

Moral harassment – work organization to blame?

Workplace violence may also be psychological. In Europe, moral harassment is one of the new ills confronting workers. But it is still being tackled individually, even though it is often linked to the organization of work.

Anne Renaut
Journalist

What is moral – or psychological – harassment? In Europe, even the definition varies from one country to another.

Laurent Vogel, of the European Trade Union Technical Bureau for Health and Safety (TUTB), sees harassment as an “ongoing process” because “harassing is a drip-by-drip action that builds up”.¹ Meanwhile, “what the adjective ‘psychological’ does is to draw what may be a tricky line with sexual harassment, and to indicate that the harm is not chiefly to the harassee’s physical integrity” – even though physical violence may also be involved. For its part, the Bilbao-based European Agency for Safety and Health at Work defines “workplace bullying” as “repeated, unreasonable behaviour directed towards an employee, or group of employees, that creates a risk to health and safety”.² As well as the abuse of power, “a system of work may be used as a means of victimizing, humiliating, undermining or threatening”, the Agency points out.

In fact, recent studies show that psychological violence and harassment are a greater threat to European workers than physical violence, the Dublin-based European Foundation for the Improvement of Living and Working Conditions notes.³

Almost one in ten workers in Europe (9 per cent), or 13 million people, reported having been subject to intimidation in 2000, as against 8 per cent in 1995, according to the Third European survey on working conditions.⁴ There were, however, big variations

between countries (ranging from 15 per cent in Finland to 4 per cent in Portugal). But as the report emphasizes, “such differences most probably reflect awareness of the issue rather than the reality”.

Women (10 per cent) seem to be more at risk than men (8 per cent), and employees (9 per cent) more than the self-employed (5 per cent). The tertiary sector is the most affected (14 per cent in public administration, 13 per cent in hotels and restaurants, 13 per cent in sales and 12 per cent in other services).

Harassment can be a result of interpersonal conflict. Victims may also be unwilling participants in disputes, thus becoming scapegoats. But, trade unions warn, the attention now paid to harassment must not be allowed to stifle all questioning of work organization itself. “We’re stuck in this mindset of having to find individual solutions”, warns Laurent Vogel. “We’ve drawn up procedures, particularly for grievances, but we have not gone beyond that. Unless we find our way into the ‘black box’ of work organization, there’s a risk that work collectives will become even more fragmented.”

“Only a holistic model, incorporating individual, situational, organizational and societal or socio-economic factors, can reflect the complexity of this phenomenon”, the European Foundation insists.⁵ The Foundation says the focus should not be on the personalities or profiles of the harassers and the victims.

Some characteristics of work organization “encourage, promote or even instrumentalize individual perversities”, Vogel explains. He notes that constraint is a major fact of working life, due to the “subordination inherent in employment contracts”. Harassment may also be a means of getting workers to resign, thus saving the trouble of going through dismissal procedures. “In banking, executives were pitted against each other as a way of getting rid of them, and this created a breeding ground for harassment”, he points out. Moral harassment may also serve as a form of anti-union repression, and as a means of countering “disruptive elements”. Lastly, harassment may foster personnel management strategies based on fear or the destruction of collective identities.

Organizational tensions

Among the factors that may lead to moral harassment, the European agency in Bilbao lists an enterprise culture that ignores such behaviour, a sudden change in work organization, job insecurity, poor relations between staff and the hierarchy, bad relations between colleagues, excessive work burdens, deficiencies in personnel policy and a general increase in work stress. The consequences may include stress, depression, feelings of guilt, phobias, sleep disorders and musculo-skeletal complaints. Plus the social isolation and the domestic and financial problems that may result from work absences or dismissal.

At the heart of moral harassment lies a paradox: whereas, in Europe, workers seem particularly well protected by the law, they turn out to be more vulnerable, notably due to a type of work organization that does give workers more responsibility, but which also leaves them much more isolated.

Work rhythms are now governed more by market pressures and external customer demand – and colleagues – than by production targets or hierarchical controls.⁶ “Today, workers in Europe have much more responsibility”, says TUTB

Director Marc Sapir. “They like that, but it also constitutes an enormous pressure – for instance, in terms of objectives to be fulfilled.”

“What we’re seeing today is that organizational tensions are being contracted out to the workers themselves, saddling them with unresolved problems such as reconciling qualitative targets with quantitative ones”, points out Danièle Linhart, a French researcher who heads the “work and mobility” laboratory at the University of Paris X-Nanterre.⁷

Moral harassment is particularly prevalent among workers categorized as “flexible” under a classification system devised by two researchers.⁸ In other words, these workers have to contend with very flexible working hours, a lack of set schedules, and the pressures driven by customer or user demand. The sectors most concerned are health care and social work, and hotels and restaurants.

Moral harassment also points to sexism in the organization of work: women are harassed more often than men, and the sectors most affected (public administration, commerce and banking) are characterized by a gender-based division of labour. And moral harassment fosters all sorts of discrimination, whether racial or sexual.

Rebuilding solidarity

“Individual assessment of results and performance is wreaking havoc”, says psychiatrist Christophe Dejourn. “Threats to jobs are bolstering generalized competition. People are afraid of not succeeding, afraid of each other, afraid of restructuring. The demands of total quality have created extremely severe constraints.” Dejourn has penned several best-sellers on workplace suffering. Moral harassment is nothing new, he says. What has changed is that it is now being inflicted on “people who are isolated and are therefore at risk, because their very isolation leaves them unable to distinguish between things that come from them and things that are unjust”.

So “medicalizing the suffering or criminalizing the harassment is not enough”, Dejours adds. “We must rebuild our solidarities.”

After all, as Laurent Vogel admits, “the growth of moral harassment is also a symptom of weak trade union responses”.

Over the past few years, the European institutions have paid particular attention to stress and related issues, such as harassment. In 1996, an EU Commission paper looked at the assessment of occupational risks. It emphasized the need to analyse psychological, social and physical factors that could contribute to stress at work, as well as the ways in which these factors interact between themselves and with other factors concerning the organization of the working environment. In 1997, the Advisory Committee for Health and Safety, on which the trade unions are represented, adopted a report on stress and asked the European Commission to prepare a guidance manual. This was published in 2000.

In September 2001, the European Parliament adopted a resolution on harassment at the workplace,⁹ recommending that EU Member States should “standardize” the definition of bullying. It also called on the Member States and the social partners to put in place “effective prevention policies”, provide a “system for exchanging experience”, “specify procedures” for preventing and resolving the problem and develop “information and training” for those concerned (employees, workplace doctors, social partners etc.).

In November 2001, the Advisory Committee adopted an opinion on violence at the workplace. The Council of EU Health Ministers on 15 November 2001 invited Member States to pay particular attention to the growing problem of stress and depression at work. Stress was the theme of Europe’s occupational health and safety week in October 2002. The issue of sexual harassment was addressed in a directive (European law) of 23 September 2002, which revised the 1976 directive on equality of treatment between men and women.¹⁰

“Legislative action”

In its 2002-2006 Community strategy on occupational health and safety,¹¹ the Commission recognizes that psychological harassment and violence at work require “legislative action”, without specifying what form it should take.

Few EU Member States have legislation on moral harassment.

Sweden was the pioneer, with an ordinance dating from September 1993, within the framework of a general employer duty to prevent abuse. The ordinance is backed by a recommendation emphasizing the analysis of collective factors linked to the organization of work.

In France, the “social modernization” law of January 2002 favours a collective approach to prevention, and also provides for a mediation procedure. The labour code includes sanctions against harassers and, under the penal code, moral harassment is punishable by one year’s imprisonment and a fine of 15,000 euro. In December 2002, this law was amended. The employee now has to prove the facts constituting harassment, rather than simply presenting them. Also, the choice of a mediator is now subject to an agreement between the parties.

In June 2002, Belgium brought in a law on violence, moral harassment and sexual harassment at work. This includes all the preventive mechanisms that had already been set out in the 1996 law on “well-being at work”. The Belgian law is particularly precise concerning the role of preventive services and the mediation procedures. Every enterprise must have a specialized prevention adviser, approved in advance by the trade union representatives. As well as internal procedures, the law provides for recourse to the labour inspectorate and the courts.

On the trade union side, more and more national centres in Europe are highlighting stress-related problems within their programmes,¹² although some labour confederations, particularly in the south of the continent, still give priority to conventional risks (chemical hazards or safety problems).

At the European level, the social partners have just started tackling the question. Moral harassment and stress are among the issues on the 2003-2005 joint working programme of the European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE), the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) and the European Association of Craft, Small and Medium-sized Enterprises (UEAPME). The aim is to achieve voluntary agreements on these issues – in other words, the provisions would be transposed by the social partners in each Member State.

A seminar on stress was held at the end of February 2003, and another, on harassment, is to be organized during 2004. The ETUC and UNICE have agreed that the “tertiary prevention” of harassment (assistance to the victims) will be dealt with in 2004. The ETUC wants the primary prevention of harassment (stopping it before it happens), seen as a stress factor, to be considered during the discussions on stress. UNICE, on the other hand, insists that harassment and stress should be tackled separately.

At the national level, unions together with experts have drawn up manuals and procedures for detecting psychosocial risks (in Austria, Denmark and Spain) or have carried out sectoral and intersectoral studies (Belgium, Denmark, Finland, France, Germany, Greece, Portugal, Spain and Sweden).

In 2002, the Belgian General Labour Federation (FGTB/ABVV) published a manual on harassment at work.¹³ This suggests both preventive and repressive action, and emphasizes the importance of having a prevention adviser.

Prevention

Some unions have set up counselling and support services for workers who undergo moral harassment (in Austria, Luxembourg and the Netherlands). Unions organizing white-collar workers, who are most subject to stress, are particularly active. The German

metalworkers' union, IG Metall, conducted a two-year campaign against “psychological burdens” in the workplace. In Spain, Iistas, a research institute attached to the labour confederation Comisiones Obreras (CC.OO), conducted a qualitative survey in 2000 on workplace stress and the psychosocial factors involved. In Austria, the Federal Chamber of Labour (BAK) has provided the railway unions with a permanent consultative body of experts on job design, work times and psychological health.

In some countries (Belgium, Denmark, Germany, Netherlands, Sweden and the UK), the problem of stress is covered in collective agreements, but these are more concerned with the procedural aspects (identifying contributory factors, conducting surveys) than with placing precise obligations on employers or setting targets for stress reduction (apart from some exceptions – for example, the Netherlands).

According to the TUTB, most European approaches to stress and harassment are about secondary prevention (protection, i.e. reducing the health effects) or tertiary prevention (treatment of the illnesses caused), while primary prevention (stopping them before they happen) is rare. Moreover, preventive action is hampered by the non-recognition of psychological disorders as occupational illnesses, and it is centred on the individual rather than on work hazards. Also, labour inspectorates do not generally concern themselves with psychosocial factors, due to a lack of staff and/or training. Finally, trade unions themselves regard stress and mental health as very complicated topics to tackle. They do not have the expertise and specialists.

So the unions propose to increase knowledge about stress and contributory factors such as harassment, and to seek tighter European provisions on the prevention and recognition of stress (through compulsory, detailed guidelines, or else a specific directive). They are also calling for worker health and safety representatives to have a proper say in the organization of work, as well as the appropriate means of action (for instance, stop-work rights when workers' mental health is at risk).

Notes

¹ *Psychological harassment at work and the law*, Laurent Vogel, TUTB Newsletter no. 19-20, September 2002 – special issue on stress at work. <http://www.etuc.org/tutb/uk/pdf/Newsletter-20.pdf>

² *Bullying at Work*, Factsheet 23, European Agency for Safety and Health at Work, Bilbao, 2002. <http://agency.osha.eu.int/publications/factsheets/23/en/index.htm>

³ *Preventing violence and harassment in the workplace*, European Foundation for the Improvement of Living and Working Conditions, Dublin, March 2003.

⁴ *Third European survey on working conditions 2000*, Pascal Paoli and Damien Merlié, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2000.

⁵ *Ibid.*, note 3.

⁶ *Ibid.*, note 4.

⁷ *La violence, maladie infantile de l'entreprise*, feature in the economic supplement of *Le Monde*, 11 February 2003.

⁸ *Work organization and health at work in the European Union*, Véronique Daubas-Letourneux et Annie Thébaud-Mony, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2002.

⁹ See: <http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/ce077/ce07720020328en01380141.pdf>

¹⁰ 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.

¹¹ *Adapting to change in work and society: a new Community strategy on health and safety at work 2002–2006*, Communication from the Commission, 11 March 2002.

¹² *Stress prevention in Europe: Review of trade union activities – Obstacles and future strategies*, by Theoni Koukoulaki, in the TUTB Newsletter referenced in note 1.

¹³ *Harcèlement au travail. Une réponse syndicale*, FGTB, 2002.

http://www.fgtb.be/code/fr/Documents/2002/Harcelement/c15_10e10Idx.htm or <http://www.fgtb.be/PDF/fr/Documents/2002/HARCELEMENTMORAL.zip>

Pesten op het werk: een syndicaal antwoord, ABVV, 2002.

http://www.pesten-op-het-werk.be/CODE/nl/Documents/2002/Pesten/c15_10e10Idx.htm or <http://www.pesten-op-het-werk.be/PDF/nl/Documents/2002/PESTEN.zip>

Belästigungen am Arbeitsplatz. Eine Antwort der Gewerkschaft, FGTB, 2002.

<http://www.fgtb.be/PDF/de/Documents/2002/HARCELE.pdf>