



International  
Labour  
Organization

# ILO Curriculum on Building Modern and Effective Labour Inspection Systems

Module

15

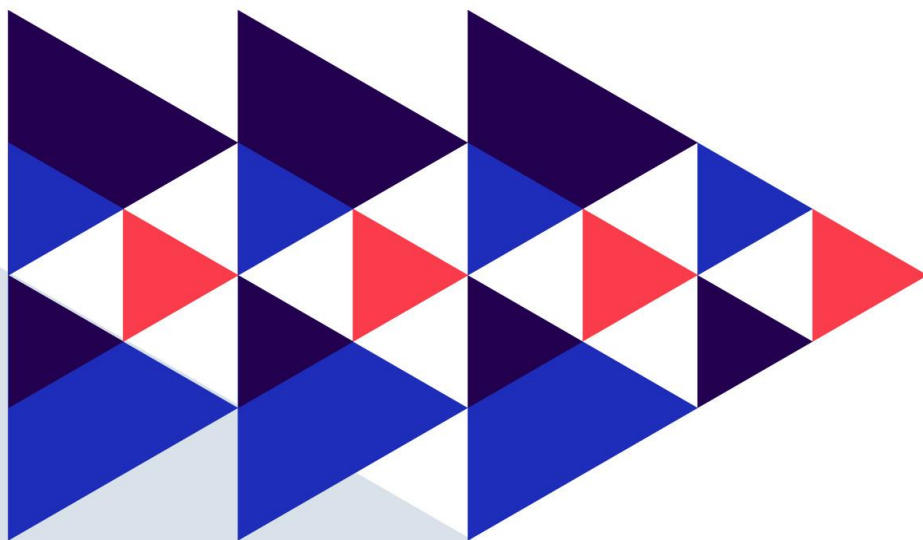
► **Inspection actions to deal with psychosocial risks**



ILO Curriculum on Building Modern and  
Effective Labour Inspection Systems

► Module **15**

## Inspection actions to deal with psychosocial risks





#### ▶ What this module is about

This module is intended to explain the range of inspection actions, both proactive and reactive, that inspectors might carry out, considering the specific characteristics of each national legislation and the design of inspection policies and strategies at national level.

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#### ▶ Objectives

The aim of this module is to give a broad view of inspection actions in respect of psychosocial risks at work, focusing on the following issues:

- ▶ Labour inspection actions to ensure the enforcement of labour legislation relating to employers' psychosocial risk management, and reactive inspection actions in response to complaints and work-related accidents;
  - ▶ The design of campaigns and inspection programmes in this field;
  - ▶ Analysis of the management of relevant psychosocial hazards.
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# ▶ 1. Inspection actions in respect of psychosocial risks

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## 1.1 Proactive and reactive inspection actions

Proactive inspection actions are those taken to ensure compliance with legislation, inform, educate and monitor activities that should be performed by employers. Reactive actions, on the other hand, are those taken in response to specified events, complaints, ill-health, work-related diseases or accidents and other events that could be the consequence of exposure to such hazards.

The common feature of both forms of intervention on the part of inspectors is that they focus on the responsibility and duty of employers to manage psychosocial hazards.

This section analyses the enforcement of employers' activities in relation to psychosocial risks.

## 1.2 Inspection of employers' psychosocial risk management

Occupational safety and health (OSH), including compliance with OSH requirements pursuant to national laws and regulations, is the responsibility and duty of employers. An employer should show strong leadership and commitment to OSH activities within his or her organization and make appropriate arrangements for the establishment of an OSH management system. The system should comprise the main elements of policy, organization, planning and implementation, evaluation and action for improvement.<sup>1</sup>

A mere description of existing psychosocial hazards within the company, as registered by some HR techniques, such as satisfaction surveys, is not acceptable. The employer's management system should provide practical and useful solutions to avoiding psychosocial risks, or minimizing workers' exposure to them.

The essential inspection actions relating to psychosocial risk management are described below.

### 1.2.1 *If all jobs have been included in the assessment process in a structured manner*

Any job might be subject to psychosocial hazards, therefore it is not appropriate to exclude any job from the assessment.

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<sup>1</sup> Guidelines on Occupational Safety and Health Management Systems, ILO-OSH, 2001.

As a rule, unless the company has a very simple structure, it is not acceptable to perform the psychosocial risk assessment for all the workplace jobs without distinguishing between different groups of workers, because psychosocial hazards could affect different groups in different ways.<sup>2</sup>

According to the SLIC Guide on psychosocial risks and diversity-sensitive risk assessment,<sup>3</sup> equality and diversity should be considered in the psychosocial risk assessment, taking into account such groups of workers as:

- ▶ Young and old (age perspective),
- ▶ Women and men (gender perspective),
- ▶ Migrant workers,
- ▶ Temporary-agency workers,
- ▶ Part-time workers,
- ▶ Teleworkers,
- ▶ Multicultural working groups.

### ***1.2.2 If all psychosocial risks involved in the workplace have been analysed***

The risk analysis should be adapted to the workplace hazards, e.g. third-party violence should be analysed only when there is contact with clients or other people, and night and shift working should be analysed only if practised by the company.

The analysis also be adapted to context. For example, in the event of company restructuring, the factors to be analysed should be more related to the process itself and anxieties about change, rather than the current working conditions.

### ***1.2.3 If all relevant information has been considered in the assessment process using appropriate methods***

It is necessary to gather all kinds of data, both objective indicators and subjective workers' perceptions.

To detect evidence of psychosocial hazards, the evaluator should consider such indicators as sickness-absence data, staff turnover rates, the number of referrals to occupational health services, the number of working and rest hours, pay systems, work-related accidents and disease rates, the number of complaints and conflicts, rotations and so on.<sup>4</sup>

The collection of data must comply with all privacy requirements, legislation, collective agreements and policies. The company should keep records of the data collected and the

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<sup>2</sup> This point has been stated in the guidelines on psychosocial risks from France (INRS), Italy (INAIL) and Spain (ITSS-INSHT).

<sup>3</sup> Bibliography (90) and (91).

<sup>4</sup> Article 9 of Regulation 2646-2008 (Colombia), (Bibliography 22); Dépister les risques psychosociaux. Des indicateurs pour vous guider, INRS, France, 2010, (Bibliography 13); Stratégie Sobane (Belgique) (Bibliography 23 – 24) ; Grille d'identification des risques psychosociaux, Michel Vézina and Carole Chénard, INSPQ, Québec - (Bibliography 74).

methods used for collecting it. Where required by regulation, the company should share the collected data and related reports with the OHS committee.<sup>5</sup>

### 1) Use of questionnaires

Many of the assessment methods for making quantitative analyses are based on the use of surveys involving questionnaires. The use of questionnaires has the advantage of involving a large number of workers in the assessment process and ensuring the confidentiality of their responses. However, questionnaire-based surveys would not be appropriate in very small companies or workplaces,<sup>6</sup> or when there are obvious difficulties in carrying them out.

When the results of questionnaires are not satisfactory or do not give a complete picture of the psychosocial hazards in the establishment, they will need to be completed by qualitative tools, such as interviews or collective discussions with a sample of workers.

In any case, questionnaire-based surveys are not equivalent to a complete psychosocial risk assessment and are at best only an initial step in the assessment process.

### 2) Interviews and discussion groups

Qualitative tools such as interviews and discussion groups can provide more complete information about the nature of hazards and their causes, but they can be applied only to a restricted number of workers.

#### 1.2.4 *If the identified psychosocial hazards have been evaluated (risks)*

Once hazards have been identified, they should be listed in order of importance from a health perspective. This prioritization should take account of the severity of each hazard, its likely outcome, the number of workers potentially affected, and the time needed to take preventive and protective measures.

Questions to consider are:

- ▶ How likely it is that a risk will cause harm?
- ▶ How serious is the harm likely to be?
- ▶ How often and how many workers are exposed to the risk?<sup>7</sup>

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<sup>5</sup> CAN/CSA-Z1003-13/BNQ 9700-803/2013 National Standard of Canada on Psychological health and safety in the workplace — Prevention, promotion, and guidance to staged implementation (2013), Standard Council of Canada, p.9 - (Bibliography 16).

<sup>6</sup> Circular-Letter of the Italian Ministry of Labour, *Valutazione e Gestione del rischio da stress lavoro correlato*, (2011), INAIL (Italy) (Bibliography 29), and PAS 1010:2011, p. 12. (In companies employing up to five employees, instead of the aforementioned in-depth assessment tools, the employer may choose to use methods of evaluation (e.g. meetings) that ensure the direct involvement of employees in the search for solutions and verification of their effectiveness.)

<sup>7</sup> Guide for assessing the quality of risk assessments and risk management measures with regard to prevention of psychosocial risks, non-binding publication for EU Labour Inspectors Senior Labour Inspectors' Committee Working Group: New and Emerging Risks (EMEX), adopted on 8 October 2018.

### 1.2.5 *If workers and their representatives have been consulted*

Another indispensable source of knowledge is workers' perceptions of psychosocial hazards. For this reason, it is important to involve workers and their representatives in the assessment process.

Union and workers' representatives are undoubtedly a key source of information, thanks to their role in receiving complaints from other workers and making proposals.

However, workers should also be consulted directly using questionnaires, interviews and discussion groups, and by examining information from existing staff forums or HR surveys.

As some national guidelines point out, as long as the aim is the maintenance and improvement of the health and welfare of employees, no action can be undertaken without a complete knowledge of the labour situation, which is usually only fully known to the employees concerned. Employees should be the main actors, not just the passive recipients of prevention measures.<sup>8</sup>

Consultation between employers and workers should take place at all stages of the psychosocial risk management process.<sup>9</sup> The tools for analysing workers' perceptions may be qualitative, quantitative, or a mixture of the two. The degree of detail required will depend on the complexity of the workplace, the goals of the policy, the accessibility of reliable data, and the decision-making needs of the organization.

### 1.2.6 *If preventive measures have been adopted*

Most experts have classified the forms of intervention to deal with psychosocial risks as primary, secondary or tertiary.

According to the Guide on Work-related Stress published by the Health and Safety Authority of Ireland,<sup>10</sup> these types of intervention can be defined as follows:

- ▶ **Primary interventions (Prevention).** This approach looks into the issue of stress "at source", in order to prevent it occurring. It usually involves some form of organization-wide change in the system of work (how things are done, what is done and/or who does what).
- ▶ **Secondary interventions (Management).** This approach focuses on the employee throughout his or her period with the organization. It includes aspects of work such as training for the job, training in general aspects of health and safety, and support in terms of adequate management of the social and technical aspects of an employee's working life. This represents good management practice and has a role to play in both preventing stress and helping stressed employees to recover.

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<sup>8</sup> Psychosocial Aspects, Ministry of Employment and Wellbeing (Belgium) - (Bibliography 28).

<sup>9</sup> PAS 1010:2011, p. 10 - (Bibliography 12).

<sup>10</sup> Paragraphs extracted from Work-related Stress, a Guide for Employers, HSA Ireland - (Bibliography 30).

- ▶ **Tertiary interventions (Minimization).** The focus here is on the provision of counselling, employee assistance programmes or outsourced support services to assist employees who feel a need for extra support, above and beyond that provided by the HR department.

A combination of all three is generally advisable, rather than focusing solely on one to the exclusion of the others.

These approaches fit into the risk management framework of safety and health systems, the aim of which is to identify and eliminate the causes of stress, as far as reasonably practicable.

In any case, measures adopted to tackle psychosocial risks will ideally be designed in the context of social partner consultation (in companies where representatives are appointed).

### 1.2.7 *If systematic assessment reviews have been carried out*

The psychosocial risk assessment should have built-in periodic and systematic control and internal monitoring mechanisms, in order to ascertain the effectiveness of the measures adopted and avoid or minimize the identified hazards.

## 1.3 Inspecting employers' duty of care

When employers are aware of the consequences of workers' exposure to psychosocial risks as a result of preventive activities implemented, complaints received, work-related accidents and diseases or other events, they have a duty to react and adopt measures that protect their workers' legal rights.

On one hand, employers have a general **duty of care** to ensure that employees and any other person who may be affected by their company's operations remain safe and healthy at all times in every aspect of the work they do, and to provide and maintain a working environment where employees are not exposed to hazards.<sup>11</sup>

On the other hand, employers have to take all appropriate measures to protect **the right of all workers to dignity at work**, which involves protection from sexual harassment and harassment in relation to work.<sup>12</sup>

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<sup>11</sup> This duty is recognized in most of legislations, for example Article 16 of Convention No. 155 and Article 5.1 of the European Framework Directive 89/391/ECC on Occupational Safety and Health.

<sup>12</sup> Article 26 of the European Social Charter (revised in 1996) states: "with a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations: 1) to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct; 2) to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct". In the same sense, the Charter of Fundamental Rights of the European Union (2000/C 364/01), Article 31 on Fair and just working conditions states that: 1. Every worker has the right to working conditions which respect his or her health, safety and dignity.

Inspectors should ensure that if a problem related to psychosocial risks is identified, the employer has taken measures to prevent, eliminate or reduce it.<sup>13</sup>

Identification of such problems could be the result of internal complaints, direct observation, declared instances of mental illness, or signs of the final effects of psychosocial risks, such as absenteeism, rotation, disputes or work-related accidents due to fatigue, stress, organizational factors and so on.

Responsibility for determining the appropriate measures rests with the employer, and these measures should be carried out with the participation and collaboration of workers and/or their representatives.<sup>14</sup>

The risk analysis, as well as the measures adopted, should focus on the problem previously identified, without prejudice to other measures of general scope that might be adopted in a different context.

## **1.4** Inspecting employers' interventions in response to harassment and/or bullying complaints

There is general consensus internationally that employers' interventions to prevent bullying or harassment must be undertaken initially within their companies. There is also agreement about the appropriateness of establishing operational procedures for investigating complaints within companies.

Interventions of this type are reactive in nature. They are normally activated by the employer when an internal complaint is made by an alleged victim and sometimes when somebody else (the workers' representative, the prevention service the employer himself) has a reasonable suspicion that conduct of a bullying/harassment nature might be occurring or has already taken place at work.

The main purpose of intervention is preventive, to stop something occurring, but also to find a solution to the problem should it occur. The primary aim is not to discipline or punish the person who has committed the bullying or has allowed it, although eventually it may give rise to a punitive procedure.

The consensus concerning such interventions is set forth in various international instruments, for instance the ILO Code of Practice on Workplace Violence in the Services Sectors (2003)<sup>15</sup> and the European Framework Agreement on Harassment and Violence at Work (2007).<sup>16</sup>

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<sup>13</sup> European Framework Agreement on Work-related Stress (2004), Paragraph 4.

<sup>14</sup> Last paragraph of Section 4 of the European Framework Agreement on Work-related Stress - (Bibliography 2).

<sup>15</sup> Code of Practice on Workplace Violence in Services Sectors and Measures to Combat this Phenomenon - Meeting of Experts to Develop a Code of Practice on Violence and Stress at Work in Services: A Threat to Productivity and Decent Work (8-15 October 2003), Geneva, Paragraph 4.8 - (Bibliography 3).

<sup>16</sup> Procedures are provided for in Paragraph 4 of this Agreement, (EAHVW).

Complaint procedures in relation to bullying have also been established in the internal regimes of several international organizations, in particular the ILO, the WHO, the United Nations and the European Commission.<sup>17</sup>

### 1.4.1 *The context for developing intervention procedures*

Employers may develop their own intervention procedures in isolation or be included within the framework of a specific bullying prevention policy, in the implementation of legal requirements or collective bargaining agreements (at company or branch level), or within the framework of other related policies.

#### **a) Within a specific bullying prevention policy**

One option would be to establish a specific policy for the prevention of bullying. According to the European Framework on Violence and Harassment at Work (2007),<sup>18</sup> such a policy should involve three basic activities:

- ▶ Raising awareness among workers and managers, and providing appropriate training for them;
- ▶ Having a clear statement or declaration stating that harassment and violence will not be tolerated, describing what bullying is (with a list of examples) and allocating responsibilities to ensure that bullying at work does not occur;
- ▶ Specifying procedures to be followed if and when cases occur.

Employers and workers' representatives can agree to institute an anti-bullying culture, and have a shared sense of responsibility for that culture. In very small businesses which do not have a worker-representative structure, the policy and strategy should be communicated to all employees. The policy and complaints procedure should be extended, where appropriate and in so far as is practicable, to clients, customers and other business contacts, after consultation or negotiation with trade-union or workers' representatives on its content and implementation.<sup>19</sup>

This policy should be communicated to everyone and should be monitored by the employer.

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<sup>17</sup> Among others, the ILO Collective Agreement, 2001, and the Commission Decision of 26 April 2006 on the European Commission Policy for protecting the dignity of the person and preventing psychological harassment and sexual harassment - (Bibliography 45).

<sup>18</sup> Paragraph 4, EAHWW - (Bibliography 25).

<sup>19</sup> CoP Ireland. (Bibliography 36).

### **b) In the framework of legal requirements or collective bargaining**

Procedures for dealing with bullying can be regulated in the framework of legislation of collective bargaining agreements, as occurs in Belgium,<sup>20</sup> the European Commission<sup>21</sup> and the ILO.<sup>22</sup>

### **c) In other policies**

Such procedures can also be part of a voluntary policy of labour conflict mediation,<sup>23</sup> a voluntary policy concerned with quality of life at work,<sup>24</sup> or a policy governing equal treatment and non-discrimination at work.<sup>25</sup>

## **1.4.2 Informal intervention procedures**

Regulations usually provide early-stage informal steps for addressing these issues. The European Framework Agreement states that “procedures can include an informal stage in which a person trusted by management and workers is available to give advice and assistance. Pre-existing procedures may be suitable for dealing with harassment and violence”.<sup>26</sup>

The most successful result of these procedures is when the parties are able to reach an agreed solution to the problem, since resolutions involving retribution hardly allow for the restoration of harmony in the workplace.

There are situations, however, in which mediation or conciliation cannot or should not be tried, either because the conflict has escalated to a stage in which agreement is not possible<sup>27</sup> or due to the particular position of the victim or the extent and illegality of the alleged behaviours, should they be found to be true. In such cases, formal procedures are necessary.

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<sup>20</sup> Arrêté royal du 10 avril 2014 relatif à la prévention des risques psychosociaux au travail (Royal Decree of 10 April 2014 regarding the prevention of psychosocial risks at work) - (Bibliography 77).

<sup>21</sup> Commission Decision of 26 April 2006 on the European Commission Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

<sup>22</sup> ILO Collective Agreement, 2001.

<sup>23</sup> E.g. Mediation: an approach to resolving workplace issues, ACAS –CIPD, UK (2013). (Bibliography 46).

<sup>24</sup> Framework Agreement on Quality of Life at Work, France (2013). (Bibliography 47).

<sup>25</sup> See the aforementioned Recommendation 92/131/EEC and 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 (OJEC 5.12.2002 L 269/15). Article 1.5 states that “Member States shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training **to take measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment at the workplace**”. All the EU countries have implemented this Directive and many have established procedures on sexual harassment and sex-related harassment complaints in their respective legislation.

<sup>26</sup> Paragraph 4 - (Bibliography 25).

<sup>27</sup> For this reason it is indispensable to act in the early stages of conflict to achieve preventive aims.



For informal procedures, employers should designate a “**contact person**” (Ireland)<sup>28</sup> or a “**person of trust**” (Belgium)<sup>29</sup> who can listen and provide advice and assistance to workers about complaints of bullying and explain the procedures in place to resolve the problem.

These individuals will be employees of the company, but preferably not part of the management. The choice of person is crucial. It should be someone who is motivated to do this task, someone who knows something about the subject or wants to deepen their knowledge of it. He or she should be trusted by the employees. This person should be chosen carefully, otherwise the procedure is pointless and could do even more damage.

Mediators should have a thorough knowledge of the organization and be able to facilitate a good understanding of and solution to the problem. They should receive appropriate training, adequate resources and protection against potential reprisals. It may be helpful if these persons are designated with the agreement of the trade unions or employees, as this is likely to enhance their acceptability.<sup>30</sup>

They could participate in achieving an informal solution, or could transmit complaints to the competent body,<sup>31</sup> but they should not be involved in any other way in the formal complaints procedure and should not advocate for either party.<sup>32</sup>

Another possible procedure would be to constitute joint bodies of employers and workers to receive and examine complaints about bullying behaviour. In Colombia, Regulation 652-2012 prescribes the formation of “**committees for labour good fellowship**” to assume this role.

In smaller organizations, this role may be played by an outside agency, such as a representative body, consulting company, expert individual or advisory body.<sup>33</sup>

With or without these persons, an informal problem-solving approach may be adopted by the employer to ensure that the behaviour complained of, if established in fact, is eliminated and that working relationships are restored.<sup>34</sup> This could be achieved through a reorganization of work or a reassignment of tasks, a transfer to another location or conciliation with the person involved.<sup>35</sup>

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<sup>28</sup> CoP Ireland – (Bibliography 36).

<sup>29</sup> “La personne de confiance” - La prévention de la charge psychosociale au travail: stress, violences, harcèlement moral et sexuel, Direction Générale Humanisation du Travail (2009), Belgium / “The person of trust” - Prevention of psychosocial stress at work: stress, violence, moral and sexual harassment. General Direction for the Humanisation of Work (2009), Belgium – (Bibliography 48).

<sup>30</sup> European Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work (92/131/EEC).

<sup>31</sup> La prévention de la charge psychosociale au travail ... (2009), Belgium – (Bibliography 48).

<sup>32</sup> CoP Ireland – (Bibliography 36).

<sup>33</sup> CoP Ireland – (Bibliography 36).

<sup>34</sup> CoP Ireland – (Bibliography 36).

<sup>35</sup> La prévention de la charge psychosociale au travail: stress, violences, harcèlement moral et sexuel. Direction générale humanisation du travail (2009) pp. 43-44, Belgium – (Bibliography 48).

### 1.4.3 Formal investigation procedures

Where the complainant regards attempts at informal resolution as inappropriate, or where the mediation has been unsatisfactory or the harassment persists, a formal procedure for resolving the complaint will be necessary.<sup>36</sup>

This procedure may include:

- ▶ a formal and detailed complaint, made through a clearly specified channel;
- ▶ notification to the person complained about, assuring them of the presumption of innocence;
- ▶ a formal investigation of facts within a certain time scale, conducted objectively by an impartial person;
- ▶ submission of a report by the investigator detailing his or her conclusions and the measures to be taken;
- ▶ a decision by the employer on what action should be taken in the light of the investigator's report:
  - If harassment behaviours have been ascertained, the employer should follow the appropriate disciplinary procedures;
  - If psychosocial risks factors have been identified, they should be eliminated and/or minimized.
- ▶ Personal data protection rules should be followed throughout this process.

### 1.4.4 Critical points for labour inspectors' monitoring of procedures relating to bullying

We are going to analyse the most relevant aspects of the supervisory tasks of labour inspectors with regard to these procedures:

#### a) Instituting procedures

Labour inspectors may require employers to institute appropriate procedures in respect of bullying and/or harassment when they are legally bound to do so (e.g. Belgium, Ireland, Canada (Quebec and Ontario) and Chile<sup>37</sup>) or when the harassment is sex-related (Spain).<sup>38</sup> In other cases, procedures may be only recommended under the law (France)<sup>39</sup> or in guidelines or voluntary standards.

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<sup>36</sup> European Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work (92/131/EEC).

<sup>37</sup> Regulation of the Colombian Ministry of Labour 652 of 30 April 2012 concerning Committees of Labour Good Fellowship.

<sup>38</sup> Article 48, Organic Act 3/2007 on Effective Equality between Women and Men.

<sup>39</sup> Article L 1152, Labour Code (France).

When such procedures are not legally required, inspectors might recommend them as one of the best ways of dealing with bullying complaints and thereby protecting labour rights.

### **b) Workers' participation**

Workers' participation in the institution of procedures is sometimes legally required. In any case, it is always advisable in order to ensure their legitimacy and take-up, acceptance and use by workers.

### **c) The admission of complaints and the preventive basis of procedures**

Procedures are often wrongly designed, being more disciplinary than preventive (i.e. intended to prevent this type of behaviour from occurring).

This problem may be evident at the beginning of the procedure, when complaints based on simple suspicions, unsubstantiated or mere hints, are not admitted because the investigator considers that bullying/harassment must be clearly evidenced, or there must be a clear pattern of such behaviour.

Bullying/harassment behaviours usually escalate and reach a point at which the position of the parties is irreconcilable. The time for intervention is prior to the stage at which the conflict has become irreversible. For this reason, flexibility in the admission of complaints is necessary.<sup>40</sup>

### **d) Management of the process by untrained individuals**

Another common problem is managers' lack of training or knowledge of the process for dealing with bullying or harassment. This shortcoming could affect the proper understanding of complaints and the nature and purpose of the procedures.

Companies sometimes look to external consultants to review situations of bullying. It should be pointed out that an expert on psychosocial risk prevention does not play the same role nor apply the same techniques as a mediator in labour disputes. In any case, the particularities of bullying complaints should be considered, including when the status of the parties involved is unequal.

### **e) Protection of Privacy**

It is in the interest of all parties to proceed with discretion, so as to protect their dignity and privacy. No information should be disclosed to parties not involved in the case.<sup>41</sup>

It is advisable that this rule be explicitly stated in writing for all the persons involved. Confidentiality should also encompass witnesses, in order to avoid reprisals or persecution.

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<sup>40</sup> Dieter Zapf (University of Frankfurt) considers that "bullying as an escalated conflict is by definition not in an early stage" and "early intervention is more easily said than done!" It would be advisable to establish a consensus at company level about the point of intervention.

<sup>41</sup> EAHVW, Paragraph 4 – (Bibliography 25).

However, information concerning success stories can have a positive effect in encouraging other workers to use anti-bullying procedures, and employers should therefore publish periodic reports disclosing good results (Dieter Zapf).<sup>42</sup>

#### **f) Avoiding delays and interruptions**

Complaints should be investigated and dealt with without undue delay.<sup>43</sup> There are sometimes failings in this regard, when a time frame has not been set or the conduct of the procedure is slow and confusing or subject to delaying tactics in the form of appeals and points of order that take time to be resolved.

The slowness in the resolution of such conflicts is precisely one of the situations that the implementation of these procedures is intended to prevent. Frequent anomalous management of these processes might highlight a lack of commitment on the part of an employer regarding these forms of intervention.

#### **g) Lack of impartiality and neutrality of managers**

All the parties involved should be accorded an impartial hearing and fair treatment.<sup>44</sup> There could be a lack of impartiality if the investigation or procedure is entrusted to the line manager of the person complained about, or if the investigator is a senior manager of the company, as frequently happens in small businesses.

#### **h) Adoption of appropriate preventive measures**

If harassment or violence has occurred, appropriate measures must be taken in relation to the perpetrator(s). This may include disciplinary action up to and including dismissal. The victim(s) should receive support and, if necessary, help with reintegration.<sup>45</sup> Witnesses of bullying/harassment should be protected by legal provisions to encourage them to come forward.

In any case, whatever the final outcome where discipline is concerned, the preventive aim of the procedure should not be forgotten: the purpose of the exercise is to adopt measures that will eliminate or mitigate the psychosocial risk factors identified during the procedure.

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<sup>42</sup> “Guía de Intervención. Mobbing. Acoso Psicológico en el Trabajo” (Guide for intervention. Bullying. Psychological Harassment at Work), Escartín, Rodríguez-Carballeira and Zapf, 2012 – (Bibliography 49).

<sup>43</sup> EAHVW, Paragraph 4 – (Bibliography 25).

<sup>44</sup> EAHVW Paragraph 4th – Bibliography (25).

<sup>45</sup> EAHVW Paragraph 4th – Bibliography (25).

## 1.5 Intervention procedures in respect of sexual harassment

Procedures for dealing with sexual harassment complaints have also been developed, with some legal instruments providing for the use of internal procedures in response to allegations of sexual harassment.<sup>46</sup>

These are the main features of the most recent of these procedures:

1. Sexual harassment may, in certain circumstances, be contrary to the principle of equal treatment. As sexual harassment is often a function of women's status in the employment hierarchy, policies for dealing with sexual harassment are likely to be most effective where they are linked to a broader policy to promote equal opportunities and improve the position of women.
2. As with procedures for dealing with bullying complaints, the aim is to ensure that sexual harassment does not occur and, if it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence.
3. Certain groups are particularly vulnerable to sexual harassment. Research suggests that divorced and separated women, young women, new entrants to the labour market, those with irregular or precarious employment contracts, women in non-traditional jobs, women with disabilities, lesbians and women from racial minorities, gay men and young men are more vulnerable.
4. It is important to demonstrate senior management's concern and commitment to dealing with the problem of sexual harassment through a policy statement or agreement. Steps should be taken to raise awareness of the problem of sexual harassment in the workplace, in order to create a climate in which it is neither condoned nor ignored.
5. The training of managers and supervisors should highlight the factors which contribute to a working environment free of sexual harassment. It should aim to familiarize participants with their responsibilities under the employer's policy, and any problems they are likely to encounter.
6. To resolve problems informally, it may be possible and sufficient in some cases for the employee to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.
7. When a complaint about sexual harassment needs to be made, it may be difficult to use the normal channels because of embarrassment, fear of not being taken seriously, fear of damage to reputation, fear of reprisal or the prospect of damaging the working environment. The formal procedure should therefore specify to whom the employee should bring a complaint, and should provide an alternative if, in the particular

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<sup>46</sup> Such as the Recommendation of the European Commission 92/131/EEC of 27 November 1991 on the protection of the dignity of women and men at work.

circumstances, the normal grievance procedure is not suitable, for example because the alleged harasser is the employee's line manager. It is also advisable to make provision for employees to bring a complaint in the first instance to someone of their own sex, should they so choose.

## 1.6 Inspecting employers' interventions in response to traumatic events, and managing the return to work

Exposure to trauma or violence at work, harassment, bullying, excessive workloads, a hostile work environment and problematic organizational and management systems are all considered causes of psychological disorders.<sup>47</sup> There is therefore a clear relationship between psychosocial hazards and psychological injuries such as depression, anxiety disorders, post-traumatic stress disorder (PTSD), adjustment disorder and pain disorder.

These kinds of injuries can also occur when workers suffer or have witnessed other traumatic events, such as work-related accidents.

Besides the proactive prevention measures we have analysed in the third section above, it is necessary to implement reactive measures, such as early intervention and assistance for the employees affected by traumatic events, and a programme of actions to facilitate their return to work.

An important aspect of such interventions is the need to coordinate the actions taken within the company with external resources. For this reason, it is useful to have a coordinator or a contact person "to supplement clinical intervention with information about the workplace", since "accurate and timely communication between the treatment providers and relevant people in the workplace is essential".<sup>48</sup>

These are the measures to be monitored in this kind of intervention:

### a) Instituting supportive mechanisms for traumatic events<sup>49</sup>

Supervisory staff and intervention teams should be prepared to act immediately in emergencies. This may entail:

- a) **Training** for employees and managers concerning the mental effects of traumatic events, and how to respond and assist employees so affected by sharing coping techniques;

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<sup>47</sup> Managing psychological injuries / A guide for rehabilitation and return to work coordinators, Work Cover, South Australia - (Bibliography 52).

<sup>48</sup> Managing psychological injuries ... (Australia) - (Bibliography 52).

<sup>49</sup> Handlungsempfehlung für die Arbeitsschutzverwaltungen der Länder Umgang mit traumatisierenden Ereignissen Prävention und Betreuung für Aufsichtspersonen (Recommendations for Regional Occupational Safety and Health Authorities for actions relating to traumatic events prevention and support to inspectors), Germany (2010) - (Bibliography 53).

- b) **Procedures for analysing** traumatic events and their consequences, especially third-party violence, serious and fatal accidents, and physical and psychological violence. Such procedures should take into account duties, tasks, responsibilities, potential cooperation partners and so on.
- c) **Contacts with external care institutions**, immediately after the traumatic event (psychosocial emergency care) and to deal with longer-lasting symptoms (professional help from psychotherapists).

### b) Facilitating the return to work

When it is necessary to make adjustments to the workplace to accommodate a worker's psychological injury and mitigate risks, the following workplace arrangements should be considered:<sup>50</sup>

- a) **Appointing a temporary "mentor"**, an experienced employee who can facilitate the reintroduction of the worker to the tasks and behaviours expected of them at any given moment. The time period should be negotiated within the company and could continue for a few days or several weeks;
- b) **Flexible working options**, such as varied start and finish times, working from home, working part-time, offering a variety of tasks, offering a quieter location in which to work, sharing responsibilities or tasks;
- c) **Assisting with concentration and cognition**: addressing written or emailed instructions to the worker, rather than just telling them; highlighting important tasks that need prioritizing; using diagrams to assist the worker in remembering and processing information; providing a diary for managing deadlines; allowing extra time to complete tasks or allowing short breaks more frequently;
- d) **Assisting with executive functions such as planning tasks**: developing a written plan with the worker that features achievable tasks, providing a checklist of tasks that need completion or reminding the worker, sensitively, about deadlines;
- e) **Assisting with physical symptoms (pain and fatigue)**: arranging flexible working hours; arranging training for the worker regarding accessible computer functions such as enlarged print options, if blurred vision is a problem; providing short breaks; structuring their working hours around the time of day when they are the most productive or allowing the worker to have input into the work roster;
- f) **Assisting with emotional fall-out**: avoiding being drawn into arguments, reminding the worker of the basic workplace rules of behaviour and treating everyone with respect, encouraging the worker to walk away from stressful situations, providing encouragement when the worker handles a situation well or allowing the worker to telephone external support people during work time.

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<sup>50</sup> Most of these measures are included in "Managing psychological injuries..." (Australia), p. 8 – (Bibliography 52).

## 1.7 Investigation of complaints, work-related accidents and other events

Labour inspectorates may receive explicit **complaints** about psychosocial risks, particularly about a lack of assessment or measures to prevent or reduce them.

However, it is more likely that inspectorates will receive complaints that implicitly involve these risks, such as those relating to violence, harassment, fatigue, excessive working time, work overload, frequent changes in arrangements, a bad atmosphere or an offensive environment. In all of these cases, it is also appropriate to adopt a preventive approach to psychosocial risks.

Inspectors should check the measures adopted by the employer to eliminate or mitigate the risks identified and to avoid any future recurrence. The workers or their representatives should have the opportunity to be consulted during the visit.

Inspectors should provide guidance and advice to employers to motivate them in introducing changes in organization and ensure that the changes made are genuine and sustainable.<sup>51</sup>

On the other hand, pursuant to Article 14 of Convention No. 81, the labour inspectorate should be notified of industrial accidents and cases of occupational disease in such cases and in such ways as prescribed by national laws or regulations. **Investigating the cause and circumstances of work-related accidents and diseases** is a normal activity of labour inspectors.

In investigating work-related accidents, inspectors might find that psychosocial factors are the indirect or even the main cause. The Belgian authorities have developed a checklist covering psychosocial aspects that can be used when investigating work-related accidents.<sup>52</sup>

However, the declaration of work-related accidents or diseases relating to psychosocial risks is subject to certain limits. Most legislations recognize as accidents the physical injuries suffered by workers during working time in the workplace, normally as a consequence of a sudden event such as third-party violence, internal physical violence or cardiovascular disease. On the other hand, mental diseases are most commonly the result of exposure to psychosocial risks, but legislation does not always recognize them as work-related accidents or diseases.

Section 2.4 of the [List of Occupational Diseases Recommendation, 2002 \(No. 194\)](#) mentions mental and behavioural disorders such as post-traumatic stress disorder (2.4.1.) and “other mental or behavioural disorders not mentioned in the preceding item where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the mental and behavioural disorder(s) contracted by the worker” (2.4.2).

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<sup>51</sup> In this sense, see “Labour inspection strategies addressing the psychosocial work environment”, Liv Starheim and Mette Bogehus Rasmussen, Policy and Practice in Health and Safety (2014), IOSH - Bibliography (62).

<sup>52</sup> Studies about the links between the psychosocial aspects and work-related accidents in Belgium - Bibliography (82).



Some countries have included illnesses due to psychosocial factors in their lists of professional diseases,<sup>53</sup> others have included mental diseases<sup>54</sup> or post-traumatic stress disorders,<sup>55</sup> and many others have also recognized mental ill-health as an occupational disease or a disease attributable to work-related accidents, defining the concept broadly to include chronic stressors (Lippel & Sikka, 2010). In Europe, cases may be accepted on a case-by-case basis, which requires demonstration of a direct and essential link between the illness and work-related activities.<sup>56</sup>

The involvement of labour inspectors in these issues varies from country to country. In some countries, inspectors participate in the decision-making process of the public social security bodies which have to decide whether or not such diseases are work-related.<sup>57</sup> In others, the investigation may depend on whether or not work-related accidents and diseases are recognized as deriving from exposure to psychosocial risks.

Reactive inspections may be triggered by **other exceptional events**, such as workers suicides, high levels of absenteeism or disputes, or other alerts or notices addressed to the labour inspectorate.

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<sup>53</sup> In Venezuela, the Technical Standard for the Declaration of Occupational Diseases (NT-02-2008) includes occupational stress, work-related fatigue, burnout syndrome and mobbing syndrome (0070-00). The list of professional diseases in Colombia (Decree 2566 – 2009) includes diseases caused by stress at work: work with quantitative overload; too much work in relation to the time to perform it; repetitive work combined with overload of work; work with mass-production techniques combined with rhythm or control or monotonous or repetitive action imposed by the machine; shift work and night work; work with stressful physical overload; work with psychosocial effects, producing states of anxiety and depression; myocardial infarction and other cardiovascular emergencies; high blood pressure; peptic acid or severe irritable bowel syndrome - (Bibliography 42).

<sup>54</sup> In Chile, High Decree 109 (1968) recognizes the disabling professional neurosis that can adopt various forms of clinical presentation such as adaptation disorders, reactive depression, chronic pain and somatisation disorder (Art. 19.13) and the neurosis caused by jobs exposed to risk of psychical tension when the relationship of cause and effect with the work is checked (Art. 23.8).

<sup>55</sup> In Denmark, the Guide to Occupational Diseases n° 9738 (2010) No 20 includes post-traumatic stress disorder when there is exposure to stressful events or situations (of short or longer duration) of an exceptionally threatening or catastrophic nature.

<sup>56</sup> "What recognition of work-related mental disorders? A study on 10 European countries", February 2013, EUROGIP.

<sup>57</sup> In France and Spain, labour inspectors can intervene in the reporting of these procedures.



### ▶ France: the case of France Telecom

The starting point was the NExT plan, a recovery plan designed by France Telecom to reduce the company's costs (mainly wages). The aim was to introduce a policy of convergence of products and services and to gather all the group's brands under the single Orange label. As a consequence of this plan, staff numbers were reduced from 196,000 to 167,000 between 2005 and 2009.

The NExT plan introduced an aggressive management policy. In 2004, 4,000 employees were trained for ten days to achieve the goals of the plan. The cut in staff was the priority and new management techniques were put in place for degrading working conditions in order to put pressure on staff to leave the company voluntarily, so reducing the compensation that would have to be paid.

In September 2010, the number of suicides in the company since 2008 had risen to 58. In 2010, there was a very pronounced increase of suicides. Nine occurred in January and February (the rate was 5.4 per 10,000, 180% more than in 2009). A company worker who committed suicide in Marseille on 14 July 2009 noted in his last letter: "I commit suicide because of my job in France Telecom; it is the only cause. Permanent urgency, work overloads, lack of training and total disorganisation in the company".

The Labour Inspectorate was alerted by the company unions, which were alarmed at the rate of suicides. An investigation was opened, lasting six months. The main difficulty was to collect testimonies from the employees in a company with more than 150,000 staff spread over the whole of France. At the end of the investigation, a report was sent by the labour inspectors to the judicial authorities, who prosecuted the managers of France Telecom.

It was alleged that the direct cause of the suicides was the stress or "institutional bullying" triggered by the company's personnel management policy in seeking to get rid of a large part of its staff without complying with the rules governing dismissals. The court's judgement was issued in December 2019.<sup>58</sup>

Basing their action on the labour inspectorate reports, the unions succeeded in suing the former president of the company and two chief executives for bullying before the Criminal Court.

In parallel, the General Direction of Labour prompted France Telecom to take preventive action and enter into negotiations to protect workers' mental health. A centre to monitor mental health was set up in collaboration with the trade unions.

<sup>58</sup> <https://www.theguardian.com/world/2019/dec/20/former-france-telecom-bosses-jailed-over-workplace-bullying>.

## 1.8 Investigation of bullying and sexual harassment in enforcement procedures

In many countries, sexual harassment — at least in its most serious forms — is considered a criminal offence (France, Chile, Norway, Ireland, etc.). Likewise, in many countries, bullying or harassment is also considered a criminal offence (France, Spain, Italy and Belgium) or an administrative infringement (Spain), investigation of which falls within the remit of labour inspectors.

In countries such as Norway, inspectors do not carry out investigations themselves, but they issue an order requiring the employer to investigate.<sup>59</sup> Other labour inspectorates, such as the French<sup>60</sup> and Spanish,<sup>61</sup> have drawn up guidelines on how inspectors should investigate cases of what could be considered criminal or administrative offences.

The most common trigger for such proceedings is a complaint from the victim, but they could also be motivated by work-related accidents or diseases,<sup>62</sup> or by a formal request from the Public Prosecutor.<sup>63</sup>

Inspectorate guidelines agree on the appropriateness of **preparing for the intervention** before contacting the employer in such cases, adopting the following procedure:

- ▶ Inspectors should consider the particular position of the complainant.
- ▶ Having read the complaint or document which initiated the investigation, they should conduct a **prior interview with the complainant** and his or her assistant/advocate. The aim is to understand the facts relating to the company and its environment, the worker's professional situation, the social relationships in the workplace, the facts and individuals involved in the harassment behaviour, other claims or processes already initiated by the complainant, the evidence available, and what the complainant hopes to achieve.
- ▶ They should also **examine the background** of the company and the complainant as known to the inspectorate and/or other related public bodies.
- ▶ Next, they should make an **initial legal assessment** of the complaint to determine whether or not the facts alleged constitute harassment and whether the legal remedies

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<sup>59</sup> The Labour Environment Authority, together with the social partners, has written a guideline for investigation of facts: "Investigation of facts. When claim is against claim - how to get ahead?".

<sup>60</sup> Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville. Les Guides de la DGT. Les Risques D'atteinte à la santé mentale. Repères pour l'action de l'Inspection du travail. Fiche 3 : Le recueil et le traitement des plaintes (Ministry of Labour, Social Relations, Family, Solidarity and Town. Guides of the General Direction of Labour. Risks to mental health. Guidelines for the Labour Inspection Actions. Form 3: Collecting and treatment of complaints).

<sup>61</sup> Criterio Técnico 69/2009 de la Dirección General de Inspección de Trabajo y Seguridad Social sobre Acoso y Violencia en el Trabajo. (Code of Practice from the General Direction of the Labour and Social Security Inspectorate about harassment and violence at work) – Bibliography (40).

<sup>62</sup> For example, in Spain inspectors can intervene in social security proceedings to determine whether an accident or disease is work-related or not, in order to establish the type of benefits payable. Labour inspectors can report the facts involved to the social security bodies, as frequently occurs in cases of harassment.

<sup>63</sup> As can happen in Italy.

sought by the complainant are the most appropriate. They should also explain the powers of the inspectorate to the complainant and ensure him or her of confidentiality regarding the complaint (Article 15, Convention No. 81).

- ▶ As the investigation proceeds, it would be appropriate to **advise/guide the complainant** as to the relevant factors in the case, to facilitate the work of the inspector in gathering evidence.

Before **visiting the workplace**, the inspector should work out an appropriate strategy. The employer should be informed of the purpose of the inspector's investigation and should respect the confidentiality of the complaint. The inspector may wish to interview the staff, prevention services or workers' representatives, following a logical order. It may also be appropriate a check out the workplace and the specific location of the complainant in order to assess his or her working conditions.

A workplace visit is the most appropriate way to verify situations that are visibly and objectively unfair, such as a lack of tasks for the complainant, the performance of tasks that are not clearly and unequivocally within his or her remit, or the worker's isolation without any logical reason from the rest of his or her co-workers.

Inspectors may also prepare for an investigation in the inspection office by reviewing documents such as risk assessments, policies and procedures on bullying prevention, time schedules, wage slips and so on, and by conducting interviews or meetings with other persons involved in order to clarify the facts.

The testimony of the complainant is particularly relevant in cases of sexual harassment, provided it is consistent and without errors or contradictions.

The inspector should seek to reconstruct the facts related, discover the main features of the working environment, and understand the measures taken by the managers once they had become aware, or should have become aware, of the facts.

The verification of records and documents is particularly relevant when it is necessary to check negative facts, such as a lack of tasks assigned, a lack of training and so on. Inspectors may require documentation proving that such work, training or meetings actually existed or took place.

Medical records submitted by a worker concerned cannot be relied on to determine the facts, since they tend to rely on the declaration made to the doctor by the worker him or herself. Such reports are useful, however, for assessing the damage suffered by the worker when this data is relevant to evaluating the employer's responsibility.

It is also a good move to consult workers' representatives during the inspection process, especially those specialized in occupational safety and health.

When the inspector considers that management of the situation is complete, and the facts have been sufficiently proven or confirmed, he or she should report them or take a decision in the infringement proceedings, depending on the nature of the legal system that applies.

In any case, the inspector should also consider the adoption of protection measures for the victim, and measures for the prevention and appropriate management of psychosocial risks in the workplace.

## 1.9 The giving of advice and assistance by labour inspectors

It is important that labour inspectors be seen as facilitators of compliance with legislation, rather than obstacles to business activity. It is therefore important that inspectors contribute by giving advice and assistance in trying to find practical solutions to psychosocial risks, pursuant to Article 3.1.(b) of Convention No. 81, in order to secure enforcement of the legal provisions relating to working conditions.

Moreover, inspectors usually play an implicit role in the transmission of good practices from one workplace to others, (although, even after leaving the service, they should not reveal any manufacturing or commercial secrets or working processes which may have come to their knowledge in the course of their duties). Their cumulative experience of addressing psychosocial risks could also be useful in solving problems that are frequently repetitive.

Inspectors can advise and assist employers and employees concerning measures or procedures that might be useful in reaching settlements between the parties.

## ► 2. Designing inspection policies and strategies to deal with psychosocial risks

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### 2.1 A national policy relating to psychosocial risks

A safe and healthy working environment and access to occupational health services should be the right of all workers, as provided for in the [Occupational Safety and Health Convention, 1981 \(No.155\)](#) and the [Occupational Health Services Convention, 1985 \(No.161\)](#). In this context, OSH is defined as a multidisciplinary field devoted to the anticipation, recognition, evaluation and control of hazards arising in or from the workplace that could impair the health and wellbeing of workers, taking also into account the possible impact on the surrounding communities and the environment.

**Convention No. 15** and its related Recommendation No. 164 provide for the adoption, implementation and review of a coherent national policy on OSH, mechanisms for consultation and participation of employers and workers and their organizations, and measures for its implementation at company level.

**Convention No. 161** and its Recommendation No. 171 define the role of occupational health services in the workplace as having essentially preventive and advisory functions and being responsible for assisting employers, workers and their representatives in establishing and maintaining a safe and healthy working environment, including the adaptation of work to suit workers' capabilities, which facilitates optimal physical and mental health at work.

Moving from prescription to a promotional and preventative approach, the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#) and its associated Recommendation (No.197, 2006,) are adapted to today's needs in the field of OSH. They incorporate the core principles of the ILO standards on OSH and provide guidelines for a coherent and effective national management system. Workplace level arrangements are further guided by the [ILO Guidelines on Occupational Safety and Health Management Systems, ILO-OSH 2001](#).

The principle of workers' consultation and participation in the management of OSH is embodied in all ILO standards in this field. The knowledge and active participation of workers' representatives and OSH committees in the establishment of preventive measures have proven to be effective tools at the enterprise level in ILO Member States.

A national preventive safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels; where governments, employers and workers actively participate in securing a safe and healthy working environment; and where the highest priority is accorded to the principle of prevention. Building and maintaining a preventive safety and health culture requires an increase in general awareness, knowledge and understanding of hazards and risks, and how they may be prevented or controlled, as well as an exchange of experience and good practices on OSH.

Psychosocial risks could be included in national OSH policy and national programmes determining the jobs and sectors affected, and the actions required for raising awareness and inspecting workplaces.



► **Denmark: A strategy for efforts to improve the working environment up to 2020 (Summary)**

Efforts will be targeted at those enterprises that have the most issues relating to the working environment, including the psychosocial (psychological) working environment. The number of inspections will be increased for these enterprises.

The parties agree that psychosocial burnout and stress are serious health and safety issues, and there are many indications that these issues will still be significant in the future. Enhancing the focus on the psychosocial working environment is therefore essential. As a result, the psychosocial working environment is one of the focus areas of the strategy. Accordingly, risk-based inspections will focus strongly on the psychosocial working environment. The parties also agree that it is important to encourage enterprises to focus on the psychosocial working environment. Furthermore, the parties agree that the Danish Working Environment Authority, in cooperation with the social partners, must determine a methodology for how enterprises can identify and remedy problems relating to the psychosocial working environment.

**Initiative 5: Focus on the psychosocial working environment**

- The parties agree that there are many challenges within the area of the psychosocial working environment. Burnout caused by a poor psychosocial working environment is an important issue for society, enterprises and the individuals who are affected. Psychosocial burnout must be prevented, because it has human costs. Moreover, it may also be financially worthwhile for enterprises to maintain a good psychosocial working environment which can result in increased productivity, increased efficiency and reduced absenteeism due to sickness among the employees.
- The parties agree that the social partners play a central role in finding solutions to how enterprises could approach this issue.
- The parties agree that the Danish Working Environment Authority and the social partners should uncover methods to identify and resolve problems relating to the psychosocial working environment. This effort will result in a catalogue of ideas listing the methods and tools, including workplace assessments (risk assessments) which enterprises can use to uncover and resolve psychosocial working environment problems, and provide ideas for the Danish Working Environment Authority on how to optimize collaboration with enterprises in these areas with a view to improving the prevention of psychosocial working environment problems.

In any case, the Labour Inspection Convention, 1947 (No. 81) is a useful tool for investigating psychosocial risks, as the concept of working conditions is sufficiently large to include them.

## 2.2 Designing an inspection strategy to deal with psychosocial risks

Psychosocial hazards are present in all sectors and should be monitored during every proactive inspection. However, when the labour inspectorate organizes a specific campaign relating to psychosocial risks, the focus should be on the sectors more affected.

According to the ESENER survey, the sector most affected by psychosocial risks is **health and social work**, followed by **education** and **public administration**. Other sectors that stand out as having high levels of concern regarding violence and bullying and harassment compared to their levels of concern about work-related stress are **electricity, gas and water supply**, and also the **hotels and restaurants** sector (where violence is the prime concern).<sup>64</sup>

## 2.3 Design of inspection campaigns

### 2.3.1 Previous information and raising awareness

Given the relative novelty of inspection campaigns focusing on psychosocial risks, it is advisable that they be preceded by measures to disseminate information and raise the awareness of employers and employees regarding the nature of such risks and how to prevent them.

When starting a campaign, it is important to make use of the media and the sector networks to reach as many employers as possible. The impact of the campaign will then be much broader and not limited to the companies inspected. Campaigns are important because they create awareness and motivation among the employers of a certain sector and are also helpful for developing specific tools.

### 2.3.2 Selection of jobs, sectors and workplaces

Campaigns should target the jobs and sectors most affected, drawing on available data regarding:

- ▶ complaints about psychosocial risks and related situations, such as working time, bullying and sexual harassment;
- ▶ higher than average rates of sick leave;
- ▶ the frequency of temporary work contracts;

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<sup>64</sup> European Survey of Enterprises on New and Emerging Risks (ESENER), Managing safety and health at work, European Agency for Safety and Health at Work (2009) – (Bibliography 55).



- ▶ the rate of non-serious work-related accidents and musculoskeletal disorders, especially due to unsafe behaviours;
- ▶ the frequency of labour disputes and restructuring processes.

### 2.3.3 *Preparing the content of an inspection - guidelines for inspectors*

#### **a) Establishing the aims of the inspection in advance**

Following the practice of the Danish inspectorate, it is advisable to focus the campaign on screening the most relevant psychosocial risk factors in the jobs and sectors selected, and developing a guidance tool for inspectors on how to carry out their investigation.

#### **b) Designating inspectors sufficiently trained for the campaign**

The number of inspectors should be sufficient to carry out the activities envisaged, and they should have extensive knowledge of the psychosocial issues specific to the job sector and the job group they are inspecting. They will then be more likely to identify any problems in the psychosocial working environment and have a good legal understanding when dealing with issues of this kind.

To obtain the best results, inspectors should have good communication and dialogue skills in conducting interviews and — just as importantly — explaining their assessment of the psychosocial working environment, and how the company may be violating the legislation, to employers and employees.

Inspection of the psychosocial working environment can be emotionally demanding. Inspectors have to conduct interviews with employees who may be unhappy in their jobs and, in some cases, with the company management. Often inspectors will need to speak to employees who are subject of harassment, third-party violence and so on. Not all inspectors enjoy this professional challenge and so may not make good inspectors of the psychosocial working environment.

The core competences required by inspectors for this purpose are:

- ▶ interviewing skills with employers and employees;
- ▶ knowledge of methods of risk assessment;
- ▶ the ability to intervene appropriately.

#### **c) Collecting prior information about the workplace**

Inspectors should have access to in-house information about the background of the workplaces concerned, and other data related to the campaign.

#### **d) The inspection visits**

Inspection visits to workplaces are very necessary. Only mobile worksites and transport companies may be exempted in certain circumstances.

Workplace visits may be made by one inspector acting alone or by a team, depending on the guidelines for the campaign and the complexity of the issues involved.

Whether or not prior notice should be given to the employer will depend on the circumstances, and especially on whether the visit is proactive or reactive in character.

### **e) Interviews with employers and employees**

Inspection actions relating to psychosocial risks always require that inspectors talk with employers and employees to explain the aims and the contents of the inspection.

It is necessary to identify hazards and assess whether the control measures in place reduce the risks to acceptable levels.

Personal contact with employees (or their representatives) through collective or individual interviews or other methods is indispensable for assessing the employer's management of the risk factors chosen for the campaign and whether the employer has got the balance right. Inspectors might adopt one of the following methods:

- ▶ The prime method for gathering information about the psychosocial working environment is the semi-structured group interview. If the conditions do not allow a group interview, another option is to conduct individual interviews with employees, in which one or two inspectors speak with one employee at a time. The inspectors should always seek to validate the information gathered from these interviews in their interviews with the local management.
- ▶ Another method used to validate the information gathered from employee interviews is "the observation method": a systematic and detailed observation of the working environment. When observing, the inspectors should position themselves in the background and watch how the employees perform their tasks. It is important for the assessment of the psychosocial working environment that the inspectors have been present and have observed with their own eyes how the employees carry out their jobs.

### **f) Documents for review**

During or after the workplace visit, inspectors should review the company's documents on psychosocial risk management and related issues, such as working time, sick leave, rotation, temporary contracts and so on.

### **g) Final outcomes**

The final outcomes of inspection visits should be reflected in the methods or forms employed by the inspector, his or her verifications, and the final conclusions and enforcement actions.

It is important that any recommendations, improvement notices or disciplinary procedures be received and well understood by both the employer and the employees and their representatives.

## 2.4 Support for inspectors' interventions

Finally, it should be borne in mind that the tasks relating to psychosocial risks may entail risks for the inspectors themselves.

Inspectors are often subject to emotional demands from workers involved in painful or distressing situations. They should not be under undue time pressure and will often need the support of their superiors if they are to avoid work overload. Assistance and collaboration from colleagues is also important in reinforcing their actions.

The central authorities of the labour inspectorate should provide guidelines, sufficient human resources and full and effective procedures to support labour inspectors in their duties, especially when they are faced with complicated situations arising from the investigation of psychosocial risks.

## ► Summary

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There has been broad international concern about psychosocial risks at work since the first ILO-WHO reports on the subject were published in 1984-86. Further developments at different levels have since taken place worldwide, particularly in the shape of the recent Violence and Harassment Convention (No. 190) and Recommendation, 2019 (No. 206).

In Section 1, we have described both proactive (preventive) and reactive **inspection actions** in relation to employers' psychosocial risk management and the procedures adopted by employers to deal with harassment, bullying and sexual harassment complaints at company level. With regard to traumatic events, we have considered the supportive mechanisms that employers should establish for workers thus affected and how their return to work should be facilitated. Finally, have looked at the investigation of work-related accidents and diseases occasioned by psychosocial risks, and the technical advice and assistance that can be given by labour inspectors.

In Section 2, we have considered the design of a **national policy** which takes into account psychosocial risks in the light of the relevant ILO Conventions and the experience of certain countries.



## Exercise 1

<b>TITLE</b>	<i>A preventive inspection</i>
<b>AIM</b>	An inspectorate decides to carry out a campaign to promote compliance with OSH rules in relation to psychosocial risks at work in hospitals.
<b>TASK</b>	<p>The hospital to be visited has the following characteristics:</p> <ul style="list-style-type: none"><li>✓ Personnel with heavy workloads in some sections and light workloads in others;</li><li>✓ Workers work rotatory shifts; on the night shifts, there is no supervision at all and a higher accident rate;</li><li>✓ Many doctors are teleworking because of a pandemic. However, they do not have appropriate equipment at home to carry out their patient-related tasks and cannot communicate with each other in working time;</li><li>✓ Nurses have suffered violent attacks from patients' families in recent years close to the hospital entrance.</li></ul> <p>What kind of preventive actions should be enforced by the labour inspector?</p>



## Exercise 2

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<b>TITLE</b>	<i>A reactive inspection</i>
<b>AIM</b>	An inspectorate receives a complaint alleging harassment in a hotel. The complainants, who are hotel workers, say that the manager frequently insults them, calling them “silly idiots” when, in her view, they do not perform their task correctly. One of the workers had to be hospitalized last week after repeatedly being insulted in this way.
<b>TASK</b>	<p>During the visit, the manager admits that she has called them “silly idiots” when they do not perform their tasks acceptably, but she has no intention of harming them. She always uses this expression, and everybody knows its real meaning. The workers’ representatives say that the manager is overwhelmed because she is required to achieve unattainable targets by her boss, and that why she is often in a state of anxiety.</p> <p>✓ What kind of measures could the labour inspector take?</p>

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### Exercise 3

**TITLE** *Inspection strategies to promote psychosocial risk management in businesses*

**AIM** To develop participants' understanding of different ways in which inspectorates can intervene to promote and enforce psychosocial risk management.

**TASK** The participants should be divided into several groups. In each group, they should elect a spokesperson to report back on the group's views.

The group will identify a list of practices, strategies and interventions that have been implemented by the labour inspectorate in their country of origin.

The group will analyse and agree on the strong and weak points of these practices, strategies and interventions, as compared with traditional inspection visits. What kind of measures could the labour inspector take?

**TIME** The groups have 60 minutes for their deliberations. After this, each spokesperson will have 5 minutes for reporting back.

**RESOURCES** Refer to Section 2 for this exercise.

## ► Annex. Analysis of relevant psychosocial hazards

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In this section, we consider how Labour Inspectors can monitor some of the most relevant psychosocial hazards and suggest practical solutions.

The models and publications that have inspired these exercises are the Guidance Tools of the Danish Labour Inspectorate (Danish Working Environment Authority - DWEA),<sup>65</sup> “Stress Prevention at Work Checkpoints” (ILO),<sup>66</sup> “The Impact of New Working Methods” (IIRSM)<sup>67</sup> and “New forms of work in the digital era: implications for psychosocial risks and musculoskeletal disorders” (European Agency for Safety and Health at Work).<sup>68</sup>

The DWEA model highlights the importance of looking at both the specific **demands** of a given job and the **resources** made available by the enterprise to assist the employee in fulfilling the job demands.



“The concept of **resources** is a broader concept of influence/control. It also consists of e.g. support from colleagues and management, practical help, help with prioritization, clear tasks and expectations, training, and balance between quantity and quality on one hand and time available on the other hand.”

“Using the risk-factor<sup>69</sup> approach, the aim of inspections becomes to assess if and how a given risk factor is present in an enterprise and what means the enterprise uses to ensure that the risk factor is either eliminated, reduced or dealt with to prevent health risks. In this way, in the

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<sup>65</sup> Bibliography (20).

<sup>66</sup> Bibliography (36).

<sup>67</sup> Bibliography (92).

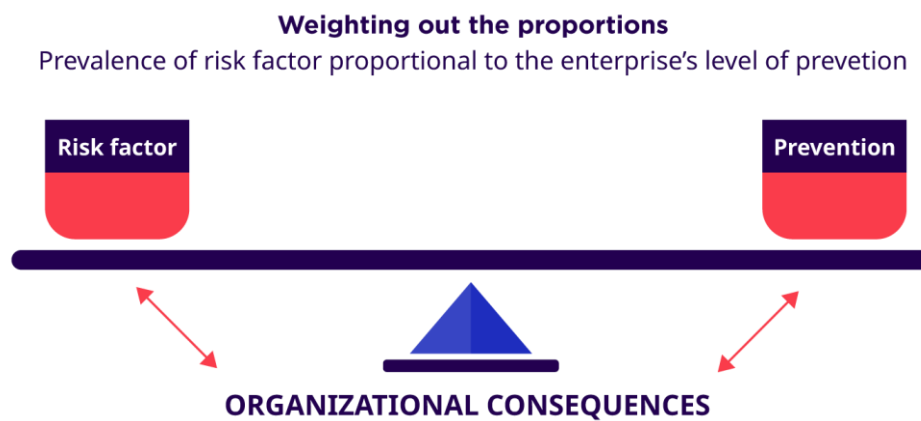
<sup>68</sup> Bibliography (93).

<sup>69</sup> Remember that the term “risk factor” is similar to the term “hazard”, defined in the Guidelines on Occupational Safety and Health Management Systems, ILO-OSH 2001, as “the inherent potential to cause injury or damage to people's health”.



guidance tool, 'demand' is translated as 'prevalence of risk factor' and 'resources' is translated as 'prevention'."

"The aim of inspections is to secure compliance with legislation and provide guidance/advice to ensure that this is achieved. For OSH inspections, inspectors must ensure that the control measures in place are sufficient to reduce risks to acceptable levels in accordance with legislation... In making this assessment, the inspector can use knowledge about the consequences of problems in the psychosocial working environment that can be measured at an organizational level, e.g. low quality, high turnover and high sickness absence. When the risk-factor approach and organizational consequences are introduced, the balance model ends up as follows:



In these exercises we are going to analyse the most frequent psychosocial risks factors and consider practical solutions by drawing on case studies.

## I. Job demands and work intensity

### *a) Description of the psychosocial hazard*

One of the most common psychosocial hazards is undue (excessive or insufficient) workload. This means being overloaded, lacking time to do the job (or do it well), or having to work too fast; alternatively, it may mean having a job that is not demanding enough. Negative health effects have been documented in relation to excessive demands, sometimes defined using the Japanese words “karoshi” (death from work overload) and “karojisatsu” (suicide from work overload).

However, workload is not only a question of quantity or physical demand. It also involves the qualitative factors of concentration, vigilance, overlapping of tasks, human relations and so forth. It is therefore important to take into account the difficulty and complexity of tasks, the functioning of equipment, the mental workload caused by different, contradictory or contemporaneous demands, and the effective replacement of absent workers.

In some jobs, work overload occurs intermittently, at certain moments, due to discontinuous demand or working to short deadlines. In such cases, it is important to know how often and for how long it occurs, and its predictability. In others, the cause could be an unequal and unfair distribution of work.

The organizational consequences are likely to be poor quality of service, non-performance of important tasks, deadlines not kept, fatigue, overtime and conflicts with clients and other workers due to long working hours.

It is important to relate work intensity to the resources available, training to cope with tasks, the support of management and colleagues, and the freedom granted to individuals (autonomy) to deal with these demands in the best possible way in terms of their own health and personal characteristics.

### *b) Jobs and sectors most commonly affected*

Assembly line work in industry, call-centres, construction sites, the healthcare and social-services sector.

### *c) Indicators when making an assessment*

Employers should consider pace determinants, periodic work overloads and the frequency and significance of work interruptions.

The following factors may be involved in determining the pace of work:

- ▶ “Automatic” constraints linked to the operation of a machine or to the position in the production flow;
- ▶ “Norm-based” constraints relating to production or performance targets;
- ▶ “Hierarchical” constraints linked to the direct control of a superior;
- ▶ “Market” constraints linked to interaction with customers;
- ▶ “Horizontal” constraints related to dependence on the work of colleagues.

Workers subject to three or more of these determinants can be expected to suffer adverse consequences, which most commonly affect managers and craft and related-trades workers.

Work overloads are frequent in the service sector when client demands increase at certain periods. It is important to evaluate their intensity and frequency, and usually necessary to add more resources in order to cope with them.

Work interruptions usually occur when it is necessary to take on an unforeseen task. Interruptions may be an inherent part of the job, but can also be a sign of poor work organization.

**d) Intervention measures to consider**

This table sets forth measures for balancing risk factors and resources:

Reducing risk factors	Increasing resources
<ul style="list-style-type: none"> <li>▶ Reduce unnecessary tasks.</li> <li>▶ Avoid work “avalanches” changing the work process, if possible.</li> <li>▶ Reduce ineffective interruptions and/or disturbances.</li> <li>▶ Revise job assignment: adjust the amount of work per worker to avoid any worker being overloaded, so that work is equally distributed. Rotate difficult and challenging work among co-workers.</li> <li>▶ Plan appropriate deadlines: negotiate and plan deadlines with customers, managers and workers, considering available resources and work capacities.</li> <li>▶ In case of work “underload” or monotonous work, identify tasks that provide individual workers with greater stimulation and prevent boredom or reduced concentration. Vary tasks or enrich the tasks performed by individual workers.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Ensure support from management and colleagues in overload situations.</li> <li>▶ Add new workers when and where necessary.</li> <li>▶ Train workers to improve their ability to cope with difficulties.</li> <li>▶ Improve technical resources (equipment).</li> <li>▶ Improving work methods.</li> <li>▶ Give workers more autonomy in deciding how to carry out their tasks.</li> <li>▶ Reintroduce discussion about work tasks.</li> </ul>

**Sources:**

ILO Stress Prevention at Work Checkpoints

- Adjust the total workload, taking into account the number and capacity of workers (CP 6)
- Rearrange work assignment to prevent excessive demands on workers (CP 7)
- Plan the work carefully and agree on achievable deadlines or work pace (CP 8)
- Provide alternative tasks to maintain attentiveness at work (CP 10)
- Improve workers’ latitude and control over the way they do their work (CP 12)
- Organize work in such a way that new competencies, skills and knowledge are developed (CP 13)

European Working Conditions Survey 2010

Guidance Tool of the Danish Working Environment Authority

## II. Emotional demands

### a) Description

Emotional labour refers to work in which the worker is expected to display emotions or use feelings to accomplish tasks. In their interaction with clients, patients and customers, some workers tend to hide their feelings, repressing fear or remaining friendly; or manage their feelings, limiting compassion or empathy.

Emotional demands are particularly strong when workers have to deal with clients who are demanding attention to cope with difficulties (drug abuse, mental illness, economic strain, etc.); deal with crises; attend to complaints and claims; or manage products and data (in stores or IT workplaces).

In jobs of these kinds, workers may be subject to verbal attacks when having to cope with conflict with clients whose basic needs or justified expectations cannot be met, or suffer mental overload when attending to different demands at one and the same time.

Excessive emotional demands can have similar organizational consequences to quantitative work overload. In any case, they have a negative impact on health since they can result in negative attitudes (burnout) and can lead to so-called “depersonalization”.

### b) Jobs and sectors commonly affected

Health and social care, call centres, education and training establishments, the police.

### c) Indicators when making an assessment

Employers should measure the frequency and the intensity of tasks that make emotional demands as the best indicators for evaluating this hazard.

### d) Intervention measures to consider

Reducing risk factors	Increasing resources
<ul style="list-style-type: none"> <li>▶ Make available suitable rooms for contact with clients.</li> <li>▶ Avoid work “avalanches” changing the work process, if possible.</li> <li>▶ Reduce ineffective interruptions and/or disturbances.</li> <li>▶ Revise job assignment: adjust the amount of work per worker to avoid any worker being overloaded, and ensure that work is equally and fairly distributed. Rotate difficult and challenging work among co-workers.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Ensure support from management and colleagues in difficult situations.</li> <li>▶ Train workers to improve their ability to cope with difficulties and/or put them under clinical supervision.</li> <li>▶ Improve work methods.</li> <li>▶ Give workers more autonomy in deciding how to carry out their tasks.</li> <li>▶ Engineer a buffer between tasks in fast-paced work or customer service.</li> </ul>

#### Sources:

ILO Stress Prevention at Work Checkpoints - Checkpoint 8  
Guidance Tool of the Danish Working Environment Authority

### III. Social support, information and participation

#### a) Concept

Epidemiological studies have looked at the effects of **social isolation** at work and have found significant associations with absenteeism and the likelihood of accidents at work, as well as direct links with physical health problems, such as cardiovascular diseases, and mental health problems.<sup>70</sup>

Relationships could encompass the following:

- ▶ **Support.** Good management-worker relations facilitate mutual support in solving workplace problems and reducing stress at work. Both formal and informal means should be adopted to encourage a supportive atmosphere at work. Workers often feel isolated and at a loss in solving their personal problems. A supportive atmosphere, in which workers receive advice from colleagues, enables them to cope better with seemingly difficult situations. Timely help given to workers in need facilitates their effectiveness in coping with pressures and stress.
- ▶ **Information.** Trust is built between workers and management when workers feel well-informed about decisions that influence their daily work. Communication concerning the goals and strategies of the company is an important way of giving meaning to work.
- ▶ **Participation.** Engaging workers in the decision-making process concerning their work organization may increase their self-esteem and, at the same time, make for decisions that have a broad base of support, thus preventing conflicts. Workers feel more in control if they are able to participate in the decision-making process. Involving workers in solving problems may lead to rapid, inexpensive and effective solutions. Addressing workplace problems promptly as and when they occur creates a climate in which it is possible to deal effectively with stress at work. Clearly defined responsibilities and tasks also improve worker-manager relations.
- ▶ **Supervision.** Interactions between supervisors and workers, forms and styles of supervision.
- ▶ **Informal relationships.** Informal communication improves mutual understanding. Protection of privacy in dealing with personal confidential information is critically important. Create more chances for workers to express their feelings and opinions with each other and talk to managers. This increases companionship and leads to mutual support and better work results. Social and recreational activities help enhance mutual understanding and maintain good human relations. Frequent and easy communication between supervisors and workers will create a supportive and positive atmosphere.

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<sup>70</sup> Lindblom, 2006; Ducharme et al, 2008; EWCS p. 56; and Québec study on working, employment and OHS conditions (EQCOTESST) - (Bibliography 58).

- ▶ **Social Dialogue.** Isolation at work can be due to the fact that relationships between company management and workers' representatives or unions have deteriorated. Union members might then be treated less favourably than other employees, or excessively monitored with the aim of forcing their dismissal.

### *b) Jobs and sectors commonly affected*

This factor is important in every sector but is especially relevant in isolated workplaces and where employees perform night work.

### *c) Indicators when making an assessment*

Frequency of conflicts and complaints, a large number of minor work-related accidents, particularly if related to bad communications.

### *d) Intervention measures to consider*

Reducing risk factors	Increasing resources
<ul style="list-style-type: none"> <li>▶ Hold regular workplace meetings and interviews at which daily work is discussed.</li> <li>▶ Make it routine practice to address workplace problems as soon as they occur.</li> <li>▶ Promote the formation of autonomous work teams and encourage supportive teamwork.</li> <li>▶ Establish procedures for dealing with personal confidential information.</li> <li>▶ Formulate job descriptions with clearly defined tasks, responsibilities, effort required and goals to be achieved. Also identify the immediate supervisor, the support available to the worker and the working conditions.</li> <li>▶ Consider the timing, relevance, form and content of communication with workers. Avoid information overload.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Provide support to workers or teams when they face problems which are difficult to solve through their own efforts.</li> <li>▶ Support the organization of informal gatherings and events involving managers and workers or groups of workers.</li> <li>▶ Encourage workers to cooperate with managers in identifying and solving workplace problems.</li> <li>▶ Assign advisers or mentors for new workers and workers with problems.</li> <li>▶ Establish channels to enable workers to express their attitudes, experiences and suggestions, whether directly or through their supervisors and managers.</li> <li>▶ Use middle managers to give workers relevant information, because they know the workers best.</li> </ul>

#### **Sources:**

ILO Stress Prevention at Work Checkpoints

- Encourage informal communication between managers and workers, and among workers (CP 3)
- Engage workers in decision-making about their work organization (CP 11)
- Encourage the participation of workers in improving working conditions and productivity (CP 14)
- Organize regular meetings to discuss workplace problems and solutions (CP 15)
- Implement a system in which workers are able to express their feelings and opinions (CP 33),
- Organize social activities during or after work hours (CP 19)

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- Establish close management-worker relations so that workers and managers can get support from each other (CP 16)
  - Promote mutual help and sharing of knowledge and experience among workers (CP 17)
  - Identify and utilize external sources for providing employee assistance (CP 18)
  - Provide help and support to workers when needed (CP 20)
  - Keep employee issues private and confidential (CP 4)
  - Address workplace problems immediately when they occur (CP 5)
  - Ensure that tasks and responsibilities are clearly defined (CP 9)
  - Make it a rule for managers to go to the workplace and talk with the workers (CP 46)
  - Ensure that supervisors communicate easily and frequently with workers concerning any problems (CP 47)
  - Inform workers regularly about important decisions, using adequate means (CP 48)
  - Inform top management of the opinions of the workers (CP 49)
  - Give workers relevant information about future plans and changes (CP 50)
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## IV. Work-life balance and working time

### *a) Description*

Workers will be more mentally and physically fit for work – and more productive – when work and family life are in balance. When workers are able to reconcile work and private life, it is beneficial for both the enterprise and the family.

Flexible work schedules are increasingly being introduced to meet the needs of the enterprise and the personal preferences of workers. Complex factors relating to flexible or irregular work should be taken into account in designing work schedules. The foreseeability of schedules is a key issue.<sup>71</sup>

Overly long working hours can lead to stress-induced illness. Long overtime hours are common in heavy workload situations. Long overtime hours plus high workload produces a double burden on workers' health.

Workers assigned to night- or shift-work, weekend and irregular working are more exposed to the risk of fatigue and stress caused by changing schedules, difficulties in combining work with family and social life, and inability to remain in contact with home when at work.

### *b) Jobs and sectors commonly affected*

Jobs involving night- and shift-work, or weekend and irregular working. Sectors include call centres, health and social care, public transportation and the chemical industry.

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<sup>71</sup> Karen Messing and Pirooska Östlin, Gender Equality, Work and Health: A review of the evidence, WHO (2006) - (Bibliography 71).

**c) Indicators when making an assessment**

Frequency of changes, rates of sick-leave absence, rotation and complaints about working schedules.

Legal limits on working time should also be monitored.

**d) Intervention measures to consider**

Reducing risk factors	Increasing resources
<ul style="list-style-type: none"> <li>▶ Accommodate workers' preferences, safety and health requirements and business requirements, and agree on concrete plans.</li> <li>▶ Optimize working-time arrangements to allow workers to fulfil their family responsibilities.</li> <li>▶ Adjust the length and frequency of breaks and rest time according to workload.</li> <li>▶ Avoid excessively long shifts and long working hours.</li> </ul>	<ul style="list-style-type: none"> <li>▶ Check whether holidays, including days off between shifts, are sufficient and conducive to recovery from fatigue due to long or irregular shifts.</li> <li>▶ Make sure that the periods between shifts are long enough and do not result in accumulated or chronic fatigue.</li> </ul>

**Source:**

ILO Stress Prevention at Work Checkpoints

- Involve workers in the design of working hours (CP 26)
- Plan work schedules to accommodate the needs of the enterprise and the special needs of workers (CP 27)
- Establish measures and limits to avoid excessively long working hours (CP 28)
- Optimize working-time arrangements to allow workers to fulfil their family responsibilities (CP 29)
- Adjust the length and frequency of breaks and rest time according to workload (CP 30)

**V. Violence and harassment**

**a) Description**

The issues of bullying, harassment and mobbing have been addressed by several legislations (the European Union,<sup>72</sup> Canada (Quebec, Ontario and Saskatchewan), Chile, Colombia, France, Denmark, Belgium, Norway, Poland and some regions of Italy), and in various codes of practice (Ireland, Australia, Japan) and inspectorate guidelines (Spain and Germany).

<sup>72</sup> EU legislation regulates harassment for discriminatory reasons in Directives 2000/78 and 2002/73. There is also a European Framework Agreement on Harassment and Violence at Work (2007), signed by the social partners - (Bibliography 25).



The common features of these forms of behaviour can be defined as follows:

- ▶ They are inappropriate, negative forms of behaviour conducted by one or more persons against another or others at work (between employers and employees or between employees).
- ▶ The behaviour concerned may be verbal or physical, direct or indirect.
- ▶ It may occur once or repeatedly, in a variety of similar or different inappropriate ways.
- ▶ It undermines or violates the individual right to dignity at work, affecting the victim's health and/or creating a hostile work environment.



▶ Definitions of bullying/ harassment (Selected legislation and guidance)

**CANADA (Quebec):** "Psychological harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee. A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment. (Article 81.18 Act respecting Labour Standards).

**CHILE:** Any conduct that constitutes repeated aggression or harassment, executed by the employer or by one or more workers, against one or more other workers, by any means, and that results in prejudice, abuse or humiliation for those affected, or threatens or harms their employment opportunities (Article 2.2. Labour Code).

**COLOMBIA:** Any persistent and demonstrable conduct, exercised on an employee by an employer, a boss or immediate superior, a colleague or subordinate, aimed at instilling fear, intimidation, terror and anguish such as to cause labour harm, generate a lack of motivation at work or lead to his or her resignation (Act 1000 of 2006).

**IRELAND:** Bullying at work has been defined as "repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work".

**FRANCE:** No employee shall suffer repeated acts of harassment which have as their object or effect the degradation of working conditions likely to violate his or her rights and dignity, affect his physical or mental health or jeopardize his or her professional future.

**BELGIUM:** Bullying at work is made up of several behaviours that have the purpose or effect of: undermining the personality, dignity or physical or psychological integrity of a person; jeopardizing the employment of that person; or creating an intimidating, hostile, degrading, humiliating or offensive environment. To be considered harassment, these behaviours must be abusive and occur for some time. The symptoms include behaviours, words, intimidation, acts, gestures and written notes.

**DENMARK:** Definition of bullying: • A person/ group is exposed, repeatedly and over time, or several times severely, to negative actions on the part of one or more other persons, • The person/ group regard the actions as hurtful or demeaning, and • The person/ group has difficulty defending him-/her-/itself.

**NORWAY:** Workplace bullying involves situations at work where an individual over a prolonged period of time feels himself or herself to be the object of negative treatment in such a manner that he or she is incapable of defending himself or herself against these acts (Einarsen, Raknes, Matthiesen & Hellesey, 1994).

**ITALY:** "Any kind of violence or psychological persecution or any behaviour accomplished by an employer or a buyer or a boss or a colleague, with the same rank or lower rank in the organization, and that is systematic, intense and sustained, and has the goal of damaging the worker's psycho-physical integrity".

**SPAIN:** Exposure to psychological violence that is repeated and lastingly aimed toward one or more persons by other/s who are acting against him/her or them from a position of power (not necessarily hierarchical). Such exposure occurs in the context of an employment relationship and entails a serious risk to health (NTP 854).

**EUROPEAN UNION Directive 2000/78:** Harassment shall be deemed to be a form of discrimination (...) when unwanted conduct related to any of the grounds [of discrimination] 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.

**Directive 2002/73, harassment related to sex:** 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. **European Agreement (2007): Harassment** occurs when one or more workers or managers are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work. **Violence** occurs when one or more workers or managers 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.

Bullying may manifest itself as:<sup>73</sup>

- ▶ **Direct acts**, in the form of verbal abuse/insults, jokes, threats, sexual harassment or underestimation of professional input and qualifications, as well as other verbal or physical acts, including intrusion (pestering, spying or stalking), menacing behaviour, intimidation, aggression, undermining behaviour and humiliation, and downgrading because of age, sex, religion, nationality or sexuality;
- ▶ **Indirect acts**, such as ostracism, social isolation, exclusion, withholding information, surreptitious acts such as slander and gossip, being treated less favourably than colleagues, excessive monitoring of work, withholding work-related information, repeatedly manipulating a person's job content and targets, and blaming a person for things beyond their control.

For the sake of clarity, the term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment (C. 190, Art. 1, b).

It can be manifested as unwanted touching, unwanted requests for sexual favours, unwanted vulgar jokes or inquiries on sexual subjects,<sup>74</sup> resulting in a poisoned work environment.<sup>75</sup>



#### ▶ France

Since the law of 6 August 2006 came into effect, sexual harassment is defined in France in the Labour and the Criminal code as: “The fact of imposing on a person, in a repeated way, comments or behaviour with a sexual connotation, which violate his or her dignity because of their degrading or humiliating character, or create against him or her an intimidating, hostile, or offensive situation”. The law also stipulates that sexual harassment is “the fact, even if not repeated, of using of any form of serious pressure with the real or apparent goal of obtaining an act of a sexual nature, if it is sought for the benefit of the actor or the benefit of a third party”.

Psychological violence between employees may also take place outside the workplace and the employer's sphere of responsibility: in public places, in a private environment or in the form of so-called “cyber-bullying”. In such cases, an employer's obligation to protect an employee, and

<sup>73</sup> This list is a summary of the “The bully-free workplace” (Norway) - (Bibliography 34); the “Code of practice for employers and employees on the prevention and resolution of bullying at work” (Ireland) - (Bibliography 36); and the Guidance Tool of the Danish Working Environment (Denmark) - (Bibliography 78).

<sup>74</sup> Guidance Tool of the Danish Working Environment (Denmark) - (Bibliography 78).

<sup>75</sup> Policy on preventing sexual and gender-based harassment, Ontario Human Rights Commission (2011) - (Bibliography 59).

the corresponding competence of labour inspectors to intervene, would depend in every case on their abilities to control this type of behaviour and the time of such actions.<sup>76</sup>

### *b) Jobs and sectors commonly affected*

All jobs and sectors can be affected by bullying.

### *c) Indicators when making an assessment*

Bullying is not conflict as such, but many cases of bullying stem from conflicts at work. A conflict turns into bullying when at least one of the parties is being systematically subjected to degrading and unacceptable behaviour which they find it difficult to defend themselves against. As a conflict develops, the following stages are often observed: aggressive acts, bullying, stigmatization, ostracism.<sup>77</sup>

It is useful to have different tools to handle different phases of a conflict. Glasl (1980) has elaborated a “conflict escalation model”, whereby conflicts develop in recognizable stages and phases:<sup>78</sup>

- ▶ In the **first phase**, the conflict is problem-oriented. During the first stage of a conflict, both parties are interested in finding a reasonable solution based on the characteristics of the issue concerned. Although the parties may experience and admit to the existence of some frustration between them, they will remain focused on resolving their problems in a rational and constructive manner (Einarsen, Hoel, Zapf, & Cooper, 2003).
- ▶ In the **second phase**, the conflict is characterized by personal antipathies. The disagreement between the parties increases and, as the conflict develops and intensifies, its content and theme will change. Thus, conflicts that have been going on for years concern issues additional to, or perhaps completely different from, those that caused the conflict in the first place.
- ▶ The **third phase** is all-out war, in which it is permissible to use all means at the parties’ disposal to achieve victory. This involves denial of the counterparty’s worth as a human being.

The Norwegian Guidelines on Bullying include tools for evaluating these phases, with traffic lights used as a metaphor. The traffic-light metaphor is a familiar and simple pedagogical model. The model simplifies a complex reality. Each light has as many nuances as there are persons in conflict.

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<sup>76</sup> In Denmark, for instance, the Working Environment Authority is only authorized to carry out inspection of psychosocial risk factors that are prevalent at the workplace within working hours. As a consequence, cyber-bullying that takes place outside working hours is excluded from inspection, even though it originates in the workplace.

<sup>77</sup> Einarsen, 1999; Leymann, 1990. Cf. *Basiskunnskap om mobbing i arbeidslivet* [Basic competence regarding workplace bullying], Prof. Ståle Einarsen, University of Bergen, and Prof. Helge Hoel PhD, University of Manchester.

<sup>78</sup> The Bully-free Workplace (Norway) – (Bibliography 34).

The green light symbolizes the preventive level, the amber light the risk level, while the red light symbolizes the formal/deviation level.<sup>79</sup>

**A green working environment** accepts that conflicts are part of everyday life, and has systems and routines for tackling issues concerning bullying and harassment. However, even in a sound working environment, some people may feel bullied and it is necessary to determine how this should be dealt with and reported, and who should be involved and what roles should they play. Managers should deal promptly with reports of bullying and other improper conduct, and employees have a duty to report on bullying and improper conduct.

**An amber working environment** is characterized by increased tension. This may apply to the whole workplace, to specific departments or relationships between individual employees. Tensions may arise from reorganization, downsizing or dissatisfaction with decisions, insufficient information, high levels of stress or communication problems. At an employee-to-employee level, tension may arise from professional disagreement, misunderstandings, lack of cooperation, different interpretations of roles, duties and responsibilities and, in some cases, an employee's private life. Examples of actions to limit or resolve interpersonal conflicts are **peer support** (having someone to talk to), **dialogue with an immediate superior** who is not involved (giving the opportunity to find an informal solution through dialogue with those who are involved) and **mediation** (those involved in the matter are made responsible for finding a solution. The focus is on finding a solution and not on placing the blame on anyone).

**In a red working environment**, problems cannot be resolved by means of the methods referred to under amber. This means that there are factors at the workplace indicating breaches of the Working Environment Act, therefore employers should adhere to correct legal procedure at this stage.

The project concentrated on four specific methods at the various levels: **Policy and guidelines for personal conflicts and bullying** – preventive level; **Mediation** – risk level; **Peer support** – risk level; **Fact-finding** – formal level (deviation handling).

The Irish Code of Practice for employers and employees on the prevention and resolution of bullying at work indicates some signals for identifying bullying at work:

- ▶ **High staff turnover, high levels of absenteeism or poor morale;**
- ▶ **Employment tenure** – A bully may regard new, casual or contract employees as easier targets than permanent employees;

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<sup>79</sup> The Bully-free Workplace (Norway) – (Bibliography 34).

- ▶ **Hierarchies** – Hierarchies involving, for example, technical or non-professional employees working with professionally qualified employees can sometimes lead to higher levels of bullying;
- ▶ **Changes in the workplace** – Changes, including changes in ownership, the arrival of a new manager or supervisor, the introduction of new work performance measures or new technology, and internal re-organizations can all increase the risk of bullying;
- ▶ **Management of relationships in the workplace** – Bullying is more likely to happen in workplaces that do not have an effective management system which respects persons and monitors and supports work relationships;
- ▶ **Personality differences** – Petty jealousies, personal biases, taking advantage of vulnerable or less “street-wise” individuals can all contribute to bullying;
- ▶ **Gender/age imbalance** – Bullying is more likely where there is an age or gender imbalance in the workplace;
- ▶ **Other factors** include the composition of the workforce, the way the business interfaces with the public, whether there is a history of tolerance of unacceptable behaviour, and the inadequacy of or disregard for procedures for dealing with bullying.

#### *d) Intervention measures to consider*

Reducing risk factors	Increasing resources
<p>Have in place a bullying prevention policy which adequately addresses the risks that have been assessed. The policy should be clear as to how it will measure implementation.</p> <p><b>Role clarity and transparency</b></p> <p>As a matter of good practice, employers should define each employee’s role and accountability as clearly as possible. This may include a written description of his or her main duties and responsibilities and a clear line of supervision. This should be reviewed cooperatively on an on-going basis, and any changes in job content should be communicated clearly to the individual and those working alongside him/her.</p>	<p>Procedures for handling complaints about bullying</p> <p><b>Training:</b> Provide appropriate training and development at all levels, particularly for line managers. Any deficiencies in leadership should be addressed by providing training in leadership, motivation, communication and cooperation, and conflict management</p> <p>When <b>selecting managers</b>, it is important to assess their social skills and ability to deal with conflict.</p> <p><b>Finding a solution:</b> Ensure access to relevant competent and supportive structures, both internal and external. An immediate superior (who is not involved) or a “confidence person” can be given the opportunity to find an</p>

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**Acknowledging responsibility - managers, supervisors and employees**

Managers, and supervisors have a responsibility to manage in such a way as to protect the safety, health and welfare of employees. This means accepting responsibility for preventing bullying at work and for resolving alleged cases of such behaviour. They should deal promptly with reports of bullying and other improper conduct.

informal solution through dialogue with those involved. The focus should be on finding a solution, not on laying blame.

**Follow-up and support:** Victims of bullying need someone to talk to, subsequent support and follow-up.

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**Source:**

ILO Stress Prevention at Work Checkpoints

- Establish procedures to prohibit discrimination and treat workers fairly (CP 2)
- Treat women and men equally (CP 34)
- Establish and implement an organizational framework and strategies in which offensive behaviour is prevented or dealt with promptly and adequately (CP 36)
- Organize training in, and raise awareness of, respectable behaviour (CP 37)
- Establish procedures and action models to deal with violence, abuse and harassment at work (CP 38)
- Provide rapid and culturally sensitive interventions to help those involved in offensive behaviour (CP 39)

Guidance Tool of the Danish Working Environment Authority<sup>80</sup>

The Bully-free Workplace, 10 Guidelines for preventing bullying at the workplace and Guide to Internal Procedures (Norway)<sup>81</sup>

Code of practice for employers and employees on the prevention and resolution of bullying at work (Ireland)<sup>82</sup>

LASI - Gegen Mobbing - Handlungsanleitung für die Arbeitsschutzverwaltungen der Länder, Germany<sup>83</sup>

La prévention de la charge psychosociale au travail: stress, violences, harcèlement moral et sexuel. Direction générale Humanisation du travail (2009) - Belgium<sup>84</sup>

Le harcèlement moral – Guide Méthodologique DDTEFP (2008) - France<sup>85</sup>

Criterio Técnico 69/2009 de la Dirección General de la Inspección de Trabajo y Seguridad Social sobre Acoso y Violencia en el trabajo – Spain<sup>86</sup>

Prévention de la violence interpersonnelle au milieu du travail, IRSST, Quebec, Canada<sup>87</sup>

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<sup>80</sup> Bibliography (78).

<sup>81</sup> Bibliography (34) (79) (80).

<sup>82</sup> Bibliography (36).

<sup>83</sup> Bibliography (37).

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<sup>85</sup> Bibliography (39).

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<sup>87</sup> Bibliography (81).

## VI. Third-party violence

### *a) Description*

The multi-sectoral guidelines for tackling third-party violence and harassment related to work,<sup>88</sup> agreed by the European Social Partners in 2010, indicate that violence and harassment of this kind can take many forms. It may:

- a) be physical, psychological (bullying), verbal and/or sexual (sexual harassment);
- b) consist in one-off incidents or more systematic patterns of behaviour, by an individual or a group;
- c) originate from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public, or the service provider;
- d) range from cases of disrespect to more serious threats and physical assault;
- e) be caused by mental health problems and/or be motivated by emotional factors, personal dislike, or prejudice on the grounds of gender, racial/ethnic origin, religion and belief, disability, age, sexual orientation or body image;
- f) constitute a criminal offence against an employee and his/her reputation, or the property of an employer or client; it may be organized or opportunistic, and may require the intervention of public authorities;
- g) deeply affect the personality, dignity and integrity of the victim(s);
- h) occur at the workplace, or in a public space or private environment (but still be work-related);
- i) occur in the form of cyber-bullying/cyber-harassment mediated by a wide range of information and communication technologies (ICT).

The issue of third-party violence is distinct from the question of violence and harassment among colleagues.

Violence and threats of violence have a serious effect on physical and mental health. In extreme cases, violence at work can lead to a person's death.<sup>89</sup>

### *b) Jobs and sectors commonly affected*

Jobs involving contact with clients, citizens or customers, particularly in service industries.

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<sup>88</sup> Bibliography (41).

<sup>89</sup> NIOSH states that third-party violence is one of the primary causes of workplace deaths in the USA, with an average of 700 homicides being committed each year - (Bibliography 83).



Groups at high risk of such violence include healthcare workers on psychiatric and emergency wards, police officers, prison personnel, bus and taxi drivers, door-keepers, those who work alone or at night, and persons who handle money.

*b) Indicators when making an assessment*

The frequency and severity of third-party violence in the workplace, the sector and area.

*c) Intervention measures to consider*

Reducing risk factors	Increasing resources
<p>Have a clear <b>policy</b> framework in the workplace.</p> <p>Taking simple precautions with the <b>physical layout and equipment</b> in the workplace may reduce the occurrence of violence on the part of outsiders. The design of the workplace should take into consideration the existence of special risk groups such as psychiatric patients, customers who have been taking drugs or excessive amounts of alcohol, or criminals.</p> <p><b>Police assistance</b> should be within easy reach in the event of an adverse encounter with such people.</p> <p><b>Avoid working alone</b> (especially during the night or in hazardous circumstances) and <b>handling money</b>.</p>	<p>Appoint additional staff in hazardous workplaces.</p> <p>Each worker should have, as appropriate, an escape route, easy access to an alarm system, video surveillance, separation from customers, or be protected by other devices designed to protect them from violence.</p> <p>Ensure regular management of conflicts with clients/citizens.</p> <p>Use video-vigilance and recording devices.</p> <p>All employees should be well informed about the risks of violence and should be trained in taking safety precautions and other safety measures if they encounter violence.</p>

**Sources:**

Multi-sectoral guidelines to tackle third-party violence and harassment related to work (2010)

ILO Stress Prevention at Work Checkpoint No 40 - Organize working areas to protect workers against violence from clients and outsiders

Guidance Tool of the Danish Working Environment Authority

## VI. Job insecurity, changes and restructuring

### a) Description

Changes in working conditions and the fear of losing one's job can have serious implications for health and wellbeing. Depression, absenteeism, difficulty in sleeping, suicide, increased employee turnover, disengagement, absences from work, stress, bullying and ill-health have all been mentioned as major consequences.

However, there are also examples of how these risks can be reduced and minimized through careful management and support for workers.

Omissions in planning, preparation and implementation reported by project partners include:<sup>90</sup>

- ▶ Failure to communicate and discuss the business case for a merger or restructuring with affected employees, leading to scepticism and distrust;
- ▶ Failure to plan implementation sufficiently early, with the result that options are constrained by decisions taken earlier in the process;
- ▶ Lack of front-line involvement in the design of operating procedures and protocols;
- ▶ Failure to identify solutions beneficial to all parties due to a lack of early dialogue with employees likely to be affected by job change, redeployment or redundancy, and premature recourse to formal HR procedures.

Workers involved:<sup>91</sup>

- ▶ **Those directly affected by downsizing: the redundant.** The impact on the health — and sometimes the very life — of people faced with losing their jobs is well documented. Increased drug use, poor diet, physical inactivity and poorer quality of sleep are all likely consequences. Social withdrawal caused by lack of self-esteem and feelings of stigmatization can further aggravate the health situation and initiate a downward spiral into long-term unemployment. Even those who find another job but are underemployed (in the sense that the job does not live up to their expectations or qualifications) suffer from poorer health, even after re-employment.
- ▶ **The survivors of restructuring: those who remain in the organization.** Feelings of guilt and continued uncertainty impact on people's health, leading to strain and fatigue, which may result in periods of long-term sickness absence, use of psychotropic drugs (sleeping pills and tranquilizers), increased nicotine and alcohol consumption, complaints of impaired health and emotional exhaustion. The reduced levels of self-efficacy and lack of social support, plus the marked increase in job insecurity, may contribute to this trend.

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<sup>90</sup> Employee Resilience in Times of Change: Participation and Well-Being during Mergers and Restructuring, Funded by DG Employment, Social Affairs and Equal Opportunities under Budget Heading 04.04.01.03 – (Bibliography 42).

<sup>91</sup> "Investing in well-being at work; addressing psychosocial risks in times of change", Social Europe, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities Unit F.3, Manuscript completed in October 2010 – (Bibliography 43).

Increased work pressure and intensification may be responsible for the increase in occupational accidents and diseases observed in a number of cases of reorganization.

- ▶ **The line managers responsible for implementing restructuring** are faced with levels of distress and workloads that may have an adverse effect on their wellbeing. They are caught in the middle between the directives and decisions of senior management and the concerns and negative responses of the workforce (the “sandwich position”). Increased levels of stress and burnout, physical and psychological health complaints, emotional instability, disturbed sleep and increased alcohol consumption as coping mechanisms are very common. The concerns of their subordinates often generate a significant contamination effect among middle managers.

### *b) Jobs and sectors commonly affected*

Those subject to changes and restructuring processes, which may be played out over a long period of time.

### *c) Indicators when making an assessment*

Employers should consider the frequency of conflicts, complaints and absences.

Inspectorates with competence for monitoring labour law should enforce the rules that apply in these situations, especially those relating to correct procedure and workers’ information rights.

### *d) Intervention measures to consider*

Reducing risk factors	Increasing resources
<p><b>Provide good career prospects.</b></p> <p>Decisions on restructuring should be taken and implemented in a fair, consistent and impartial manner.</p> <p>In times of change and restructuring, emphasis on lifelong learning can ensure that workers are better able to adapt, as well as improving the overall skills base of the workforce and their sustainable employability. <b>Avoid working alone</b> (especially during the night or in hazardous circumstances) and <b>handling money</b>.</p>	<p><b>Support and health promotion</b></p> <p>It is crucial to support workers in the period between losing their job and finding new employment.</p> <p>A promising preventive approach is to prepare individuals better to adapt to changing labour markets by improving their employability and strengthening their coping skills so they can better adapt to changed job requirements.</p>

**Sources:**

ILO Stress Prevention at Work Checkpoint:

- Provide good career prospects (CP 35)
- Openly praise good work by workers and teams (CP 31)

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- Implement a system whereby workers know the consequences of their work (CP 32)
  - Plan work in such a way as to enhance the possibility of stable employment (CP 41)
  - Provide a written job contract with clear statements concerning employment conditions and wages (CP 42)
  - Ensure that wages are paid regularly and benefits are provided according to the relevant contract (CP 43)
  - Ensure job security for workers taking parental leave (CP 44)
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## VIII. Telework, hot-desking and home work

### *a) Description*

Teleworking refers to work carried out remote from the office or production facility using communication technologies. Hot-desking involves employees using the same office equipment at different times. Home working is when a person works from home for one or more organizations, living and working in the same place.

Teleworking, hot desking and home working have positive consequences for both employers (reductions in office costs, improved productivity) and for workers (greater freedom and flexibility, advantages for those with disabilities or caring responsibilities, savings in time and money on travel).

However, they also have disadvantages for employers (lack of supervision, these arrangements are not suitable for all types of job, more expensive IT equipment) and for workers (isolation, poor communications, lack of support, interruptions from family, friends and neighbours).

### *b) Jobs and sectors commonly affected*

Full-time arrangements of this kind are feasible in IT jobs and services to external clients. They can be adopted on a part-time basis in many other jobs: education, public administration, banking and so on.

### *c) Indicators when making an assessment*

Employers should measure the time spent on the tasks involved and their frequency, the quality of communications and social support, the quality of the equipment, and the social environment.

*d) Intervention measures to consider*

Reducing risk factors	Increasing resources
<p>Organize tasks with specific aims and objectives in order to boost motivation and self-discipline.</p> <p>Distribute working time with allowances for disconnection in order to protect privacy and work-life balance.</p> <p>Hold periodic meetings and other forms of communication to ensure supervision, support and exchange of experience, and to avoid isolation.</p>	<p>Provide better equipment to ensure good communications.</p> <p>Ensure that employees receive training in the use of information technologies.</p> <p>Make available places to work near home and provide resources for family members in order to avoid interruptions at work.</p>

**Source:**

The Impact of New Working Methods – A Psychosocial Risk Perspective, Dr Shahzeb Ali Malik and Barry Bolt, IIRSM (2015)

**IX. Working on digital platforms**

*a) Description*

Working on digital platforms that intermediate between individual suppliers (platform workers) and buyers of labour or services gives access, on the one hand, to on-demand physical services, including commercial services, and, on the other, to a virtual labour market in which workers can supply services. The platforms allow the matching of supply and demand for such services.

This way of working has great advantages for employers (cost saving, work-on-demand, minimizing risks) and sometimes for workers (especially highly qualified freelancers), but it can also lead to precarious and informal conditions of work (outside existing labour protection regulations) and work that is poorly paid (piece rates). Some of the tasks involved, such as content creation and editing, transcribing a speech or translation (“macrotasks”, which take more time and typically involve a higher skill set) tend to be broken down into smaller “microtasks”, which leads to deskilling.

The 2017 ILO survey showed that the most common tasks performed by crowdworkers include responding to surveys and experiments (65 per cent), content access (46 per cent), data collection (35 per cent) and transcription (32 per cent). In comparison, the proportion of workers undertaking content creation and editing or artificial intelligence tasks is relatively small.

### *b) Jobs and sectors commonly affected*

Mainly the service sector, but extending to complementary tasks in all sectors.

### *c) Indicators when making an assessment*

Employers should measure the frequency and intensity of tasks involved, also the state of communications and relationships among workers and with clients as the best indicators for evaluating psychosocial hazards.

### *d) Intervention measures to consider*

Reducing risk factors	Increasing resources
<p>Organize tasks with specific aims and objectives in order to boost motivation and self-discipline.</p> <p>Distribute working time with allowances for disconnection in order to protect privacy and work-life balance.</p> <p>Hold periodic meetings and other forms of communication to ensure supervision, support and exchange of experience, and to avoid isolation.</p>	<p>Provide better equipment to ensure good communications.</p> <p>Ensure that employees receive training in the use of information technologies.</p> <p>Make available places to work near home and provide resources for family members in order to avoid interruptions at work.</p>

**Sources:**

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