorsed in 2006. This act is applicable to education establishments and other educational activities (i.e, extracurricular activities organised by the school). This legal text is intended to promote equal rights for children and school students and to combat discrimination on grounds of sex, ethnic origin, religion or other belief, sexual orientation or disability. The Act is also aimed at combating other degrading treatment²⁵. Harassment towards the child as defined earlier is also covered by this legal text. Furthermore, the duty to prevent and hinder harassment and other degrading treatment and to investigate and take measures when they occur is the responsibility of the educators or organisers of the educational activities. The Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against discrimination based on Sexual Orientation, the Disability Ombudsman and the National Agency for Education are mandated to ensure the compliance of the Act in their respective areas of responsibility.

In spite of the fact that there are no specific national standards on how to implement the Systematic Work Environment Management concretely, as regards prevention and tackling harassment and violence in schools, a lot of work is done to prevent and tackle harassment and violence in schools at local level. Local authorities and local schools have plans involving partnership solutions and victim support. Also, in local curricula and rules of

²⁵ Degrading treatment: Conduct that otherwise degrades a child’s or school student’s dignity.



conduct of local schools there are provisions and general attitudes to prevent harassment and violence.

In Sweden there has been initial discussion of cyber bullying but this is still at a very early stage.

England and Wales

In England and Wales there is a range of legislative provision to protect the person which may be used in the employment context in relation to violence and harassment. These fall within both the civil and criminal law provisions:

- Assault
- Battery
- Protection from Harassment Act 1997
- Putting in fear of Violence
- Injury to person/property
- Discrimination under Equalities legislation
- Health and Safety at Work Act

None of this is specific to the education context in employment terms but may all be used by education staff. In addition there is guidance from Government on how to deal with cyber bullying. Whilst it is believed that this is not yet very widespread there is no data collection and thus the true level is unknown.

4. Key topics

4.1. Training teachers and school management

Teacher in-service training and continuing professional development are particularly important for teachers and managers in schools when it comes to identifying, reacting to and/or tackling potentially violent situations or behaviour. The most frequently acknowledged training needs of school personnel include:



- information and awareness raising, i.e. what is bullying, what is violence, where it happens, who is involved and what can be done;
- communication skills to deal with children and conflict resolution;
- communication skills to deal with parents of victims, bullies and other children;
- skills to develop behaviour policies in schools, at whole-school and classroom level.

In **Bulgaria**, against the background of significant social and political change in the past two decades, statistical data shows an increase in violent incidents in society at large.

In the education context there is, as elsewhere, an accent on prevention. The Bachelor’s degree in pedagogy at Sofia University offers options in conflict resolution, work with the family, work with children and teenagers with a criminal record, and work with children at risk. These options were introduced into the curriculum two years ago and take place throughout the three year degree. In addition, proposed Master’s degrees in pedagogy will address questions of children’s violent behaviour, victimology, etc.

Regarding teachers’ continuing professional development, the National Pedagogical Centre, through its regional branches, organises annual training for teachers in pre-primary education, primary education and secondary education. The themes of the training courses include :

- a. Violence prevention in schools (internal and external);
- b. Responding to aggression and violence;
- c. Cooperation between teachers, parents and representatives of outside institutions and NGOs;
- d. Conflict resolution;
- e. Communication skills.

The school’s pedagogical committee decides which teachers should attend particular in-service training courses.

In **Germany**, training for school managers and teachers is available which focuses on widening teachers’ social competences and their social interaction during the teaching process (initial teacher training), and on counselling competences (continuing professional



development [CPD]). Additional training is available for teachers and head teachers on avoidance of labelling and furtherance of reintegration.

The GEW teacher union has commissioned a scientific evaluation of existing violence prevention programs used in schools. Based on the results of this evaluation, GEW calls for a plan to address the initial training and CPD needs of teachers and other educational staff will to be developed and implemented in the Länder.

In **Spain**, continuing professional development training courses for teachers are carried out by trade unions or by “Teacher Centres” run by regional Education Departments. They most often concern teacher communication skills, interpersonal relations between teachers and students and among students, educational mediation, and improving students’ social skills. The Education Departments and Regional Governments also offer financial help to trade unions to organise relevant courses for workers.

On the 23 March 2006, FECCOO, other teachers’ unions and educative associations (students, parents, etc.) and the Spanish Ministry of Education signed the “Agreement to promote and improve school relations”. This agreement makes important advances in improving school relations and includes the provision that all necessary training to improve school relations should be included in initial teacher training.

In **Sweden**, initial training for teachers and school managers does not specifically cover the field of harassment and violence. However, continuing professional development of teachers and school leaders takes place within the context of systematic work environment management. The systematic approach to the work environment requires that each school should have in place awareness raising activities for teachers and other staff and procedures for carrying out risk assessments, including appropriate training for staff. Individuals tasked with helping to manage the working environment need training in work environment issues. School management and other supervisory staff need to know how people react in different situations involving violence. There is a clear need, for example, to know about the effects of victimization, substance abuse and threatening behaviour. All employees need to know what risks they may be exposed to at work, so that illness and accidents can be prevented.



Where in-service training for educational staff exists, it is most often developed locally according to the school’s needs. During the inspection process, a school can make a request for a specific training programme to be drawn up by the local authority or working environment authorities. The training is usually based on the local authority’s best practice. Private consultants also work in this field. However, the implementation of training courses remains a problem in many Swedish schools.

According to a 2003 National Agency for Education attitude survey²⁶, 97% of the teachers surveyed replied that their school had an action programme against bullying and 70% felt they had sufficient knowledge and competence to actively oppose bullying.

In **England and Wales**, the accent is on prevention. Research has been carried out to establish the causes of violence and how best to improve the situation. There are now university level courses in both psychology and pedagogy which address the issue of violence.

4.2. School Action Plans and school curriculum (content and skills)

What is clear is that, whatever the national legislative framework, much of the responsibility for the protection of both staff and students from violence at work relies on policies and practices at school level. It is helpful therefore to consider how the question of violence is viewed at school level.

The recurrent theme in this context is, in the words of the English expression, “prevention is better than cure”. There is a belief and assertion that at school level strategies must be in place to seek to prevent violence from occurring in the first place.

In **Bulgaria**, within the school level programmes there are compulsory “civic education” classes every week. Additionally, form teachers spend 2 hours per week with their class

²⁶ Yngre elever attityder till skolan 2003. Skolverket.



discussing issues, including violence. In schools of 500 pupils or more there is additional specialist staffing to address issues of violence or aggression.

Within **German schools**, learning to behave and/or civic education are also subjects taught in classes. The aim of these classes are the following:

- Development of learning culture with differential arrangements for learning and experiences
- Raising pedagogical situations for social learning
- Intercultural education and purposeful gender socialization
- Raising fields for participation as learning for democracy and responsibility
- Development of a learning and social culture with shared rules, sets of limits and adjustment.

All German schools should adopt a model for dealing with prevention of violence and promotion of security in schools (some Länder have already adopted a framework for emergency and crisis plans). These should be shared with and supported by parents and the wider school community. Schools should also have concise policies for the prevention of violence but also how to deal with situations should violence or other emergencies occur requiring input from local social or psychological services.

The **Spanish example** in which the word violence is shunned in favour the expression “convivencia escolar” (coexistence in school) demonstrates the enthusiasm to look to prevention. In pursuit of this FECCOO has produced a “Plan to Improve School Relations” which includes the following elements:

- Use of mediation;
- Reduction in class size, so that all children are better known individually by teachers;
- Improvements in guidance and tutoring by having psychologists and social workers as part of a school team in addition to teachers;
- Community involvement (e.g. parents, other workers) so that school plans take account of, and encourage the participation of, the local community.



In addition, unions and government have agreed to create an “Observatory of School Relations” at national level and to introduce citizenship into the curriculum. The stated purpose of this is to create a time and space for students to consider issues of positive coexistence. Further, in new legislation in 2006, the Government created a curriculum area concerned with citizenship to allow time and space in the school day to reflect on problems such as violence.

In Sweden the use and implementation of national level frameworks has the effect of providing the basis of consistency across all school settings, as shown below.



This framework is not a prescriptive model but allows for local curricula and rules concerning conduct to be developed against a background of promoting attitudes which prevent violence. When schools are inspected they have to produce their specific programmes for dealing with violence as part of the documentation to be inspected. Regarding the curriculum, various value based contents are present in schools. In general, they concern issues like how to work together in the school and it applies to all subjects in a school. The framework also says that all personnel have a duty actively to prevent



harassment and oppression of individuals and groups. The teacher has an obligation, in co-operation with others, to take the necessary steps to prevent all forms of harassment.

Schools in Sweden are obliged to work with the democratic quest. Awareness raising and partnership solutions are everyday issues, such as the right of pupils to have influence over the daily life of the school, and awareness raising focusing on shared values. One particular example is the special teaching of groups of small children with a range of social and learning problems who have a tendency towards violence. The school has two rules: 1. Be where the teacher asks you to be, and 2. Be a good friend. The day is divided into ten parts and for each part of the day that the child obeys the two rules of the school they are rewarded. The rewards can later be traded for more attractive things to do. The teachers and other staff concentrate on violence towards people rather than towards things. They build a structure through the teachers, and respect towards the pupil. By working with rewarding positive behaviour these violent groups have changed.

In **England and Wales** all schools are required to have a Behaviour Policy. This document, which in the best cases is drawn up in consultation with both staff and students, must contain the policies and procedures in operation in the school. This will include the reward system for promoting desired behaviours and sanctions to decrease unacceptable behaviour. Unacceptable behaviour would of course include violence and harassment. Many schools have parallel documents dealing specifically with bullying. Whilst the requirement exists at national level there is no prescribed model, so these policy documents represent the way of working which best suits the individual school. As in Germany and Bulgaria, within the curriculum all children and young people are taught “citizenship”. One of the aims of this subject area is to promote responsible and tolerant attitudes in young people.

Again in England and Wales, individual children who may have particular difficulties will be supported by a range of professionals including psychologists, social workers, play therapists and art therapists and counsellors in addition to the teachers in the school. The Health Service also provides support to individual young people and families on referral by schools where evidence of the need for such support has been collected by the school. Where necessary the school may also make a risk assessment of the likelihood of violent



behaviour from an individual child in order to put in place procedures to lessen the likelihood of such behaviour. Many schools operate a Home School contract to seek to ensure that the value of peaceful resolution of difficulties is supported by parents/carers.

4.3. Partnership solutions

Community involvement in school life can reduce the risks of violent incidents within schools, including violence towards both staff and pupils. Increasing cooperation with different community members can also enhance community understanding of the environment in which teachers and pupils work and evolve, and thus can contribute to the establishment of new forms of violence prevention, ways to respond to violent incidents or providing treatment and rehabilitation to those that could have been direct or indirect victims of violence. By building formal relationships with community-based professionals and organizations, school staff can also gain access to valuable expertise and make best use of community- and school- based resources for the prevention and tackling of violence in schools.

In **Bulgaria**, partnerships between all the stakeholders - parents, teachers, head teachers, universities, centres for out-of-school activities and various cultural institutions - are anticipated in the Ministry of Education’s long-term Strategy against Violence in Schools. According to this Strategy, while researchers and other scientists assist in the development of school programmes dealing with violence and its prevention, the centers for out-of-school activities, together with parents, teachers and youth organizations, are responsible for children’s free time. Municipalities provide financial support to various cultural and sporting organisations with the aim not only of facilitating access to diverse activities for children which will help to keep children off the streets, where violence can easily and quickly erupt, but also to promote children’s citizenship and democratic sense as well as their enthusiasm for sports and the arts.

Pedagogical and psychological specialists in schools have primary responsibility for tackling violence-related issues in schools, to speak out about it and thus help teachers, parents and children in dealing with it. For particularly challenging cases, where a child may present a risk to other children and school staff, referrals can be made to so called



“pedagogical centres” employing educational psychologists and other specialists, which are able to provide expert help for children with violent and disruptive behaviour.

Again, as part of the partnership approach, it is the responsibility of Municipalities to guarantee at local level the necessary financial support for special police officers in charge of child safety. These officers have a duty to ensure that cafes and restaurants adhere to laws prohibiting the sale of alcohol to minors.

The State Agency for Child Protection also works on various projects and provides teachers with information and guidance, aimed at helping them to prevent violence in their schools. It has provided guidance to teachers and other medical, psychological and pedagogical staff in schools on how to recognise the physical and behavioural indicators of violence by and towards children. The guidance material also offers practical steps to follow in order to ensure the safety of children and staff in schools

The Agency also organises conferences, workshops and the exchange of good practice on topics such as prevention, raising public awareness and measures for counteracting the threats to children from the information society. In 2003, an expert group within the Agency drafted guidance on the safe use of the internet in schools. The adoption of this advice by all schools is now mandatory.

The Ministry of Internal Affairs has furthermore created a special call centre for victims of violence, to encourage greater reporting of violent incidents to the police. There are representatives of the Ministry in every region, dealing with this matter at the regional level.

In **Germany**, partnership solutions for preventing and tackling violence in schools are developed between :

- teachers and social workers
- schools and parents
- teachers and teachers



The co-operation between teachers and social workers is aimed at developing a holistic community education for children, and also at creating a common working and decision-making structure for developing violence-prevention measures at school and classroom level. Contracts between schools and parents are based on the rules and concepts being used in schools. Moreover, teachers often collaborate amongst themselves regarding various issues related to violence in schools, but also problem solving and counselling.

As far as cooperation with the police is concerned, in Germany the approach varies by region as the responsibility for such policy lies with the Länder. Where there is a high level of violent incidents in a given institution, police patrols and checks at entrances may be introduced.

In **Spain**, it is considered important to connect teachers from different schools who work on preventing and improving school relations. Moreover, mediation is used in Spanish schools in an educative way. Mediation has proved to be a very positive method which makes people (students, parents and teachers) think about interpersonal relations.

In order to improve cooperation between teachers in Spain, FECCOO has implemented a project called “Atlantida”, aiming at facilitating teachers’ exchange of experiences, including exchange of materials to be used in the classroom. FECCOO is currently starting a new project, based on the same idea, called “Redes” (Network). “Redes” uses the internet to deliver training courses and share experiences. The first step of the project includes awareness raising and communication activities aimed at teachers in order to introduce the project all over the country.

When it comes to relations with the police, teachers and head teachers have a duty to call the police if they think a student is being threatened by an adult or another student, at home, at school or outside the school.

In **Sweden**, the cooperation between schools and local authorities is constant, and involves systematic work on partnership solutions and victim support. Close contact with the police is often an important part of the solution and both schools and the police are keen to foster better and more continuous cooperation.



The Swedish Work Environment Act requires work environment management to be based on a partnership between employer and employee, i.e. between head teachers, teachers and pupils. The pupils’ influence must be adapted to their age and maturity. However in practice, surveys²⁷ reveal that teachers find it difficult to involve pupils in work environment management and to give them influence – they do not know exactly how to go about it and therefore only just over half of the pupils in the 2005 survey “Pupils’ Environment in Schools” stated that they had a hand in determining how things should be run in the classroom, in the school playground or how their work should be organised. However the democratic quest in Swedish schools is running well, including the partnership between teachers and pupils, reflected by the fact that 9 out of 10 pupils declared that they felt able to state their opinions and ask questions at class council meetings, according to the latter study. Practically all Swedish schools have structures for formal pupil democracy, in the form of class or pupil councils.

In **England and Wales**, schools cooperate with other stakeholders in dealing with violence in schools when it is in the child’s interest. Individual children who may have particular difficulties will be supported by a range of professionals including psychologists, social workers, play therapists, art therapists and counsellors, in addition to the teachers in the school. The Health Service also provides support to individual young people and families following referrals from schools. Where necessary the school may also make a risk assessment of the likelihood of violent behaviour from an individual child, in order to put in place procedures to lessen the likelihood of such behaviour.

Many schools operate a Home School contract to seek to ensure that the value of peaceful resolution of difficulties is supported by parents/carers.

Again in England and Wales, it is now common for schools to have close relationships with local police. In London for example, if an ambulance is called to a school because of an injury the police are automatically called at the same time. If the injury has been caused by a student, whether accidental or intentional, the police will discuss with the school what further action is needed. In some cases the police may have an informal chat with the

²⁷ Elevmedverkan i arbetsmiljöarbetet, 2003, Skolverket.



student who caused the injury, to make clear that behaviour leading to injury in a public place may constitute a criminal offence.

5. Trade union level

All unions report that they undertake work for and on behalf of members relating to violence in schools. The focus of work varies but an underlying unifying theme is the need for schools to be safe and secure and for time to be made available in the curriculum to permit discussion of “citizenship” which is designed to promote positive behaviour. All unions also report that they have systems for representing members who have suffered injury at work.

In **Bulgaria** the union is concerned to develop policy in relation to school support programmes and to improve the school environment. This work is placed in the context of developing good relations between home and school.

In **Germany** work is underway to investigate ‘cyber bullying’ and its effects on teachers who are union members. GEW is also working on the development of policy on the prevention of violence and crisis intervention.

Furthermore, GEW is engaged in the development of a training model for teachers, helping them to get the necessary skills and competences to successfully create good interpersonal relationship. The necessary skills and competences for teachers include :

- sufficient psychological skills,
- a balance between empathy and leadership,
- charisma (e.g., the ability to emit a positive “body speech”) and
- an optimal use of the potentials of its voice.

In **Spain**, the FECCOO trade union works on various projects which are aimed at developing school policies promoting peace culture among students. The most important example is the project “School, space of peace”, implemented in Andalusia in more than 1600 schools. Every school has a project coordinator among the teachers, responsible for developing and implementing various activities to promote the culture of peace in school.



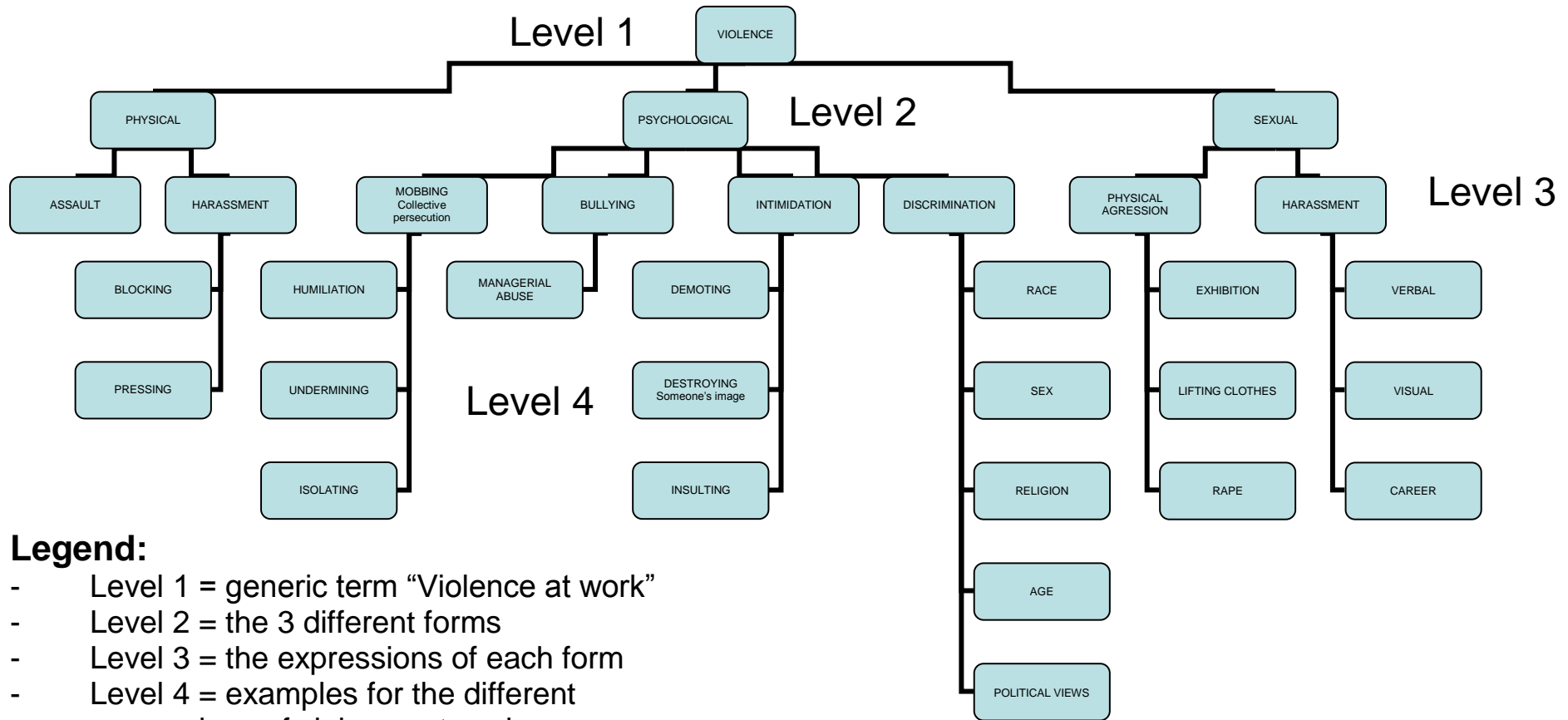
A key issue for unions should be the twin elements of risk assessment and victim support. In the **Swedish context** these are both high on the agenda.

In **England and Wales** risk assessment is well used in relation to some aspects of school life but is not consistent across the board. Victim support at school level also varies, but teachers who have been victims of crime are entitled to make a claim to the national Criminal Injury Compensation Authority. Claims may also be made under these arrangements even if a teacher sustains an accidental injury during a violent incident, for example in the course of stopping a fight between two students. Work has also been carried out by unions in the UK to produce model behaviour policies and the NUT has a policy to deal with sexual harassment in schools.

For those unions which do not yet have a programme of work for addressing the issue of prevention of violence in the education sector, Factsheet 47 from the European Agency for Health and Safety at Work provides an excellent definition of violence at work as well as a description of the consequences, plus checklists to be followed in preventing violence and minimising harm after violent incidents.



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



Legend:

- Level 1 = generic term “Violence at work”
- Level 2 = the 3 different forms
- Level 3 = the expressions of each form
- Level 4 = examples for the different expressions of violence 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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