



FRAMEWORK AGREEMENT ON WORK-RELATED STRESS

A draft ETUCE implementation guide for teacher trade unions

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Preface

The negotiations on work-related stress by the European social partners started in September 2003 and ended in May 2004, pursuant to the nine-month negotiating period accorded by the EC Treaty (Art. 138 § 4) to social partners at EU level. The Framework Agreement on work-related stress was then signed by ETUC, UNICE/UEAPME and CEEP on 8 October 2004¹. This Framework Agreement then had to be implemented by all member organisations of the signatory European social partners within the period of 3 years, i.e. by 8 October 2007.

This implementation guide provides an overview of the Framework Agreement, focusing on the main concerns teachers are facing at their work place. It is largely inspired by the interpretation guide produced by ETUC² and includes many of the results of the ETUCE survey report on teachers' work-related stress carried out during the first phase of implementation of the ETUCE project "Improving expertise on teachers' work related stress and assisting ETUCE member organisations in implementing the ETUC-UNICE³/UEAPME-CEEP autonomous Framework Agreement".

Teachers are undoubtedly among the professions with the highest level of work-related stress. For this reason, ETUCE considers that this subject merits further attention from teacher unions, particularly within the context of industrial relations and social dialogue. Teachers' work-related stress is an issue to be dealt with within the social dialogue work programmes of all ETUCE member organisations. In this sense, this guide intends to be a useful tool in assisting ETUCE member organisations in implementing the Framework Agreement on work-related stress.

For several years, ETUCE has worked towards the establishment of a European sectoral social dialogue committee in education. During 2004-2006, ETUCE reinforced its activities within this field, and made significant progress in relation to the plans for establishing this committee. The implementation of the Framework Agreement on work-related stress in the education sector at European level would be an easier task if this European sectoral social dialogue committee in education were already established. Nevertheless, with the project "Improving expertise on teachers' work related stress and assisting ETUCE member organisations in implementing the ETUC-UNICE/UEAPME-CEEP autonomous Framework Agreement" ETUCE is taking steps to raise awareness on the Framework Agreement on work-related stress, improve the expertise of our member organisations in this issue and support our member organisations in the implementation of this agreement.

¹ Only the English language version of the Framework Agreement is an official version, however, other non official language versions of the Framework Agreement can be found at <http://www.etuc.org/a/2377>

² To read the ETUC interpretation guide (available in several languages) go to <http://www.etuc.org/a/2377>. The ETUC guide was compiled by Maria Helena André (ETUC Deputy General Secretary and ETUC Spokesperson during the negotiations), Sinead Tiernan (ETUC Advisor) and Stefan Clauwaert, Roland Gauthy and Isabelle Schömann (ETUI-REHS Researchers and members of the ETUC "Stress at work" negotiation delegation).

³ Now Business Europe

1. Introduction

Text of the agreement

Work-related stress has been identified at international, European and national levels as a concern for both employers and workers. Having identified the need for specific joint action on this issue and anticipating a Commission consultation on stress, the European social partners included this issue in the work programme of the social dialogue 2003-2005.

Stress can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity, or form of employment contract or relationship. In practice, not all work places and not all workers are necessarily affected.

Tackling stress at work can lead to greater efficiency and improved occupational health and safety, with consequent economic and social benefits for companies, workers and society as a whole. Diversity of the workforce is an important consideration when tackling problems of work-related stress.

Comment

The introduction of the agreement highlights the importance for management and labour to take joint action on work-related stress, as this issue had been included in the European social partners' social dialogue work programme 2003-2005. As explained in the preface, the absence of a European employer in the education sector prevents ETUCE from being able to take joint action with our employers in our sector. Nevertheless, teachers' health and safety issues at work place have always been part of the ETUCE Action Programme. In addition, raising awareness on the implementation of this Framework Agreement at national level will facilitate the inclusion of this issue in the teacher unions national work programmes. This will also help the implementation of the agreement at national level, at least on the trade union side, and in some cases jointly with the national employers.

The increasing workload on teachers, the role overload, the increased class size per teacher and an increasing number of pupils behaving in an unacceptable way are some of the trends identified in several European countries as leading to a rise in stress-related illnesses.

Teachers are sustainers of culture and knowledge, and taking care of all problems related to their health and safety at the work place is of capital importance for preserving their role as educators and for ensuring that children/pupils learn in a secure environment, producing relevant benefits for society as a whole.

2. Aim

Text of the agreement

The aim of the present agreement is to increase the awareness and understanding of employers, workers and their representatives of work-related stress, draw their attention to signs that could indicate problems of work-related stress.

The objective of this agreement is to provide employers and workers with a framework to identify and prevent or manage problems of work-related stress. It is not about attaching blame to the individual for stress.

Recognising that harassment and violence at the work place are potential work related stressors but that EU social partners, in the work programme of social dialogue 2003-2005, will explore the possibility of negotiating a specific agreement on these issues, this agreement does not deal with violence, harassment and post-traumatic stress.

Comment

As ETUC explains in its interpretation guide, the Framework agreement is an action-oriented instrument. Its aim is to help employers and workers to prevent and tackle work-related stress at the workplace.

The ETUCE seminar on teachers' work-related stress - which took place in Ljubljana on 21st and 22nd September 2007 -, as well as in the ETUCE survey, clearly showed that the main stressors for teachers are related to working organisation and processes, as well as to the working conditions and environment (workload/working intensity, increased size class per teacher, bad school management, etc.).

This agreement does not cover harassment and violence at the work place⁴.

⁴ A new "Framework agreement on harassment and violence at work" has been signed between the European social partners (ETUC- Business Europe/UEAPME-CEEP) on 26 April 2007. ETUCE is currently planning the implementation of a project called "TRUCE-violence in schools". This new project will run from December 2007 to July 2008, and will have as an aim to provide teachers and teacher unions with information on the Framework Agreement on harassment and violence at work. Experiences from ETUCE member organisations on tackling violence in schools will be shared, and an ETUCE policy on harassment and violence will be developed.

Unacceptable pupils' behaviour has been ranked as one of the main stressors for teachers in schools. It is well-known that violence and bullying in schools is an important topic to be dealt with due attention in the education sector. For this reason, ETUCE is dedicating an entire project to deal with this issue and to support its member organisations in implementing the Framework Agreement on harassment and violence in schools.

While implementing "TRUCE-violence in schools", ETUCE will also follow the work to be done by ETUC in their new project on the Framework Agreement on harassment and violence at work. During this project, ETUC will assist as much and as effectively as possible their affiliated organisations in their implementation efforts by providing information and follow-up seminars and other tools, such as interpretation guides, a specific website section, etc. In relation to violence at work, ETUCE is taking part - together with other sectors such as commerce, local governments, postal services and private security.- in a Commission's multi-sectoral initiative in the context of third party violence at work.

3. Description of stress and work-related stress

Text of the agreement

Stress is a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations planned on them.

The individual is well adapted to cope with short-term exposure to pressure, which can be considered as positive, but has greater difficulty in coping with prolonged exposure to intensive pressure. Moreover, different individuals can react differently to similar situations and the same individual can react differently to similar situations at different times of his/her life.

Stress is not a disease but prolonged exposure to it may reduce effectiveness at work and may cause ill health.

Stress originating outside the working environment can lead to changes in behaviour and reduced effectiveness at work. All manifestations of stress at work cannot be considered as work-related stress. Work-related stress can be caused by different factors such as work content, work organisation, work environment, poor communication, etc.

Interpretation / Comment

As ETUC explains in its interpretation guide, the definition of work-related stress was one of the most difficult points during the negotiation of the agreement. The employers persisted on the subjective and individual aspects of stress, instead of its collective and work-related features, defended by the trade union delegation. The result was a general description of stress that does not explicitly mention either the “collective” nature of stress or the work-related characteristics.

Nevertheless, there is an explicit recognition that “work content, work organisation, work environment, poor communication, etc.” are stress factors, and that “prolonged exposure to it may reduce effectiveness at work and may cause ill health”. . The acknowledgement of the collective nature and causes of work-related stress – thus the fact that it is directly linked with work content, work organisation, work environment, poor communication, etc. – can be also found in the second paragraph of section 4. Therefore, the definition of work-related stress in this section is to be read in conjunction with section 4.

As explained in section 2, ETUCE’s survey results also show that teachers’ stress factors at the work place have a direct connection with work environment and work organisation and processes.

In addition, it should be borne in mind that this article must be read and interpreted in conjunction with sections 4 and 5 of this framework agreement and with the Framework Directive 89/391, stipulating a legal obligation for employers to protect the occupational safety and health of workers. Thus, as ETUC states in its interpretation guide, *“the employer should assist/help/facilitate the concerned worker as much as possible in overcoming the situation, for the longer it continues, the more and longer the work place can be negatively affected by it”*.

4. Identifying problems of work-related stress

Text of the agreement

Given the complexity of the stress phenomenon, this agreement does not intend to provide an exhaustive list of potential stress indicators. However, high absenteeism or staff turnover, frequent interpersonal conflicts or complaints by workers are some of the signs that may indicate a problem of work-related stress.

Identifying whether there is a problem of work-related stress can involve an analysis of factors such as work organisation and processes (working time arrangements, degree of autonomy, match between worker skills and job requirements, workload, etc.), working conditions and environment (exposure to abusive behaviour, noise, heat, dangerous substances, etc.), communication (uncertainty about what is expected at work, employment prospects, or forthcoming change, etc.) and subjective factors (emotional and social pressures, feeling unable to cope, perceived lack of support, etc.).

If a problem of work-related stress is identified, action must be taken to prevent, eliminate or reduce it. The responsibility for determining the appropriate measures rests with the employer. These measures will be carried out with the participation and collaboration of workers and/or their representatives.

Comment

Stress indicators show that a worker has been exposed to stress factors at the work place; they can be psychological, physiological and behavioural. According to ETUCE's study on teachers' work-related stress the average score of stress indicators clearly pointed out that "burnout/depression/emotional exhaustion" is the most frequent stress indicator among teachers in Europe, marked with a substantial note compared to other relevant indicators such as high absenteeism/sickness; sleeping problems/insomnia; cardiovascular diseases and frequent interpersonal conflicts.

In order to tackle and prevent work-related stress an analysis of stress factors at the work place is necessary.

If work-related stress ought to be tackled in an efficient way, the involvement of workers and/or their representatives is crucial. According to the Directive 89/391, the responsibility to put in place the risk assessment system and thus the analysis of the stress factors lies with the employer. One of the main conclusions of ETUCE's conference on teachers' work-related stress in Ljubljana was the degree of the awareness of management leadership in school and their involvement in promoting a safe and healthy working environment.

5. Responsibilities of employers and workers

Text of the agreement

Under framework directive 89/391, all employers have a legal obligation to protect the occupational safety and health of all workers. This duty also applies to problems of work-related stress in so far as they entail a risk to health and safety. All workers have a general duty to comply with protective measures determined by the employer.

Addressing problems of work-related stress may be carried out within an overall process of risk assessment, through a separate stress policy and/or by specific measures targeted at identified stress factors.

Comment

Article 6.2 (d) of the Framework Directive requires the employer to “*adapting the work to the individual especially as regards (...) the choice of working (...) methods, with a view, in particular, (...) to reducing their effect on health*”.

Although the Framework Directive does not mention the word “stress”, the case law of the European Court of Justice seems to determine that, as stated in recital 15 of this legal text, the EU legislator had the intention to cover all risks to the health and safety of workers; their physical, mental and/or social well-being. In addition, ECJ case law advocates for a wide interpretation of the concepts “working environment”, “health” and “safety” of article 137 § 1 of the EC Treaty, concretely referring to the definition of “health” in the preamble of the Constitution of the World Health Organisation, where health is defined as “a state of complete physical, mental and social well-being”⁵.

After the reference to the obligation of employers to protect the health and safety of workers, the risk assessment system is explicitly mentioned in the text. The substantive principles of this risk assessment system are also established in article 6 of the Framework Directive, and can be broken down into a series of steps:

⁵ For more concrete information on the case law of the ECJ on this issue please read Annex 2 of the ETUC interpretation guide on the framework Agreement on work-related stress: http://www.etuc.org/IMG/pdf/Brochure_stress_EN-3.pdf

- Plan the assessment
- Identify stressors / hazards
- Decide who might be harmed and how and where
- Evaluate the level of the risk by:
 - i. Identifying what action is already being taken
 - ii. Deciding whether this is enough and
 - iii. If it is not, deciding what more should be done
- Recording the findings and
- Reviewing the assessment at appropriate intervals and checking the impact of the measures taken

The involvement of workers and/or their representatives in this process – as required in article 11 (1) of the Framework Directive - is crucial to its success. In addition, preventing health risks at work is not a one way obligation, as the results or envisaged measures determined by the employer must be respected by workers.

According to the ETUCE survey results on teachers' work-related stress, risk assessment systems for work-related stress are being put in place at work places in 14 out of 27 (EU and EFTA) countries. In 7 out of the 14 countries, this system is based in legislation and collective agreements, which prove to be good tools for preventing stress. As regards the implementation of the risk assessment system in schools, only 7 countries (Bulgaria, Croatia, Denmark, Estonia, Finland, Slovakia and Sweden) out of 27 represented in the survey have implemented such a system in the schools.

It is worth mentioning that, according to the survey results, whereas the consultation of teacher representatives is a common trend in all countries, support from the school management in the

implementation of the preventive actions seems to be lacking in most cases. It is also important to underline that the lack of continuous management support was ranked as stress factor number 5 for teachers.

6. Preventing, eliminating or reducing problems of work-related stress

Text of the agreement

Preventing, eliminating or reducing problems of work-related stress can include various measures. These measures can be collective, individual or both. They can be introduced in the form of specific measures targeted at identified stress factors or as part of an integrated stress policy encompassing both preventive and responsive measures.

Where the required expertise inside the work place is insufficient, competent external expertise can be called upon, in accordance with European and national legislation, collective agreements and practices.

Once in place, anti-stress measures should be regularly reviewed to assess their effectiveness, if they are making optimum use of resources, and are still appropriate or necessary.

Such measures could include, for example:

- management and communication measures such as clarifying the company's objectives and the role of
- individual workers, ensuring adequate management support for individuals and teams, matching responsibility and control over the work, improving work organisations and processes, working conditions and environment;

Interpretation / Comment

The collective, individual and/or combined measures to prevent, eliminate and tackle teachers' work-related stress are measures which are generally part of the risk assessment system and thus part of the "solutions" given once the analysis has been carried out, integrated in the policy or action plan to be implemented at the work place.

In the ETUCE survey on teachers' work-related stress we distinguished among work-oriented measures, worker-oriented measures and combined ones. The work-oriented measures were those concerning the organisation of the work within the school, the work design and ergonomics, and included

- activities such as free periods for teachers
- limiting class sizes
- improving classroom acoustics
- working conditions
- work design, etc.

Those can be considered as collective measures. The worker-oriented measures concern the employed person's capacity to safeguard oneself from the identified stressors and hazards in a given school. The combined measures mix up the work-oriented and the worker-oriented measures.

- training managers and workers to raise awareness and understanding of stress, its possible causes and how to deal with it, and/or to adapt to change;
- provisional information to and consultation with workers and/or their representatives in accordance with EU and national legislation, collective agreements and practices.

It is worth mentioning that worker-oriented interventions tend to target the individual level, the personality of the worker and his or her life style as being source of stress. These measures are considered as less complex to put in place than the work-related ones. The scientific literature shows that work-oriented interventions represent the best way forward to prevent work-related stress because they aim at eliminating – or at least decreasing – stress hazards within the work environment. According to Article 6 (1) of the Framework directive the employer is required to combat risks at source and give a collective protective measures priority over individual protective measures. Therefore, priority should be given to the work-oriented approach.

ETUCE survey results illustrated that, out of the six countries implementing risk assessment systems in schools, most of them combined work-oriented and worker oriented measures to prevent work-related stress.

Very few countries in the survey reported using external expertise.

Once put in place, school policies on tackling work-related stress should be monitored and regularly reviewed.

Raising awareness on understanding of work-related stress, its causes and how to deal with it can be efficiently accomplished by training not only teachers and educational staff, but also head teachers and the leadership in schools. Training only teachers but not managers in schools would be an insufficient answer to overcome the problems at stake.

7. Implementation and follow-up

Text of the agreement

In the context of article 139 of the Treaty, this voluntary European framework agreement commits the members of UNICE/UEAPME, CEEP and ETUC (and the liason committee EUROCADRES/CEC) to implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.

The signatory parties also invite their member organisations in candidate countries to implement the agreement.

The implementation of this agreement will be carried out within three years after the signature of this agreement.

Member organisations will report on the implementation of this agreement to the Social Dialogue Committee. During the first three years after the date of signature of this agreement, the Social Dialogue will prepare a yearly table summarising the on-going implementation of the agreement. A full report on the implementation actions taken will be prepared by the Social Dialogue Committee during the fourth year.

The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.

Comment

In the light of article 139 of the EC Treaty and according to the text of the agreement, the signatory members must implement the framework agreement. This implementation must be carried out by member organisations. The first three years, the Social Dialogue committee prepared a yearly table summarising the measures taken at national level to implement the agreement.⁶

As stated in the draft ETUCE Action Plan on work-related stress, ETUCE will continue to monitor the implementation of the Framework agreement by member organisations, as well as to gather and disseminate the best practices identified. Teachers' wok-related stress will be an issue to be dealt with in the framework of the ETUCE working conditions network. This Action Plan also intends to establish a reporting system from ETUCE to ETUC on the information provided by teacher unions within the work of the mentioned network.

⁶ To read the yearly tables published until present, please visit the ETUC website <http://www.etuc.org/a/3870>

In case of questions on the content of this agreement, member organisations involved can jointly or separately refer to the signatory parties, who will jointly or separately reply.

When implementing this agreement, the members of the signatory parties avoid unnecessary burdens on SME's.

Implementation of this agreement does not constitute valid grounds to reduce the general level of protection afforded to workers in the field of this agreement.

This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level; agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.

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