

# Unions act against violence at work

*Trade unions are in the forefront of action against violence in the workplace. But they still often run up against a wall of silence surrounding the victims.*

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Luc Demaret  
Editor-in-chief  
Labour Education  
ILO

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May 2003 in Evian, France. Over in the Parc des Bastions in Geneva, alternative globalization campaigners are setting the world to rights. The Heads of State of the G8, grouping the seven leading industrialized countries (Canada, France, Germany, Italy, Japan, United Kingdom, United States) and Russia, are about to hold their summit in this little spa town on the banks of Lac Léman. Resistance is in the air. As the young protesters rightly point out, “information on labour and working conditions is missing from the mobilization against the G8”. The debate among the campaigners is lively. It takes in the changes in the world of work, the ever greater individualization imposed on workers, social exclusion, the “waning” of trade unionism. But to oppose the powers that be, ideas are needed – “something concrete!” Very quickly, one topic gains unanimous approval: “violence at work”. By taking up this issue, “the union movement would get back in touch with one of the workers’ main concerns and could regain its youth”, the campaigners stress. Unions could link up grassroots movements “within and beyond the sphere of work”, they insist. The analysis is well-founded: today, tens of millions of workers reportedly suffer the many forms of internal or external violence existing in their workplaces. Indeed, trade union organizations must tackle this scourge. But, fortunately, they started to do so long before the amiable debating session

in Evian. And, given the growing extent of the phenomenon, the unions are the first to agree that much remains to be done.

In fact, way before “mobbing” or “moral harassment” hit the headlines and the airwaves, and before the publication of books like those by Heinz Leyman<sup>1</sup> or Marie-France Hirigoyen,<sup>2</sup> now regarded as authoritative, the unions had sounded the alarm.

From the early 1990s onwards, the activists’ newspaper of the Swiss public service union SSP/VPOD reported on its campaign to defend four women employees. They had courageously denounced the behaviour of the senior official who was their hierarchical superior. On the Swiss side of Lac Léman, the case prompted the Canton of Geneva to bring in a new procedure, the “internal enquiry”. This now provides harassment victims with better protection than was previously available under the mediation procedure, which was not very suitable for such cases. In fact, to launch any mediation, the agreement of the suspected harasser was required.

## Unions sound the alarm

When the International Labour Office took up the issue of workplace violence and, in 1998, published a report seen at the time as the most detailed study of this subject ever made at the world level, a large proportion of the information available to the UN

agency came from trade union organizations. From the Canadian public service union CUPE, for example, which from 1994 onwards had studied the violence to which many public service workers were subject. And in 1997, the British public sector union UNISON warned that 26.4 per cent of those resigning from public service jobs in the United Kingdom that year had done so because of “bullying” by hierarchical superiors, work colleagues or customers and service users. One-fifth of the 26.4 per cent had not suffered violence themselves. Simply witnessing it, over and over again, was enough to make them change employers.

“From the first day on the job, I was involved with issues which are very important to our members’ safety and well-being”, recalls Michael Farhat, an officer of the Rail, Tram and Bus Union in the Australian state of New South Wales. Michael took a well-earned retirement in 2001, but he still remembers the day when he had to deal with a wave of violence against ticket clerks and drivers at Blacktown station on Sydney’s urban rail network. Indeed, violence against workers really can be physical and can stem from outsiders – a real scourge in the public services, according to Public Services International.<sup>3</sup> “One of our members was attacked and injured by a passenger who kicked in a door at the station while there were four CityRail security officers on duty”, Farhat recalls. “I visited the station and had a meeting with staff to address the situation and a temporary plan was put into place to try to prevent further incidents. As a result of our intervention, the management accepted to establish a committee and to adopt a policy on violence at work for the whole rail network.” No doubt the union’s threat of a work stoppage helped to speed things up. Training was one of the Australian union’s main demands. It is also high up the wish lists of workers’ organizations almost everywhere, particularly in the public services. In the UK, no less than 1.3 million violent incidents were recorded in the public services in 1999, but only 18 per cent of the workers had been trained to anticipate threatening situations.

A recent study in Bulgaria,<sup>4</sup> again by trade unions, noted that both the public and the staff appeared to be unaware of the extent of the problem of workplace violence, while surveys showed that almost 40 per cent of workers were affected, in the form of moral harassment, and that one worker in ten confirms having witnessed an act of physical aggression within a work context. In Norway, the social workers’ union says that one-fifth of them have suffered violence at work.

## Violence and deregulation

The unions’ primary motive in tackling workplace violence is, of course, to protect workers’ physical and psychological integrity, particularly as a large proportion of harassment cases are committed by hierarchical superiors. But this struggle links up with others – for job security and, just as vitally, for trade union freedom.

While a causal link has yet to be scientifically established between deregulation and labour market flexibilization on the one hand, and increased violence on the other, there are many pointers in that direction. Most surveys show that employees on fixed-length contracts are twice as likely to suffer violence at work. In 1999, the French weekly *Le Nouvel Observateur*, in a feature on violence, wrote that “the British unions’ astonishing figure of 5 million people suffering harassment should be seen in relation to the extent of deregulation which, across the Channel, has turned employment contracts into mere commercial contracts. No surprises: the more precarious the job contract, the stronger the harassment”.<sup>5</sup> Here too, the unions set bells ringing. From 1997 onwards, various British unions established freephone numbers for workers to lodge complaints about their conditions. In the year 2000, 40 per cent of the calls were about harassment. A Belgian study<sup>6</sup> published in 2003 found that people on fixed-term contracts are more exposed to harassment than those on permanent ones. This is confirmed by a Finnish report, which adds that young

people on temporary contracts are even more vulnerable.<sup>7</sup> Temps, part-timers, apprentices, new recruits ... in workplaces, it seems, violence and vulnerability go hand in hand.

### Anti-union weapon

The Belgian study also notes, among the four triggers of violence, the victim's denunciation of dysfunctions or financial irregularities or a dispute relating to the organization of work. Obviously, this means that union activists are in the front line. In its most recent annual report, the International Confederation of Free Trade Unions (ICFTU) estimates that 30,000 workers were fired in 2002, and 20,000 others were harassed, purely on account of their trade union activities. A case in point was the nurse at a hospital in Dhaka, Bangladesh, who was unfortunate enough to be elected president of the national registered nurses' association. Dismissed in 2002 along with nine other labour activists, she was taken back on a few months later. But it took some effort. A formal complaint had been lodged by Public Services International, which took her case to the ILO Committee on Freedom of Association. The committee found her dismissal to be contrary to the principles of trade union freedom, which every member country of the International Labour Organization is committed to respect and to see respected. It also took an international campaign to achieve the reinstatement of Nam Meuk and Choy Jantorn, two trade unionists persecuted at a factory in Cambodia. In other places, hundreds of workers are brutalized or bullied simply for joining a union, as their demands are considered tantamount to sabotage (see also Samuel Grumiau's article on anti-union violence on page 27).

The trend is towards more and more reports of moral harassment against trade unionists or workers whom the employer wants to shed. Why bother with collective dismissals, with redundancy schemes that just get you a bad press, or with expensive breaches of contract? Moral pressure,

sidelining and assaults on their dignity can crack even the toughest cases. And it is often cheaper and more discreet. As Marie, a supervisor in a furniture company, found out to her cost. And yet she was well regarded by her employer. Until she started worrying about the high staff turnover (22 dismissals and 18 resignations over seven years, within a workforce of 15 people). She was also surprised by a manager's excessive reactions when colleagues put in legitimate claims, such as for the payment of overtime. The last straw was when her boss asked her to testify in support of dismissing a colleague. She suggested to her colleagues that they should form a union, and she was even planning to stand for shop steward. Oh, dear! From then on, humiliation and discrimination were her daily lot. Shunted off to a decrepit warehouse, Marie was told that she had been demoted. The next step, of course, was a pay cut.<sup>8</sup>

### "Social killers"

"Moral harassment is always linked to a hierarchical relationship", observes the occupational health specialist Dr. Christian Richoux. And, says a French monthly,<sup>9</sup> the background is almost always the same: economic pressure. So, from an act of individual perversity, harassment is transformed into a workplace pathology and becomes a management tool. Shoehorning people out by turning nasty or hiring a "social killer" is cheaper than a redundancy package. "We're now getting complaints concerning five or six people at a time", notes Loïc Scoarnec, former trade unionist and founder of the French association *Harcèlement Moral Stop* (Stop Moral Harassment).<sup>10</sup>

So it is all the more understandable that unions are committed to combating workplace violence and are not satisfied with just denouncing it. Here too, there are many examples of concrete action. The British union Amicus-MSF, with more than a million members in the United Kingdom's private and public sectors, has drawn up a model charter for "zero tolerance" of violence against women at

work. It has also called on employers to adopt a culture of prevention and training to tackle workplace violence. In Switzerland, the transport union SEV initiated an agreement between unions and public transport concerns, including the Swiss railways, providing for joint measures to ensure the safety of staff and passengers and reduce the number of attacks.

Information campaigns, assistance to victims, specialized structures, codes of practice ... the unions seem to have taken the bull by the horns. For example, Britain's GMB union, affiliated to the Trades Union Congress (TUC), proudly points out that its 25,000 representatives have been trained to help employers design and implement preventive measures.

### Bosses standing back?

Similar commitment will be needed from the employers, who do not always approach this issue with the same enthusiasm. "Companies need to create strategies and policies to understand the issues behind violence, rather than just lay down conditions", notes Jacqueline Mpolokeng, in charge of safety, health, environmental issues and HIV/AIDS campaigns at the Congress of South African Trade Unions (COSATU). "In my own experience I have seen a worker provoked. Management would not even check why the person was provoked, why the person was fighting." She fears that workers may be unjustly dismissed. The South African unions are concentrating on training, to help their members avoid situations that might provoke violence. A wise precaution, given the gaps in provisions on the employers' side. "In my own research", explains South African specialist Susan Steinman, "some companies did not even know if they have a policy, or they deny there is a problem."

The employers' federations are lukewarm, to put it mildly, about many of the union calls to protect workers against violence. Thus, in the voting on an opinion of the French Economic and Social Council in November 1999, the employers chose

to abstain on a text which, to the unions' satisfaction, called for aggression to be recognized as a work accident. Nonetheless, since January 2002, employees in France who feel they have suffered moral harassment may use several provisions of the Social Modernization Law to start proceedings against their harassers. Thanks to these new provisions, an employee of the regional health insurance fund (CRAM) in the northern French region of Normandy, who felt she had been subjected to moral harassment, won her case. The CRAM's medical service was fined €45,700 (about US\$40,000) because her requests for a transfer and training were refused several times – a breach of the provisions in the collective agreement for her workplace.

In June 2002, Belgium brought in a law on moral and sexual harassment and violence in the workplace. Backed by the unions, who helped to draft it, the law permits unions and specialized organizations to initiate legal proceedings in order to defend a victim of harassment. Employers are required to introduce risk prevention and problem-solving measures, and the recourses available to victims under this law range up from conciliation to court proceedings. The victim is immune from dismissal throughout the procedure and even beyond. As for the court, it has a wide range of sanctions at its disposal. The perpetrator may be placed under an injunction to desist from harassing, on pain of a fine or a criminal conviction, in which case it is even possible to demand damages.

Clearly, trade union pressure can make a difference – although workers' organizations know that much remains to be done before people's dignity is fully respected at work. Will things now move forward more quickly? We may well wonder, when we witness the attitude of a French employer who, citing the new provisions against moral harassment, accused one of his employees of engaging in "unacceptable moral harassment" of his hierarchical superior. The employer started dismissal proceedings against the employee – who just happens to be the union representative. As many observers have emphasized,

tackling violence at work also means changing mentalities.

Indeed, several researchers have noted that a worker subjected to violence will generally fare better if defended by a union. Yet surveys show that few workers think of turning to their union representatives for help when suffering harassment or violence. Isolation, vulnerability, fear ... solid barriers still stand between would-be helpers and the victims of harassment. Breaking down that wall of silence is the victims' first great challenge. Workplace solidarity can help them to meet it.

## Notes

<sup>1</sup> Leyman, H. 1996. *Le mobbing: la persécution au travail*. Paris, Editions du Seuil.

<sup>2</sup> Hirgoyen, M.-F. 1998. *Le harcèlement moral – La violence perverse au quotidien*. Paris, Syros.

<sup>3</sup> Most studies confirm that public service employees who are in contact with the users are more exposed to physical violence. Also, according to research in Belgium, they are twice as likely to suffer moral harassment.

<sup>4</sup> Tomev, L., Daskalova, N., Ivanova, V. 2003. *Workplace violence in the health sector, case study Bulgaria*, working paper of the Joint ILO/ICN/WHO/PSI Programme on Workplace Violence in the Health Sector, Geneva. [http://www.icn.ch/SewWorkplace/WPV\\_HS\\_Bulgaria.pdf](http://www.icn.ch/SewWorkplace/WPV_HS_Bulgaria.pdf)

<sup>5</sup> See Malaurie, G. "Ces collègues et patrons qui vous rendent fou", *Le Nouvel Observateur* (Paris), week of 21 January 1999.

<sup>6</sup> Garcia, A., et al. 2003. *Violences au travail, harcèlement moral et sexuel*, a synthesis of research conducted by the Political and Social Science Department of the Catholic University of Louvain for the work humanization directorate of Belgium's Federal Employment, Labour and Social Concertation Service, Brussels, April (<http://www.meta.fgov.be>).

<sup>7</sup> This study by the Finnish health and social services workers' union (TEHY) is available in Finnish only, but there is an English summary on the site of the European Foundation for the Improvement of Living and Working Conditions: <http://www.eurofound.ie/working/2003/12/FI0312NU02.htm>.

<sup>8</sup> Marie's story is told on the metalworkers' website of the French General Confederation of Labour (CGT): <http://cgtji.free.fr/dossiers%20pratiques/liberte/harcelement1.htm>

<sup>9</sup> Seyrig, S. 2003. "Harcèlement moral: la grande confusion", *L'entreprise* (Paris), September.

<sup>10</sup> <http://www.hmstop.com>