

European framework agreements : “The best option as the politics stand”

Maria Helena André, Deputy General Secretary of the ETUC, negotiated the framework agreement on violence and harassment at work with the employers' representatives. We asked her what problems the negotiations had had, and what practical results are expected from the agreement. We also asked for her assessment of how the 2004 framework agreement on stress is being rolled-out.



Maria Helena André,
Deputy General Secretary of the ETUC

In the ETUC's book, what are the agreement's strengths and net benefit for European trade unions?

The biggest net benefit of the agreement is having it. The European social partner agreements can help improve working conditions and protection for workers at work. We are giving something positive to the unions and business. Some European countries already have specific laws and collective agreements on harassment and violence at work, but most have little beyond the general law. This agreement will force the national social partners to get around the table, admit that the risk exists within organisations, and work out joint solutions to roll out systems for preventing and dealing with it when it arises in the workplace.

The approach itself is what is very important in our book. It is mainly about acknowledging the problem and the social partners signing up to joint actions to prevent and deal with it. But at the same time, it gives trade unions tools to leverage their national social dialogue and improve actual working conditions.

It took a bit more than the 9 months set by the European Commission to get an agreement. Why was that?

There's no really objective reason to look for. The talks were fairly tough going because, as we had

already found in the negotiations on work-related stress, it touches on issues directly related to companies' work organisation. It was important to get an acknowledgement that harassment and violence are not the sole responsibility of employees and something that happens between employees, but can be a chain-of-command and staff organization thing. Clarification by the European employers' delegation of the agreement's inevitable implications for how companies are organized was the aspect that took most time.

How will the ETUC be supporting implementation of the agreement?

We have developed what we think is a pretty effective methodology, but it still needs fine-tuning as more autonomous agreements get signed. The first thing is to let our members know that the agreement is there, and help them understand the spirit and letter of it. It is written in Brussels in "Europeak" English. It's very important to get all that over clearly to our national members, but also to activists and workers at subnational levels. Concretely, the ETUC is drawing up guidance on how to interpret the agreement. We'll be trying to put this out in as many languages as possible, and explain why particular things feature in the agreement and what lines the unions and employers took during negotiations.

We've also put forward a project to the European Commission for organizing information and discussion workshops with our national organisations that will also encourage them to carry the agreement into practice at the national level. If all goes well, these activities will get under way at the start of 2008.

The ETUC is also likely to be asked to give a presentation on the contents of the agreement to the sectoral social dialogue committee. This is particularly important, because the employers refuse to accept that they had any responsibility for violence outside the workplace almost to the end of negotiations. Granted, external violence affects some sectors than others, but it stops being a sectoral problem when more than one sector is affected. It is important for trade unions to take ownership of the agreement's first steps in national negotiations so it can be adjusted to sectoral needs.

The ETUC is also hoping to work out a checklist for implementation of social dialogue instruments that we developed as part of a project run last year on work-related stress. We'll be giving it its first "road test" and adapting it to new needs if required.

So, you're using the system put in place for implementation of the work-related stress agreement. What is the ETUC's assessment of that agreement three years on from being signed?

There is always a glass half-full or half-empty in the sense that we are looking at the procedure rather than the agreement's impact on improving working conditions or how firms operate. As far as the procedure and initiatives taken by the social partners at national level go, I think it's safe to say that these are going quite well. As the European social partners hand autonomous agreements to their respective organisations, they are starting to test out procedures at national level, especially in countries that have little experience in these matters and no well-developed system of social dialogue.

Each autonomous agreement that gets signed is used to test out and improve the procedure established before. It's a learning process for which there is no sure-fire, directly-applicable recipe.

The social partners might differ on whether this kind of agreement is legally binding. Isn't there a risk that signing more of these just means having more paper provisions that won't give workers as much protection as Directives?

We have to face facts – the days of social directives may not be over, but are increasingly numbered. Looking at the wrangling in the Council of Social Affairs Ministers over draft Directives that have been on the table for years and are getting nowhere, I would rather have autonomous agreements that commit the social partners to actually do something.

To say that the protection offered by autonomous agreements is not inherently as good as legislation is too big a generalization. Look at how the agreement on stress or that on telework were implemented at national level – some countries did it through legislation, while others did it through collective bargaining between social partners leading to changes in the code of labour laws. Granted, some other States transposed it through lighter instruments, but they were mainly countries with no strong tradition of collective bargaining. So, yes, there are concerns there. But, if it's a choice between legislation that may not come in for years, or agreements that are implemented and improved by the social partners, then as the politics stand, I would opt for the latter. ■

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