

**Meeting of Experts to Develop a Code of Practice
on Violence and Stress at Work in Services:
A Threat to Productivity and Decent Work**

Geneva
8-15 October 2003

Summary of comments received on the draft code

Introduction

In June 2003, the ILO invited governments, employers' organizations and workers' organizations to comment on the draft code. Within the deadlines set for the preparation of this document, 22 governments¹ submitted comments by 1 September 2003, including observations from workers' organizations from four countries² and employers' organizations from four countries.³ An additional comment was received from a workers' organization in Spain. This paper summarizes comments from governments, workers' and employers' organizations separately, structured according to the chapters and sections of the draft code.

I. Comments from governments

General comments

Most governments felt the topic was important, and viewed the draft code as a positive initiative to address stress and violence. Experience and research in several countries revealed increasing levels of workplace stress and violence. Austria referred to studies in the European Union (EU), suggesting that nearly one-third of all workers were affected by work-related stress, causing estimated costs of 20 billion Euros. Some governments gave examples of guidelines, codes and legislation developed and adopted in their countries to address the problem (see under Appendices A-C below). Positive EU experience was reported with codes of conduct on human rights at work that subsequently became directives. However, Australia noted the absence of data to show that the incidence of workplace violence and stress was a significant issue or justified formal regulatory

¹ Australia, Austria, Bulgaria, Denmark, Eritrea, Finland, Germany, Hungary, Indonesia, Lithuania, Malaysia, Mauritius, Mexico, Netherlands, New Zealand, Poland, Portugal, Romania, Sweden, Tunisia, United Kingdom, Zimbabwe.

² Finland, New Zealand, Portugal, United Kingdom.

³ Denmark, Finland, Germany, New Zealand.

intervention. While a majority of responding governments felt the draft was helpful for developing policies and strategies for prevention and management of work-related stress and violence, numerous improvements were suggested.

Overall, the code was acknowledged as a comprehensive document, providing a good overview and sufficient detail on this complex subject. Austria felt the code could raise awareness and contribute to prevention, and hoped that it would lead to an international labour standard. Finland observed that, although the measures in the code were wide-ranging and covered most available measures, prioritization of proposals would increase its readability and practical application; otherwise, it might become merely a list of goals and collection of all possible measures to prevent negative job stress. Poland believed the code's structure was insufficiently clear, and (like the Netherlands) suggested shortening it (to avoid confusion, overlap and repetition) and moving Chapter 5 on policy development before the detailed components of Chapters 3-4. Australia stated that the code was based on flawed assumptions (concerning rapid rise in incidence; significant detrimental effect on productivity; potential common approach to prevention, control and mitigation of violence and stress) and was internally inconsistent; the Australian Government did not support development of the code.

Combining stress and violence in one code was acceptable for a majority of responding governments. Some governments welcomed this as an integrated approach to addressing psychosocial factors that were particularly apparent in services sectors. However, New Zealand argued that while the interrelationship between the two concepts was well stated in the preface, the reasons behind embodying both in one code were not fully articulated. Finland was not entirely satisfied with guidelines combining stress and violence, as they were phenomena of different "levels", with respect to origins and methods of prevention. Finland suggested preparing two separate codes, like the Finnish trade unions had successfully done. Germany thought that combining violence and stress in one code was feasible, but posed major conceptual problems left unresolved in the draft. Australia noted violence and stress were not necessarily associated, and were treated as distinct issues in Australia; a single code combining them was problematic.

Finland expressed concern about a code focussing specifically on *services sectors*. Denmark noted that stress can be found in all sectors, but the factors causing it differ in primary and secondary industries. Germany underlined that while violence was a specific risk in services sectors, stress affected all sectors. Australia felt that the impact of violence and stress depended on the environment in which the hazard occurred, and drew contrasts between different subsectors within services (violence in security services and catering/restaurants; stress in acting or government services). New Zealand supported a generic rather than a sector-specific code, because in many countries stress and violence affected all sectors and all categories of employees – the ILO should adopt an inclusive approach to stress and violence in the code for *all* sectors, providing an international framework based on which measures could be developed, specifically adapted to the needs of individual countries or sectors.

New Zealand stressed that the hazards of violence and stress should not be treated in isolation, but their management should be contextualized as part of a broader occupational safety and health system, incorporating an occupational safety and health management system and employee participation system approach, with generic self-audit management tools.

The Philippines suggested strengthening the participatory approach by basing the development of policies and strategies on needs expressed by workers, and New Zealand proposed including employee participation systems, such as joint employee-management

bodies. Sweden felt that cooperation between the social partners was very important and should be mentioned in the preface.

Bulgaria suggested taking the situation in transition countries more into consideration, where certain factors (e.g. related to the socio-economic context and public service reforms) fostered stress and violence, and the draft appeared to be based exclusively on developed country experience.

Specific comments

Chapter 1. General provisions

1.1.2. Finland suggested including “cooperation between employees” in the section on *use*, to broaden the definition of workplace violence, and the Philippines proposed considering “indigenous practical responses”, based on experiences of employers and workers.

1.2. Germany felt the code’s *scope* remained unclear, being based only on examples of services sectors listed in 1.3.6 that were not exhaustive, but oriented towards risks of violence. A structural weakness of the list was that job characteristics were not considered, in turn neglecting the coverage of employees working on service-oriented tasks in manufacturing and production. Malaysia and Eritrea suggested reviewing the definition of “services sectors” to make it more specific.

1.3. Several countries welcomed the *definitions* in general, but there was a wide variety of understanding and interpretation of these phenomena in different countries. Australia (Northern Territory) supported the standardization of definitions, particularly in relation to “abuse”, “threat” and “assault” – see 1.3.5.

1.3.1.-1.3.3. While the definition of *stress* was seen as broadly in line with the definitions used in ergonomics, some inconsistencies were observed. The distinction between “positive” and “negative” stress was judged contradictory to the process model of stress, and Germany suggested replacing this distinction by the terms “chronic, excessive or acute stress”. Similarly, Poland proposed using the term “negative stress” alone, and introducing a distinction between acute, chronic and traumatic negative stress, while “emotional responses” should be replaced by “mental responses”. Sweden proposed the term “work-related stress”. Denmark identified three other factors – meaningfulness of the job (lack of recognition), predictability and reward – as worthy of mention in paragraph 4 of the preface and possibly in 1.3.2. Austria suggested referring to the current European standard “Ergonomic principles related to mental workload” – Part 1: General terms and definitions (EN ISO 10075:1991) and Part 2: Design principles (EN ISO 10075-2:1996).

The United Kingdom proposed a revision of section 1.3.3, as follows: “*Pressure* is the normal reaction to reasonable demands. In the workplace context, it is necessary to perform work in a satisfactory way. *Stress* is an adverse reaction to intense, continuous or prolonged exposure to excessive pressures or other types of demand, and can lead to physical illness or psychological disorders.” It considered the draft should place greater emphasis on proactive management approaches to tackling work-related stress.

1.3.4.-1.3.5. Some governments felt the *violence* definition went beyond those currently in use, while others judged it to be too limited. Finland wanted further consideration of the classification of forms of violence. In the draft, harassment was separated from verbal abuse and aggressive body language, and from threats. In current scientific discussions, however, most researchers used the word “bullying” to cover all kinds of negative non-physical workplace violence, including intimidation, humiliation,

insults, nicknames, exclusion and isolation. Sexual harassment would often be regarded as bullying in which sexuality was utilized for oppression. Finland suggested extending the typology of bullying, e.g. distinguishing between bullying by superiors/managers and by co-workers. New Zealand preferred a broader, clearer typology to cover current legal, occupational health and safety, criminology and security issues. It suggested classifying workplace violence as intrusive, consumer-related or relationship-related and adding several emerging types of violence, e.g. terrorist acts, unintentional mental-illness or drug-related aggression.

Germany and Finland thought distinguishing between external and internal workplace violence was important. External violence was associated with greater risk of physical violence, and internal violence more with psychological forms (e.g. abuse and discrimination); these would require different preventive measures and approaches. While Germany felt the violence definition was not very practicable for protecting workers at the organizational level, the United Kingdom thought it went beyond the current Health and Safety Executive (HSE) definition, which excluded bullying/harassment, and suggested amending it to differentiate more between violence and harassment/bullying.

Further, Germany was concerned about potential inflation of the term violence, if occupational stress due to working conditions were subsumed under violence. Violence at work was recognized as an important factor generating stress (Finland, Austria), but would have to be seen as one among other hazards (Austria, regarding 1.3.4). Bulgaria observed that violence could not manifest itself as mental stress, as stated in the preface (paragraph 3, first sentence).

New Zealand felt workplace violence was committed not only by individuals, but also by organizations and groups, and violence should not be defined according to actual behaviour, but should include the victim's viewpoint by adding "perceived" behaviour, action or incident; distress caused by loss of possessions should also be acknowledged.

Denmark recommended that "intention" should not be mentioned, citing cases from the health sector in which "intent" of violent patients could not be assumed; the key factor was whether violent behaviour injured someone.

1.3.6. Eritrea suggested replacing "Any person" by "Any worker" under the definition for *victim*. Australia (Queensland) suggested reconsidering the terms "*perpetrator*" and "*victim*", to disassociate behaviour from individuals, and to avoid the connotation of "guilt" or "intent" of perpetrators or the "helplessness" of victims. Using such terms implied prejudgement, could hinder the resolution process, and the term "*perpetrator*" could be particularly prejudicial in cases of unintentional offence or unwitting low-level harassment. Alternatives such as "worker being harassed" and "person who harasses" might be used. Indonesia suggested adding "... **concerning the protection of workers**" at the end of the sentence defining the *competent authority*.

1.4. New Zealand felt that an additional **guiding principle** (or part of 1.4.3) should make explicit reference to *disadvantaged groups*, such as indigenous people and especially the socially excluded or isolated, or those suffering from physical or mental impairments, all of them significantly affected by work-related violence and stress; this should subsequently be reflected elsewhere in the code.

Austria strongly recommended emphasizing *children and youth* more and addressing *child labour* explicitly here, as regulated in individual countries. Although mentioned under vulnerability, youth should also be referred to under data collection (Chapter 3), strategies (Chapter 4) and policy development (Chapter 5). In Austria, there was evidence that young people, such as apprentices, were at especial risk of internal workplace

violence, with consequences such as severe stress symptoms, sickness or resignation from work. Another issue was extreme overwork, with the impact of stress symptoms. A high level of underreporting was estimated, due to fear of job loss.

1.4.1. The Philippines suggested replacing “respect for cultural differences” by “respect for individual differences”, to avoid connotations of factions among cultural groups in multicultural workforces.

1.4.2. Germany proposed the consideration of cultural and gender differences, as merely increasing gender equality would not solve the problem, whereas the Swedish government suggested that greater gender equality at work would reduce stress, and should be emphasized.

1.4.5. Indonesia suggested the section on healthy work environment could end as follows: “... socio-economic factors; and to increase the capacity of occupational health services, in accordance with the provisions of Occupational Health Services Convention, 1985 (No. 161), to reduce or prevent stress at work that affects workers’ health”.

Chapter 2. Roles and responsibilities

Finland considered this chapter well formulated and clear, supporting the importance of clarifying respective roles and responsibilities, and cooperation between different levels. Employers should ensure continuous risk assessment of work-related stress and workplace violence. Finland welcomed the detailed proposals for models, solutions and preventive measures, but the measures had non-binding status as a code of practice.

Australia commented that Government’s main role should be to facilitate the development of the industry’s capacity to appropriately ensure workplace health and safety, while each employer’s obligation was to ensure workers’ health and safety. Sweden agreed that the employers were responsible for preventing workplace violence and stress.

Austria suggested highlighting the required roles and qualifications of people at enterprise level responsible for preventing stress and violence; since January 2002, occupational psychologists were required, under Austria’s occupational safety and health law. Special qualifications were suggested for managers, e.g. training in conflict prevention and resolution at different organizational levels.

Primary prevention should aim to prevent health disorders, and Germany asserted that as the causes of these disorders were highly complex, usually no *threshold value* for stress at work could be defined. Therefore it would be inappropriate to create further occupational safety and health laws to prevent work-related stress. The emphasis should be on non-legislative measures, e.g. communicating and implementing examples of good practice on healthy work environments and work organization.

2.1.2.-2.1.3. Australia (New South Wales) considered it imperative to clearly state the respective roles and working relationships of agencies dealing with occupational health and safety, industrial relations, anti-discrimination and gender equality issues. It also observed that the workers’ compensation system, rather than public health care, covered injury management and return to work following workplace injury and illness: the code should take such arrangements into account. Mexico voiced similar concerns in relation to the agencies responsible for safety and health in private companies and in public service respectively.

2.1.4. Bulgaria suggested adding a reference to drug and alcohol abuse, at the end of the section on children and young persons.

2.2. Bulgaria proposed adding “promoting occupational safety and health and implementing reporting procedures and programmes for coping with stress and consequences of violence” to the employers’ objectives. Mauritius suggested adding “identifying occupational hazards leading to stress at work, including the potential adverse health effects or other outcomes of hazardous factors, e.g.: psychological strain, eventually leading to work dissatisfaction, burnout, depression; psychosocial aspects of work, eventually leading to conflicts, lowered productivity or work quality, and mental stress”. As these outcomes could lead to violence, identifying risk factors at the individual level was essential. The Netherlands stressed the importance of modern, integrated human resources management, e.g. under 2.2.1, “personnel policies” could be replaced twice by “human resources management policies”.

2.3. Under the responsibilities of workers and their organizations, Bulgaria suggested referring to organizing awareness-raising campaigns and implementing stress-coping and violence-management strategies. Mauritius proposed additional points for subsection 2.3.1: “Risk factors at organizational level – e.g. poor communication, management or regulations – can be sources of conflict and stress. Organizational changes often create stressful working conditions. Good relationships with colleagues and supervisors should be considered important determinants of subjective well-being and a means for preventing work-related stress. Occupational health professionals should establish primary prevention programmes, emphasizing stress-related symptoms.”

2.4. The United Kingdom welcomed this section and felt it helpful for fostering involvement of public representation groups in finding solutions. However, they warned that requests from these groups should be handled carefully, identifying potential additional risks for staff.

Chapter 3. Information, assessment, identification, recording and notification

3.1. Germany addressed anticipated problems with *collecting information*. Major constraints were: inconsistent definitions of violence across countries; inconsistent recording of violent incidents at national level, e.g. injuries recorded under occupational accident insurance, health problems dissociated from underlying causes; data protection requirements. Accordingly, point 3.7 would pose similar problems. Poland suggested adding another source of information: results of social and medical research on sources and consequences of occupational stress and violence.

3.2. Bulgaria suggested developing the risk assessment section by indicating the specifics of assessing violence/stress-related risks, outlining the use of assessment information provided in Appendices D-H, and linking implementation of preventive measures to results of risk assessments.

The Philippines recommended including monitoring in step 3, adding the following: “Worksites with recorded incidence of violence should be monitored and assessed based on company rules and regulations in dealing with violence and stress.”

Malaysia suggested introducing a risk matrix to classify the severity of problems, e.g. low, medium, high risk levels; and illustrating the risk-assessment steps with a simple diagram indicating the “plan-do-check” cycle.

Lithuania proposed making sections 3.3–3.5 part of section 3.2.

3.5. Austria suggested including organization-level signals in 3.5 and Appendices I-J, e.g. frequent staff turnover, increase of sick leave or accidents (see 3.6, last paragraph); frequent restructuring; dysfunctional communication and information.

3.6. Finland underlined that reporting systems on workplace violence should be simple enough for workers to file complaints about any violent incident; improved reporting systems could increase reporting rates considerably.

Malaysia remarked that occupational stress and violence was not reported under occupational accidents and diseases in many countries; the ILO should review this and amend the code of practice *Recording and notification of occupational accidents and diseases* accordingly.

Poland suggested adding information on consequences for individuals (victims) and for organizations (e.g. days lost) in violent incident recording, and monitoring and recording the effectiveness of safety procedures. It proposed establishing special voluntary working teams to implement the policies and measures – consisting of employers, workers’ representatives and professionals (occupational physicians, psychologists, social workers, lawyers) – as a practical prevention measure.

3.7. The United Kingdom supported the requirement to standardize subcategories used in recording procedures, as different definitions would impair accurate reporting. Germany indicated similar concerns (see 3.1), and underlined that stress and violence should be considered more in risk-assessment procedures.

Chapter 4. Strategies for preventing, reducing, managing and coping with violence and stress

Finland underlined that violence and stress should be addressed as separate phenomena in these strategies.

4.1. Austria suggested that besides strategies, long-term programmes and concrete annual plans should be developed, with the explicit active involvement of employees, especially concerning the definition of objectives. At the last bullet point “workplace health promotion” should be added, as this approach with the establishment of participatory “health circles” would represent an appropriate method to implement prevention strategies successfully.

The Netherlands recalled its successful experience with covenants to generate specific action on safety and health, and focus on issues for specific target groups with clear goals in a defined time period. Poland recommended referring to “primary, secondary and tertiary prevention” in stress-prevention policies.

4.2. The Netherlands advocated organizing awareness campaigns in specific places or for different target groups.

4.3.1. Poland proposed adding data on prevalence, characteristics and consequences of occupational stress and violence, e.g. health status; psychological, social and occupational profile of victims; costs to the organization. The Philippines suggested revising bullet point 5 as follows: “Information on the national laws and regulations including company rules and policies covering stress and violence ...”.

4.3.2. On workplace bullying, Finland believed training was necessary for all members of a work unit across all hierarchy levels, including occupational safety and health personnel.

Finland suggested providing more detailed themes for special training (e.g. nature and forms of workplace bullying and harassment, problem identification and differentiating bullying from other interpersonal work conflicts; bullying by supervisors and colleagues; antecedents of bullying – work environment, individual and group-related causes, the

escalating bullying process; practical measures to prevent and manage bullying; what to do and where to ask for help and support – advice for victims and bystanders of bullying). Training themes concerning stress could include: work-related stress factors, and features of well-functioning workplaces; how work units can reduce stress and improve their functioning; individual ways of maintaining well-being and reducing stress; and role of supervisors in reducing stress factors and maintaining workers' health and well-being.

4.3.2.1. Poland felt conflict-resolution capacity was an important additional social competence, together with assertiveness.

4.3.2.2. Indonesia proposed changing the title to: "Training for company doctors, nurses, supervisors, managers and workers' representatives." Poland felt two important training themes should be added – conflict resolution and mediation. Mauritius suggested adding training in occupational psychology.

4.4.1. Mauritius suggested adding to the last bullet point: "Rotating work shifts are a common stressor, affecting a large proportion of the working population worldwide."

4.4.2. Sweden suggested that in designing workplaces, gender aspects should be considered to adapt workplaces to men and women. Denmark proposed adding further aspects, such as practical social support from colleagues and managers, predictability about factors affecting one's work, and rewards that recognize performance (in money, esteem or career opportunities). Finland mentioned that clear roles and tasks were required to avoid role conflicts (correlated with bullying).

4.4.3. Poland suggested establishing "data transmission systems" as a useful violence-prevention measure to prepare employees for potentially dangerous situations related to clients or patient. Finland proposed adding "adequate information about the goals and tasks of the work unit" to the strategies, as inadequate information on this was correlated with bullying. Denmark suggested adding to the first bullet point "and information on the daily level of services to provide a realistic level of expectations". Bullet point 6 might be revised by adding "or when conflicts arise" at the end (Philippines).

4.4.4. Sweden suggested adding "work tasks with high risks of menaces or violence should not be permitted to be carried out by lone workers".

4.5.1. Three additional items were suggested: monitoring and maintaining good housekeeping at the workplace (Mauritius); keeping workplaces free from obstructions (Philippines); and including "hazardous substances" as a health risk (Austria).

4.5.2. Poland suggested adding a bullet point under security, on the need for emergency exits for staff, especially where service workers were working alone with clients or patients.

4.6.2. Mauritius suggested adding pre-employment medical examination and psychological assessment, and periodical medical examinations in high-risk working environments. The Philippines suggested adding: "Workers who have undergone treatment should require certification of their fitness to return to work, to ensure that they do not cause harm to themselves or others."

Germany stated that the requirement of medical treatment in cases of violence was justified, but to extend this to work stress was excessive and constituted another indication that stress and violence should be tackled separately.

Austria felt that the scope of “appropriate medical treatment for all” remained unclear; e.g. psychotherapy should not be offered at the workplace, for data protection reasons. Privacy and confidentiality should be explicitly highlighted.

4.6.5. Denmark suggested adding the possibility of resuming work part-time after sickness.

4.7. Australia felt it inappropriate to suggest that episodes of workplace violence could be handled through informal resolution procedures, depending on circumstances that could include a criminal offence in relation to the episode.

4.7.3. Finland argued that management support should be emphasized, management should be encouraged to help work units reduce stress-inducing factors at work, and there should be opportunities for individual counselling.

Chapter 5. Development of policy

Indonesia requested that the sentence “Occupational health services should be available to all workers” be added, perhaps at the end of the first paragraph of 5.3.

5.1.2. The Philippines suggested adding at the end of bullet point 4: “Results of the monitoring and evaluation should be utilized to improve the process of social dialogue when necessary.”

5.2. On joint assessment of workplace violence and stress, Finland suggested that, as stress, violence and bullying situations usually differ considerably between workplaces even within the same sector, surveys and interviews should be conducted at the enterprise and workplace levels.

5.3.2. The United Kingdom considered that bullet point 2 would benefit from an additional clause, e.g. “and a statement of how such violent behaviour will be treated”.

5.4. Several Finnish organizations had recently implemented specific anti-bullying policies and guidelines on how to prevent bullying and how to proceed if somebody perceives himself/herself subjected to bullying. Follow-up surveys showed that general attitudes towards anti-bullying policies and practical instructions were very positive among employees and supervisors. Follow-up surveys were useful preventive measures and promoted the importance of training, policy implementation and information dissemination on such policies.

5.5. The Netherlands considered that organizational learning from violent or stressful incidents could generate action to launch safety assessments and develop new policy measures, with more likelihood of impact than regular risk assessments not triggered by specific incidents.

Appendices

Malaysia suggested adding an example of actual policy on workplace violence and stress in a separate appendix.

Many countries supplied additional references to be inserted in Appendices A-C, as follows:

Appendices A-B

Australia

Government of Western Australia, Consumer and Employment Protection: *Stress at work: A fact sheet*, <http://www.safetyline.wa.gov.au/PageBin/disege10007.htm>

- Violence in the workplace <http://www.safetyline.wa.gov.au/pagebin/pg000819.htm>
- Code of practice: *Workplace violence*, <http://www.safetyline.wa.gov.au/pagebin/pg000036.htm>
- *What is workplace bullying? (Employees' guide)*, <http://www.safetyline.wa.gov.au/pagebin/guidswa0078.pdf>
- *What is workplace bullying? (Employers' guide)*, <http://www.safetyline.wa.gov.au/pagebin/guidswa0078.pdf>

Austria

Institutes für Betriebswissenschaften, Arbeitswissenschaften und Betriebswirtschaftslehre der TU Wien: *Der Stress Moderator: Instrument zur Ermittlung und Beurteilung von psychosozialen Stressoren und Ressourcen*, http://at.osha.eu.int/good_practice/stressmod_index.htm

Österreichische Bundesarbeitskammer, österreichischen Gewerkschaftsbund, Wirtschaftskammer Österreich: *IMPULS: Betriebliche Analyse der Arbeitsbedingungen – Erkennen von Stressfaktoren und Optimieren von Ressourcen im Betrieb*, Vienna, 2002, http://at.osha.eu.int/good_practice/impuls.stm

European Union

European Agency for Safety and Health at Work: *How to tackle psychosocial issues and reduce work-related stress*, Luxembourg, Office for Official Publications of the European Communities, 2002.

European Agency for Safety and Health at Work: *Prevention of psychosocial risks and stress at work in practice*, Luxembourg, Office for Official Publications of the European Communities, 2002.

European Agency for Safety and Health at Work: *Research on work-related stress*, Luxembourg, Office for Official Publications of the European Communities, 2000.

Finland

Ministry of Labour: *Well-being at work: A Finnish Government National Programme*, (leaflet) Helsinki, 2000.

N. Isotalus and K.L. Saarela: *Work-related violence in the real estate sector: a questionnaire and training programme and 'KAURIS model – for assessment and management of risks of violence in retail outlets'*, 2001.

Mauritius

Government of Mauritius: *Code of conduct for a conflict-free workplace*, Ministry of Labour and Industrial Relations, 2003.

Netherlands

Labour Foundation: *Working under pressure:?! Dealing with pressure and stress in the workplace*, The Hague, Stichting van de Arbeid, no date, http://www.stvda.nl/default.asp?desc=en_working_under_pressure.

New Zealand

Occupational Safety and Health service, Dept. of Labour, New Zealand: *Healthy work: Managing stress and fatigue in the workplace*, Wellington, 2003.

Sweden

Swedish Work Environment Authority: *Systematic Work Environment Management and Stress*, Solna, SWEA, 2002.

Appendix C

European Union

“Ergonomic principles related to mental workload” – Part 1: General terms and definitions (EN ISO 10075:1991), and Part 2: Design principles (EN ISO 10075-2:1996).

Austria

Arbeitnehmerschutz-Reformgesetz, Artikel II (ANS-RG, BGBl.I Nr. 159/2001), § 82a, 82b AschG, <http://www.bmwa.gv.at/BMWA/Themen/Arbeitsrecht/Arbeitsschutz/Massnahmen/asch010.htm#sonstige>

Colombia

Directive 09 on Policies of the Ministry of National Defence relating to protection of human rights of trade unionists and human rights advocates (8 July 2003).

Denmark

Working Environment Act, 1999 [latest revision includes issues of health effect of harassment, including sexual harassment].

Finland

Employment Contracts Act (55/2001) [in force since 1 June 2001, includes provisions banning discrimination and calling for equal treatment].

Occupational Health Care Act (1383/2001).

Hungary

Parliamentary Decree 20/2001 (III.30) OGY concerning the five-year National Work Programme [requires elimination of inadequate working conditions, reducing number of

accidents, and creating better atmosphere and physically and psychosocially appropriate conditions for work].

Mexico

Article 123 of the Mexican Constitution, 1917.

Federal Labour Law, 1995.

Federal Regulation on Occupational Safety, Health and the Working Environment, 1997.

New Zealand

Health and Safety in Employment Act 1992 [as amended 2002].

Romania

Romanian Constitution, 8 Dec. 1991 – article 16 (equality), article 22 (moral and psychological integrity), article 23 (liberty and human dignity), article 38 (occupational safety and health), and article 39 (prohibition of forced labour).

Labour Code, Law No. 53/2003 – article 4 (prohibition of forced labour), article 5 (equal treatment, anti-discrimination), article 6 (working conditions in safety, liberty and human dignity), article 39 (workers' rights), Title V: article 171-178 (health and safety at work), Chapter III: article 182-7 (occupational health).

Law on Occupational Safety and Health (No. 90/1996).

Law on Equal Opportunities between Women and Men (No. 202/2002).

Law on the Prevention and Sanction of All Forms of Discrimination (No. 48/2002, approving Government Ordinance No. 137/2000).

Ministry of Labour and Social Solidarity Order No. 508/2002 and Ministry of Health and Family Order No. 933/2002 approving General Standards on Occupational Safety and Health.

Sweden

Provisions of the *Swedish Work Environment Authority* on Systematic Work Environment Management, 15 Feb. 2001, AFS 2001:1.

United Kingdom

Protection from Harassment Act, 1974.

Race Relations Act, 1976.

The Public Order Act, 1986.

The Disability Discrimination Act, 1995.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, 1995.

The Working Time Regulations, 1998.

Appendix G

Finland noted that Appendix G dealt with stress factors affecting individuals but did not acknowledge the opportunities or capacities of individuals to recognize their own inability to cope, which often cause stress. To alleviate this, employees should be encouraged to identify such shortcomings and understand how they can be tackled.

Appendix K

Austria suggested presenting the sector-specific information with a standardized structure, e.g. the environment; scope and impact of violence and stress; reporting and monitoring.

Finland observed that several studies on violence had been conducted by the Institute of Occupational Health in Finland (e.g. violence in hotels, restaurants, transport, pharmacies, supermarkets and service stations), including information on harassment, bullying, threats of violence, and reasons for absence. However, less information was available on psychological violence or stress. Overall, the appendix was too detailed and readability would improve if it were shorter, focussing on preventive measures and increased control of risks of client violence in the sectors. In Finland, risk sectors could include research institutes and various areas of the public sector, in addition to those listed in the appendix.

II. Comments received from workers' organizations

The *Trades Union Congress* (United Kingdom) welcomed the code's attempt to address high-priority health and safety issues, and referred to research on how many people were affected by stress and at what cost. It was somewhat concerned at stress and violence being linked; violence was certainly a major workplace stressor, particularly in services sectors, but including violence might lessen the importance of other stressors, e.g. job insecurity, and lack of training, resources and consultation. It would be better to have separate codes on both topics, drawing on work already done by the ILO and its social partners; or to restructure the code to clearly distinguish between stress and violence, and to explain the link, as had already been partly done in appendices D-E. The Trade Unions Congress (TUC) wanted greater dissociation of violence from stress in 3.2, 4.1, 4.7 and elsewhere. Some text from the appendices could be brought into the main document, particularly if discussions resulted in a clearer definition and exposition of violence, and other stressors were given more prominence, or violence were put into context with other stressors.

Definitions were a key discussion point. 1.3.1 tried to define stress as an assessable, single item, looking at what stress is, rather than how stress shows itself in individuals. The TUC favoured the HSE definition of stress – “the adverse reaction people have to excessive pressure or other types of demand placed upon them”. It believed stress was multifaceted, manifested in several medically definable ways. Discussion about positive and negative stress (1.3.3) was required – in British terms, “pressure” in the workplace was more positive, while “stress” was negative. The code should emphasize workplace-related stress and, while not disregarding external stress, should focus on employers' responsibilities regarding stress related to work and work organization. The term “mobbing” in 1.3.5 – meaning acts of harassment by a group against an individual or

another group – required further discussion, as it had different connotations in British English. In 1.4.3, the TUC supported including discrimination and harassment with regard to disability. Reference to national legislation and practice might be required.

Chapter 2 on roles and responsibilities could create complications for the United Kingdom, as there was clear legislation on violence in the workplace but not on stress; mixing them could confuse governments and enforcing authorities wishing to progress on this. British draft standards on managing stress in the workplace (being piloted by the HSE) might be incorporated. In 2.1.3, the provision of an occupational health service could support these initiatives, drawing on ILO Conventions and Recommendations and this code, and indicating other areas where member states and employers could find assistance in developing occupational health services. In 2.1.4, the TUC suggested that it would be nearly impossible for governments to identify groups of workers who might be vulnerable to stress – it could apply to all industrial sectors and across the services sector in general. The code should encourage a management of risk approach, where it was the responsibility of every employer to manage stress.

The *Confederação Geral dos Trabalhadores Portugueses* (Portugal) noted that workplace violence and stress were growing, affecting millions of workers worldwide, and having harmful effects on enterprises, economies and society in general. General and effective measures were therefore necessary at the enterprise level to promote a culture of respect, dignity and security at work, and to develop the legal framework for protecting workers. The code could be an important reference point for establishing and disseminating guidelines on this. Some areas in the code required clarification: Workplace violence and stress should be seen primarily at the level of occupational safety and health policies, the prime responsibility for which was held by employers. Occupational violence and stress were independent phenomena with distinct causes (although they were sometimes linked) – stress mainly arose from working conditions (excessive hours that disregard personal or family life; especially intensive or monotonous work rhythms; poor safety conditions; setting unachievable objectives, etc.), thus stress and violence should be treated differently, both for prevention and for problem-solving. Strategies for addressing internal violence should focus on policies to promote respect at the workplace and avoid dehumanising labour relations, while for external violence the focus should be identifying and reducing risks, prevention and protection. Medical supervision and support for affected workers was paramount, and safety and health policies must respect privacy and medical confidentiality considerations. The scope of application of the code should be widened to all sectors.

The *Confederación Sindical de Comisiones Obreras* (Spain) noted a predominance of Anglo-Saxon references in the code, and believed more emphasis should be given to Spanish-speaking countries, developing countries and southern Europe. Many studies on recent Spanish experience could be supplied, from the *Instituto Sindical Ambiente, Trabajo y Salud* (ISTAS). The code overemphasized physical violence, but psychological violence caused more occupational illness and suffering. Politico-bureaucratic violence was especially relevant to civil servants and public administration workers. Violent conduct was manifested through irrational selection criteria for staff, spurious competitions for jobs, nepotistic appointments of managerial staff, existence of privilege systems, arbitrary bonuses, unjustified accusations, and sexual and moral harassment. This deserved a separate section in Appendix K, on public service.

The *Central Organization of Finnish Trade Unions* (SAK) felt that stress cannot be classified as positive or negative, thus the definition and concept of stress in the code were misleading and not based on scientific research. Work-related stress should be redefined and brought into line with the tripartite definition approved at the European Community level: “a pattern of emotional, cognitive, behavioural and physiological reactions to

adverse and noxious aspects of work content, work organisation and work environment. It is a state characterised by high levels of arousal and distress and often by feelings of not coping”⁴ – the basis for negotiations between social partners in the European Community beginning in September 2003. SAK noted that the European Trade Union Confederation mandate for negotiations emphasized that stress cannot be positive.

The *New Zealand Council of Trade Unions* (NZCTU) felt the code was useful, informative and easily understood, but should give greater recognition to the need to actively empower workers, e.g. 4.3.1, should start “The competent authority, employers and workers’ representatives should ...”. The definition of “workers’ representative” in 1.3.6 should refer not only to people, but also to organizations collectively representing workers and trade unions. The text of 1.4.5, reading “in so far as is practicable”, should be reworded positively to avoid implying that unsafe and unhealthy work environments were acceptable. NZCTU believed work for hire and other forms of insecure employment (2.1.4) often involved greater risk of violence/stress and less opportunity to address their causes. The reference to “consultation” between employers and workers in 2.2.1 required an agreed definition in 1.3.6 – NZCTU recommended including “participation in decision-making processes” in it. NZCTU proposed that Chapter 2 should be reworded slightly to reflect an equal partnership between government, employers and unions, and to specifically recognize the role of unions, while 2.3 should “reflect the importance of workers, through their unions, developing collective strategies to deal with workplace violence and stress”.

III. Comments received from employers’ organizations

On behalf of the Confederation of German Employers’ Associations (BDA), comments from the German retail sector employers’ organization *Hauptverband des Deutschen Einzelhandels* (HDE) and from *Deutsche Post*. HDE focussed criticism exclusively on occupational stress, identifying three fundamental weaknesses:

- First, the delimitation of “services” was unclear and its distinctiveness vis-à-vis other sectors on occupational stress was not explained; it was doubtful that stress could be differentiated among sectors on a solid scientific basis, and HDE believed no stressors significantly related to services alone could be identified.
- Secondly, the code did not differentiate sufficiently between psychological stressors and stress; this was important for the respective responsibilities in reducing occupational stress (legislation, employer, employee). While stressors were objective workplace-related factors, stress was described as the immediate impact of these factors experienced by employees, and determined by individual components (e.g. personality and coping capacities). In principle, employers could only influence objective workplace-related factors. No reference was made in the code to ISO 10075-1, which recognized this distinction.
- Thirdly, the interrelationship of work and private life was insufficiently addressed. Workplace stress was also determined by personal and private influences; the complex interrelationship of work-related stressors and individual stressors was generally not yet scientifically analysed. The identification of workplace-related stressors that employers could influence was marginalized in the code.

⁴ Tripartite Advisory Committee for Safety, Hygiene and Health Protection at Work, Brussels, 1997.

Based on these observations, the HDE expressed strong reservations about considering the scientifically weak content of the code in social dialogue procedures. In absolutely no case should the code serve as a pretext for compensating psychological strain at work.

Deutsche Post expressed concern at the anticipated administrative burden of research and reporting procedures related to work stress, which would keep enterprises from their original tasks; small enterprises would be especially overburdened. The responsibilities of individual workers in coping with work stress were not addressed, but this issue was important, as the respect of employers towards their employees would include expectations about individual responsibility for well-being at work (time management, priority setting, etc), similar to the area of life-long learning. Another point of concern was how to ensure confidentiality in reporting procedures, which was not detailed in 4.8. The protection of victims had to be a priority, especially for certain forms of bullying and mobbing, to avoid further harm. Integrated approaches – that review existing local measures to integrate them into proposed interventions or explore how far work stress and violence related issues were already covered (e.g. safety at work, health promotion and equality activities, etc) – should be further strengthened. A contentious issue was the combination of different forms of workplace violence, which required different approaches to address these appropriately. The identification of individual sectors as specifically at risk could lead to stigmatization rather than being helpful, therefore a more neutral formulation was preferable, relating to workplace characteristics, e.g. working alone, with valuables, as outlined in the appendices. Evidence for postal services being a stressful sub-sector was more than weak, but the anthrax scare proved its capacity to provide timely and effective responses. The dissemination of fashionable expressions, such as “going postal”, was unhelpful, promoting a feeling of stress in a whole sub-sector.

The *Danish Employers' Confederation* (DA) felt the code dealt adequately with all aspects of violence and stress in services. However, some of it was so general that its proposals could apply to virtually all working environment problems. The preface should state that violence and stress were widely different problems in relation to causes, consequences and prevention measures. The code provided no evidence that violence and stress coexist more often than other working environment problems, but in several places the draft sensibly distinguished between these problems. The preface to the code (page iv, second paragraph) exaggerated the development of violence and stress; firearms-related violence has probably only increased dramatically within the education sector in a few countries.

The definition of occupational stress (1.3.2) – if taken literally – went far beyond stress as DA generally conceived it (e.g. lumbar pains from heavy lifting could be included). Seen in a stress context, the definition might be used, but ILO codes should, in view of their global application, be very stringent on matters concerning definitions: the proposed definition should be discussed in greater detail. In recommendations about the legislative framework and financial resources (2.1.1.), national traditions and conditions should be taken into account. The same applied to paragraph 2.1.2, about enforcement and inspection. It was unclear what other measures were referred to in paragraph 4.4.1 (last bullet) in connection with, among other things, night work. In paragraph 4.6.2, reservations should be made about national traditions – for instance, there was no tradition of Danish employers referring workers to medical treatment outside the enterprise. DA understood paragraph 4.7.4 on legal aid (fourth bullet) in the sense that union representatives should have access to training on legal issues in the relevant fields, but different interpretations of the recommendation could be problematic.

The *National Association of Local Authorities* in Denmark (KL) felt that more emphasis should be placed on the fact that problems can and should be solved by the social

partners, a possibility mentioned in the code, but that should have been more central in the draft.

The *Confederation of Finnish Industry and Employers* (TT) and the *Employers' Confederation of Service Industries in Finland* (PT) agreed that national strategies, policies, codetermination, and macro-level compilation of data did not belong in a code of practice. The organizations believed that the heavy, difficult-to-read code was poorly suited to practical needs. The language used did not support the non-binding nature of the document (“should” ought to be replaced with “could”), neither should it include definitions of terms. The appendices could be omitted, because they made the draft less readable and provided an unbalanced account. The distinction between stress and violence and the practical value of the code were reduced by the similarity of the recommended measures. The narrow definition of stress was faulty and “stress” was subjective, connected both to work-related factors and to individuals’ life situation. Both organizations felt that section 2.1.5 should recall that stress was not classified as an occupational disease, either medically or in the ILO code of practice.

Based on these factors, PT and TT believed that sections 2 and 3.1, (dealing with macro-level actors, activity and cooperation) should be removed, noting that the instructions meant for employers in section 2 were elements of normal risk management and occupational safety management, for which there were national and international regulations. On the instructions meant for employees, the organizations proposed that sections 4.6.2-4.6.5 be removed, as they contained instructions about matters that were already regulated. The same applied to sections 4.3.2 and 4.7.4, which were too extensive. Finally, the PT stated that many measures recommended in the code were part of normal occupational safety operations, and revising workplace policies for stress and violence issues could have adverse effects; thus sections 5.3.1-5.3.4 could be removed, because their practical value at the workplace would be minor.

According to research conducted by Finland’s *Commission for Local Authority Employers* (KT), quality factors in working life in municipal services had improved, even if a faster pace had increased the burden of work, particularly in the health-care sector. They indicated that violence, harassment and bullying at work were different phenomena. Violence and threats were mostly related to the service transaction between customers and employees, while harassment and bullying were usually between a supervisor and employees. KT also referred to new legislation that required employers to “defuse” dangerous workplace situations and to take proper precautions. Awareness in services sector workplaces of the dangers caused by stress has increased. Violence or threats at the workplace led to a reduction in available social capital, reduced confidence in the employer, lower job motivation, increased time spent on problems and resolving disputes, more absenteeism, and declining profitability and customer satisfaction. KT recognized the global nature of these phenomena in services, and felt that if development in services was to be managed, international cooperation to avoid competition based for example on bad working conditions was essential. KT believed that research in the sector should be promoted, to reduce violence, harassment and stress. Extensive programmes of information and training should be conducted and legislators, employers and workers should be offered guidelines and best practices.

The *Finnish State Employer’s Office* (VTML) stated that the problems included in the code had been resolved in new legislation, thus regulation or control of Finnish working conditions did not justify the measures proposed in the draft.

Business New Zealand indicated that ILO work on occupational health and safety now emphasized an integrated approach, did not identify stress as being of paramount concern, and focussed on work-related psychosocial hazards (e.g. stress). Employers were

only required to avoid or address work-related stress manifesting itself as a medically identifiable physical or mental injury to an employee. Business New Zealand was concerned that violence and stress were very different and could not sensibly be addressed together, and that some assumptions and assertions in the code were faulty. Appendix G on risk factors of stress for individuals was likely to make employers increasingly reluctant to recruit people from at-risk categories. Employers should encourage workers to report stress factors they could not deal with (including external stressors), so help could be provided. For some individuals, the only effective remedy for workplace stress might ultimately be termination of employment. Overall, realistic programmes for workplace health and safety should include a component to manage stress and violence sensibly, not attributing vulnerability to members of particular groups or kinds of employer.