

# **Violence at work**

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# Editorial

Violence has always been part of working life. Millions of workers are scarred by it on all continents. In fact, the problem may be far worse than estimated as there is evidence that the incidence of workplace violence is still being under-reported. In most countries, however, violence is no longer considered to be acceptable.

Violence at work can take a number of different forms. It can be in the form of physical assaults or threats, or it can be psychological – expressed through bullying, mobbing or harassment on many grounds, including gender, race or sexual orientation. Sexual harassment, a problem most commonly affecting women, is one of the most offensive and demeaning experiences.

Violence can come from outside as well as from inside the workplace. It can come from colleagues and acquaintances as well as strangers such as clients. Certain types of violence tend to happen more in specific sectors. Health care, education and retailing sectors are among the occupations suffering a high incidence of external physical violence. Psychological violence (be it bullying, mobbing or emotional violence) between co-workers and between workers and management, can and does happen in just about any profession, but it is more difficult to measure and it is often not reported.

No group of workers, sector or industry is completely free from violence, but some groups are at higher risk than others. Particularly vulnerable are women, young workers and those in precarious employment as well as ethnic and racial minorities. With this issue of *Labour Education*, ACTRAV highlights the difficulties some of these particularly affected groups of workers encounter. In addition to the general articles about violence at work, this issue also includes articles that focus on teachers, journalists and health-care workers.

Teachers are the employees in the education sector most affected by violence and stress at work. Along with school principals, teachers are also those with the most interaction with internal users (students) and external users (mostly parents) of the service. Teachers, in growing numbers, are subjected to verbal and physical assault. Violence in schools is not only bad for teachers' working conditions and health, it is also bad for the education of children.

Journalism also has its fair share of hazards in the office: bullying, psychological stress, loneliness, intense competition from within the organization and from outside, sexual harassment and repetitive stress injury (RSI). Outside the office, where much of their work is done, journalists face even greater hazards. Owing to the nature of their work which involves direct contact with the public and coverage of issues such as public disorder, war, acts of violence and abuse of power, often by repressive governments,

front-line journalists are sometimes shot at, beaten, imprisoned and even killed in the line of duty.

The health sector is especially touched by the problem of violence. In fact, nearly a quarter of the world's workplace violence is found within the health sector. The offenders are usually patients and visitors, although bullying by fellow-workers or hierarchical superiors is also found.

Trade union representatives are a special case when it comes to violence at work and violence in relation to their work. Throughout the world, particularly where their rights are not respected, trade unionists are often subjected to violence. The old practice used by some governments and employers of hiring "goons" to intimidate and attack union activists seems to be spreading. By hiring thugs, they hope to avoid responsibility for the violence. In its most recent annual report, the International Confederation of Free Trade Unions (ICFTU) estimates that 30,000 workers were fired in 2002, and 20,000 others were harassed, purely on account of their trade union activities. Another serious trend is the growing reports of moral harassment against trade unionists or workers whom the employer wants to shed. Instead of bothering with collective dismissals, with redundancy schemes or with expensive breaches of contract, employees are "harassed out".

The impact of violence at work has widespread consequences. It not only affects the employees but also the workplaces, colleagues, employers, families and society as a whole.

Not only does violence at work destroy job satisfaction, but it can also create ill health leading to suffering, sick leave and loss of income. This, in turn, often affects the whole family and can lead to drug and alcohol abuse. In extreme cases, it can produce post-traumatic stress disorder and lead to suicide.

In addition to the serious morale problem, we all pay for the effects of violence at work – whether it is through damaged relationships with family, friends and colleagues or through higher taxes to cover state-financed health care, rehabilitation costs, unemployment and re-training costs for victims. Workplace violence also increases the level of fear and anxiety in society.

It is clear that the work environment has an enormous impact on all of us. If a person's work environment is healthy and safe, that person tends to have a higher degree of satisfaction, a better relationship with colleagues and management and better effectiveness and productivity. It is in the interest of all parties – employers, employees and political decision-makers – to create a violence-free working environment.

The negative effects of violence at work on the organization include increased absenteeism, reduced productivity, deterioration of labour relations, and recruitment difficulties. Complaints, grievances and litigation against the organization may also occur which, among other things, can damage its image. Security measures induced by violence at work can be extremely costly, whereas prevention is much cheaper.

How can we prevent and deal with violence at work? The answer may depend on the country, but also on the type of offence. National approaches to workplace violence differ widely – in some countries laws have been put in place to regulate the problem, in others, collective agreements and codes of conduct have been used. Whatever the approach, trade unions have been in the forefront of action against violence in the workplace. Trade unions' primary motive in tackling workplace violence

is, of course, to protect workers' physical and psychological integrity, particularly as a large proportion of harassment cases are committed by hierarchical superiors. But this struggle links up with others – for job security and, just as vitally, for trade union freedom. Employers and their organizations have a major role to play as they have the responsibility to provide and promote a violence-free workplace. Good cooperation and sound dialogue between the employers and the workers is important and vital to reduce and eliminate violence at work.

As mentioned earlier, research shows that violence at work is related to other factors influencing workers' health – such as stress, alcohol and drug consumption. The ILO argues that it is important to address all these issues – that reducing or eliminating one can reduce the incidence and severity of others. The ILO's SOLVE programme is an example of how to tackle the problems by focusing on the relationships between different factors. The proposed text for the newly adopted ILO "*Code of practice on workplace violence in services sectors and measures to combat this phenomenon*" initially included, in addition to violence, references to stress, thus linking the two problems. However, during the tripartite meeting where experts developed the code, the employers' group expressed strong resistance to references to stress and they were taken out. The employers' experts asserted that it was difficult to know whether stress was related to work or to private life. A number of courts or other regulatory bodies have, in fact, established a clear link between work and stress.

Does work organization, including precarious employment and the ways that employers deal with employees, have an influence on violence at work? While a causal link has yet to be scientifically established between deregulation and labour market flexibilization, on the one hand, and increased violence on the other, there are many things that point in that direction. From a trade union perspective, violence – and especially psychological harassment – is closely linked to work organization. Factors such as change, reorganization, under-staffing, job overload, poor hiring practices, atypical employment contracts, poor communication, poor management, inadequate security, and no or weak responses to violent incidents, increase the risk of violence at work. It is therefore very important that positive initiatives be taken to deal with these factors. Employers must also improve the work environment by focusing on occupational health and safety and organizational support procedures. Among other things, the following measures should be a priority:

- in cooperation with trade unions, identifying, assessing, and preventing any hazards to the safety of workers arising from their jobs;
- ensuring that affected workers are informed and trained;
- advising workers and their organizations in a timely fashion of organizational changes that affect them or their work;
- responding rapidly and adequately to complaints and suggestions;
- employers should give regular and constructive feedback on employees' work performance;
- providing clear definitions of duties and expectations;
- facilitating effective consultation and communication between employers and workers and their trade unions.

All measures put in place to prevent violence at work should be agreed upon by employers and the representatives of workers, and backed up by national legal instruments and labour inspections. Failure to find effective and strong responses to the challenge of eliminating violence in the workplace will ensure that it remains part of the work environment for generations to come.

*Jim Baker*  
*Director*  
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# Moral harassment – work organization to blame?

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

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Anne Renaut  
Journalist

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

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

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

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

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

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

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

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

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

## Organizational tensions

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

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

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

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

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

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

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

## Rebuilding solidarity

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

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

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

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

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

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

## “Legislative action”

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

Few EU Member States have legislation on moral harassment.

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

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

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

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

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

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

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

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

## Prevention

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

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

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

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

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

## Notes

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

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

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

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

<sup>5</sup> *Ibid.*, note 3.

<sup>6</sup> *Ibid.*, note 4.

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

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

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

<sup>10</sup> 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.

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

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

<sup>13</sup> *Harcèlement au travail. Une réponse syndicale*, FGTB, 2002.

[http://www.fgtb.be/code/fr/Documents/2002/Harcelement/c15\\_10e10Idx.htm](http://www.fgtb.be/code/fr/Documents/2002/Harcelement/c15_10e10Idx.htm) or <http://www.fgtb.be/PDF/fr/Documents/2002/HARCELEMENTMORAL.zip>

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

[http://www.pesten-op-het-werk.be/CODE/nl/Documents/2002/Pesten/c15\\_10e10Idx.htm](http://www.pesten-op-het-werk.be/CODE/nl/Documents/2002/Pesten/c15_10e10Idx.htm) or <http://www.pesten-op-het-werk.be/PDF/nl/Documents/2002/PESTEN.zip>

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

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



# Sexual harassment: Prevention versus power relations

*Uncalled-for remarks or sexist jokes, vulgar or embarrassing comments, unwanted invitations, pornographic images, groping, advances accompanied by promises or threats of reprisal, sexual aggression ... Sexual harassment within a working relationship can manifest itself in many different ways, often repetitively. The way in which the behaviour is received is the essential criterion for what does or does not constitute sexual harassment – in other words, whether the person at whom it is aimed responds favourably or, on the contrary, does not want it.*

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**Natacha David**  
Editor-in-chief  
Trade Union World

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All this behaviour has nothing to do with chatting up or with consensual amorous relationships. Rather, we are dealing here with conduct which, through sexually suggestive words, deeds or gestures, goes against people's wishes and could harm their dignity, or physical or psychological integrity, or might prejudice their employment.

The whole difference between this and acceptable conduct resides not in the intentions of the person responsible for the sexually suggestive behaviour but in the reaction of the person to whom it is addressed.

The concept of sexual harassment, which appeared in the United States during the 1970s, has gradually become recognized worldwide as a serious matter, closely linked to the notion of power relations. It is a human rights issue, a labour relations issue and a human resource management issue going way beyond the simplistic notion that it is "just a women's problem". But precisely because they have less power, because they are often in more vulnerable situations, or even because they have been conditioned to suffer the abuse of power in silence, the great majority of sexual harassment victims are women.

Men can also be affected, however, particularly homosexuals targeted as such. The majority of the perpetrators, meanwhile, are men.

## Gender discrimination

From both the conceptual and the legal point of view, sexual harassment is a form of gender discrimination, in the sense that it is closely linked to the roles assigned to women and men in social and economic life, and to the inevitable effects of these roles on women's position in the labour market.

If women are harassed, it is because "they were asking for it" or "they enjoy it." Such comments are a classic way of deflecting responsibility on to the victim, who is then doubly penalized. Not recognized as a victim, she is also accused of provoking the behaviour in question – in short, of being responsible for it.

Yet, for the victim, the consequences of sexual harassment are potentially very serious, both physically and mentally (loss of self-confidence, anxiety, psychosomatic pains, eating disorders, depression etc.). The social and family consequences (isolation, broken relationships) are sometimes



just as dramatic. In certain situations, sexual harassment can turn into psychological harassment (mobbing). After a rejection, the angry harasser may be tempted to take revenge by making the “victim’s” life impossible – to the point of breakdown.

Within enterprises, sexual harassment also has negative effects on the quality of work, productivity, motivation, absenteeism and staff turnover. And in a growing number of countries, the financial consequences of court cases brought by employees on the grounds of sexual harassment can be very heavy.

For society as a whole, sexual harassment is an obstacle to any real equality. It also paves the way for sexual violence and, through its negative impact on firms’ productivity, it hampers economic development.

Whether industrialized or developing, no part of the world is spared. Big or small firms, public or private services, commerce and markets, farms and plantations ... no sector and no type of enterprise are immune.

But because power relations lie at the heart of the sexual harassment phenomenon, the groups most at risk are in the least protected sectors where job insecurity is highest – as in the case of temporary, casual or part-time workers. Migrant workers, particularly if illegal or undocumented, are particularly vulnerable. Women working in domestic service or entertainment tend to be isolated and strongly subordinated, and are often without any social protection. So they are also easy targets. Migrant women are doubly at risk. The international media are full of sensational stories about young domestics who are sexually harassed and then sometimes horribly mutilated when they dare to complain in public. For example, a 13-year-old domestic in Kathmandu had boiling oil poured over her hand for attempting to report the sexual assaults of which she was the victim.

Export processing zones, where the workforce is mainly female, particularly in unskilled and repetitive tasks, are also zones of endemic sexual harassment. For these women, often young, single and

childless, sexual harassment fits logically into the whole pattern of discrimination to which they are subject in these frequently “non-union” zones. The international campaigns against the sweatshops in Central America and South-East Asia have included widespread denunciations of this problem of sexual harassment and, from Disney to Nike, many multinationals have found themselves under the spotlight in recent years on account of the sexual harassment experienced by women workers employed by their subcontractors, from Vietnam to Haiti and from Indonesia to Mexico. In the agricultural sector, the same power dynamic gives rise to systematic sexual harassment of women toiling in the banana plantations and the cotton fields, or among the sugar cane. Such treatment has, for instance, been denounced by the international campaign for workers’ rights in the banana plantations of Ecuador.

Another group at risk is women employed in predominantly male working environments, or in situations where large numbers of women are under the authority of a small number of men. An example is the fire brigades in the United Kingdom, where in 1999 an official report denounced a macho, sexist culture under which all the brigades concerned had seen acts of sexual harassment ranging from men urinating on the floor of the women’s toilets to the circulation of pornographic videos, but also serious cases of sexual assault with “catastrophic effects” for the women concerned.

In the education sector, young women and men studying or working as teaching assistants are also particular targets.

## Legal arsenal

At the international level, sexual harassment is not the subject of any specific binding Convention, but the ILO and the United Nations do regard it as a form of sexual discrimination. Thus, sexual harassment is covered by the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Considering sexual



harassment to be a problem of health and safety, discrimination and unacceptable working conditions, and a form of violence directed mainly against women, the ILO regards it as a violation of workers' basic rights and therefore as a major issue for the ILO's Decent Work Agenda.

Within the framework of the UN Convention on the elimination of all forms of discrimination against women, the United Nations adopted Recommendation No. 19 on violence against women. This clearly defines sexual harassment and calls upon States to take measures to protect women against this phenomenon. The Organization of American States has adopted a Convention on violence against women which contains similar measures. In 1991, the European Commission adopted a recommendation, accompanied by a code of practice, on the protection of the dignity of women and men at work. This was aimed at combating sexual harassment. Finally, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), is the only international standard which specifically prohibits this practice.

At the national level, about forty countries have legislated on this issue, often within laws that do not specifically cover sexual harassment, but which deal with other human rights issues, employment contracts, unjust dismissal or criminal behaviour.

"The most effective action addresses all forms of sexual harassment. Restricting a prohibition on sexual harassment only to sexual blackmail by employers or their agents is not enough", the ILO notes.<sup>1</sup> Firstly, because such an approach does not include sexual harassment between colleagues, which is just as unacceptable and physically, emotionally and psychologically damaging for the victims. Secondly, because this restrictive approach does not consider sexual harassment to be reprehensible in itself, but instead tackles the problem purely from the perspective of a possible loss of promotion, loss of pay rise or dismissal attributable to the victim's reaction to harassment. This amounts to allowing a worker to be sexually harassed

with impunity, provided that she/he is not subjected to a tangible act of revenge for her/his resistance.

In the civil, criminal and labour courts, provided that cases are correctly put, the range of damages that may be obtained is wide. Stimulated by the media frenzy around the case brought in 1991 by Anita Hill against Judge Clarence Thomas, sexual harassment cases before the United States courts rose from 6,127 in 1990 to 15,836 in 2000, an increase of 159 per cent. And the astronomical sums awarded in highly publicized United States trials such as those concerning Mitsubishi, Ford and Astra-USA have hit the headlines.

"However, it should be kept in mind that the main aim of most victims of sexual harassment is not to sue their employer for damages, but to ensure that the offensive behaviour stops, that it should not recur and that they should be protected against retaliation for having brought a complaint."<sup>1</sup>

### Prevention through information

Parallel to the legislative measures, many codes of conduct, guides, policy statements, public information programmes and training courses for those concerned have been developed on this issue. Firms are strongly encouraged to adopt rules against any act of sexual harassment, with provisions for a follow-up procedure in case of problems. Such rules are in themselves an effective prevention mechanism, as well as being a useful tool for the resolution of conflicts.

Some employers' organizations have issued guidance to their members concerning current legislation, recommending that employers draw up a policy on this issue, provide management training, set up complaints procedures and circulate information to the workforce as a whole. An example was set by the Japanese federation of employers' associations Nikkeiren, which published a manual to assist employers in applying the new legislation on sexual harassment. By 1999, more than 70 per cent of major enterprises in Japan

had already taken measures against sexual harassment, a phenomenon which more than two-thirds of Japanese women say they have experienced at least once in the course of their working lives.

Taking their cue from the ICFTU's trade union guide on this issue, unions in many countries have issued booklets explaining what sexual harassment is and what can be done about it. Some unions have launched public awareness campaigns, calling on their members to report acts of harassment to their works committees or shop stewards.

But although the unions have been in the forefront of the struggle against sexual harassment at work, have brought the issue within the scope of collective bargaining, have achieved the introduction of complaints procedures and have pressed their governments to bring in new legislation, nonetheless, as the ICFTU notes, sexual harassment has not yet been banished from the trade union movement itself. For that reason, the ICFTU has published a programme to tackle sexual harassment within the unions, with a complaints and enquiry procedure and training programmes for regional and national trade union organizations.

From a union-management agreement in one of Japan's biggest supermarket chains to negotiations in India between unions and small firms, the scale of voluntary initiatives by social partners on the sexual harassment issue varies greatly within and between countries. But when such initiatives are taken, the problem is treated as "an issue for industrial relations cooperation rather than conflict", the ILO notes.<sup>1</sup> Similarly, there is a large degree of consensus on the policies and procedures to be adopted at the enterprise level.

## Daring to say no

Keeping quiet and burying one's head in the sand is no solution. Instead, the person who pays unwelcome attentions must be made to understand that he or she must stop. The person on the receiving end should confide in trustworthy colleagues, note the various incidents, find out if the firm has any rules on this issue, inform management and ask them to intervene in order to end the harassment, and perhaps get the labour inspectors involved ... The message is clear: the victims of sexual harassment must know that they have a right to speak out and be defended.

In the ILO's view, while legislation is essential, it cannot in itself ensure a working environment free of sexual harassment. Prevention is the best approach to the problem and it entails taking affirmative measures at the national, workplace and trade union levels. Defining a policy, setting up a confidential complaints procedure and ensuring protection against any reprisals, putting progressive disciplinary rules in place and developing a strategy on training and information – according to the ILO, these are the four key weapons in the fight against sexual harassment at work. At the heart of that struggle is a great challenge for the social partners – to create a workplace atmosphere which discourages sexual intimidation while promoting a friendly and productive working environment and working relations in which the dignity of every working woman and man is respected by all.

### Note

<sup>1</sup> *Gender! A Partnership of Equals*, Bureau for Gender Equality, ILO.

## Is workplace violence inevitable?

*We must not fall into the error of regarding violence and stress as inevitable. It is quite possible to combat them effectively, provided that the tripartite partners play the game by establishing effective social dialogue.*

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Ahmed Khalef<sup>1</sup>

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The issue of safety at work cannot be tackled without looking at new forms of enterprise organization and management and their potential and actual effects on workers' physical and moral integrity. In fact, all the most serious medical analyses and surveys<sup>2</sup> agree that the "classic" on-the-job health burdens are tending to decrease, particularly in the industrialized countries where trade unionism and occupational medicine have brought enormous progress, even though we should remain prudent and recognize that much remains to be done.

But while the old pathologies are to some extent waning, new health problems attributable to psychosocial burdens are on the increase. The main identifiable causes, apart from the heavier demands associated with the continuous introduction of new working methods and technologies, are the intensification of work (workforce cuts in response to fluctuating workloads, plus new means of communication), the speeding up of the work process (production to tight schedules or "just in time") and, in many places, the fear of losing one's job. In short, the liberal enterprise management of the past fifteen years has had an enormous human cost in terms of workplace health. Flexibilization and deregulation, linked to more and more ferocious competition between firms seeking market share, have helped to make work even more burdensome. Increasingly, the suffering is also psychological.

The rise in workplace violence and its corollary, stress, is no doubt one of the most visible signs of this trend. The new organization of work is putting more workers at risk of aggression, while transforming the definition of tasks and increasing workloads.

### Definition

Workplace violence is difficult to define. This is a vast field. When some people hear the word "violence", they automatically assume that it means physical aggression, such as might for example be suffered by a teacher in the classroom, a money transporter during a hold-up or a taxi driver who is attacked by a customer. That side of the issue certainly does exist, and it gives cause for concern. It is examined elsewhere in this issue of *Labour Education* (see, for example, the article by Dominique Marlet on page 21). But increasingly, we are also having to deal with more insidious forms of violence which have profound consequences for the mental health of the victims. Moral harassment, ill-treatment, hazing and threats are among the forms now taken by workplace violence. So in fact, workplace violence is "any action, incident or behaviour that departs from reasonable conduct in which a person is assaulted, threatened, harmed, injured in the course of, or as a direct result of, his or her work".<sup>3</sup> It should be noted that

this definition includes incidents that take place on the journey between the worker's home and the workplace. The main actions or incidents concerned include:

**Threatening, violent or abusive behaviour.** Violent behaviour is detrimental to physical integrity. It includes sexual aggression, such as rape. Hitting, kicking, pushing and jostling are among its other manifestations. "Threatening" or "violent" behaviour may, for example, be constituted by fist-waving, material destruction, the throwing of objects at the victim, or slaps. Behaviour may also be "abusive" – bullying, lack of respect, and humiliation.

**Harassment.** Under the ILO definition, this covers any behaviour that demeans, humiliates, embarrasses, disturbs, insults or discomforts an individual, in whatever manner, by words, gestures, swearing or insults.

Generally, the word "harassment" is taken to mean any conduct – based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, property, birth or other status – that is unreciprocated or unwanted and which affects the dignity of men and women at work.<sup>4</sup>

## Multiple facets

Harassment may be sexual (see the article by Natacha David on page 7) when it consists of incongruous and misplaced conduct of a sexual nature which offends and constitutes a threat to or humiliation of the person who undergoes it.

To complete the list, there are also written or verbal threats, overly strong language, pestering, emotional cruelty and hazing.

Harassment is a form of psychological violence. Such violence is more pernicious than the physical variety, because it simultaneously damages the physical, mental, spiritual, moral and social development of the victim.

As may be seen, workplace violence can have many facets. These may range from mere rumour to vandalism, sabotage and even murder or, when the violence turns inwards, suicide.

Work-related violence may occur even when the worker is outside his or her regular workplace – for instance, when visiting a client.

### Acts of violence against a person's work\*

#### A. Evaluation of work

1. Unjust or exaggerated criticism of work
2. Negative evaluation of work, internal memos
3. Excessive work monitoring
4. Excessive medical monitoring

#### B. Assignment of tasks

1. Withdrawal of work tasks
2. Overwork
3. Absence of work
4. Proliferation of different/new tasks
5. Tasks inappropriate to the victim's skills level or state of health
6. Pointless or absurd tasks

#### C. Career management

1. Blackmail concerning employment, promotion or transfer
2. Compulsory transfer
3. Withdrawal or redistribution of work equipment (offices, fax machines, computers, telephones, etc.)
4. Discrimination regarding leave, working hours, work burdens or training requests
5. Verbal incitements to give up the job

#### D. Professional communication

1. Distortion or concealment of the information needed to perform the work, sabotage of the work
2. Discrediting the victim's work in front of others

#### E. Offences

1. Breaches of labour law (withdrawal of year-end bonuses, holiday allowances, legal holidays, fixed-term contracts, etc.)
2. Theft of employment documents.

\* "Violence au travail, harcèlement moral et sexuel", April 2003. <http://meta.fgov.be/pdf/pd/frdd43.pdf>

## Acts of violence against a person\*

### A. Verbal violence

1. Intrusions into private life (asking indiscreet questions, listening in to phone calls, reading the victim's emails, subjecting the victim to phone calls or registered letters at home, etc.)
2. Criticizing the victim's private life
3. Verbal bullying, shouting at the victim
4. Remarks impinging on a person's dignity (mockery, misplaced humour, racism, sexism, nicknames, etc.)
5. Disparaging a person in front of others
6. Refusing to cooperate with the victim
7. Manipulation of verbal communication (denying an oral agreement, lying, vague or shifting comments, emotional blackmail, manipulation of feelings)
8. Forbidding other workers to talk to the victim
9. Spiteful rumours, unfounded accusations

### B. Physical violence

1. Aggressive gestures (door-slamming, table-thumping, etc.)
2. Threats of physical aggression
3. Physical aggression (jostling, spitting, stepping on the victim's feet, molestation, etc.)
4. Damaging or destroying the victim's work equipment or personal property
5. Stalking (following the victim in the street, staking out the victim's home, etc.)
6. Extortion of money/racketeering through physical intimidation
7. Hazardous working conditions (repetitive exposure of the victim, but not of others, to dangerous products; repeated handling of objects that are too heavy, etc.)

### C. Sexual violence

1. Sexual violence without physical contact (making advances, allusions or remarks with sexual connotations, undressing the victim with one's eyes, etc.)
2. Sexual violence with physical contact (brushing up against somebody, deliberate physical contact, groping, etc.)

### D. Behavioural violence

1. Minor vexations, mean tricks (turning off the heating, hiding things, etc.)
2. Offensive gestures (turning one's back, refusing to say hello, refusing to shake hands, shrugs, sighs, heavenward glances, etc.).

\* "Violence au travail, harcèlement moral et sexuel", April 2003. <http://meta.fgov.be/pdf/pd/frdd43.pdf>

Studies and statistics show that certain situations exacerbate the risk of violence, and must therefore be taken into account when adopting prevention measures. Particularly at risk are:

- Workers in contact with the public
- Workers who handle or have custody of valuables, such as money and jewellery
- Workers who carry out inspection or surveillance tasks
- Workers in contact with psychologically unstable individuals
- Workers who perform their tasks alone or in an isolated place
- Workers who are frequently on the road (truck and taxi drivers)
- Workers whose occupational environment is related to the consumption of alcohol
- Night workers and those who work so-called unsocial hours (shift work, Sunday work).

From all this, it may be deduced that public service workers, particularly in health care and teaching, are particularly at risk. However, no sector is really immune from violence or harassment. Their occurrence, frequency and intensity depend to a large extent on the organization of work.

What is also certain is that, among workers, the number of pathological complaints attributable in one form or another to violence is constantly increasing. In the United States alone, more than a million workers a year are estimated to suffer acts of workplace violence, and there are more than two work-related homicides every day!<sup>5</sup> Canada has seen the same phenomenon of growing violence at work, according to a study of compensation claims lodged by workers. In this case, the workers most at risk were health care staff, cashiers and police officers.<sup>6</sup> The human and financial costs of the violence are considerable (see the article "Preventing workplace violence" by Lene Olsen on page 31).



It would be inappropriate to discuss workplace violence without mentioning something that can both cause it and result from it, namely work-related mental illnesses.

Here, a distinction should first be made between job placement of people who are already mentally ill and the mental ailments that can actually be caused by work.

It should be emphasized that the employment of people who are suffering from, or have suffered from, mental ailments is no longer particularly problematic, due to the progress made by psychiatry over the past fifty years. Indeed, more and more of them are able to go back to work while still in treatment, or after therapy. They are, however, doubly vulnerable in the face of psychological violence at work. On the one hand, even if the risks of decompensation leading to downtime are no higher than those arising from a chronic somatic illness, they unfortunately provoke irrational reactions among the workforce, due to the fear and anxiety to which mental illness still all too often gives rise. On the other hand, as they are more fragile than other workers, they are less able to cope with the relational conflicts which, unless carefully managed, can elicit violent reactions from them.

### Vicious circle of violence

So we are faced with a vicious circle: workers with mental disorders may be the victims of harassment engendered by a fear of those who are different, but they may also themselves become violent. Which all goes to show the importance and usefulness of health education that addresses the whole of a firm's workforce, including management. After all, managers should take account of the fact that workers being treated for mental disorders often have to take psychiatric medicines (anxiolytics, antidepressants, hypnotics, neuroleptics) whose secondary effects in relation to productivity, safety and responsibilities require judicious assessment. Judicious, because there is no general rule. Some

people tolerate these products very well, with virtually no lateral ill-effects, even when the dosage is high. It should also be remembered that working activities (and everything that derives from them: social integration, pay, emotional ties developed through work) are often vital to the mental equilibrium of these workers. Tolerance towards them is a matter of principle and moral responsibility incumbent upon everyone – including the employer who should, for example, always be aware that the loss of a job may plunge mentally fragile workers even deeper into sickness, anxiety, depression, delirium and, finally, suicide.

Employers' responsibility is all the greater because some mental illnesses are linked to work. Indeed, they may be termed "work-caused mental illnesses". They may result from workplace violence suffered by the worker, and they may also, indirectly, be the root cause of such violence.

Mental illnesses caused by work may be classified into three categories:

**Occupational mental illnesses.** These illnesses are the result of a toxic or physical encephalopathy caused by prolonged exposure to chemical or physical toxics. Most often, they take on the semiological form of an acute psychosis, such as a confusional syndrome, a delirious fit, a persecution syndrome or a hallucinatory fit. The chemical toxics that may provoke occupational mental illnesses include carbon disulphide, chlorinated solvents, lead, ether and the alcohols. Physical toxics include work under hyperpressure (hyperbaric chambers), heat stroke (insolation), cranial trauma and exposure of the brain to ionizing radiation.

**Psychiatric syndromes.** These syndromes, which are specific to the sequels of work accidents and certain occupational diseases, are generally manifested in the *sinistrosis* observed after a work accident, particularly in the construction sector and public works. Because of their precarious situation, migrant workers are particularly vulnerable to this type of syndrome.

**Mental suffering.** Here, we are no longer dealing with well-marked mental illnesses, such as those described in psychiatric medicines, but rather with psychological suffering which, although quite real, is compensated – in other words, it is kept in check by the individual with the help of individual and collective defence mechanisms. Even if this suffering does not lead to illness as such, it does have an impact on work burdens, and thus affects workers' health. It may also be the source of violence, by exposing the affected workers to discrimination or bullying, or by triggering violent reactions in the affected workers themselves. Two factors – dissatisfaction and anxiety – promote mental suffering. Dissatisfaction generally results from an excessive division of labour, from job content, from the truncation of human relations due to surveillance, and from the hierarchy and methods of command, thus leading to stereotyped, codified relationships which rule out the necessary emotional commitment.

Anxiety, on the other hand, is a response by the organism to the dangers posed by certain tasks. It is particularly frequent among workers in sectors with a reputation for high risks, such as construction, aviation, nuclear power and chemicals. Thus, anxiety is a psychological emanation of physical hazards. It is an integral part of the work burden.

Other causes of anxiety are also noted within reputedly non-hazardous tasks. These causes are to be found in command structures, work cadences, job insecurity etc. They should not be ignored, as they too may give rise to violent behaviour.

The various manifestations of violence to which workers may fall victim are described elsewhere in this issue of *Labour Education*. But it is no doubt useful to recall the link that must be made between stress and violence at work. All the more so as this question caused controversy at a recent ILO meeting<sup>7</sup> during which the employers' representatives refused to discuss the stress aspect of violence at work, as they felt that the two phenomena cannot be linked.

And yet the link does exist. In its most extreme form, stress can induce violence to the point at which the workers affected turn the violence inwards, against themselves. How else could one explain the suicide of a Korean executive who, overwhelmed by a scandal affecting his firm, jumped off the twelfth floor of its building in Seoul, on 3 August 2003?

This case and many others have been reported by the media, but a deeper analysis of suicide cases inevitably leads us to the stress factor. "It is commonly accepted that high stress, together with easy access to means, are important factors which put people in certain occupations at greater risk of dying by suicide", states a report published in the United Kingdom by a suicide prevention association.<sup>8</sup> More and more studies confirm the role of work stress in a growing number of suicides. Some people have even deduced that suicide may now top the list of the causes of work-related deaths. Things have not reached that stage yet.

### **Stress – a workplace health problem**

Stress at work is by no means a negligible occupational health problem. Fortunately, its sufferers are not always driven to suicide, but it is seriously prejudicial to workers in terms of their health, to enterprises through downtime and to society through compensation costs. The resulting absenteeism is an excellent case in point. Among the most frequent causes of absenteeism, occupational stress ranks just after back pains (which may themselves, in certain cases, be a symptom of stress).

### **Violence and decent work**

Health and safety at work are a pillar of any social policy and a key component of the decent work promotion strategy developed by the ILO. What counts is not just employment creation, but the creation of jobs that meet the criteria of decency and dignity.

So what needs to be developed is a truly holistic and integrated approach to health and safety at work. An approach whose primary aim is to improve well-being in the workplace while adjusting to overall developments within the economy, which is becoming more service-oriented. All the changes affecting the world of work in the globalization era must be measured, accompanied and anticipated. Which is why we must tackle the newly emerging hazards of stress-related disorders, but also moral harassment and violence at work.

Prevention is, of course, the lynchpin of any policy on this issue. In this respect, it should be recalled that the employer is under an obligation to identify potential risks to worker health and take all possible steps to eliminate or limit them. The employer must also adapt the work to the individual, notably in order to reduce the effects of monotonous work and paced work, which are major causes of occupational accidents and are damaging to workers' health.

### A "road map" for enterprises

Ideally, a sort of "road map" for enterprises should be drawn up, concerning work-related stress and violence. This would facilitate the establishment of prevention and monitoring.

There are many ways of going about this – for instance, through job redesign, improved social support, rewards for workers' efforts and, above all, adapta-

tion of the work environment to workers' aptitudes, needs and expectations.

We must not fall into the error of regarding violence and stress as inevitable. It is quite possible to combat them effectively, provided that the tripartite partners play the game by establishing effective social dialogue.

### Notes

<sup>1</sup> Doctor A. Khalef, who is the focal point for occupational health and safety within the Bureau for Workers' Activities (ACTRAV), is a specialist in occupational medicine, medical and industrial toxicology, practical ergonomics and sociology and human sciences as applied to the world of work. He is also in charge of following Arab regional affairs for ACTRAV.

<sup>2</sup> See, for example, the excellent article by Dr. Dominique Huez, *Les pathologies mentales générées par l'organisation du travail* in "Santé et Travail", No. 44 published by the Mutualité française (Paris, 2003).

<sup>3</sup> ILO: *Code of practice on workplace violence in services sectors and measures to combat this phenomenon*, Geneva, November 2003.

<sup>4</sup> This definition is taken from a joint ILO/ICN/WHO/PSI study published in May 2002 – see <http://www.who.int/mediacentre/releases/release37/en>

<sup>5</sup> See *The cost of violence/stress at work and the benefits of a violence/stress-free working environment*, a report prepared for the ILO by Helge Hoel, Kate Sparks and Cary L. Cooper.

<sup>6</sup> *ibid.*

<sup>7</sup> Meeting of Experts to Develop a Code of Practice on Violence and Stress at Work in Services: A Threat to Productivity and Decent Work, Geneva, 8-15 October 2003.

<sup>8</sup> Samaritans information resources pack 2003. [http://www.samaritans.org/know/statistics\\_infores.shtm](http://www.samaritans.org/know/statistics_infores.shtm)



# Violence and getting the story: Journalists at work

*Like all professions, journalism has its fair share of hazards in the office: bullying, psychological stress, loneliness, intense competition from within the organization and from outside, sexual harassment and repetitive stress injury (RSI). Outside the office, where much of their work is done, journalists face even greater hazards.*

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Lee Woodyear  
Journalist

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Stress and repetitive strain injury (RSI) are common in media offices because of the rhythm of the work. Journalists regularly tap at a keyboard while talking on the phone or editing a tape. Deadlines get tighter, stress sets in, muscles tense and tendons inflame. Journalists are also prone to work bizarre hours, and they must spend a lot of time waiting while their deadline draws nearer. Meaning that when it is time for action, it has to be fast.

Journalism is a lonely business. It is also a very competitive business. You are competing not only with other media companies, but also often with people in your own company who want to take over your beat, or prove that they could do it better. Most of the time it is your instincts, knowledge, connections and intelligence that guide a story. Decisions have to be made quickly and, of course, your credibility is on the line each time you are published.

The “more, faster, better for less money” motto of the corporate world is the same in journalism. Journalists are often sent out into the field with laptop, paper, pencil, camera, video recorder and a tape recorder. This is especially true of freelancers. These journalists do not have a fixed income, so when they get themselves into a certain position, covering a riot, or a war or a fashion show, they want to exploit all of its aspects as a news event. Not only is that equipment heavy, but you also need

to be thinking of three different mediums during your reporting, not to mention the deadlines.

## Sexual harassment

Sexual harassment in all of its ugly guises exists in media companies around the world. It can be exacerbated in visual media, where decisions about your career depend on how “sexy” you look on television. This is true for men and women.

The position of women in a society is also a barrier to their professional success. Many women relate the same story. They are asked to meet a source in a restaurant or bar. The source insinuates that he would be willing to trade information for sexual favours. The journalist becomes more worried about how she will get home safely than about what information she may gather. “Women are already considered second-class citizens in many countries, and when you are a professional you have twice the fight; first to be respected as a human being, then to be respected as a professional”, explained Bettina Peters, the Director of Programmes at the European Journalism Centre. Peters has conducted training seminars throughout Africa for the past 10 years. She has also run a series of gender seminars addressing these issues.

Many trade unions, professional associations and media companies have strict

codes of conduct concerning sexual harassment inside a company. In many cases, management upholds these codes. If not, media workers can file grievances against their employer for not providing a harassment-free environment. Unions can follow up on these grievances, but it is impossible to apply standards to people you are interviewing. It is a tricky issue that will continue to hinder media professionals in all parts of the world.

## Revealing the truth

Yet the most dangerous aspect of journalism, and indeed the very nature of the profession, is uncovering and publishing information that someone, or some group or even a majority of a population, does not want to have published.

According to statistics gathered by the Belgian-based International Federation of Journalists (IFJ), the international trade union secretariat for journalists and other media workers, over the last 12 years almost 1,200 journalists and media workers have died because of their professional duties. These journalists fall into various categories. The largest number is those who are targeted because someone does not like what they are doing.

In June 2002, the Brazilian TV Globo journalist Tim Lopes was abducted, tortured and murdered. He was investigating drug gangs and the sexual exploitation of minors in the *favelas* (shantytowns) of Rio de Janeiro. Ram Chander Chatterpatti, the editor of a local northern Indian newspaper, was gunned down in front of his home in April 2002. He was working on a story about corruption in a local religious sect. In September 2001, Martin O'Hagan, who was working for the Dublin-based *Sunday World*, was also shot outside his home in Lurgan, Northern Ireland. A militant Protestant splinter group claimed responsibility for his death. O'Hagan was investigating links between Loyalist groups and security forces in the area. He was the first journalist to die while covering this decades-old conflict.

Daniel Pearl, an American correspondent for the *Wall Street Journal*, was abducted in January 2002 while on his way to meet a source in Pakistan. He was investigating terrorist groups, their links and affiliations, in Pakistan. He was tortured and assassinated. Had he uncovered specific information that chagrined one group or another, or was he assassinated because he was from the United States? The bottom line is that he died while trying to inform his readers about a very important topic.

## Terrorism, accidents and war

Terrorism, the new Cold War of the twenty-first century, greatly ups the ante and further endangers journalists. Now correspondents, when travelling abroad, can conceivably be shot because of their nationality even before they ask any questions. A number of extremist groups have announced that killing any "Westerner" is good. And if you are a journalist from an Arabic media company, you could be denied access to some countries and some media events, as has recently happened to the Al Jazeera journalist trying to cover the United States stock market.

Though the killing of journalists from developed countries receives more attention from more media outlets, it is local journalists who are really on the frontline. The New York-based Committee to Protect Journalists estimates, from their statistics over the past ten years, that for every single visiting journalist who dies in a country, three local journalists perish.

Cases abound all over the globe. In areas where there is widespread social disorder and organized crime, like in Colombia and Russia, assassinations are more frequent. From 1990 to 2002, 104 journalists died on duty in Colombia and 85 were killed while working in the Russian Federation. Many of these deaths were premeditated.

Another example of this can be seen in Nepal. Few journalists have been assassinated in that country, but last year, following the intensified uprising of the Maoist

insurgents, three journalists were killed. According to the Nepalese Federation of Journalists and other sources, two were tortured and killed by Maoists or their sympathizers and one by government agents who were attempting to extract information from the journalist concerning his ties with Maoists. A typical Catch-22 – you go to the “enemy” to gather information, and then you are associated with the “enemy”. More than 150 Nepalese journalists have been arrested, many detained and beaten, since 2001.

Another category of death while on assignment is through accidents. The fact that journalists are conducting their business during riots, political rallies, search-and-rescue operations, natural disasters, sports matches and armed standoffs puts them in the vicinity of violence regularly. The pressures of the job also add to the frequency of accidents. When an event is taking place, if you are from the visual media, you need to get there before it is over. Once you get the story, you need to get it back to your office so it can be published.

Journalists have the further burden of standing out. Usually they are in designated areas and they have press badges and equipment. Even more worrying, and prevalent, is the fact that politicians small and large from all continents openly criticize “the media” or even specific journalists. In many cases this can lead to an uncomfortable moment, in other cases it can lead to a beating or worse.

At the beginning of 2003, a pro-government publication in the Ivory Coast printed the names of individuals that it considered to be sympathetic towards the rebels who are fighting to overthrow the Government. Amongst the names was that of Kloueu Gonzreu, a journalist working for the news service Agence Ivoirienne de Presse. Two weeks after his name appeared in that publication, he disappeared. His remains were found by the Red Cross in March 2003. Those investigating his murder believe that there is a direct link between the publication of his name, and the accusation that he was sympathetic to the rebel movement, and his murder.

Media companies can also have political affiliations, or can be accused of having such affiliations. Journalists associated with a specific company can also be targeted. It is better to have a generic press badge than to have one clearly identifying your employer. During the years of fighting in Northern Ireland, for example, not one journalist was killed until 2002. One of the reasons for this was that all journalists carried the same press cards and were therefore not identified with specific media companies, which could be considered sympathetic to one side or the other.

Covering demonstrations, rioting and looting is also dangerous. Television and photojournalists have the hardest job. They want to be as close as they can and if there is violence they can easily get caught in the middle. Demonstrators may target them because they do not want to be filmed doing something illegal, like smashing windows or throwing firebombs. They may believe that a journalist is actually part of the security forces, or is gathering evidence that will be given to the police. The police may not want their actions filmed either, and often claim that cameras incite people to behave more aggressively. In 2002 in Uganda, at a political rally that was banned by the Government, a journalism student sent to cover the event was killed instantly when a frightened policeman fired into the crowd. In Venezuela in April 2002, photojournalist Jorge Tortoza was shot and killed by a sniper. Four Palestinian journalists were killed in 2002 by Israeli security forces. Three of them were covering political demonstrations, and two appeared to have been targeted by the Israeli forces and were fired on by tanks.

And then there is war. Of the 1,192 deaths that the IFJ recorded from 1990 to 2002, 274, or almost one-quarter, were in war zones. By December 2003 this figure had risen to 303.

Civil wars are the most dangerous to cover. Close to 100 journalists have died while reporting on the wars in former Yugoslavia. In many cases, they were targeted. During the NATO attack on Serbian forces in 1999, the United States bombed the Serbian

national radio and television headquarters in Belgrade, killing 16 media workers. Press freedom organizations and the IFJ had been given assurances by NATO that Serbian TV would not be targeted. More devastating is the fact that the journalists in the building were not told beforehand that it would be bombed, though NATO claims that they had informed Serbian officials.

There is a direct correlation between access, information and death. The more access that journalists have to a war zone, the better informed we are about the conflict, and at the same time the greater the number of journalists who die. Sixty-four journalists died while covering the wars in Vietnam and Cambodia between 1954 and 1976. Eight journalists died covering the fighting in Afghanistan in 2001. During the first Gulf War, journalists were given very little access to the battlefield, and no journalists died during the liberation of Kuwait, but four died covering the ensuing civil wars in Iraq.

### Safety issues for media workers

Statistics like these do serve a purpose. In the past 12 years, literally hundreds of new organizations have been created to address safety issues for media workers. The IFJ and its member unions are working closely with media companies and governments to see to it that all journalists are trained and have access to equipment before being sent on a dangerous assignment. The IFJ published a comprehensive safety manual for journalists in March 2003, entitled *Live News: A Survival Guide for Journalists*. It is available through their website (<http://www.ifj.org>).

On 3 May 2003, the IFJ and the International Press Institute (IPI), a publishers' press freedom organization based in

Austria, launched the International News Safety Institute (INSI). This Institute already has the support of scores of large and small media companies and press freedom organizations. It is a bipartisan undertaking with both employers and employees taking part in its management and funding.

The primary goals of INSI are to set standards for safety training and safety equipment, to collate and distribute safety manuals and provide support for safety assistance programmes for journalists working in dangerous regions. It will also develop and promote affordable insurance for staff and freelance journalists, and it will promote health and safety agreements at all media outlets to ensure that journalists are given risk-awareness training and first aid courses. More information about INSI is available through the IFJ's website.

Yet much more needs to be done. The perpetrators of many of the murders and other human rights violations mentioned in this article have not been identified or have not been punished – or both. Many governments regularly intimidate journalists through threats, harassment, imprisonment and violence. Many media companies bring home their staff correspondents when a situation gets hot and use freelancers. Many journalists perpetuate the “macho” image of the fearless war correspondent, instead of admitting that coming under fire is not fun. If a journalist narrowly escapes with his or her life, they should analyse the situation and learn how they can avoid it in the future, not brag about it. Young and less experienced journalists can be influenced by bravado behaviour and make fatal mistakes when covering a conflict. These are all problems that must be addressed by governments, media companies and media workers together in order to improve the working conditions in this profession.

## Schools must be safe – for students and staff

*Violence in schools is bad for education and bad for teachers' working conditions. ILO data show that 15-20 per cent of students in industrialized countries suffer violence at school. In US schools, between 1995 and 1999, teachers were the victims of some 1,708,000 non-fatal crimes. These included 1,073,000 thefts and 635,000 violent crimes (rape or sexual assault, robbery and aggravated or simple assault) – about 79 crimes per 1,000 teachers per year.<sup>1</sup>*

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Media Officer  
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**Frédérique Boni**

Advocacy Coordinator  
Education International

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All forms of discrimination, harassment or abuse – whether physical or verbal – based on gender, sexual orientation, disability, religion, ideology, ethnic origins or physical appearances, amongst pupils, teacher-to-teacher, teacher-to-pupil or vice versa, are a violation of their fundamental human rights and constitute violence in schools. More specifically, any form of violence that diminishes a child's right to education is a violation of the UN Convention on the Rights of the Child (Art. 19, 28, 29, 34, 37).

Violence in schools has coincided with a general rise of violence in society. Hence, it is important to establish better ways of reporting and dealing with it. The world body for teachers' unions, Education International (EI), recommends allocating more resources to in-service training for teachers, establishing in-school structures to provide support for both teachers and students, increasing resources for teacher recruitment in order to reduce class sizes, and greater involvement of the community in preventing violence. More research is also needed into a number of questions: what kinds of violence prevail? What forms of interven-

tion and prevention are needed? And what support systems exist for teachers when dealing with isolated incidents?

Action is being taken in several countries. Governments are working with unions to identify causes, and are creating an environment in which violence and abuse in schools can be reduced to the minimum. In Bulgaria, teachers' unions are contributing to developing professional qualifications that enhance teachers' abilities to prevent and counter violence in schools. In Sweden, the first clause of the Education Act forbids any abuse in schools and imposes penalties on those who breach this prohibition. In Scotland and France, national debates are being organized to examine these issues. In some countries, notably Belgium, support is provided to schools that develop new techniques involving both pupils and parents.

### What is violence in schools?

When a child steals another's lunch or keeps on intimidating a weaker student, the perpetrator is generally termed a

## The law's the law, in school or out

Education International recently organized a Round Table on "Violence in Schools" for its European affiliates (Brussels, 9-10 October 2003). The event offered teacher unions in Europe a valuable opportunity to issue policy recommendations and discuss violence in schools, together with representatives from the European Parents' Association and the Organizational Bureau of European Secondary Student Unions.

EI has been working on the issue of violence in schools since 1994. Several programmes have been launched with intergovernmental agencies to integrate training on this into both pre- and in-service teacher training. "Teacher education must fully prepare new teachers on how to deal with challenges in the classroom; this is a clear responsibility of teacher institutions", concluded Elie Jouen, EI's Deputy General Secretary.

Teacher unions also agreed to lobby national governments for the adoption of laws protecting teachers and pupils. For example, workers in Sweden are covered by the Environmental Act and those in the United Kingdom by the Health and Safety at Work Act. If such legislation is to be properly enforced, it needs to clearly spell out duties and responsibilities. "Laws that apply in society should apply in schools" seems to be an appropriate guiding principle.

Teacher unions should also seek to ensure that a framework exists in every school both preventing violence and indiscipline and for dealing with it when it occurs. This would enable behavioural policies to be adopted and implemented, and appropriate structures for problem-solving to be set up. Such a process must necessarily involve teachers, pupils and parents working together.

"bully". Bullying is the most common form of violence reported in schools. Even so, the extent of the problem is still underestimated.<sup>2</sup> In Australia, one in six children is bullied on a weekly basis. Bullying is the culture of violence in a nutshell.

Another variant is social bullying, when harassment occurs on the basis of race, gender, disability, intellectual capacity and/or sexual orientation. This type of harassment can occur verbally and/or physically.

Research in Scotland shows that bullying can lead to absenteeism, underachievement, post-traumatic stress disorder and even schizophrenia and suicide.<sup>3</sup> Similar findings were made in Korean schools. At times, when victims retaliate, the consequences can be far worse than the original acts, as was seen in the Columbine High School shootings in Colorado, United States.

Teachers are also sometimes bullied by management or the authorities. In Zimbabwe, "the Government constantly harasses teachers, mostly in rural areas, accusing them of meddling in the political process", reports the Zimbabwe Teachers' Association (ZIMTA). "And while the Constitution provides the freedom of speech and allows individuals to join the political

party of one's choice, teachers are forbidden to do so by regulations of the Public Service Commission."

### Sexual harassment and sexual discrimination

A Human Rights Watch study<sup>4</sup> shows that "lesbian, gay, and bisexual youth are three times as likely as their peers to have been involved in at least one physical fight at school, three times as likely to have been threatened or injured with a weapon at school, and nearly four times as likely to skip school because they feel unsafe". The UK teachers' association NASUWT recommends that all schools and headmasters adopt a policy against bullying on the grounds of sexual orientation, that they receive adequate training on the issue and that protection be available for both teachers and students.<sup>5</sup>

Sexual harassment is also a problem in schools. EI organized an African forum in November 2002 addressing the issue of sexual harassment in pre-university education. The forum pointed to the need to combat all forms of violence in schools, and the need for teachers to comply with the EI Declaration of Professional Ethics,



so as to avoid instances of sexual abuse. It also recommended that States adopt legal and disciplinary measures to penalize sexual harassment.

Again, in the case of sexual abuse, a zero tolerance policy should be enforced in all schools along with training for teachers and a sound reporting system. This would help to re-establish the gender balance in schools, as girls would then come back to school rather than opting for absenteeism, as is often the case after being sexually abused.

## The causes

Factors contributing to violence in schools often originate outside the formal education system, for example in the family, the local community or, more generally, the local or national economic and social situation. Increased affluence has also brought its own problems. Some young people have too much money and too little supervision by parents.

According to Eric Debarbieux,<sup>6</sup> head of the European Observatory of Violence in Schools based in Bordeaux, France, “To put an end to violence, we need a well-established State with the means to compensate for inequalities, a State that tries to re-establish diversity in neighbourhoods and schools, one that does not give up on the notion of justice”.

In Germany, research shows that “there are many problems of cultural integration for foreigners and this translates into more visible social inequalities and poverty amongst the young, which then further enhance tensions and violent acts in German schools”.<sup>7</sup>

Ireland “has undergone radical and rapid changes in the last ten years”, notes Irish teacher union ASTI. “Society, which was once very traditional and heavily influenced by the Roman Catholic Church, has changed dramatically. Single parenthood is very common and an increasing number of single mothers find themselves bullied or intimidated by their children who have grown out of control.”

In Latin America, the case of Colombia shows how a country’s situation affects its schooling system. “Schools which suffer the most are the schools in areas where conflicts prevail [...], students imitate the situation by creating gangs and entering into trench warfare on school grounds.”<sup>8</sup> In Nepal, the Maoist insurrection which has lasted seven years has led to the deaths of hundreds of teachers in the past five years.

## Internal causes of violence in schools

One of the main factors contributing to violence in schools is the organization of the schools themselves. A low student-to-teacher ratio promotes greater human contact and a more personalized approach to teaching. This increases the attention that teachers give to individual students, and is vital not only to the learning process, but also to the positive social, emotional and psychological development of each child. It is therefore important for the local and national authorities to increase resources for publicly funded schools, so as to achieve a low student-to-teacher ratio.

All forms of violence must be banished from school, as it is the place where children learn and develop life skills.

According to the German study,<sup>9</sup> the learning-by-success teaching model is a major cause of violence amongst pupils. This model generates increased competition between students, who then convert their frustrations into physical and non-physical acts of violence. School systems that publicly identify pupils as failures – through the assessment systems, or through directing pupils into courses or streams perceived as low-status – or which leave pupils to struggle on their own from their earliest years, contribute to raising levels of violence. Pupils who are publicly perceived as failures will seek their own areas of success through confrontation and rejection of school values.

Another internal cause of violence in schools is the stress and pressure to which the teaching staff is subject. According to the ILO Sectoral Activities Department, “work-related stress may be defined as the physical and emotional response that occurs when the requirements of the job do not match the capabilities, resources or needs of the employee”.<sup>10</sup> “The lack of autonomy, changes in education policy, and lowering salaries are a big source of stress on teachers”, thus contributing to “increased lack of communication amongst the teaching staff, which further engenders peer-to-peer violence”, notes the Quebec teachers’ union CSQ.<sup>11</sup>

In South Africa, teachers have experienced many problems since corporal punishment was banned in schools in 1996. “The Government introduced a human rights culture into schools before one was in place in the society”, claims South African teachers’ union SADTU. No training, support or resources have been provided for teachers, who feel powerless when faced with problems of gang violence, drugs and criminality.

Stress leads to increased teacher absenteeism which further devalues the teaching profession and the quality of education.

## El recommendations

Education International recommends that all stakeholders be involved in the formulation of policies to ensure that schools are a safe place for teachers to work, and a safe place for pupils to learn.

El requests its affiliated organizations to abide by the *El Declaration on Professional Ethics*.<sup>12</sup> All teachers should commit themselves to maintaining a professional relationship with their pupils and should strive to ensure that education remains a right for all children. Likewise, both the community and the government should accord sufficient recognition to teachers and education personnel, so as to ensure that they can exercise their professionalism with dignity throughout their career. In addition, the delivery of education should

comply with the Dakar Framework of Action, the UN Convention on the Rights of the Child and, more generally, the Universal Declaration of Human Rights. This in itself would greatly diminish violence within all education systems.

Schools should be places where good management prevails, so as to promote an education based on human rights, participation and democratic procedures.

Governments should allocate more resources for pre-service and in-service training which will better equip teachers to deal with violence in schools. Furthermore, these resources should be extended to providing professional support both for teachers and for students, in the form of social workers and school psychologists. Class size should be lowered in order to promote greater human contact and eliminate impunity for violence.

Teacher unions should develop policies to counter school violence, with the participation of all stakeholders. For example, the National Union of Teachers in the United Kingdom has been working on several cases of serious violence. It brought together various elements of the local community – teachers, parents, police, social workers and even religious figures – and drew up a policy on violence in schools. The union has ensured that this policy forms part of the induction programme for all new teachers. In cases where the school management failed to react satisfactorily, the union sought legal assistance.

Special measures should be taken for newly qualified teachers, such as mentoring, in order to prepare them for situations of violence in schools. There should be greater emphasis on professional development of teachers so as to further hone their skills in dealing with the wide range of school violence. Emergency support measures should be established for teachers who are exposed to or subject to violent acts.



Last but not least, EI calls on international organizations which have an interest in education – such as UNESCO, the ILO, the World Bank, the OECD and the European Union – to give increased visibility to the issue of violence in schools.

## Notes

<sup>1</sup> ILO, *Workplace violence in service sectors with implications for the education sector: Issues, solutions and resources*, Richard Verdugo, National Education Association, Washington, DC and Anamaria Vere, ILO, Oct. 2003.

<sup>2</sup> See, for example: Stevens, Bourdeaudhuij, Van Oost, "Bullying in Flemish Schools: an Evaluation of Anti-Bullying Intervention in Primary and Secondary Schools" in *The British Journal of Educational Psychology*, 2000, vol. 70., p. 196.

<sup>3</sup> NJEA Review, May 2003, Edpress, NJ, pp. 14-16.

<sup>4</sup> Human Rights Watch, *Violence against Children in Schools*, 8 Sep., 2001, pp. 1-14.

<sup>5</sup> NASUWT, *Tackling Homophobic Bullying*, Apr. 2002, p. 6.

<sup>6</sup> Eric Debarbieux, *Violence in Schools: A Worldwide Affair*, The Courier, UNESCO, Apr. 2001. [http://www.unesco.org/courier/2001\\_04/uk/education.htm](http://www.unesco.org/courier/2001_04/uk/education.htm)

<sup>7</sup> Reinders, *Violence in schools: National activities, programmes and policies – Germany*, 10 Oct., 1998, p. 4.

<sup>8</sup> *Combating Violence in Schools*, IPS News, 21 Jan. 2003, Porto Alegre.

<sup>9</sup> See note 6.

<sup>10</sup> ILO, *Violence and Stress at work*, 12 May 2003. <http://www.ilo.org/public/english/dialogue/sector/themes/violence/educat.htm>

<sup>11</sup> Jacques Salome, *Nouvelles CSQ*, mars-avril 2003, p. 35.

<sup>12</sup> Education International, *Declaration on Professional Ethics*, Oct. 2002. [http://www.ei-ie.org/pub/english/Others/2001\\_leaflet\\_dpe\\_e.pdf](http://www.ei-ie.org/pub/english/Others/2001_leaflet_dpe_e.pdf)



## In the shadow of the goons

*Some governments and employers are using “goons” to intimidate and attack union activists. By hiring these thugs, they hope to avoid responsibility if the violence becomes known. The practice seems to be spreading.*

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Samuel Grumiau  
Journalist

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Employers and governments who violate workers' basic rights generally hate being taken to task in public. Nonetheless, in countries where human rights are not firmly anchored, there is always the temptation to get rid of union “troublemakers” by submitting them to all kinds of repression, whether by the police or by others, even if this means breaking national laws. But companies and States whose workers are seriously ill-treated risk losing contracts with powerful purchasers who are concerned about their image (even if these purchasers themselves often impose such low prices that they push the suppliers into exploiting their staff). The clients fear that some end-consumers will shun their wares if the media report serious violations of workers' rights by their suppliers.

More and more, in a bid to take out the unions without attracting criticism, employers and the authorities in some parts of the world are using the “services” of goons – thugs hired to threaten and intimidate workers who stand up for their rights, or even to neutralize them by force. To preserve their image in the media, the people who hire these goons pretend to have no connection with them, but more and more trade union voices are being raised in protest against these practices.

This trend of paying goons to attack striking workers is at its strongest in Asia. Chea Vichea, President of the Free Trade Union of Workers of the Kingdom of Cambodia, knew all about this kind of violence: “When we carry out protests such as demonstrations, the authorities

sometimes send members of the ‘Pagoda Boys’, a group of young people with close links to the ruling party, who harass and sometimes attack us. The police simply look on as they destroy our loudspeakers and banners and even when they hit workers. On the other hand, when workers try to defend themselves, they are attacked by the police”.

Recorded in October 2003, his words now echo down to us as the angry cry of a man whose struggle was always non-violent. At the age of 36, Chea Vichea, married and the father of a child, was murdered in Phnom Penh on 22 January 2004. Three bullets hit him at point-blank range while he was reading his newspaper on a street in the Cambodian capital. Despite death threats, he had pressed ahead with a campaign that brought noticeable improvements in working conditions for some 200,000 garment workers.<sup>1</sup>

But it is not only in developing countries that employers hire goons. In 1997, for instance, the Australian and international trade union movements thwarted a secret plan dreamt up by the Australian Federal Government to neutralize the very powerful Maritime Union of Australia (MUA). An innocuous-looking small ad in the Australian Defence Force (ADF) magazine *The Army* caught the unions' eye. Published just when the ADF was preparing to reduce its strength from 57,000 to 50,000, the ad offered “diggers”<sup>2</sup> an attractive new opening in civvie street. But the required profile closely matched that of a docker, and the jobs on offer were in major

Australian ports that had recently been through rather tough industrial disputes. The unions very soon discovered that the Canberra Government was attempting nothing more or less than the recruitment of mercenaries to bust the dockers' union, replace the strikers and crack down hard on anyone who still didn't get the message. Nothing was left to chance. The ex-military recruits were sent to Dubai for training. Handling them was a firm headed by an expert in unarmed combat and the close protection of VIPs. But the unions' revelations caused an outcry. The recruits had to pack up and leave, and the Government finally came clean. Otherwise, one can well imagine the turn that things might have taken down on the waterfront...<sup>3</sup>

Thailand has also had its share of anti-worker attacks by goons. The ICFTU annual report on violations of trade union rights published in 2001 relates the case of the Thai Durable Kriang textile plant, located in the Bangkok region. On 30 May 2000, to break a strike during which the workers had occupied the plant, management sacked 390 workers, including 15 union representatives. Soon after, the violence started. "On 14 and 15 June, a few dozen vandals managed to get into the plant", explains union representative Suparb Sansvay. "They threw stones at us, hit us with wooden batons and squirted fire extinguishers at us. One woman worker had her ribs broken, and several others also had to be hospitalized. When the police arrived, they arrested the thugs, but they let them go again before they even got to the police station." The violence against the strikers started up again a week later. "This time, 150 vandals arrived, marshalled by people in uniform and led by the director of the firm", says 19-year-old worker Nipaporn. "First, they destroyed the barriers behind which we had retreated. We sat down on the ground and linked arms to stop them getting into the plant. Then they hit us with handcuffs and batons and kicked us all over our bodies. The director encouraged them to beat us." It took an hour and a half for the police to arrive and chase off the attackers. Again, there were no arrests.

There have been other cases of the use of thugs against worker protests in Thai factories over the past few years, notably those producing clothes for Triumph and toys for Master Toy.

### Murders go unpunished

The assaults sometimes turn into murders. That is what happened in 2001 at the PT Kadera plant in Indonesia, when 400 striking workers held a sit-in for better working conditions. During the night, while the workers were asleep inside the plant, they were attacked by more than 400 goons armed with knives, metal bars, stones and even firearms. One worker, Kimun Effendi, died during the attack and another, Rachmat Hidayat, succumbed to his injuries while in hospital. Another ten were seriously wounded. The workers later learned that the thugs had received more than 2,700 dollars from the employer to carry out this attack. In a report to the WTO this year, the ICFTU emphasizes that Indonesian trade unions are reporting more and more attacks on their activists by paramilitaries who are supported by the army and police and paid by unscrupulous employers.

However, Asia is not the only part of the world where these practices are spreading. In Latin America too, plenty of unscrupulous employers and authorities use the services of the goons. This is notably the case in Ecuador where, on 16 May 2002, 300 armed, masked mercenaries burst into the Los Alamos banana plantation at two o'clock in the morning and attacked striking workers in their homes. Nineteen people were injured and one worker, Mauro Romero, lost a leg. Brutal repression of trade union activities is also a characteristic of Haiti, where gangs linked to the rulers have repeatedly attacked trade unionists. In 2002, after a demonstration by rural workers, two elderly members of the trade union Batay Ouvriyè (Workers' Struggle) were dragged out of a house by company-paid hooligans, who mutilated them with knives, beheaded them and flung them into a pit.

Anti-union practices are sometimes solidly anchored within a firm. In November 2003, Union Network International (UNI), the service workers' global union federation, lodged a complaint with the International Labour Office about the actions of the Danish multinational, Group 4 Falck, which specializes in security work. In fact, the complaint mainly concerns the group's American subsidiary, Wackenhut, known for its seldom-equalled hostility to trade unions. Wackenhut had the nerve to tell its workers that they should quit the union if they wanted to benefit from the company's health insurance scheme. Such attitudes are not uncommon in the United States, where a recent study showed that 75 per cent of employers hire consultants to help them combat union organizing.<sup>4</sup> Wackenhut is an old hand at this. By 1997, the American company was operating in about 50 countries. In Guatemala, it even won the security contract for the American embassy in Guatemala City and it handled money transports for a number of companies, including McDonald's restaurants. But its activities extended further. Wackenhut also became a specialized consultant for firms that would like to do without trade unions. A confidential document dating back to 1995 was discovered by unions in 1997. It speaks volumes. The paper reads like an instruction manual for union-busting: how to recruit spies among the workers, set up puppet unions, carve up the business to get round union representation rules, and discredit agitators. The document recommends the "iron hand" in the "velvet glove". At the time, trade unionism was under pressure in Guatemala. Trade unionists were being abducted. Others were receiving death threats and many were fired.<sup>5</sup> In 2002, when Wackenhut was taken over by G4 Falck, negotiations started between the multinational and UNI. Since then, Wackenhut has continued to blot the escutcheon of the Copenhagen parent company, which nonetheless refuses to accept responsibility for its subsidiary's behaviour. "Neutralize and eliminate the trade unions" was the slogan of the

confidential document unearthed in Guatemala. Wackenhut still seems to be following it.

### Sexual aggression

In some countries, the thugs are even tougher on women trade unionists. In the Bangladeshi textile industry, for example, some women workers have dared to go public about the ill-treatment they suffer at night, when they are walking home after long stretches of overtime. "The women workers are constantly afraid because there are prowlers around and a number of sexual attacks have already taken place, including rapes", a Bangladeshi lawyer explains. "Only a tiny fraction of such cases are reported, as the women would lose their honour if they disclosed what had happened to them. So very few complaints are lodged, and this encourages the prowlers to continue. But is it pure coincidence that the victims include a disproportionate number of women who are actively defending workers' rights? Are they better-looking than the others or, more likely, are they targeted because of their commitment?" In some cases, the aggressors actually refer to trade union activities as a justification for the rapes that they commit. "In El Salvador, a woman trade unionist who was active in the textile sector was intimidated on several occasions by an employer's hitmen", says Janek Kuczkiwicz, who heads the ICFTU trade union rights department. "Finally, they raped her daughter and told her it would be her turn next – unless she stopped her trade union activities." Reprisals against trade unionists' families happen in a number of countries. In Ukraine, the wife of a union leader in the mining sector is often stalked around the streets, and his son is harassed by "strangers" who taunt him about his father's union activities. The union leader decided to send his daughter to study abroad so as to save her from further harassment.

Even the numerically strongest and most solidly established organizations are not spared. One February night in 2002,

a man in police uniform broke into the headquarters of the Brazilian trade union confederation CUT. Hard on his heels came an armed gang who trashed the premises and stole anything of value. In Mexico, just after voting on the terms of a new collective agreement, members of the pilot's union ASPA came under brutal attack from thugs hired by the AVIACSA company. "The tenser the industrial relations are, the more risk there is of physical violence of this kind", Kuczkiewicz explains. "We only get to hear about a minority of such cases."

So what can be done about cases like this? Proving a link between the goons and employers or the authorities is difficult without the authorities' cooperation. The international trade union organizations do call on the governments concerned to live up to their responsibilities and launch inquiries, but the great majority of union rights violations involving thugs still go unpunished.

## Notes

<sup>1</sup> The murder of Chea Vichea was strongly condemned by the ILO and its Bureau for Workers' Activities, and also by the international trade union organizations which called for an impartial enquiry to identify the killers and bring them to justice. A complaint lodged with the ILO by the Cambodian union led the ILO Committee on Freedom of Association, in November 2003, to seek explanations from the Cambodian Government concerning the dismissal of Vichea and 30 other members of his trade union on account of their trade union activities. The Committee called for urgent measures to reinstate the trade unionists in their jobs and measures to ensure their protection against acts of anti-union discrimination.

<sup>2</sup> Australians, and more particularly Australian soldiers, have been popularly known as "diggers" ever since the First World War. The nickname recalls their wartime trench-digging, as well as Australia's mining and prospecting activities.

<sup>3</sup> For more details of this affair, see Luc Demaret: "Australia's Fifth Column", *Trade Union World*, ICFTU, Brussels, January 1998.

<sup>4</sup> American Federation of Labor – Congress of Industrial Organizations (AFL-CIO): *The Silent War*, June 2002.

<sup>5</sup> *Trade Union World*, ICFTU, January 1998.

# Preventing workplace violence – we can't afford not to

*No one knows the real costs of work-related violence, and a devastated life has no price. But workers, employers and society as a whole have every interest in reducing violence at work.*

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Lene Olsen

Bureau for Workers' Activities  
ILO

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Violence at work is now an alarming phenomenon worldwide. The extent of the problem has only recently become known. In fact, there is some evidence that we are still underestimating it.

Violence can be physical or psychological. It can come from colleagues and acquaintances as well as strangers. Teachers can be threatened by their students and patients can attack nurses or carers. Passengers caught without tickets may aggress railway staff and someone denied benefits may take it out on the civil servant who has to give them the news.<sup>1</sup>

Negative effects of violence at work may be observed at a personal and an organizational level, as well as in society as a whole. These negative effects may be economic or non-economic, financial and/or human. The costs may be a direct result of violence at work or an indirect consequence of it. Although any estimation of costs would have to be somewhat vague, due to the lack of available data, to different recording practices and to variations in wages and benefits worldwide, existing figures and studies clearly show the potential cost of violence at work.

## Consequences of workplace violence at the individual level

It goes without saying that the consequences of violence at work are mainly endured by the individual – the worker

– both in terms of financial losses and in human costs.

Physical attacks are obviously dangerous, and easier to identify than verbal abuse or threats, but persistent psychological or verbal abuse or threats can also harm health, often through anxiety and stress. Post-traumatic symptoms such as fear, phobias and sleeping difficulties may arise. In extreme cases, post-traumatic stress disorder can occur. Violence causes enormous pain and suffering, and sometimes even disability or death. Statistics from the Norwegian National Association against Mobbing at Work (*Landsforeningen mot mobbing på arbeidsplassen, Lmm*)<sup>2</sup> show that more than 100 people in Norway commit suicide every year because of mobbing at work. This figure is thought to equal the number of deaths from work-related accidents.

Lmm's definition of mobbing is "... when one or several persons in a given work environment constantly and over time are exposed to negative reactions and acts from one or several individuals in the same work environment...". It adds that "sexual harassment is also mobbing".

It does not take an expert to see the relation between work-related violence and the health problems that often follow. Negative effects from, for instance, psychological violence – mobbing and harassment – can also have an impact outside the workplace sphere, on the person's family life, and can in turn create family problems.

The most important areas to consider, as far as “economic costs” are concerned, are loss of income as a result of absence due to sickness, and expenditure on health care and medical consultations and treatment. Depending on the compensation systems in the country, and whether the loss of income is covered by the employer or by the State (or a combination of the two), the worker may receive anything from full compensation to hardly any compensation at all.<sup>3</sup> The table below<sup>4</sup> gives an overview of sick leave payments, as a percentage of earn-

ings, in a few selected European countries, plus Australia and the United States.

Sick leave payments in most countries decrease after more than three months’ absence, leading to substantial reductions of income.

In developing countries, where social security systems are very often less favourable, sick leave has an enormous impact not only on the affected employee, but also on his/her family. Women, who are more likely to be working part-time, are also more severely affected by cuts in already low income.

**Table 1. Sick leave payments, as a percentage of earnings, 2000**

	At 1st day	At 2nd day	At 3rd day	At 10th day	At 20th day	At 50th day	At 100th day	Total valuation of generosity of sick leave pay
Austria	100	100	100	100	100	100	50	low
Belgium	100	100	100	100	100	60	60	high
Finland	70	70	70	70	70	70	70	medium
Germany (2001)	100	100	100	100	100	70	70	high
GDR (1988)	90	90	90	90	90	50	50	high
Luxembourg	100	100	100	100	100	100	100	high
Netherlands	70	70	70	70	70	70	70	medium
Portugal	0	0	0	65	65	65	65	low
Sweden	0	80	80	80	80	80	80	medium
United Kingdom	0	0	0	Not calculable per day; upper limit at about 50 per cent of average income.				low
Norway	100	100	100	100	100	100	100	high
Switzerland	0	0	0	According to enterprise or branch specific contract.				low
Czech Republic	50	50	50	69	69	69	69	medium
Hungary	80	80	80	80	70	70	70	medium
Slovakia	70	70	70	90	90	90	90	medium
Poland	80	80	80	80	80	80	80	medium
Australia	Not calculable per day; upper limit at about 50 per cent of average income.							low
United States	0	0	0	60	60	60	60	low

Notes: *Germany*: Figures in the table relate to new regulations in force since January 1999. In the preceding period, from October 1996 to December 1998, minimum sick leave payments were set at 80 per cent. This was, however, raised to 100 per cent under several enterprise-level and sectoral collective agreements. *United States*: Regulations differ between states and even counties. The table contains plausible medium-range values. Start of sick leave payment is often only at the 8th day of sickness. More generous regulations are found in the public services. *France* and *Canada* have been omitted here due to missing or implausible data.

Sources: *Social Security Programs Throughout the World*, US Government; MISSOC database of the European Commission; Ifo Country Data Research; Re-calculation of the data, presentation and valuation: Ifo Institute for Economic Research, Munich.



On top of the income losses, there are the bills for the patient's share of consultation fees, medicines and hospital treatment.

### **Consequences of workplace violence at the organizational level**

Several factors have to be considered when assessing the cost of violence at work to the organization:

- increased sickness absenteeism and early retirement costs
- increased turnover rates and replacement costs
- reduced productivity, damage to production or equipment
- costs in connection with grievances and litigation.

### **Sickness absenteeism**

Increased sickness absenteeism not only affects the worker, through reduced or lost income, but also the employer, who has to pay part of the sickness benefits. Here, systems vary between countries, with employers' contributions ranging from 100 per cent of sick pay costs, either directly or indirectly through insurance schemes, to a share of the sick pay, with the rest covered by national social security schemes. It is worth noting that, regardless of the scheme in operation, there will be additional administrative costs to be borne by the employer.<sup>5</sup> The bill for this may be higher if nothing is done to prevent violence at work. In Britain, according to the Trades Union Congress (TUC),<sup>6</sup> more than 3 million working days are lost due to violent incidents at work every year. The cost to industry of this lost time, lost production and compensation must run into hundreds of millions of pounds. The Third European Survey on Working Conditions, based on 21,500 face-to-face interviews with workers throughout the European Union in 1996, also showed that health-related absenteeism increases when there is violence in the workplace:

- 35 per cent of workers exposed to physical violence had been absent from work over the last 12 months.
- 34 per cent of workers exposed to bullying had been absent from work over the last 12 months.
- 31 per cent of workers exposed to sexual harassment had been absent from work over the last 12 months.

### **Increased turnover rates and replacement costs**

When victims of work-related violence are absent from work for longer periods, employers have to find solutions to fill their posts. This may result in extra workloads for the existing staff or in the hiring of new staff. Training either of existing staff or of new staff entails extra costs. Administrative costs for hiring new staff would also have to be considered (advertisements, selection procedures, testing, interviews, etc.).

According to a country case study from South Africa,<sup>7</sup> the cost of replacing a professional there can be anything from 25,000 to 45,000 Rand (1US\$ = 6.88 Rand in November 2003). Other expenses include exit packages because of ill-health, early retirement, and legal costs (the cost to the private sector in the past year alone, with 1,578 conciliation hearings and compensation costs, could run into millions of Rand). Absenteeism and treatment for physical violence in the workplace probably cost hundreds of thousands of Rand, if not millions.

### **Reduced productivity, damage in production or equipment**

The ILO report *The cost of violence/stress at work and the benefits of a violence/stress-free working environment*<sup>8</sup> cites a recent national survey of workplace bullying in the United Kingdom. Hoel & Cooper asked participants to assess their own current performance as a percentage of their full working capacity.

**Table 2. Workplace bullying in the United Kingdom – reduced work performance**

	Performance as percentage of working capacity	Productivity shortfall %	Difference in productivity between bullied/not bullied %	Percentage of workforce being bullied
Currently bullied	85	15	7 (15 – 8)	25
Bullied in the past	88	12	4 (12 – 8)	25
Witnessed bullying	90	10		
Not bullied/witnessed bullying	92	8		

The results indicated that the “currently bullied” group experienced a 15 per cent fall in productivity, while those who had “neither bullied nor had witnessed bullying” had a drop of 8 per cent. In other words, the productivity shortfall for the “currently bullied” group was almost twice as great as for those who were neither bullied nor had witnessed bullying. Moreover, those who had been bullied in the past five years showed a 12 per cent drop in productivity. A quarter of the respondents said they were currently being bullied or had been bullied within the past five years. It may thus be inferred that bullying causes a 4-7 per cent loss of productivity in 25 per cent of employees. Another study, by the University of Bergen in Norway, indicates that 80 per cent of those affected by mobbing and harassment at the workplace will sooner or later have their work productivity reduced.<sup>9</sup>

### Grievance and litigation costs

Costs in connection with grievances and litigation depend to a great extent on the different practices in the countries concerned. Where compensation claims and litigation in connection with workplace accidents and disease are common, such costs can be considerable. However, for every case which may end up in court, there is likely to be a large number of grievances which are resolved at the level of the organization.<sup>10</sup> In August 2003, a Danish transport company was sentenced to pay

50,000 Danish kroner (US\$1 = DKR6.35 in November 2003) to a trainee after he had become sick because of extreme mobbing and bullying by his colleagues at work. He received disparaging remarks about his physical appearance, and his tool-kit was filled with garbage. According to the Danish Metal Workers’ Union (Dansk Metal), the intolerable situation at the workplace caused anxiety symptoms and dizziness in the trainee and he was obliged to take sick leave.<sup>11</sup> After three months of sick leave, he cancelled his contract and left the company.

Situations like this may have a negative impact on an organization, by tarnishing its image and making it difficult for the organization to recruit new staff.

### Consequences of workplace violence for society

In the end, we all pay for the negative effects of violence at work – whether it is through deteriorated relationships with family, friends and colleagues or through higher taxes to cover state-financed health care, rehabilitation costs, unemployment and re-training costs for victims. Workplace violence may also increase the level of fear and anxiety in society.

A study from South Africa on workplace violence in the health sector<sup>12</sup> shows that there was a general feeling of unhappiness after an incident of physical violence, and the quality of services dropped. Psychological violence causes tension and less

caring attitudes towards patients. It has a detrimental influence on the patient/carer relationship.

The fact that health workers are known to be particularly at risk of workplace violence, with almost one-quarter of all violent incidents at work concentrated in this sector, is a cause for concern.<sup>13</sup> We may assume that similar quality drops occur in other important sectors as well, as for instance in the education sector. The teacher/student relationship will have an important impact on the quality of the education our children receive.

A high level of workplace violence may ultimately cause staff to leave for other countries. South African health care workers, often disillusioned by the high level of workplace violence, tend to seek pastures new. This type of “brain drain” could lead to shortages of employees in specific sectors, which could have a negative impact on the countries concerned.

## Prevention pays

Most people spend more than one-third of their adult life at work, and it is obvious that the work environment has an enormous impact both on their working life and on their family life. This is a question not just of diseases and injuries but of the total work environment. It is also about how our health as workers affects our families and our communities. If a person’s work environment is healthy and safe, that person tends to have a higher degree of satisfaction, a better relationship with colleagues and management and higher effectiveness and productivity than a person suffering from poor working conditions.

Even though it is difficult to estimate the exact cost of violence at work, it is clear that the figures are high and that it is in the

interests of all parties to solve the problem. In order to prevent and reduce violence at work, some measures have already been taken at the workplace, sectoral, national and international levels. The article by Luc Demaret in this issue of *Labour Education* highlights some of the good practice developed by trade unions in this field. The article by Ian Graham as well as the article on the ILO code of practice outline some legislative measures. They all show that, in the long run, prevention always pays.

## Notes

<sup>1</sup> *Know your rights: Tackling violence at work*, TUC Online, [http://www.tuc.org.uk/tuc/rights\\_violence.cfm](http://www.tuc.org.uk/tuc/rights_violence.cfm)

<sup>2</sup> *Stopp jobb-mobben*, Landsforeningen mot mobbing på arbeidsplassen (Lmm), September 2002.

<sup>3</sup> *The cost of violence/stress at work and the benefits of a violence/stress-free working environment*, ILO, Helge Hoel, Kate Sparks and Cary L. Cooper, University of Manchester Institute of Science and Technology.

<sup>4</sup> CESifo/DICE, [http://www.cesifo.de/pls/diceguest/download/F5614/SICK\\_per\\_cent2DLEA\\_per\\_cent2DPAY.PDF](http://www.cesifo.de/pls/diceguest/download/F5614/SICK_per_cent2DLEA_per_cent2DPAY.PDF)

<sup>5</sup> See note 3.

<sup>6</sup> See note 1.

<sup>7</sup> *Workplace violence in the health sector, country case study: South Africa*, Susan Steinman, ILO, IGN, WHO, PSI, 2003, [http://www.icn.ch/SewWorkplace/WPV\\_HS\\_SouthAfrica.pdf](http://www.icn.ch/SewWorkplace/WPV_HS_SouthAfrica.pdf)

<sup>8</sup> See note 3.

<sup>9</sup> *Berusende Mobbing*, Norwegian Labour Inspection Authority, <http://www.arbeidstilsynet.no/publikasjoner/arbeidervern/art52.html>

<sup>10</sup> See note 3.

<sup>11</sup> *Metal vinder første sag om mobning*, Dansk Metal, 26 August 2003, <http://www.danskmetal.dk/sw9910.asp>

<sup>12</sup> See note 7.

<sup>13</sup> *Workplace violence in the health sector, country case studies, Brazil, Bulgaria, Lebanon, Portugal, South Africa, Thailand and an additional Australian study*, ILO Synthesis report by Vittorio di Martino, <http://www.ilo.org/public/english/dialogue/sector/papers/health/violence-ccs.pdf>



# Unions act against violence at work

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

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Luc Demaret  
Editor-in-chief  
Labour Education  
ILO

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

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

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

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

## Unions sound the alarm

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

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

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

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

## Violence and deregulation

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

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



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

### Anti-union weapon

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

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

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

### "Social killers"

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

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



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

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

### Bosses standing back?

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

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

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

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

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

tackling violence at work also means changing mentalities.

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

## Notes

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

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

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

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

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

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

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

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

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

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



## “We don’t have to take this” – protecting Britain’s health staff

*Worldwide, health staff are one of the groups most at risk from violence at work. A steep rise in attacks on British health workers prompted government action. How effective has it been, and what lessons can be learned?*

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Adrian Hock  
Journalist

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Within Europe’s biggest employer, violence is a daily hazard.

Launched in 1948, the British National Health Service (NHS) provides the full range of health care, mostly free of charge to the patient. It employs about a million people in the United Kingdom alone – roughly 5 per cent of the working population.<sup>1</sup>

Undeniably, the NHS has been a force for good. Socialized medicine quickly gained broad support in Britain. Today, politicians of all hues dread any hint that they are against the “National Health”.

But this gigantic workplace has some big problems. Growing demand and budget constraints have stretched its resources to the limit. There are often long waiting times for treatment, especially surgery. This means increased stress for the already overworked NHS staff.

On top of it all, they face assault. Nurses, in particular, are over four times more likely to experience work-related violence and aggression than are other British workers.<sup>2</sup>

The United Kingdom is not alone in this. Worldwide, health staff are among the groups most at risk. The culprits are usually patients and visitors, although bullying by fellow-workers or hierarchical superiors may also be a factor. The situation is so serious that a group of international organizations, including the ILO, has drawn up special guidelines for countering workplace violence in the

health sector (see our inset *Peace Plan for World’s Health Workers*).

In Britain, attacks on health staff reached the point where the government had to act. British employers have a legal “duty of care” to their workforce. In the NHS, the ultimate employer is the State.

Ending workplace violence in the NHS is the aim of two government initiatives launched in October 1999:

- The **NHS zero tolerance zone** is a campaign designed to make NHS staff aware of the need to report violence and threats, to assure them that the issue is being tackled and, not least, to tell the public that violence in the NHS is unacceptable and will be stamped out. *We don’t have to take this*, the campaign insists. Advice to NHS managers is another important part of the package. Guidelines and a special website promote “good practice”.<sup>3</sup>
- The **Working Together** initiative, aimed at “securing a quality workforce for the NHS”, includes provisions for the recording and reduction of violence. The health authorities and the “trusts” (roughly the NHS equivalent of business units) are required to have systems in place for recording incidents of violence and aggression. Targets were set for a 20 per cent reduction of incidents by 2001 and 30 per cent by 2003. This initiative was subsequently built into the wider human resource strategy for the NHS.

## Peace plan for world's health workers

Almost a quarter of the world's workplace violence may be found within the health sector. Over half of all healthcare workers may be affected.

In a bid to tackle this vast problem, joint international guidelines were launched in 2002 by the ILO, the International Council of Nurses (ICN), the World Health Organization (WHO) and Public Services International (PSI).<sup>1</sup>

Emphasizing prevention, the guidelines give advice on conducting workplace risk assessments and on identifying potential perpetrators and victims. They also advocate an integrated, systematic approach, based on participation. The various roles are described in some detail:

- Governments and their competent authorities should "provide the necessary framework for the reduction and elimination of such violence".
- Employers and their organizations should "provide and promote a violence-free workplace".
- Workers should "take all reasonable care to reduce and eliminate the risks associated with workplace violence".
- Trade unions, professional councils and associations should "launch, participate in and contribute to initiatives and mechanisms to reduce and eliminate the risks associated with workplace violence".
- The "enlarged community" (media, research and educational institutions, specialists on workplace violence, consumer/patient advocacy groups, the police and other criminal justice professionals, NGOs active in the area of workplace violence, health and safety, human rights and gender promotion) should "actively support and participate in the initiatives to combat workplace violence".

The current version of these guidelines is a pilot. The aim is to test it in practice and generate feedback. At this stage, the document has informal status and aims to promote initiatives at the international, national and local levels.

The guidelines are just part of the work done by the ILO/ICN/WHO/PSI Joint Programme on Workplace Violence in the Health Sector. To help fill the big information gaps on this subject, several country case studies and cross-cutting theme studies have also been carried out.<sup>2</sup>

<sup>1</sup> *Framework Guidelines for addressing workplace violence in the health sector*, Joint ILO/ICN/WHO/PSI Programme on Workplace Violence in the Health Sector, Geneva, 2002. <http://www-ilo-mirror.cornell.edu/public/english/dialogue/sector/papers/health/guidelines.pdf>

<sup>2</sup> *Relationship between work stress and workplace violence in the health sector*, working paper of the Joint ILO/ICN/WHO/PSI Programme on Workplace Violence in the Health Sector, Geneva, 2003. <http://www-ilo-mirror.cornell.edu/public/english/dialogue/sector/papers/health/stress-violence.pdf>

*Workplace violence in the health sector: State of the Art*, Cooper, Cary L. and Swandson, Naomi (Eds.). Working paper of the Joint ILO/ICN/WHO/PSI Programme on Workplace Violence in the Health Sector, Geneva, 2002. <http://www-ilo-mirror.cornell.edu/public/english/dialogue/sector/papers/health/state.pdf>

*Workplace violence in the health sector, Country case studies: Brazil, Bulgaria, Lebanon, Portugal, South Africa, Thailand and an additional Australian study – Synthesis Report*, di Martino, Vittorio. Working paper of the Joint ILO/ICN/WHO/PSI Programme on Workplace Violence in the Health Sector, Geneva, 2002. <http://www-ilo-mirror.cornell.edu/public/english/dialogue/sector/papers/health/violence-ccs.pdf>

A listing of international publications on labour issues in the health services is maintained at <http://www-ilo-mirror.cornell.edu/public/english/dialogue/sector/sectors/health/publ.htm>

## Violence still rising

Has it all worked? So far, the research carried out by the Department of Health gives scant cause for joy. Their survey in 2000-2001 found 84,214 reported incidents of violence and aggression – an *increase* of 30 per cent over 1998-1999.

Another frank and well-informed progress report comes from the Audit Office, a public spending watchdog set up

by the British parliament but independent of government. In 1996, the Audit Office published an assessment of health and safety in part of the NHS.<sup>4</sup> This also pointed to the violence problem. It said there was a lack of information on the extent of incidents and their costs. The report helped to spark the initiatives in 1999.

The Audit Office has now revisited the issue. A new study concentrates on violence and aggression within the NHS.<sup>5</sup>

These cases accounted for 40 per cent of all NHS health and safety incidents reported in 2001-2002. The auditors' own survey for that period showed a further 13 per cent increase in reported cases of violence and aggression, to 95,501. There are variations between regions and between different branches of the service. Mental health staff are at particular risk.

The steep rises may be due in part to "better awareness of reporting, with more widespread use of the common definition which includes verbal abuse". But the report also cites "increased hospital activity, higher patient expectations and frustrations due to increased waiting times". And it points to "an increased tendency to resort to physical and verbal aggression in society more generally".

### Reluctant to report

In fact, there is still "a high and varied level of under-reporting of incidents (which we estimate is around 39 per cent)." Reasons given by NHS staff for not reporting include "concern that an incident might be viewed as a reflection of their inability to manage the incident, not wanting the attention any action might bring, and forms being too complicated or inappropriate for recording what happened". And NHS workers fear there may be no action or support. Staff surveys show that "a lack of feedback on actions taken to deal with or reduce incidents discourages reporting".

Whilst "all NHS trusts have embraced the values set out in the campaign", the audit found wide variations in the action taken and in reporting standards, including definitions.

Counselling is another deficit area. "A *Nursing Times* survey of 1,500 nurses in April 2002 showed that, of the 581 who had been assaulted whilst on duty, only 11 per cent were afforded counselling following the incident, and this can be a significant reason why staff choose not to report cases."<sup>6</sup>

The zero tolerance campaign also stresses the need for all relevant staff to receive training on dealing with violence.

However, "80 per cent of trusts' accident and emergency department managers and 68 per cent of ambulance trust operational managers believe that the level and coverage of the violence and aggression training that their staff receive is inadequate", the audit notes.

### High costs

Present security measures include "the use of closed-circuit TV (92 per cent of trusts), panic alarm systems (85 per cent of trusts), and having security staff (40 per cent of trusts) and/or a police presence (20 per cent of trusts)". Money well spent? The auditors are cautious: "there is limited quantifiable evidence on the effectiveness of these measures". Also, as they point out, "there is a balance to be drawn between the amount of security that can be put in place and the operational requirements of NHS trusts and creating a patient-friendly environment". Fortress clinics can damage your health.

Accentuate the positive, urges the report. "In accident and emergency departments, factors such as reducing waiting times and improving the waiting environment are seen as key to reducing violence and aggression by removing causes of stress to patients and their families." Examples of improvements to waiting facilities are "information screens, refreshment areas and children's areas". However, "many trusts identified a problem in making a business case for investment, due to a lack of scientific evidence of the effectiveness of these measures".

Then there is the vexed question of denying treatment to persistent offenders. This raises ethical issues for workers dedicated to providing universal care. By April 2002, each trust was supposed to have assessed the need for a policy on withholding treatment, but the auditors report that only 39 per cent of trusts had a policy on this, and 44 per cent were developing one. The deadline was subsequently extended to October 2002. "In practice, most trusts have found it difficult to implement."

What are the costs of the violence? There are no consistent data for the NHS, but the auditors give a “crude estimate” that “the direct cost is likely to be at least £69 million per annum” (about US\$116m or €99m). This does not include the financial impact of staff replacement, treatment and compensation. Nor does it count the human costs, such as “physical and/or psychological pain and increased stress levels, which are known to be substantial” and “the impact of violence on staff confidence and retention”.

### Advice to government

The auditors recommend that the Department of Health should:

- Issue further **guidance on consistent reporting standards**
- Encourage the inclusion, in **health and safety audits**, of questions about violence and aggression
- Ensure that the new NHS **electronic staff record system** is “developed to capture information on reasons for work-related staff sickness absences and turnover, including those related to violence and aggression”
- Help develop “a robust **costing methodology**” concerning violence
- Help the trusts to **clarify the legal implications of policies** on violence and aggression
- Encourage the trusts to **integrate their strategies** for managing violence and aggression into their general risk management arrangements
- Achieve a system of **accreditation for all training** on dealing with violence and aggression
- Continue to **promulgate good practice examples** via the zero tolerance zone website
- **Share good practice** with other relevant public and private sector services and industries
- Commission **research on how far and why staff fail to report serious incidents to the police**, and on the prosecution process as it applies within the NHS
- Review **guidance on withholding treatment**, to ensure that it is being applied consistently and in all NHS sectors
- Ensure that “**reducing violence remains part of the strategy for improving the quality of working life in the NHS**”. Here, it is “important that health and safety managers and staff side representatives are consulted in taking forward any changes”.

### Advice to management

Similar advice is given to the NHS trusts, which should also:

- Ensure that their policies “support a clear, unambiguous **reporting culture**”
- Review **incident reporting systems and procedures**, ensuring proper definition of the information required
- Ensure that “exit interviews” – conducted with NHS employees who decide to quit the service – “**identify cases where staff leave due to concerns or experience of violence and aggression**”. The results should be fed into “action plans”
- Review their **policies on violence and aggression**, “including the withholding of treatment”, and “ensuring that they reflect the views of staff, staff representatives, police and legal advisers”
- Take a **more strategic approach to training**
- Ensure that **occupational health strategies** include measures for dealing with the effects of violence and aggression
- Apply “**central guidance on pursuing prosecutions** in a consistent and comprehensive way, within a strategy that includes staff support”



- Ensure “full compliance with the statutory requirement to participate in **crime reduction partnerships**”.

### Unions want tougher penalties

The report has been broadly welcomed by Britain’s health sector unions, which have been clamouring for stronger action against violence. UNISON, a union representing over 460,000 health workers in Britain, wants tougher penalties for people found guilty of attacking them. It has also called for better risk assessments and training, and improvements in the partnerships between the trusts and other agencies, such as the police.

The zero tolerance campaign is beginning to work, says UNISON’s head of health Karen Jennings. “It is raising awareness among staff, managers and the public that it is simply not acceptable for NHS staff to work in fear.” “But”, she adds, “clearly

there is still a lot of work to be done to further reduce the risk of violence to staff”.

### Notes

<sup>1</sup> The NHS is Europe’s biggest single employer. According to the BBC, the NHS is probably also the third-largest employer in the world – after the Chinese army and the Indian railways.

<sup>2</sup> *Violence at work: New Findings of the British Crime Survey 2000*, Home Office and Health and Safety Executive, London, July 2001.

<sup>3</sup> <http://www.nhs.uk/zerotolerance>

<sup>4</sup> HC 82 Session 1996-97, and Committee of Public Accounts Second Report, 1997-98, *Health and Safety in NHS Acute Hospital Trusts in England*, Stationery Office, London.

<sup>5</sup> *A Safer Place to Work – protecting NHS hospital and ambulance staff from violence and aggression*, Stationery Office, London, March 2003. [http://www.nao.gov.uk/publications/nao\\_reports/02-03/0203527.pdf](http://www.nao.gov.uk/publications/nao_reports/02-03/0203527.pdf) Not to be confused with another 2003 Audit Office report, with the same main title, which covers general workplace health and safety issues in the NHS.

<sup>6</sup> *Nursing Times*, London, 14 May 2002, Vol. 98, No. 20.



# SOLVE: ILO tackles violence at work

*Violence and other psychosocial problems in the workplace feed on each other. Dealing with them together is the focus of SOLVE, a holistic ILO education and action programme.*

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David Gold and Joannah Caborn

SOLVE programme

InFocus Programme on Safety and Health at Work

and the Environment (SAFEWORK)

ILO

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Violence has unfortunately always been part of working life, but its status is changing. It used to be the case that violence was part of the unequal relationship between employers and workers, or among workers or between workers and clients. Today, through increasing respect for human rights and the influence of trade unions in many parts of the world, it is no longer considered acceptable.

Nevertheless violence still exists in the world of work for millions of people. It can take a number of different forms. Acts of violence originating outside the workplace may be psychological or physical, for example committed by frustrated or impatient clients or customers. On the other hand, workers may be victims of people committing a crime, such as a grocery store robbery. Internal acts of violence may also be psychological or physical and can be carried out by co-workers, be they superiors, subordinates or peers.

## Fear does not belong in a decent workplace

Different types of violence tend to happen more in certain sectors. Health care, education and retailing, in particular convenience store clerks and taxi drivers, are among the occupations suffering a higher incidence of external physical violence.<sup>1</sup> Psychological violence (be it bullying, mobbing or emo-

tional violence) between co-workers, on the other hand, can and does happen in just about any profession, but it is more difficult to measure and it is mostly not reported. There can, however, be no doubt that it is very widespread. A 1998-1999 Internet survey of South African workers reported that, of those interviewed, 78 per cent had experienced hostile behaviour at the workplace at some time during their working life. In addition, it is well documented that both physical and psychological violence has considerable consequences for bystanders as well as for those immediately involved.<sup>2</sup> The wider impact of violence, in creating an atmosphere of fear at the workplace, is often neglected. Fear does not belong in a decent workplace and should be dealt with wherever possible.

The consequences of workplace violence can be immense, both in health terms and financially. For the worker, physical violence may be the cause of injury, psychological or physical illness, disability or even death. Witnessing a violent act can be so traumatic for bystanders that they may, without adequate counselling, suffer from the long-term effects of post-traumatic stress disorder. Psychological violence can also lead to serious mental health problems and even breakdown. Taking a wider perspective, it sours the work atmosphere for all workers whether they are directly involved or not and can lead to widespread job dissatisfaction.

For the employer, acts of physical and psychological violence may result in increased absenteeism, greater staff turnover, decreased morale and decreased productivity. Eventually, even the survivability of the enterprise may be threatened as productivity decreases and costs increase. Loss of productivity has been measured, for example, in a survey in the United States, conducted by the University of North Carolina, in which 53 per cent of the victims of psychological violence lost time worrying about future encounters with the perpetrator. Altogether, 46 per cent of the victims surveyed considered changing jobs to avoid the person concerned. The overall costs of bullying in the United Kingdom have been estimated at £32 billion per year, while in the USA the cost of workplace violence in general is put at more than US\$25 billion.

### Violence in context

Before we can develop strategies on solving the problem of workplace violence, we have to consider the phenomenon in

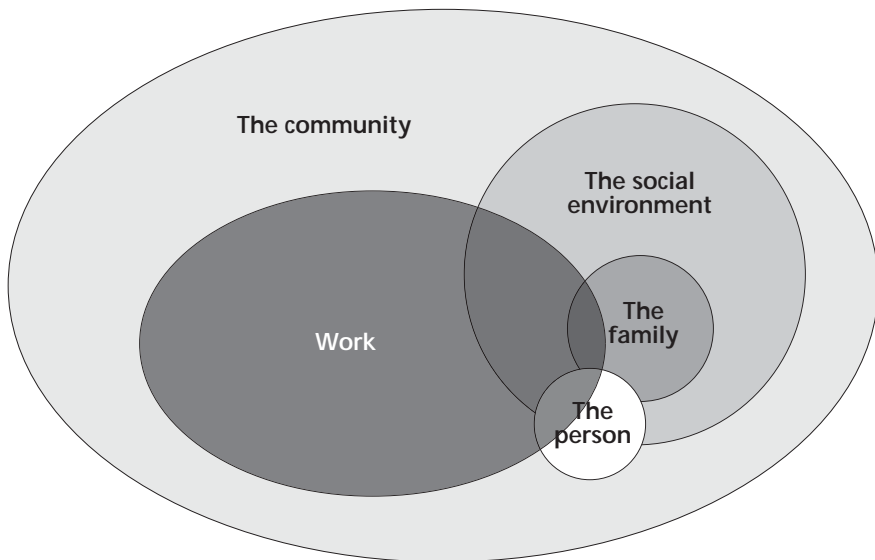
its relevant environment. There are in our view two crucial vectors which influence the occurrence of workplace violence and which are key to our concept of how to address the issue.

Firstly, while workplace violence in the narrowest terms is an occupational problem, the causes of violence do not necessarily respect the border between the workplace and the community or between the worker and the family. Psychosocial problems at work are different to other traditional workplace problems. Although the act of violence may occur in the workplace, the event that precipitated the act of violence may have occurred at home, in the community or in the social environment.

The ecological model is used to illustrate factors that may describe either the origins of violence or where the results of violence may be played out.

Figure 1 shows the interrelationships of the ecological model. The model explains that behaviour can be affected by or can affect individual factors (intrapersonal), interpersonal factors (social), organizational factors (institutional), community factors and public policy factors.<sup>3</sup>

Figure 1. The ecological model



Source: Di Martino et al., 2002

The interrelationships between the factors point us towards a new way of addressing workplace violence. Concentrating purely on the workplace would fall short of the real problems. Any workplace-based intervention on violence must be oriented towards taking outside influences into account.

Secondly, the occurrence of workplace violence may be related to other psychosocial problems. Take the following case study as an example:

**A group of workers in a health care facility has been working together for a number of years. They come from the same community and share the same extended family. One of the individuals was recently diagnosed as being HIV-positive. Due to a lack of understanding among his co-workers, he is now eating alone in the canteen and the colleagues are keeping their distance, out of an unnecessary fear of infection. The anxiety of knowing he has HIV, the isolation and the stigmatization, as well as increased financial pressure on the family to pur-**

**chase new medications, have created increased levels of stress. He has now started to smoke and consume more alcohol. Sometimes, leaving the workplace and drinking alone at lunch, he has been observed becoming more and more abusive towards his colleagues and friends. He repeatedly insults or cajoles individuals about their work or their private lives. He has now been accused of bullying and faces possible disciplinary action.**

This case, although fictitious, is close to reality. There is clear evidence that psychosocial problems are causal factors of other psychosocial problems. HIV/AIDS, stress, alcohol and violence are interrelated and they can reinforce each other in a most negative way.<sup>4</sup> As a result, in an enterprise or organization where there is much violence, there is a high risk that one or more additional psychosocial problems are either already rampant or will emerge as serious issues in the near future. Clearly, the impact of multiple psychosocial problems on worker health and enterprise survivability will be even more severe than violence

Figure 2. The interrelationships between psychosocial problems



Source: Di Martino et al., 2002

alone. There will be significant increases in absenteeism and staff turnover, as well as worker ill-health and discontentment.

A new approach is therefore needed that does not treat psychosocial issues in isolation but recognizes the true and troublesome links between them. In addition, the causal links between the issues also make it all the more imperative to adopt a preventive strategy. Waiting until a problem is judged serious enough to warrant a reaction also means waiting until other psychosocial problems have had the chance to take root. Prevention is the only way to stop the downward spiral from one problem to the next. Therefore, a major paradigm shift towards an integrated, proactive and prevention-oriented approach is essential.

### The ILO solution

The SOLVE programme, operated by the ILO's SafeWork, provides a response to the problems and the relationships outlined above. It combines economic and social objectives by stressing win-win, low-cost, practical solutions that meet the needs of both industry and workers. With the implementation of SOLVE activities, a capacity can be established to address, in a combined way, violence, drugs, alcohol, stress, tobacco and HIV/AIDS issues within occupational safety and health and industry development programmes.

To address these problems at the enterprise or organizational level, a comprehensive policy should be put into place. A holistic enterprise policy focusing on occupational safety and health needs should also include psychosocial problems. Traditional approaches have addressed neither the policy requirements nor the action needed in order to reduce the negative impact of psychosocial problems.

Through educational courses, SOLVE encourages senior executives, directors of human resources, occupational safety and health professionals, employers' and workers' representatives and others to develop a comprehensive policy for their

respective workplaces. This policy should incorporate issues such as prevention, non-discrimination, social support, worker involvement, the provision of training and information and the provision of treatment and rehabilitation. The policy should call for an occupational safety and health management system to ensure smooth development, implementation and evaluation. These are common policy elements which are relevant to preventing not only violence but also stress, problems related to tobacco, alcohol and drug use and social problems pertaining to HIV/AIDS, if not many more psychosocial problems. Incorporating all these policy elements into an integrated policy provides a stable and comprehensive basis for dealing with all psychosocial problems.

For workers and supervisors, SOLVE provides for action through education and training, translating policy into action at the shop-floor level. A series of worker-supervisor training packages are provided to enterprises and organizations that have been through the SOLVE courses mentioned above. As the policy in an organization develops, so should the vehicles providing information on that policy to the whole workforce and improving policy implementation at all levels.

SOLVE as an educational programme was originally designed for the manufacturing sector. However adaptations are under way to develop SOLVE for the health sector, emergency workers, the maritime sector, and for the management of large events. A number of multinational companies are using SOLVE as a way to address psychosocial problems at work.

Psychosocial problems are culturally sensitive. There is a need to make sure that the development of both policy and solution-oriented action fits into the local culture. Because SOLVE is highly participative (half of the policy course consists of discussion and simulation exercises) the participants are able to role play and participate using their existing cultural norms. This allows SOLVE to fit into the local culture rather than trying to make the local culture fit into SOLVE.

SOLVE currently exists in English, French and Thai. Translations into Portuguese, Spanish, Russian, German, Italian and Bulgarian are in various stages of negotiation or completion. Other languages will soon follow.

The ILO is striving to establish the capacity to develop and implement SOLVE in a number of different countries around the world, in both the developing and the developed regions. Part of the SOLVE educational package trains course directors and national facilitators to organize and implement the SOLVE programme. The capacity to implement SOLVE currently exists in 25 countries with over 150 course directors world-wide.

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**Notes**

- <sup>1</sup> See Cooper and Swanson, 2002.
- <sup>2</sup> See, for example, Bennett and Lehman, 1999.
- <sup>3</sup> See also Stokols et al., 1996, also McLeroy et al., 1988.
- <sup>4</sup> For two examples from the scientific literature, see Bennett and Lehman, 1999 and Richman, 1999. For survey-based evidence of correlations, see also the National Health Interview Survey conducted by the US Government at regular intervals.

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# Mopping up mobbing – legislate or negotiate?

*How can we counter violence and mobbing at work? An overview of the main regulatory approaches – and a closer look at Swedish laws and German collective agreements.*

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Ian Graham  
Journalist

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**M**obbing, harassment, workplace violence. Call it what you will, it is a growing threat to the health of workers and productivity alike. So how is it to be tackled? The long arm of the law? The strong arm of collective agreement? Codes of conduct?

The answer may depend on the country, but also on the type of offence. At least three different hostile acts may be involved, singly or in combination – moral harassment, discrimination (for example, on grounds of age, sex, race or migrant status) and physical violence. There are also three rather different types of harasser – bosses (managers, supervisors, owners); co-workers; and outsiders (usually “customers” in the broadest sense).

Efforts to counter workplace harassment and violence centre on three main approaches:

## Legislation

Four kinds of law may be involved:

- **Specific laws.** Legal remedies against employment discrimination and sexual harassment are becoming more common, but laws against other workplace mobbing and violence are still rare. Sweden has had such legislation since 1993 – see below. In Canada, the provinces of British Columbia and Saskatchewan have specific regulations for the prevention of workplace violence. In the United States, California passed a special law to combat violence in hospi-

tals. Washington and Florida have laws to protect retail workers against certain types of violence.<sup>1</sup>

- **Other industrial legislation that includes references to this problem.** These are often new or updated occupational health and safety laws. Recent examples are found in Austria, Belgium, Brazil (covering public service workers in the states of São Paulo and Rio de Janeiro), Finland, France, Norway and Uruguay.<sup>2</sup>
- **Other industrial law.** Employers may, for instance, have a “duty of care” or “general duty” towards their employees. This may be interpreted to include a legal duty to protect employees against harassment and violence.
- **Other general law (criminal or civil).** For example, some countries have outlawed deliberate harassment wherever it takes place. And, of course, a serious assault or a murder at work will involve the wider criminal law.

## Collective agreements

A number of anti-mobbing agreements are already in place in German workplaces – see below.

In 2001, the Danish Government announced plans to extend the powers of the Working Environment Authority, permitting it to intervene in case of serious psychological problems at the workplace,

## Signing against mobbing

What should go into a collective agreement against workplace harassment? Here, we translate the main points of a model text from the German Trade Union Federation (DGB).<sup>1</sup> Passages in square brackets are summaries.

### 2. Prohibition of harassment

Management and the works council/staff council agree that in (name of workplace/company/branch), no person may suffer disadvantage because of their descent, religion, nationality, origin, age, gender, sexual orientation, personal characteristics, political or trade union activity or views. (...)

All members of the enterprise are therefore urged to desist from measures that could hinder the free development of individuals' personalities or could be perceived as harassing and insulting.

In particular, it should be ensured that:

- nobody's ability to express themselves or to speak with their colleagues and superiors is restricted
- nobody's ability to maintain social relations is impaired
- nobody's social standing is damaged
- nobody is sexually harassed by word, gesture or deed
- nobody is discriminated against or humiliated through the work tasks assigned to them
- nobody is subjected to physical violence or unhealthy working conditions.

### 3. Sanctions

[Violations of paragraph 2 are to be regarded as a serious breach of the workplace peace.] Persons who, despite being reprimanded, engage in such conduct must expect to be transferred or dismissed.

### 4. Measures to improve the workplace climate

[Courses for managers and supervisors every three years. Works council/staff council has a say in course design and selection of trainers and has the right to take part in the sessions.]

### 5. Right to lodge a complaint

Every member of the enterprise who feels that he/she has been disadvantaged, unjustly treated or otherwise compromised by the employer or by employees of the enterprise has the right to lodge a complaint. No disadvantages shall accrue to him/her in consequence of this.

### 6. Stages of the grievance procedure

[First, a discussion with the other party to the conflict, in the presence of a neutral moderator – and of a works councillor/staff councillor if wished. If no settlement, then mediation by the immediate hierarchical superior. If this fails,

referral within two weeks to the workplace complaints committee, whose decisions are binding on both sides.]

### 7. Composition of the workplace complaints committee

The workplace complaints committee is a permanent body. It is composed of three members nominated by management and three members nominated by the staff council/works council. It is chaired by a neutral person (possibly from outside the enterprise). Its decisions are on the basis of unanimity.

The workplace complaints committee has the right to take measures to resolve the conflict. Management and the staff council/works council are obliged to implement the committee's decision.

If no agreement is reached, there shall be recourse to an external mediator, whose mediation proposal must be accepted.

### 8. Workplace contact persons

To prevent the escalation of conflicts, workplace contact persons shall be appointed who may be called in by complainants if they feel subject to harassment or disadvantage. The contact persons are nominated by the management and the works council, by mutual agreement and in the following numbers: one contact person per 1,000 employees, but with a minimum of two per branch/workplace/unit. These contact persons shall receive special training and shall have the following rights:

- to convoke and moderate discussions between two conflicting parties, where no complaint has yet been lodged under paragraph 6
- where so mandated by a complainant, to conduct negotiations with superiors and the personnel department in order to eliminate an abuse or to find a mutually agreeable solution
- to appear as expert witnesses before the workplace complaints committee and to propose solutions
- to veto decisions of the workplace complaints committee if the contact persons have good grounds for suspecting that the case concerns mobbing.

If a workplace contact person vetoes the decision of the workplace complaints committee, it must hear the views of an external expert concerning mobbing and must accept the expert's mediation proposal.

<sup>1</sup> The DGB's model agreement is online in German at [http://www.dgb.de/themen/mobbing/mobbing\\_07.htm](http://www.dgb.de/themen/mobbing/mobbing_07.htm). The IG Metall guide cited in footnote 14 will include detailed parameters for collective agreements.

including sexual harassment and bullying. The government move was opposed by the employers, who feared interference in their managerial prerogatives, but also by some trade unions. They saw it as a threat to the Danish model of tackling labour issues primarily through negotiation rather than legislation. In the end, unions and employers in Danish industry concluded their own collective agreement to deal with “psychological working environment” issues through existing procedures for dispute resolution, and the government plan was shelved.<sup>3</sup>

### Codes of conduct

Many guidelines and codes of conduct have been issued on this problem. Often, they are addressed to managers, and they tend to take a “best practice” approach.<sup>4</sup> They may also complement legislation or collective agreements. In countries that opt to tackle mobbing through special interpretations of existing law, it may be useful to publicize those interpretations in guidelines that have received tripartite backing. A clear recent example of this comes from the Australian state of Victoria, where a guide issued in 2003 points out that “The Occupational Health and Safety Act 1985 (OHS Act) imposes legal responsibilities on both employers and employees. These duties extend to the risks to health and safety from workplace bullying and occupational violence.” It goes on to list the duties. Issued by an official health and safety agency, the guide was endorsed by employers’ organizations and the unions.<sup>5</sup>

### Different approaches – but a lot in common

National approaches to workplace mobbing and violence differ widely. Here, we look in a little more detail at two apparently contrasting options – Sweden’s legislation and Germany’s collective agreements. As will be seen, they nonetheless have much in common, particularly as regards trade union concerns.

### Sweden: Mobbing outlawed

Victimization at work is outlawed under a special ordinance issued by the Swedish National Occupational Board of Occupational Health and Safety in 1993.<sup>6</sup> This defines victimization as “recurrent reprehensible or distinctly negative actions which are directed against individual employees in an offensive manner and can result in those employees being placed outside the workplace community”.

All the signs are that workplace mobbing has increased in Sweden over the past decade. Between 1998 and 2001, the number of reported cases rose by more than 60 per cent for men and almost 90 per cent for women, according to the Swedish Work Environment Authority.<sup>7</sup> Of the 26,500 cases of work-related illness reported in 2001, mobbing was a factor in 1,250. The majority of these (60 per cent) were in sectors involving direct contact with people and employing a high proportion of women, especially social services, health care and education.

Part of the increase may be due to better reporting, not least because of the ordinance. However, the Swedish union federation LO says that work stress often triggers mobbing. Calculations from official statistics show a rise in “stress and psychological strain at work within LO’s occupational sectors in recent years”.<sup>8</sup> As to mobbing itself, “the hidden figures, like those for other psychosocial problems at work, are probably very high”.

Unions are taking the problem of harassment seriously. In August 2003, when the white-collar union federation TCO presented Labour Minister Hans Karlsson with proposals for improving occupational health, the wish list included “efforts to ensure that active work against mobbing is carried out in all workplaces, e.g. by establishing a resource centre against mobbing”.<sup>9</sup>

The ordinance places employers under a duty to “plan and organize work so as to prevent victimization as far as possible” and to “make clear that victimization cannot be accepted in the activities”. Routines

must be in place for the early detection and rectification of “such unsatisfactory working conditions, problems of work organization or deficiencies of co-operation as can provide a basis for victimization”. There must also be special routines for giving rapid help to workers suffering victimization, and “counter-measures shall without delay be taken and followed up”. These are to include a “special investigation” to “ascertain whether the causes of shortcomings of cooperation are to be found in the way in which work is organized”.

Victimization is “most often an effect of poor work organization and management”, insists an LO guide to psychosocial problems at work.<sup>10</sup> “Obviously, all safety representatives have a duty to intervene if it is suspected that offensive special treatment is taking place. Contacting the personnel department and the company’s safety officer are immediate steps that may be taken.” However, “bosses have the ultimate responsibility for taking a stand against mobbing. One approach may be for the work group and management to jointly draw up internal regulations on conduct and treatment in the workplace. Training and guidance for bosses and managers on human relations can be important.”

Another ordinance from 1993 tackles “violence and menaces in the working environment.”<sup>11</sup> In Sweden, work injuries due to threats and violence increased by 80 per cent between 1993 and 1999.<sup>12</sup> More than 3,000 cases are now reported per year. Seventy per cent of them concern women. The worst-affected groups are psychiatric nurses, warders, police officers, public transport employees, care workers and health staff.

The ordinance applies to “work where there may be a risk of violence or the threat of violence”. It obliges employers to investigate the risks and “take such measures as may be occasioned by the investigation”. Work and workplaces must be designed to minimize violence. Where risks exist, “special security routines” must be in place, and must be “known to all employees who can be affected by the risks”. Employees must have “the possibility of summoning prompt

assistance”, and the ordinance prescribes alarm equipment and other technical aids. Tasks that carry the risk of violence “may not be performed as solitary work”. Cash-in-transit operations “shall be organized and conducted in such a way as to afford adequate security for the employees”.

Given the sharp rise in workplace victimization and violence, are Sweden’s unions happy with the 1993 ordinances? “I think the main problem is that these issues have had too low a profile”, says LO health and safety ombudsman Stefan Wiberg. “We in the unions should be doing more to raise awareness of them and of the legal remedies available. Obviously, our safety representatives will have a key role in this.”

### Germany: Bargaining to the fore

Mobbing can also be tackled through collective agreements. In Germany, this approach is backed by the national trade union federation DGB, which has published a model text (see our inset *Signing Against Mobbing*). And since 1996, the German metal industries union IG Metall has concluded ten workplace agreements on “partnerly behaviour at work”, anti-discrimination and related issues.<sup>13</sup> Signatories include Ford, Opel, Volkswagen, Thyssen and Preussag.

Some of these agreements are quite detailed. For example, those with Volkswagen (dating from 1996) and Opel (2001) both name three types of harassment – mobbing, sexual harassment and discrimination. They list examples of each. The Opel text adds that, as a rule, conduct will be regarded as breaching the agreement “if the relevant action, toleration or omission is subjectively felt to be insulting, vexatious or otherwise demeaning and is recognizably rejected by the person concerned”.

Grievance procedures are set out in both agreements, and both mention penalties for persistent offenders, including reprimands and dismissals.

But that, of course, is the end of a road that nobody wants to go down. The agreements tend to emphasize prevention, and

they generally point out that poor working relationships are bad for a company's overall performance.

This reflects IG Metall's own outlook. "The consequences of psycho-terror at work are devastating for all concerned", warns the union's soon-to-be-published anti-mobbing guide.<sup>14</sup>

The reasons for mobbing are just as wide-ranging as its effects. "Rarely is just one trigger responsible. Whether an initial conflict will develop into mobbing depends on various factors and circumstances." The causes may lie with the organization of the workplace (including management failings), working conditions, the perpetrators, the victim, the work group and/or the overall social context – not least globalization, which lowers job security and raises job stress.

IG Metall's advice is correspondingly holistic. It emphasizes prevention, alertness to early warning signs, counselling, self-help groups, management training, awareness-raising within the workforce and appropriate design of work processes and workplaces.

But regulation certainly also has a part to play. The guide recommends a collective agreement between the employer and the works council on "fair behaviour in the workplace". This should, IG Metall says, "have regard to the following points:

- enterprise commitment to being a 'health-promoting enterprise'
- principles for fair behaviour
- elaboration of a code of conduct
- general proscription of discrimination, mobbing and sexual harassment at work
- definition of terms concerning conflict situations at work
- listing of fair forms of conflict resolution
- establishment of a qualified contact point (officer) for those affected by mobbing, with clearly delineated tasks and powers and a duty of confidentiality

- awareness raising and training of employees, including superiors
- transparency of workplace decision-making
- promotion of social management competence through qualifications
- conflict processing and employee qualification in problematic departments (on request)".

The collective agreement approach certainly does not exclude legal back-up. Germany does not have specific anti-mobbing legislation, but case law has provided a clear definition – "systematic hostility, bullying or discrimination between employees or by superiors".<sup>15</sup> As both IG Metall and the DGB point out, industrial and general law can be brought to bear on this, in particular the recently updated health and safety legislation. Also, the Workplace Constitution Act and other laws give works councillors wide powers and duties to promote employee well-being. These are directly relevant to mobbing cases, as are the criminal and civil law. But going to court means giving evidence. IG Metall advises mobbing victims to keep a diary of incidents, and it provides a format.

So do the collective agreements work in practice?

"It's a bit early to say", replies Eva Zinke, the IG Metall executive board member responsible for health and safety. "Our first priority now is to get the new guide out to our works councillors and reps. We want to raise awareness of the problem and of the available remedies. The next step will be to assess the results of the agreements. One thing we do know, because it emerged from a recent phone-in organized by our magazine – mobbing is very much an issue for our members."



## Notes

<sup>1</sup> Information on Canada and the US from the Canadian Centre for Occupational Health and Safety at <http://www.ccohs.ca/oshanswers/psychosocial/violence.html>

<sup>2</sup> ILO. 2003. *Draft code of practice on violence and stress at work in services: A threat to productivity and decent work*. <http://www.ilo.org/public/english/dialogue/sector/techmeet/mevsws03/mevsws-cp.pdf>. For more on the French and Belgian legislation, see Anne Renaut's article on page 1 of this *Labour Education*.

<sup>3</sup> For details of the Danish case, see *Industry sector social partners reach agreement on psychological working environment*, European Industrial Relations Observatory, 2001, at <http://www.eiro.eurofound.eu.int/2001/07/feature/DK0107128F.html>

<sup>4</sup> A detailed international list of codes and guidelines is included in the ILO publication cited in footnote 2.

<sup>5</sup> *Prevention of Bullying and Violence at Work – Guidance Note*, WorkSafe Victoria, Melbourne, 2003, [http://www.workcover.vic.gov.au/vwa/publications/InterPubDocsA/4358646FBA071B82CA256CD40011DD09/\\$File/WorkSafe\\_bullying\\_GN\\_V2.pdf](http://www.workcover.vic.gov.au/vwa/publications/InterPubDocsA/4358646FBA071B82CA256CD40011DD09/$File/WorkSafe_bullying_GN_V2.pdf)

<sup>6</sup> Ordinance AFS 1993:17. Quotations are from the official English translation, online at: <http://www.av.se/english/legislation/afs/eng9317.pdf>. The Swedish original speaks of “offensive special treatment” (*kränkande särbehandling*), and this has become the official Swedish term for mobbing.

<sup>7</sup> *Mobbning och trakasserier*, Arbetsmiljöverket, Solna, 20 March 2003. <http://www.av.se/statistik/dok/0000198.pdf>

<sup>8</sup> *Psykiska och sociala hälsorisker i arbetsmiljön*, LO, Stockholm, 2002.

<sup>9</sup> *Skrivelse till statsrådet Hans Karlsson: Dags att gå från ohälsa till hälsa*, TCO, Stockholm, 15 August 2003. [http://web.tco.se/ArticlePages/200308/15/20030815111555\\_TCO459/20030815111555\\_TCO459.dbp.asp](http://web.tco.se/ArticlePages/200308/15/20030815111555_TCO459/20030815111555_TCO459.dbp.asp)

<sup>10</sup> *Hur är läget?* Börje Nenzén, LO, Stockholm, 2002.

<sup>11</sup> Ordinance AFS 1993:2. Quotations are from the official English translation, online at: <http://www.av.se/english/legislation/afs/eng9302.pdf>

<sup>12</sup> Nenzén, 2002, *op. cit.*

<sup>13</sup> The agreements are online in German at: <http://www.igmetall.de/betriebsraete/betriebsvereinbarungen/index.html>. Workplace agreements (*Betriebsvereinbarungen*) are the secondary tier of German collective bargaining. Core bargaining, on basic pay rates, etc., takes place regionally, sector by sector. Workplace agreements add detail for individual companies or workplaces. There are two types of labour representation within German workplaces – the union representatives and the works council (*Betriebsrat*). A staff council (*Personalrat*) is a white-collar equivalent of the *Betriebsrat*. Works councillors are elected by the workforce as a whole, unionized or not, and have wide-ranging legal rights to information, consultation and participation in decision-making. In practice, most works councillors are active trade unionists, and many have previously been union representatives in the same workplace.

<sup>14</sup> *Mobbing wirkungsvoll begegnen*, IG Metall, Frankfurt am Main. Scheduled for publication by the end of 2003. Quotations are from the final draft, with IG Metall's permission.

<sup>15</sup> Federal Labour Court judgement of 15 January 1997, ref. BAGE 85,56 (58).



# Services sectors: ILO code of practice combats workplace violence

*A code of practice on workplace violence in services sectors and measures to combat this phenomenon was adopted by the ILO Governing Body in November 2003. However, workers' representatives were dissatisfied with the final outcome of the code, and governments had misgivings about the omission of the stress issue and of important appendices.*

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Until recently, few international instruments dealt exclusively with work-related violence, whether physical or moral violence, mobbing, bullying, or racial, sexual or other harassment. Existing legislation and instruments are mostly national, and there are only a few regional examples.

The European Union (EU) adopted a Resolution on moral harassment at work in 2000, and in 2002 it amended its *Directive on equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions* (from 1976).<sup>1</sup> A clause on harassment and sexual harassment was added. This defines "sexual harassment" for the first time at the EU level, and it also includes a definition of "harassment".

International guidelines and codes are now increasingly being developed and adopted. At the moment, these instruments are mainly applicable to specific sectors. In 2002, a joint programme by the International Labour Office (ILO), the International Council of Nurses (ICN), the World Health Organization (WHO) and Public Services International (PSI) adopted a set of *Framework guidelines for addressing workplace violence in the health sector*.<sup>2</sup> In 1999, the International Transport Workers' Federation (ITF) also published guidelines for the aviation sector – *Air rage: The pre-*

*vention and management of unruly passenger behaviour*. The Sectoral Activities Department of the ILO has published several working papers on violence and stress in specific services sectors, and has further information on its website.<sup>3</sup>

In November 2000, the ILO Governing Body agreed to hold a Meeting of Experts during 2003 in order to develop a code of practice on violence and stress in services sectors. This has now been adopted, and the Governing Body has authorized the ILO Director-General to publish it under the title *Code of practice on workplace violence in services sectors and measures to combat this phenomenon*.

## Code's aims and scope

The intention of this instrument is to reduce or eliminate workplace violence in the services sectors. The preface<sup>4</sup> of the Report of the Meeting of Experts points out the legal nature of the code as well as its intention: "This code is not a legally binding instrument and is not intended to replace national laws and regulations. The practical recommendations of this publication have been designed to provide guidance to ILO constituents and all those responsible for addressing workplace violence in services sectors. It is based on an analysis of

the extent, nature and causes of workplace violence in public and private services. It identifies the roles and responsibilities of governments, employers and workers. The code promotes a proactive approach to prevention, based on occupational safety and health management systems.”

## Experts' meeting

The meeting of experts, held on 8-15 October 2003, brought together 36 experts, 12 of whom were nominated by governments, 12 nominated after consultations with the Employers' Group of the Governing Body and 12 nominated after consultations with the Workers' Group.

The development of the code was not an easy task, as there were several differences between the three parties on essential points. A fundamental difference of opinion on the inclusion of stress in the code caused particular difficulties. The initial draft, entitled *Draft code of practice on violence and stress at work in services: A threat to productivity and decent work*, did also include stress at work, but because of strong resistance by the Employers' Group, references to stress were taken out. The Employers' experts asserted that it was difficult to know whether stress was related to work or to the private sphere.

The Workers' experts did not agree with this and wanted to include stress in the code, as legal precedents have already established a clear link between excessive workloads and stress.

After lengthy discussions, in which the Employers' group showed their unwillingness to move on this issue, it was decided to have a reference to stress only in the preamble of the code: “There are some consequences of workplace violence, which may include stress, although stress is a concept which, for some, is not clearly definable.”

Another point of disagreement was the inclusion of appendices to the code. The draft included twelve appendices, which were removed from the final version. Several Government representatives

at the Governing Body meeting regretted this omission. In particular, they took issue with the removal of the bibliographical references contained in Appendices A and B, respectively a bibliography and a list of selected published guidelines on violence and stress.

Despite the non-binding nature of the code itself, the language used is also very careful in stipulating real obligations for the different parties, especially for the employers. The extensive use of expressions such as “in so far as reasonably practicable”, “as appropriate”, “within reason” and “whenever possible and convenient” adds to the non-binding and non-prescriptive nature of the code. Actually, both the Worker and the Government experts found the final text too diluted in comparison with the initial draft prepared by the ILO. But even if the final code did not meet all the expectations of the Worker experts, it was nevertheless pointed out that it would be “good to have a ‘stepping stone’ on violence” – especially for countries that do not have any codes at all.

## Code's provisions

The general provisions of the code contain its main objectives, which are to provide guidance in addressing the problem of violence at work; to develop responses to the problem at all levels; to promote dialogue, consultation and negotiation among stakeholders; and to give guidance in developing national laws. The code applies to both the public and the private sectors.

A policy against workplace violence should, the code says, be developed in cooperation with the social partners, so as to promote workplace practices that help eliminate workplace violence. Top management should provide a policy statement, with a definition of workplace violence and a declaration that such violence will not be tolerated. The policy should also include a fair complaints system and provisions for information, education and training.

It is important that the values of the workplace culture should be based on

decent work. The social partners should engage in social dialogue on violence in services sectors and support actions that create a violence-free work environment.

In the part of the code dealing with organization, governments, employers and workers are given different roles and responsibilities.

Governments should assume leadership in the development and application of preventive interventions by carrying out research, offering guidelines, reviewing national legislation, seeking to mobilize financial resources and promoting and supporting cooperation at all levels, including the regional and international ones.

Employers should, in so far as is reasonable and practicable, ensure risk reduction at their workplaces, include provisions on the prevention of workplace violence in agreements at all levels, adopt appropriate personnel policies and grievance and disciplinary procedures and, in consultation with workers, initiate and support information strategies and training programmes.

Workers should take all reasonable care, should cooperate with employers in occupational safety and health committees, and should develop risk assessment strategies, prevention policies and training courses for workers. The workers and their representatives should also endeavour to include provisions on the prevention and control of workplace violence in national, sectoral and workplace/enterprise agreements, as well as reporting acts of violence.

Information and training are very important here. Workers, supervisors and managers should receive appropriate training in preventing and dealing with violence at work. Information on workplace violence should also be made available to all workers, supervisors and managers, and the employer should establish, maintain and communicate documentation on workplace violence management systems, together with records of acts of violence.

In order to plan its implementation of the code, the organization's existing violence management system and relevant arrangements should be reviewed as ap-

propriate. Employers and workers and their representatives should jointly assess the nature and magnitude of violence in the workplace, and they should conduct risk assessments. Acts of violence should be recorded at the workplace level by the employer, and at the sectoral, national and international levels, a comprehensive approach involving governments, employers, workers and their representatives is required, to collate and assess data from a range of sources on violence in services sectors. This is necessary in order to chart trends and evaluate the effectiveness of different prevention initiatives.

In developing policy and strategies on workplace violence, its causes should be considered, so as to define good prevention strategies. Governments, employers, workers and their representatives should be actively engaged in giving appropriate priority to the reduction of violence in services sectors. In particular, they should aim to enhance recognition of workplace violence as a major threat to health and safety, service efficiency, productivity, equal treatment and decent work. Preventive measures should include improved communication and work practices as well as improvements in the physical work environment.

Violence prevention, preparedness and response arrangements should be established and maintained in all organizations. Managements should have plans for handling situations of workplace violence and they should also provide support to workers affected by violence. Such support may include medical treatment or debriefings. Governments should promote care and support to the victims of workplace violence through public health-care programmes, access to treatment where appropriate, social security systems, occupational safety and health systems and other government initiatives.

The employer should, in cooperation with the workers and their representatives, evaluate the effectiveness of workplace violence prevention policies and develop a strategic learning process on issues relating to workplace violence.

## Future developments

The development of the sectoral code of practice on workplace violence in services sectors may serve as a catalyst for the development of future codes which cover a wider range of workers, and also lead to the development of instruments of a more binding nature – for instance, an ILO Convention. The Governing Body invited the Director-General to continue research on the issue of workplace stress in the sectors.

The Programme, Financial and Administrative Committee of the 288<sup>th</sup> Session of the Governing Body was also invited to decide upon a list of technical meetings in 2004-05, in which another tripartite meeting of experts, on Harassment and Violence at Work, was mentioned.<sup>5</sup> The aim of that meeting would have been the adoption of a code of practice on harassment and violence at work. This would have included specific treatment of the problem of sexual harassment, and recommendations for action by constituents and the ILO to strengthen the development at national and regional levels of policies and practical programmes to combat workplace harassment and violence. Although the workers' group was

in favour of selecting this meeting and a few others from the list, it did not achieve consensus among the representatives of the governments and the employers. It was therefore deleted from the list of meetings for 2004-05.

The ILO should, however, start disseminating and promoting the code on workplace violence in services sectors. It should also continue its work on developing future instruments on violence at work, applicable to all sectors, as well as instruments that provide an international framework concerning work-related stress.

## Notes

<sup>1</sup> 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.

<sup>2</sup> <http://www.ilo.org/public/english/dialogue/sector/papers/health/guidelines.pdf>

<sup>3</sup> <http://www.ilo.org/public/english/dialogue/sector/themes/violence.htm>

<sup>4</sup> <http://www.ilo.org/public/english/standards/relm/gb/docs/gb288/pdf/mevsws-11.pdf>

<sup>5</sup> <http://www.ilo.org/public/english/standards/relm/gb/docs/gb288/pdf/gb-9-1.pdf>