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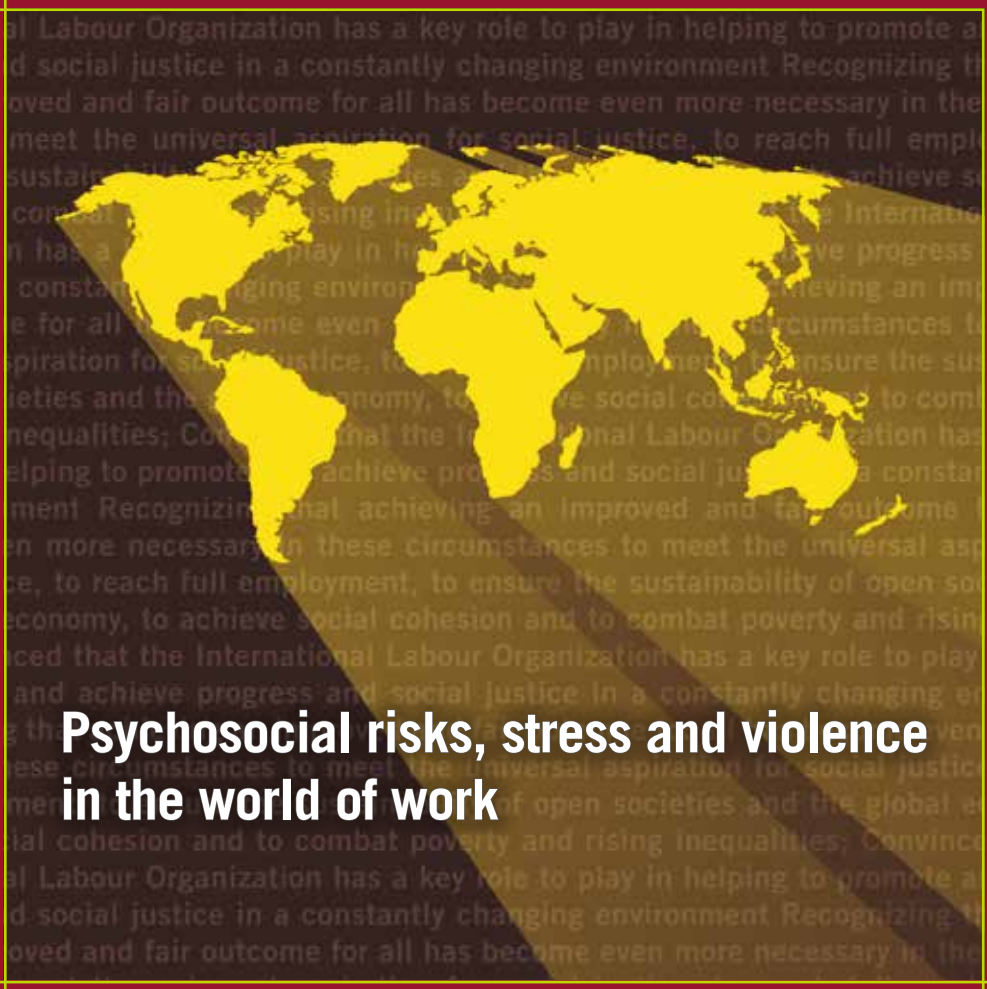

Psychosocial risks, stress and violence in the world of work

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It is a universal principle that people have the right to the highest attainable standards of health. Without health at work a person cannot contribute to society and achieve well-being. If health at work is threatened, there is no basis for productive employment and socio-economic development. The burden of mental ill health is becoming highly relevant to the world of work. It has an important impact on people's well-being, reducing employment prospects and wages, with a deleterious effect on families' income and organizations' productivity, and causing high direct and indirect costs to the economy. In this complex context, the workplace is at the same time an important source of psychosocial risks and the ideal setting for addressing them with a view to protecting the health and well-being of workers through collective preventive measures. In times of change in the world of work, coping successfully with psychosocial risks in the workplace is essential for protecting the health and well-being of workers while enhancing the productivity of organizations.

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measures with employers. Violence and harassment are both a gender equality issue and an issue of occupational safety and health, with serious implications for workers' health and well-being. The article discusses how new risks of psychological violence are emerging from changing patterns of work and growing work pressures, non-standard forms of employment in the informal economy, and the globalization of labour markets – and how those risks are disproportionately faced by women. It also looks at how traditional definitions of workplace violence and harassment can be broadened within a "world of work" framework by taking into account issues such as travel to and from work, third-party violence perpetrated by customers and clients, and the impact domestic violence has in the workplace.

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The digitization of work can be expected to bring opportunities for quality of life and health. At the same time, the associated health risks also need to be recognized early on and minimized by appropriate regulatory means. The findings of the WSI Works Council Survey 2016 show which problems are arising in the workplace and where action is required. For mobile/remote working in particular, many of the typical risks such as overwork, constant reachability, difficult integration of work and family life are nothing new. They are the consequence of increasing flexibilization and have long been a challenge to occupational safety and health. As digitization progresses, the need to act will grow more urgent.

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Preface

Maria Helena André
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Psychosocial risks and their consequences such as stress, as well as violence and harassment at work – being all closely interrelated and often acting as contributing causes and consequences of one another – affect the well-being and occupational health and safety of workers.

Violence and harassment in the world of work have an impact not only on the victims but also on their co-workers and the working environment in general, as well as on companies that face organizational and economic repercussions.

Work-related stress is determined by psychosocial hazards found in work organization, work design, working conditions and labour relations. The interrelationship between work-related stress and violence develops when violence and harassment generate elevated stress levels affecting both the victims and witnesses among the co-workers. Furthermore, violence and harassment may occur as a result of work-related stress and psychosocial hazards. Conflicts arising from poor work organization that were not properly managed can also be a source of violence. Workplace organization and design, together with work intensity, are other relevant factors, as workers experiencing stress, conflict and/or isolation are at risk of psychosocial harm. In the age of accelerating technologies, the digitalization of work is bringing opportunities but is at the same time creating new health risks such as overwork, reduced autonomy and privacy, an "always-on" working environment and difficult integration of work and private life. The risks are even more acute for people engaged in precarious work as they fear retaliation, including loss of employment, if they report violent behaviours. Work-related stress emerges when the knowledge and coping abilities of an individual worker or of a group of workers are not matched with the demands of the job and expectations of the organizational culture of the enterprise they work for. It becomes a risk to health and safety when the situation in which work exceeding the worker's ability, resources and ability to cope becomes prolonged. The lack of social

dialogue, combined with managerial choices (which are very frequently oriented towards profit maximization and not towards improvement of working conditions), may also create a workplace environment conducive to violence and harassment. In this regard, when conflicts arising from poor work organization are not managed, violence is often the likely outcome.

In times of change, coping successfully with psychosocial risks in the workplace is essential for protecting the health and well-being of workers while enhancing the productivity of organizations. Recognizing that psychosocial risks and their consequences constitute a serious threat to the health of individuals, organizations and national economies is a step in the right direction. Prevention and regulation could also help to mitigate psychosocial risks and their consequences in the world of work.

Social dialogue and collective bargaining have shown to have a positive outcome in these areas, and there are emerging good practices of how the social partners have addressed psychosocial risks and violence at work by influencing legislation or negotiating workplace measures.

Trade unions the world over have always been at the forefront of actions aimed at eliminating work-related stress and violence and harassment in the world of work. However, most of the successful stories come from European Union countries where, in the last 15 years, the social partners have succeeded in concluding three major framework agreements: an agreement on work-related stress, aimed at increasing awareness and understanding of the phenomenon and providing a framework to identify and prevent stress-related problems at work; one on harassment and violence at work; and the European framework for psychosocial risk management (PRIMA-EF).

At the global level, these issues were included in a number of Global Framework Agreements between Global Union Federations and multinationals, thus allowing large numbers of workers to benefit from these provisions. Nevertheless, even where appropriate laws, rules and regulations exist, their implementation at workplace level leaves a lot to be desired. The constantly changing world of work, characterized by new patterns of less and less stable and "normal" employment, also contributes to workers being afraid to voice their concerns and raise issues linked to stress and violence and harassment. While trade unions are adapting to these new patterns and looking for new negotiating techniques, it is important to ensure that these issues remain on the bargaining table.

In the framework of the International Labour Organization, these topics were given a new impetus in the Resolution concerning the recurrent discussion on social protection (labour protection) adopted by the 104th Session of the International Labour Conference in June 2015.[1] The resolution

1. For the text of the resolution, see http://www.ilo.org/ilc/ILCSessions/104/texts-adopted/WCMS_380781/lang--en/index.htm

affirmed that the need to tackle psychosocial risks and violence at work was urgent and required concrete measures and tripartite commitment. It further stressed that one of the priorities for ILO action towards more inclusive and effective labour protection lies in developing methods to assist employers and workers in responding to changes in work organization and working conditions that are causing psychosocial risks, stress and mental health problems related to work. Work-related stress was recently addressed through the ILO SafeDay 2016 report *Workplace stress: A collective challenge.*[2] The issue of violence and harassment against women and men in the world of work was discussed by the ILO Governing Body in March 2015, with a decision to include it as a standard-setting item in the agenda of the 107th Session of the International Labour Conference in 2018. Moreover, in October 2016 a tripartite Meeting of Experts on Violence against Women and Men in the World of Work was held as part of the preparation for the standard-setting. While recognizing that efforts have been made at the national, regional and international levels to address violence and harassment in the world of work, the conclusions of the meeting acknowledged that significant governance and regulatory gaps persist.

It is in this context that the ILO Bureau for Workers' Activities (ACTRAV) decided to devote this issue of the *International Journal of Labour Research* to questions surrounding work-related stress and violence and harassment in the world of work, in order to respond to the need to revitalize the exchange of information in the labour movement on these topics.

This issue of the *Journal* comprises five articles covering prevention of psychosocial risks and work-related stress, trade union perspectives and actions on psychosocial risks and violence and harassment, digitalization of work and associated risks, trade union responses to the psychosocial impacts of technological change in contemporary workplaces, and vulnerability of certain groups of workers to violence.

The articles are aimed to examine the status quo, raise awareness and encourage trade unions to take action. We hope they will achieve their purpose.

Finally, I would like to thank all the contributors to this issue and ILO colleagues for their input and support, as well as Vera Guseva and Mamadou Kaba Souaré for coordinating the work.

We hope that this issue of the *Journal* will prove to be a useful resource and that you will enjoy reading it.

2. Full report available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_466547.pdf

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Prevention of psychosocial risks and work-related stress

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This article is based on the Report for the World Day for Safety and Health at Work (SafeDay) for 2016, *Workplace stress: A collective challenge* (ILO, 2016).

In recent decades, globalization has given rise to considerable new openings for economic development, but also to the risk of global competitive processes placing pressure on working conditions and respect for fundamental rights. Globalization and technological progress have transformed the world of work, introducing new forms of work organization, working relations and employment patterns. Globalization has led to changes in employment patterns through greater flexibility in the work process and greater use of part-time and temporary employment and independent contracting of staff. These practices can result in higher job demands, higher job insecurity, lower control over one's work and an increased likelihood of lay-offs – all contributing to an increase in work-related stress and its associated disorders.

Workers the world over are under greater pressure than ever before to meet the demands of modern working life. Technological advances, the emergence of the Internet and the digitalization of communications have led to many changes and innovations in work processes. With the pace of work dictated by instant communications and high levels of global competition, the boundaries between work and personal life are becoming more and more difficult to identify. Workers may feel that staying connected longer and responding quickly is a sign of good performance, continuing in practice to do their job at home and outside working hours. Incompatibility between work roles and family roles, leading to behaviour-based, time-based and strain-based conflicts at work, can make role demands in the family difficult or impossible to meet, and vice versa.

Furthermore, the recent global economic crisis and recession have contributed to increases in unemployment, poverty and social exclusion. Owing to the current economic recession, many organizations have been forced to scale down their economic activity by means of restructuring, downsizing, merging, outsourcing and subcontracting, and of massive lay-offs in order to remain competitive. A substantial number of workers in unemployment face dramatic consequences for themselves and their families, all of which is having a serious impact on their well-being and mental health.

For those who remain employed, restructuring processes have extended beyond the effects of lay-offs. As organizational change causes uncertainty and antagonism, those workers who survive downsizing may experience feelings of guilt towards their colleagues who have been dismissed. Besides the fear of losing their jobs, workers also have to cope with uncertainty and reduced opportunities for advancement. In this new context, psychosocial hazards such as increased competition, higher expectations as regards performance and longer working hours are all contributing to an ever more stressful working environment. Workers may be required to be more flexible and perform new tasks, to accept increased workloads, lack of control, role ambiguity, precarious work and reduced work opportunities, in addition to facing the fear of losing their jobs and weakened financial stability.

Psychosocial hazards and work-related stress

The workplace factors that can cause stress are called psychosocial hazards.[1] In 1984 the International Labour Office (ILO) and the World Health Organization (WHO) defined psychosocial hazards as "the interactions between and among work environment, job content, organizational conditions and workers' capacities, needs, culture, personal extra-job considerations that may, through perceptions and experience, influence health, work performance and job satisfaction" (ILO, 1986, p. 3). This definition emphasized the dynamic interaction between the work environment and human factors. A negative interaction between occupational conditions and human factors may lead to emotional disturbances, behavioural problems, and biochemical and neurohormonal changes, presenting added risks of mental or physical illness. On the other hand, when working conditions and human factors are in balance, work creates a feeling of mastery and self-confidence, increases motivation, working capacity and satisfaction, and improves health.

Psychosocial hazards are therefore those aspects of the design and management of work and its social and organizational contexts that have the potential for causing psychological or physical harm. Today there is a reasonable consensus in the scientific literature regarding the nature of psychosocial hazards; it should be noted, however, that new forms of work and the changing working environment are giving rise to new hazards, and consequently the definition of psychosocial hazards can still evolve. There are ten types of psychosocial hazards (stressful work characteristics), divided into two groups: "content of work", which refers to psychosocial hazards related to working conditions and work organization; and "context of work", which concerns psychosocial hazards in the organization of work and labour relations (Cox, 1993; Cox and Griffiths, 2005) (see table 1).

For the ILO, stress[2] is the harmful physical and emotional response caused by an imbalance between the perceived demands and the perceived

1. The terms "psychosocial hazard" and "psychosocial risk" are sometimes used interchangeably in the scientific literature. In addition, "stress" is often wrongly defined as a psychosocial hazard instead of a consequence of such hazards. In the occupational safety and health (OSH) discipline, a hazard is the intrinsic property or potential capacity of an agent, process or situation (including a working environment, work organization or working practices with adverse organizational outcomes) to cause harm or adverse health effects to a person at work. "Risk" is the likelihood or probability that a person will be harmed or experience adverse health effects if exposed to a psychosocial hazard; it is the combination of the likelihood of a hazardous event and the severity of health damage to a worker caused by this event. The relationship between hazard and risk is exposure, whether immediate or long term. In this context, it includes both physical and psychological outcomes.

2. The term "stress" is used in numerous ways today, describing everything from feeling ill in the morning to anxiety leading to depression. It has been used with both negative and positive connotations. Within the context of this article, stress will only be considered as having a negative impact and will be dealt with in the framework of work.

Table 1. Psychosocial hazards: Stressful characteristics of work

Content of work	
Workload/work pace	Work overload or underload, lack of control over pacing, high levels of time pressure
Task design	Lack of variety or short work cycles, fragmented or meaningless work, underuse of skills, high uncertainty
Work schedule	Shift working, inflexible work schedules, unpredictable hours, long or unsocial hours
Work environment and work equipment	Problems regarding the reliability, availability, suitability and maintenance or repair of both equipment and facilities
Context of work	
Organizational culture and function	Poor communication, low levels of support for problem-solving and personal development, lack of definition of organizational objectives
Role in organization	Role ambiguity and role conflict, responsibility for people
Career development	Career stagnation and uncertainty, under-promotion or over-promotion, poor pay, job insecurity, low social value of work
Decision latitude/ Control	Low participation in decision-making, lack of control over work (control, particularly in the form of participation, is also a contextual and wider organizational issue)
Interpersonal relationships at work	Social or physical isolation, poor relationships with superiors, interpersonal conflict, lack of social support
Home–work interface	Conflicting demands of work and home, low support at home, dual-career problems

Source: Cox et al., 2000.

resources and abilities of individuals to cope with those demands. Stress is not a health impairment, but is the first sign of a harmful physical and emotional response. Stress is a response to one or more psychosocial risks and can have an impact on a person's mental or physical health and well-being.[3]

Consequently, work-related stress is determined by psychosocial hazards found in work organization, work design and labour relations, and occurs when the demands of the job do not match, or when they exceed, the capabilities, resources or needs of the worker, or when the knowledge or abilities of an individual worker or group to cope are not matched with the expectations of the organizational culture of an enterprise or organization.

Trends in research and practice

The magnitude of the negative impact of work-related stress and its health outcomes on an important part of the global working population is known, owing to the wealth of the evidence base on the prevalence of associated physical and mental health disorders at country and regional levels collected over

3. Today health is acknowledged as a combination of biological, psychological (thoughts, emotions and behaviour) and social (socio-economic, socio-environmental and cultural) factors.

more than 20 years. Unfortunately, evidence also shows that the incidence and severity are increasing. Over the past decades a growing body of evidence has demonstrated the impact of psychosocial risks and work-related stress on workers' health, safety and well-being and on organizational performance. Research clearly indicates that the relationship between work-related stress and both physical and mental health disorders is consistent. Today, work-related stress is acknowledged as a global issue affecting all countries, all professions and all workers in developed and developing countries alike. The impact of stress on health can vary according to individual response. High stress levels can contribute to developing health-related impairments, including mental and behavioural disorders such as exhaustion, burnout, anxiety and depression, as well as other physical impairments such as cardiovascular disease (CVD) and musculoskeletal disorders (MSDs). In addition, there is the impact of associated emerging coping behaviours such as alcohol and drug abuse, smoking, unhealthy diet and poor sleep, as well as an increasing rate of related non-communicable diseases. However, interpersonal relations and social support, as well as personality factors, can moderate the impact of stress on health. Several high-quality epidemiological studies demonstrate a positive association between psychosocial risks at work and CVD. Findings are consistent across regions, indicating a relationship between exposure to a poor psychosocial working environment (also mediated by adverse health lifestyles) and heart disease. Key psychosocial risk factors include: job demands, low job control, low support levels, effort–reward imbalance, job insecurity and job dissatisfaction. Working time arrangements, including long working hours and shift work, have also been found to be associated with an increased incidence of CVD.

The role of psychosocial factors and work-related stress in the development of MSDs has received increased attention. A number of epidemiological studies have been conducted in different sectors (from office work to manual work), repeatedly showing linkages between work-related psychosocial factors and MSDs. Overall, it is clear that the incidence of MSDs is associated with high perceived work-related stress levels, high workload and demands, low social support, low job control, low job satisfaction and monotonous work. Effort–reward imbalance and difficulties in communicating with colleagues and supervisers, as well as workplace violence – in particular harassment, bullying and intimidation – have been shown to be associated with MSDs.

The incidence of burnout[4] and its recognition has increased substantially in recent years and a number of studies have been carried out in many

4. The burnout syndrome can be described as a prolonged response to chronic exposure to emotional and interpersonal psychosocial risks on the job. It is characterized by emotional exhaustion, cynicism (negative, dehumanized and insensitive attitudes towards people who are the recipients of one's services), depersonalization, lack of involvement at work, low level of personal accomplishment, and inefficiency.

countries to examine its causes, the most significant among them being work-related stress. Furthermore, a growing number of studies show that women face a higher risk of burnout. This can be explained by the fact that several psychosocial factors associated with burnout and work-related stress may be more frequent for women, for example the double roles they have to play at home and at work; the gender roles of society and the influence of social expectations; the risk of sexual harassment at work and domestic violence; and gender-based discrimination reflected in lower wages and higher job requirements. Burnout is mainly the result of the following psychosocial risks: high or unmanageable workload (quantitative and emotional demands), role ambiguity, organizational changes, low levels of job satisfaction and personal accomplishment, unsatisfactory work–life balance, poor interpersonal relations and support at work, and workplace violence, including harassment and bullying. Headache, insomnia and other sleep disorders, eating problems, tiredness and irritability, emotional instability and rigidity in social relationships are some non-specific symptoms associated with the burnout syndrome. The burnout syndrome has also been associated with alcoholism and health problems such as hypertension and myocardial infarction.

A number of studies show that stressful working conditions can have an impact on workers' well-being by directly contributing to harmful lifestyle behaviour which may increase health risks. Available evidence shows that psychosocial risks (such as job insecurity, low control, high demands, effort–reward imbalance) and work-related stress are associated with health-related behavioural risk, including heavy alcohol consumption, overweight, less frequent exercise, increased cigarette smoking and sleep disorders. Several studies focus on the relationship between psychosocial risks, working conditions and alcohol abuse, showing that perceived stress, workload (including long working hours), effort–reward imbalance and workplace harassment are important determinants of risky drinking. Differences in psychosocial risk exposure between men and women show different patterns of tobacco consumption: high job strain, job pressure and excessive working hours are associated with smoking in men, while for women the main psychosocial risks related to smoking are high demands (both psychological and physical) and effort–reward imbalance. The impact of such unhealthy behavioural patterns is evident, as every year around 6 million deaths are caused by tobacco (WHO, 2015a) and over 3 million are attributable to alcohol consumption (WHO, 2015b).

From a global perspective, depression is a leading cause of premature mortality and of prolonged years affected by disability. The large majority of results from a number of studies confirm that the risk of depression increases by up to four times among workers experiencing work-related stress, depending on the measure, gender and occupational group under study. Many high-quality studies have been conducted, showing that psychosocial hazards and work-related stress precede the onset of depression. Given the burden

of this disease, it is not surprising that the majority of studies on psychosocial risks, work-related stress and ill health have examined their link with depression. A large number of studies have found that poor mental health and depression are associated with high workload (including long working hours and high physical, psychological or emotional demands), low decision latitude, low support, effort–reward imbalance, job insecurity and organizational restructuring.

Although in recent years growing attention has been paid to work-related suicides, the proportion of suicides that are work-related is still unclear owing to lack of data concerning the origin of reported suicides. However, the available data are alarming.[5] Several studies have examined job characteristics and the risk of death from suicide among workers, highlighting the exposure to the following psychosocial risks arising from work: financial problems (including unemployment); mobbing, bullying and harassment; low control or low decision latitude; low social support; high psychological demands; and long working hours.

The workplace

Within the workplace, the consequences of psychosocial risks include increased absenteeism and presenteeism, disturbed labour relations, reduced motivation of staff, decreased satisfaction and creativity, increased staff turnover, internal transfers and retraining, and generally a poorer public image. These problems have a considerable impact on productivity, on direct and indirect costs, and on the competitiveness of the organization and therefore on employment creation. The associated economic costs at national level, even if they represent only the tip of the iceberg, illustrate how work-related stress and its health outcomes also have a considerable impact on organizational safety, productivity and overall performance.

Since the 1960s it has become evident that organizational and managerial practices influence workers' mental health and that their impact varies between organizations. But only recently has concern for the well-being of workers, and not merely for their capacity to be productive in organizations, brought about changes in management practices and OSH. Traditional approaches to occupational health, behavioural medicine and organizational psychology have been challenged by the new social and economic contexts influencing the search for new perspectives of positive organizational behaviour in support of the potential for meaningful work and well-being. The first studies on health and well-being reoriented the approach away from

5. Some data on the incidence of work-related suicide can be obtained from figures related to workers' compensation claims in those countries recognizing suicide as having an occupational origin. For national data on work-related suicides, see ILO, 2016.

how pre-existent mental illnesses affected organizational efficiency towards an understanding of the effects of work on mental health, both positive and negative. For example, in several studies role ambiguity, role conflict, overload (quantitative and qualitative), withdrawal, low self-confidence, low job satisfaction and job tension have all been found to be related to stress.

In the prevention of chronic non-communicable diseases, evidence-based research has incited health policy-makers to look for influences not only in individual behaviours and lifestyles but also in social economic and health inequalities and working conditions, and in particular work demands. Examples of research include the job strain model (Karasek, 1979; Karasek and Theorell, 1990) and the effort–reward imbalance model (Siegrist, 1996). These studies have shown the long-term benefits of even small measures of autonomy in the execution of tasks to the mental health and productivity of workers.

The current nature of work has brought about a shift in the focus of research towards health and job satisfaction, performance management, organizational effectiveness, job insecurity and unemployment, "presenteeism"[6] and absenteeism, increased cultural diversity and technological change, placing greater attention on the preservation of the mental health of workers, the positive aspects of health and well-being, and the organizational factors involved in improving them.[7] Accordingly, contemporary studies have shown the importance of the social environment in shaping work behaviours and valuing them, and therefore the role of human resource policies in ensuring working relationships based on trust, authenticity and partnership.

Today many studies suggest that human error plays a minor role in workplace accidents and that unsafe behaviour is motivated by efficiency and time management pressures and lack of training, and is not necessarily due to the individual worker. A growing number of studies are investigating the association of poor psychosocial work environments and work-related stress with increased risk of occupational accidents. The experience of either cognitive or physical symptoms of work-related stress can increase the likelihood of momentary distraction, errors in judgement, or failure in normal activities. Evidence clearly suggests that factors such as high workload and job demands, low decision latitude, low skill discretion, lack of organizational support, conflicts with supervisers and colleagues, or highly monotonous work are linked to a higher likelihood of injury in an occupational accident. Findings also indicate that mental ill health (in particular burnout) is negatively related to safe working practices, increasing the likelihood of a workplace accident.

6. This term relates not only to people being at work and not performing but also to the phenomenon of workers turning up at their jobs despite complaints and ill health that should prompt rest and absence from work.

7. It should be noted although pioneering work in these areas started long ago, it was only much later that this approach became part of mainstream thinking; the trends that have changed the focus of global research and policy date back to the 1990s and the 2000s, respectively.

Current approaches

While acknowledging the pioneering role played by researchers and policy-makers in Nordic countries, in most countries policy-makers, trade unions and employers' organizations have only recently become involved in concrete interventions to tackle the causes at their origin. This growing consciousness of the need for action is taking place at international, regional and national levels through an increased focus on psychosocial risks and work-related stress, from assessment and management to the design of legislation, strategies and policies; dissemination of information and awareness-raising campaigns; and a proliferation of research networks and professional associations willing to devise effective interventions to tackle the problem at workplace level.

Several international organizations and regional institutions have included the protection of mental health in their agendas, but few regional organizations have so far developed legally binding instruments covering psychosocial risks and the protection of workers' mental health for their member States. National legal provisions covering psychosocial hazards and risks, work-related stress and workers' mental health and well-being are sometimes included in labour codes, OSH laws and Acts, and specific OSH regulations, codes of practice, technical standards, decrees and collective agreements. (For a more detailed discussion of the various regional and national standards and the inclusion of the topic under national lists of occupational diseases, see ILO, 2016.)

Besides developing legal frameworks, a number of national governments have designed strategies and policies and incorporated the study thereof in specialized institutions; such initiatives include the prevention of psychosocial risks and work-related stress. In addition, national authorities have often set up commissions or committees, or engaged research institutes, to develop a range of initiatives to address these issues, from scientific research to guidelines, tools, training and awareness-raising activities. It is not possible here to provide an exhaustive compilation of governmental initiatives and good practices from all countries (see ILO, 2016 for further details of relevant tools for assessment and intervention). The following paragraph provides a brief summary.

In several countries, governments have explicitly included the prevention and management of psychosocial hazards and risks within their OSH national strategy. Sometimes, national strategies also provide for specific measures such as the adoption or revision of legislation; the design of protocols, guidelines and other tools; and cooperation with social partners and other institutions. National institutions from a number of countries have developed monitoring models, risk assessment and management tools, and other awareness-raising initiatives to help understand and prevent work-related stress. OSH professionals have created networks and associations

for coordinating research with a view to gaining a better understanding of the nature and impact of psychosocial risks and designing effective interventions to tackle them at organizational level.

Trade union achievements in tackling psychosocial risks

Trade unions have also increased their attention to these issues, disseminating information and conducting awareness-raising campaigns. The International Trade Union Confederation (ITUC) has called on its member organizations, partners and affiliates to work with the ILO to campaign for the extension of social protection to all, and to improve OSH in all countries, including prevention of exposure to hazardous chemicals, psychosocial hazards and occupational injuries and accidents (ITUC, 2010).

During its 16th World Trade Union Congress in 2011, the World Federation of Trade Unions (WFTU) issued a report titled *The health and safety of workers in our time*. The report calls for action in the field of OSH, taking into account the fact that "health doesn't only mean absence of illness, but a situation of physical, mental and social well-being" (WFTU, 2011, p. 16). The report argues that the extension of the working day and the increase in the pace and intensity of work have serious consequences for the physical and mental health and social involvement of workers; that the increase in workers' exposure to harmful physical, chemical, psychosocial and biological factors will lead to multiple changes in their health; that each type of flexible working arrangement limits the capability of workers to reclaim their free time; and that in this context regularity of working hours is essential for the normal social life of workers and is thus directly related to the state of their health.

The Labour 20 (L20) has represented the interests of workers at G20 level since 2011. It involves trade unions from G20 countries and global unions, and is convened by the ITUC and the Trade Union Advisory Committee (TUAC) to the Organisation for Economic Co-operation and Development (OECD). In 2014, L20 was invited to discuss the way in which G20 countries could contribute to healthy and safe workplaces. L20 called for the development of country roadmaps for promoting safer workplaces, to address among other things psychosocial risks, stress, harassment, bullying or mobbing and other forms of violence at work, along with improved attention to OSH protection for workers in non-standard forms of employment and for vulnerable workers (ITUC, 2014).

Building and Wood Workers' International (BWI) and IndustriALL Global Union are addressing specific psychosocial risks within the framework of promoting gender equality, advocating among other things reduced segregation and discrimination, closing of the pay gap, tackling of violence

(both physical and psychological) against women and an improved work–life balance. UNI Global Union is also active in the field of psychosocial risks. Its 2010 report *From work–life balance to work–life management* identified the key work–life management issues faced by many professionals and managers, such as long hours, loss of talent, and flexibility. Many of these challenges apply in different ways across UNI's sectors (such as ICTS, finance, post and logistics, graphical, commerce and property services). Since 2012 the Professionals and Managers group (UNI P&M) of UNI Global Union has organized the Work–Life Management Fortnight, a two-week-long campaign aimed at discussing the impact of psychosocial risks, stress, anxiety or burnout on members and seeking to negotiate better policies and practices to improve work organization, reduce workload and pressure, and address the demand for constant availability.[8] Within the International Transport Workers' Federation (ITF), the ITF Seafarers Section highlights psychological problems as health issues for seafarers, given that their isolated circumstances can cause loneliness, homesickness and burnout.[9]

At regional level, the African Regional Organization of ITUC (ITUC-Africa) in its *Report to the African Union Labour and Social Affairs Commission* (2013) highlighted that globalization had given rise to new OSH challenges in the region, such as work-related stress, violence at work, drug abuse and alcoholism. In addition, ITUC-Africa continues to pursue affirmative action to push forward the gender equality agenda in the context of trade union statutes. The General Council on Gender Equality observed that violent situations at the workplace result in emotional and psychological burdens for both women and men who have to cope with them (ITUC-Africa, undated).

The European Trade Union Confederation (ETUC) has produced two guides for interpretation of the framework agreements on work-related stress (2004) and on harassment and violence at work (2007). It expects to support member organizations in implementation of these agreements to allow better monitoring and evaluation of the results achieved after their adoption. The ETUC Action Programme 2015–19, *Stand up in solidarity for quality jobs, workers' rights and a fair society in Europe*,[10] calls for action in the field of work-related stress, emphasizing that an increasing number of workers do not have enough working hours, while others suffer from workplace stress due to work intensity or long working hours. In addition, considering that studies have shown that risk assessment still focuses mainly on physical hazards but takes little account of psychosocial hazards (such as those causing work-related stress, violence, harassment or mobbing), ETUC

8. See http://www.uniworklifemanagement.org/?page_id=2.
9. See http://www.itfseafarers.org/ITI-health.cfm.
10. See https://www.etuc.org/sites/www.etuc.org/files/other/files/20151007_action_programme_en-consolidated_0.pdf.

proposes the development of indicators to measure such risks, as well as well-designed and systematic work environment plans and measures. The European Trade Union Institute (ETUI), the independent research and training centre of ETUC, organized the first European trade union seminar on psychosocial risks in June 2013. A European trade union network focusing on psychosocial risks at the workplace was officially set up during this meeting (ETUI, undated).

In 2016 the Trade Union Confederation of the Americas (TUCA-CSA) adopted at its Second Congress a regional strategy on occupational health for the Americas. On 29 July, in the framework of a seminar on collective agreements and psychosocial risks, TUCA-CSA adopted a Declaration in which its members acknowledged the right to safety and health at work as a fundamental human right and committed to continue supporting decent work and a new framework for sustainable development. As part of this commitment, the strengthening of preventive strategies dealing with psychosocial risks and work-related stress were identified as critical for the promotion of mental health and well-being.

At national level, trade union action often includes struggles against violence and harassment, discrimination, long working hours and precarious work. Even if considered by unions as lying outside the framework of work-related stress, these areas embody psychosocial hazards which can damage workers' health and well-being. In the last decade some national trade unions have begun to consider psychosocial risks and work-related stress as critical areas of work, developing awareness-raising materials and campaigns along with questionnaires and assessment tools. For example, in Germany the Confederation of German Trade Unions (Deutscher Gewerkschaftsbund – DGB) has developed the *Good Work Index*, a tool for conducting surveys among workers. Data are compiled in an annual survey to assess and monitor the quality of working conditions. In addition, the trade union IG Metall has developed for its members a stress evaluation tool named *Stress Barometer;* while the trade union ver.di has published an online guidance document on psychosocial risk assessment. In Spain, the Trade Union Institute of Work Environment and Health (Instituto Sindical de Trabajo, Ambiente y Salud – ISTAS), together with a task force of specialists, adapted in 2003 the COPSOQ Copenhagen questionnaire to create the COPSOQ-ISTAS21 methodology, based on pilot projects aimed at producing an assessment tool adapted to the Spanish context. This adaptation has also been used in Latin American countries by national authorities. The questionnaire is available in a long version for enterprises employing more than 25 people, and in a short version for auto-evaluation and smaller enterprises.[11] The Spanish General Workers Union (Union General

11. The questionnaire is available online, free of charge, at: http://www.copsoq.istas21.net/.

de Trabajadores – UGT) created in 2004 the Permanent Observatory of Psychosocial Risks, aiming at sharing of information and development of new initiatives to prevent psychosocial risks in collaboration with institutions, public administrations and universities.[12]

Social partners: Engagement and joint activities

At EU level, social partners within the European Social Dialogue Framework have played a significant role in recognizing the relevance of psychosocial issues and work-related stress over the past years, concluding a number of agreements – ratified by the Council of Ministers and now part of European legislation – covering such aspects as parental leave (1996), part-time work (1997) and fixed-term contracts (1999). The social partners have also concluded framework agreements on telework (2002), work-related stress (2004), harassment and violence at work (2007), and third-party violence and harassment related to work (2010).

Most joint activities developed in Europe by trade unions and employers' organizations are part of the implementation of the EU Framework Agreement on Work-related Stress, 2004 (see ILO, 2016). According to the Agreement, factors causing work-related stress may be addressed within an overall process of risk assessment, through a separate stress policy or through specific measures targeted at identified stress factors. The responsibility for determining the appropriate measures rests with the employer, but these measures should be carried out with the participation and collaboration of workers or their representatives. These measures can be collective, individual or both. They can be introduced in the form of specific measures targeting identified stress factors or as part of an integrated stress policy encompassing both preventive and responsive measures. The Agreement represents a starting point for a related social dialogue at EU level in five sectors: education, central government administration, private security, construction and electricity.

In line with this Framework Agreement, national level agreements setting a framework for negotiations on work-related stress and psychosocial risks exist in several European countries. For example, in Luxembourg and the Netherlands a tripartite comprehensive action-oriented framework based on the EU Agreement was adopted as a recommendation for negotiations at organizational level. Finnish and Swedish social partners have agreed on joint guidelines for bargaining or other joint activities on these issues at sectoral and company levels. In Spain, the most representative trade

12. The Permanent Observatory of Psychosocial Risks has produced several resources on psychosocial risks, including fact sheets (available at: http://portal.ugt.org/saludlaboral/observatorio/fichas/fichas.htm) as well as their annual report (available at: http://portal.ugt.org/saludlaboral/observatorio/indice_observatorio.htm).

unions and employers' organizations included work-related stress in the biennial Inter-confederation Agreements on Collective Bargaining (*Acuerdos Interconfederales para la Negociación Colectiva* – AINC), providing recommendations and priorities to the signatory member organizations for use during collective bargaining (2005 and 2007).

Several European social partners from different sectors such as public administration, education, private security, construction and electricity have included work-related stress in their social dialogue. For example, in public administration the European Public Administration Network (EUPAN) and the Trade Unions' National and European Administration Delegation (TUNED) adopted in 2008 joint guidelines on work-related stress. In 2009 EUPAN and TUNED issued a report on good practice and policies on work-related stress to provide concrete illustrations of their joint position and help refine lessons learned on how to combat and prevent stress at work. The European Sectoral Social Dialogue Committee for Education included the issue of stress, violence and harassment in its 2010–2011 work programme. In this context, the European Trade Union Committee for Education (ETUCE) conducted an initial project on teachers' work-related stress in 2007 and in 2008 adopted an Action Plan on Teachers' Work-Related Stress.

In 2004 the European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE, now known as BusinessEurope), the European Association of Craft, Small and Medium-sized Enterprises (UEAPME), the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) signed the EU Framework Agreement on Work-related Stress. These European social partners issued a report (2007) on implementation of the Agreement, based on joint national reports from member organizations in 21 EU Member States, Iceland and Norway.

As part of the implementation of the Agreement, social partners have jointly developed and disseminated brochures, guides and educational materials on psychosocial risks and work-related stress in a number of EU countries (Austria, Belgium, Czech Republic, Denmark, Estonia, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Poland, Spain, Sweden, United Kingdom). For example, in Belgium social partners have developed a brochure providing a comprehensive plan for designing a policy on workplace stress. The brochure describes a step-by-step approach to evaluation and intervention in respect of psychosocial risks in the workplace. It also draws attention to specific risks that arise in times of restructuring and introduction of new technologies.

In some countries social partners jointly organize training, workshops and conferences on these issues. For example, the Polish trade union NSZZ Solidarność, in partnership with other cross-industry social partners, carried out a transnational project on work-related stress. This included training, a brochure and negotiation workshops in Poland, as well as an international

conference during which social partners from Italy, Lithuania, Malta and Slovenia exchanged views on the challenges encountered in implementing the Agreement. In Sweden the Confederation of Swedish Enterprise, the Swedish Trade Union Confederation, and the Council for Negotiation and Cooperation (Förhandlings-och samverkansrådet – PTK), founded Prevent, a non-profit organization, to provide guidance and training on work-related stress. In 2011 Prevent launched a new initiative on IT-related stress, which tackles stress arising from problems with technology, constant online presence and information, social media updates, the constant inflow of emails which require replies, and so forth. Workers' and employers' organizations also conducted national or sectoral awareness-raising campaigns. For example, in Latvia social partners organized an awareness-raising campaign on stress (*Stop overwork!*) together with the State Labour Inspectorate, and another (*Love your heart!*) in cooperation with the Ministry of Health.

Other relevant initiatives jointly implemented by social partners include assessment tools, such as the IMPULS test developed in Austria by occupational and health psychologists in cooperation with the Austrian Federal Economic Chamber (Wirtschaftskammer Österreich – WKÖ), the Austrian Chamber of Labour (Bundesarbeitskammer – BAK) and the Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund – ÖGB). The IMPULS test is a questionnaire assessing working conditions and detecting stress factors. It identifies areas of intervention for optimizing resources and implementing measures to reduce work-related stress.

Collective agreements

Collective agreements at national level, establishing rights and obligations for the signatory parties and their members, have been concluded in Denmark (public sector); France (banking sector, electricity and gas, telecommunications, social economy, oil industry, pharmaceutical industry and agricultural cooperatives); Greece (cross-industry); Italy, the Netherlands, Spain (chemical industry, press, universities, commerce); Sweden (municipal sector) and Romania (cross-industry); whereas Belgian social partners adopted a cross-industry collective labour agreement within the National Labour Council on Managing Prevention of Stress caused by Work (CCT/CAO No. 72, 1999) before the EU Agreement on Work-related Stress entered into force. In Germany a sectoral collective agreement in 2010 for private and public banks included a joint declaration calling on companies to introduce measures to reduce mental strain, including realistic objectives, autonomy and a comprehensive risk analysis. France provides a good example of implementation of a work-related stress framework through social dialogue: in July 2008 all French social partners signed the national interprofessional agreement on work-related stress, which was extended in 2009; this

agreement, which followed heightened attention to several worker suicides in the car industry in 2007, contributed to enhancing collective bargaining in the country. The agreement defined the concept of stress and required employers to decide on appropriate measures to prevent it. In October 2009 the Government adopted an emergency plan to prevent work-related stress which included a commitment from employers to negotiate collective agreements on work-related stress in companies with over 1,000 employees. This plan was adopted after a wave of suicides in the France Télécom-Orange telecommunications group during 2009 which gave rise to jurisprudence once the suicides had been recognized as having an occupational origin. Psychosocial risks have been integrated in the 2010–2014 national occupational health plan, where they have been prioritized as a top risk in the field of OSH; and in 2013 the social partners signed an Agreement on the Quality of Working Life.

ILO instruments relevant to mental health and well-being

The core values reflected in ILO standards on occupational safety and health are expressed in three main principles: (i) work should take place in a safe and healthy working environment; (ii) conditions of work should be consistent with workers' well-being and human dignity; and (iii) work should offer real possibilities for personal achievement, self-fulfilment and service to society.

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) setting out basic principles and rights at work. They are either *Conventions*, which are legally binding international treaties that may be ratified by member States, or *Recommendations*, which serve as non-binding guidelines and in most cases complement relevant Conventions. In particular, the ILO Convention on Occupational Safety and Health, 1981 (No. 155) and its accompanying Recommendation (No. 164) provide for the adoption, implementation and review of a coherent national policy on OSH and measures for its application at national and workplace levels, with the aim of protecting workers' physical and mental health and well-being. The aim of such a national policy should be "to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment" (Art. 4, para. 2 of C155), so as to protect the physical and mental health of workers. The policy should also take into account the "relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers" (Art. 5(b) of C155).

The Occupational Health Services Convention, 1985 (No. 161) and its accompanying Recommendation (No. 171) define the role of occupational health services as multidisciplinary services with essentially preventive and advisory functions, responsible for assisting employers, workers, and their representatives in establishing and maintaining a safe and healthy working environment, including the adaptation of work to the capabilities of workers so as to facilitate optimal physical and mental health at work.

Other international labour standards that can be pertinent in the area of psychosocial risks and mental health are those related to equality of opportunity and treatment, working time and night work.[13]

The prevention of psychosocial risks and work-related stress is an important aspect of the ILO's primary goal of workplace health promotion. ILO action in this field is carried out at national and workplace levels, developing essential tools that can be used by governments, employers and workers to establish sound OSH practices in order to maximize the impact of supporting national level action in the ILO's member States.

From an ILO perspective, the protection of mental health at work has more impact if it focuses on preventive strategies. Occupational health and workplace health promotion measures can contribute to improving the mental health and well-being of women and men at work and reducing the risk of mental health disorders. This implies an occupational health practice that involves protecting workers' health through psychosocial risk assessment and management for the prevention of work-related stress and work-related mental diseases.

The ILO has a long tradition of developing national and workplace policies to protect workers' health and well-being and at the same time enhance productivity. The ILO's comparative advantage in addressing mental health at work lies in its experience in using social dialogue in the implementation of successful national, community and workplace initiatives tackling these problems by means of capacity building in the Decent Work Country Programmes of its member States, with the involvement of employers, workers and their representatives, OSH practitioners, governments, policy-makers, public services and NGOs. By providing mechanisms to address psychosocial risks at work through the incorporation of preventive and health promotion measures, the ILO contributes to a more decent and humane world of work.

The ILO has developed two complementary tools for addressing health promotion and mental health concerns in the workplace. The *Stress prevention at work checkpoints* (ILO, 2012a) is an ergonomic tool based on good practice, with which to audit and intervene in the workplace by means of a checklist and a set of guidelines focusing on workplace improvements for the prevention of psychosocial risks and workplace stress. The training package

13. See http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/lang--en/index.htm for a comprehensive list of ILO standards by subject.

SOLVE: Integrating health promotion into workplace policies (ILO, 2012b) aims at integrating workplace health promotion into OSH and focuses on promoting health and well-being at work through policy design and action to offer an integrated workplace response addressing the following areas and their interactions: (i) psychosocial health (stress, psychological and physical violence, economic stressors); (ii) potential addictions and their effects on the workplace (tobacco consumption and exposure to second-hand smoke, alcohol and drug consumption); and (iii) lifestyle habits (adequate nutrition, exercise or physical activity, healthy sleep, prevention of HIV and AIDS). This tool is part of a trainer training programme implemented in different regions of the world in collaboration with ILO constituents, NGOs and universities. The programme has provided an important stimulus for action at workplace and national levels, particularly through the close involvement of national governments and employers' and workers' representative organizations. Reference should also be made to the code of practice *Management of alcohol- and drug-related issues in the workplace* (ILO, 1996) and the adaptation and implementation of model programmes for the prevention of drug and alcohol abuse at national and enterprise levels through technical cooperation activities, as part of a broader health promotion strategy that supports the management of psychosocial hazards and risks and the prevention of work-related stress as an integral part of the occupational safety and health strategy.

Preventing and controlling the causes of work-related stress: A collective approach

Today work-related stress cannot be considered as a problem affecting a few individuals. It has to be recognized as a collective problem with major implications for the well-being of workers, their families and society as a whole. In this complex context, in which the workplace has become an important source of psychosocial risks and poor work–life balance, it is also an ideal venue for addressing those psychosocial risks at the origin of workplace stress and its health outcomes.

The ideal response to stress is to prevent its occurrence. This may be achieved by tackling the core of the problem, namely its causes. However, stress can be caused by multiple psychosocial factors, it cannot be assessed and managed in isolation. The causes may have their origins at work, at home, in the social environment or in the community. In each of these contexts there may be one or more sources of stress, as well as resources that contribute in preventing or reducing its impact. Stress may also have an impact in more than one of these contexts. Many life events, such as the death of a family member, divorce, separation, job loss, unemployment, pregnancy, a house mortgage, sickness or injury can be a source of stress. All these events can lead

to increased personal demands over which an individual may or may not have adequate control. Therefore, action should be aimed at eliminating as many workplace causes as possible, so that the action taken reduces and prevents future work-related stress.

Employers should be aware of the negative effects of the psychosocial hazards that may affect workers as a result of overwork and lack of control over their tasks, with the consequences of work-related stress and related coping behaviours and health outcomes. Unfortunately we are often only aware that a stress limit has been reached once its negative effects have affected our work. Making employers and workers aware, informed and competent to address these new risks creates a safe and healthy working environment, builds a positive and constructive preventive culture in the organization, boosts engagement and effectiveness, protects the health and well-being of workers, and increases productivity.

Organizations should not only focus on an individual response to the problem. A collective approach to the prevention of work-related stress and the promotion of mental health at work has still to be fostered. Most initiatives on stress management in the workplace have included individual counselling, induction and mentoring of new staff, ongoing support by co-workers and trade unions during unemployment, and individual support in addressing major life events by building up links with local NGOs. It is essential to find innovative ways of handling the consequences of psychosocial risks and work-related stress in the workplace through a combination of both collective and individual measures. A comprehensive approach to the promotion of mental health at work, breaking away from traditional efforts and moving towards new effective responses by addressing both collective and individual measures, is necessary.

Work-related stress prevention and control can only be successful if it is tackled at both individual and collective levels in the workplace. The adoption of collective measures can offer support and allow workers to become more productive without having to endure the effects of negative stress. Conversely, it is generally agreed that improving individual workers' ability to cope with stress can be a valuable complementary strategy as part of the wider, collective and organizational process of combating work-related stress. An effective prevention programme requires proper identification of the psychosocial risks causing high-stress situations and an assessment of the work performance and personal problems resulting from stress. The assessment should be made in a systematic way and workers should be asked to express their concern about any situation that may be causing stress at work.

The best way to address work-related stress is by means of strategies to tackle the psychosocial hazards at their source in working conditions and the working environment, and in the organizational culture and labour relations of the organization. Once the existence of work-related stress has been recognized and the psychosocial hazards at its origin identified, action to address

them at the source should be taken. Specific preventive measures aimed at reducing the potential mental health consequences of psychosocial risks and work-related stress should be in place through a risk management approach.[14] A comprehensive OSH management system should ensure improved preventive practices and incorporation of health promotion measures so as to include psychosocial risks in risk assessment and management measures with a view to effectively managing their impact in the same way as with other OSH risks in the workplace. This implies conducting an occupational health practice with a multifaceted approach involving the following:

- preventing occupational and other work-related diseases, as well as occupational injuries;
- improving working conditions and work organization;
- incorporating psychosocial hazards and risks into risk assessment and management measures, and implementing collective preventive measures (as with other workplace hazards and risks) by adapting work organization and working conditions;
- increasing the coping ability of workers;
- building up social support systems for workers within the workplace; and
- assessing the needs of the organization by taking into consideration organizational, individual and individual–organization interactions when evaluating workers' health requirements.

Prevention should be aimed at eliminating as many workplace causes as possible, so that the action taken reduces and prevents future work-related stress. In addition, it is important to consider both labour and social relations as factors that can also affect the well-being of workers and the productivity of the organization.

The participation of workers' representatives in awareness raising and the implementation of preventive collective measures is crucial. Joint OSH committees can be instrumental in the management of psychosocial risks and work-related stress. Workers and their representatives should be involved in identifying those psychosocial risks which they feel cause unnecessary stress in their jobs, and in rating them in such a way as to establish priorities for intervention. The assessment should be systematic, and workers should be asked to express their concern about any situation that may be causing stress at work. Once the existence of stress has been recognized and the psychosocial risks at its origin identified, action to deal with them at the source should be taken (see table 2).

14. Risk management is a problem-solving approach to health and safety hazards. It includes both assessment and management of risks. It is an integral part of an enterprise's OSH management system and contributes to the cycle of continuous improvement of work and working conditions.

Table 2. Collective workplace actions to manage stress

Control	• Ensure adequate staffing levels • Allow workers a say in how their work is to be carried out
Workload	• Regularly assess time requirements and assign reasonable deadlines • Ensure that working hours are predictable and reasonable
Social support	• Allow for social contact between workers • Maintain a workplace that is free of physical and psychological violence • Ensure that there are supportive relationships between supervisors and workers • Provide an infrastructure in which supervisory staff take responsibility for other workers and there is an appropriate level of contact • Encourage workers to discuss any conflicting demands between work and home • Reinforce motivation by emphasizing the positive and useful aspects of the work
Matching the job and the worker	• Match jobs to the physical and psychological skills and abilities of the workers • Assign tasks according to experience and competence • Ensure proper utilization of skills
Training and education	• Provide adequate training to ensure that worker skills and jobs are matched • Provide information on psychosocial risks and work-related stress and how to prevent them
Transparency and fairness	• Ensure that tasks are clearly defined • Assign clear roles, avoiding role conflict and ambiguity • Provide job security to the extent possible • Provide adequate pay for work performed • Ensure transparency and fairness in procedures for dealing with complaints
Physical working environment	• Provide appropriate lighting, equipment, air quality, noise levels • Avoid exposure to hazardous agents • Take into account ergonomic aspects

Source: ILO, 2012b.

ILO experience shows that the success of an organization is based on its workers and on its organizational culture. Workers in a safe and supportive environment feel better and are healthier, which in turn leads to reduced absenteeism, enhanced motivation, improved productivity and a positive image of the organization. The prevention of occupational accidents and diseases, the promotion of a healthy working life and the building of a preventive culture is a shared responsibility of governments, employers and workers, health professionals and society as a whole.

For the ILO, mental health is a state of health and well-being (both individually and collectively) in which workers realize their own abilities, work productively and contribute to their community. In this context, occupational health should "aim at the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations".[15]

15. According to the comprehensive definition adopted by the Joint ILO–WHO Committee on Occupational Health at its First Session (1950) and revised at its 12th Session (1995); see ILO, 1995.

The fundamental right to the highest attainable standards of health at work and to a working environment that enables every woman and man in every workplace to live a socially and economically productive life is one of the ILO's main objectives. The ILO's contribution to the design of workplace policies and preventive programmes on OSH takes into account global knowledge gained through the evidence base and good practice.

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Psychosocial risks and violence in the world of work: A trade union perspective

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Introduction

This article focuses on the psychosocial risk of violence and harassment in the world of work. It discusses emerging psychosocial risks that can lead to violence and harassment, along with trade union (and social partner) involvement in identifying and tackling the problem. In many countries, violence and harassment at work are viewed as an occupational risk, closely connected to work-related stress, with profound consequences for workers' physical and mental health and well-being.

Data show that violence and harassment at work are a major and growing problem, most commonly reflected in psychological violence, which is often invisible in the workplace (ILO, 2016a; EU-OSHA, 2010; Pillinger, forthcoming; Eurofound, 2016). Evidence from trade union surveys also points to significant problems of sexual harassment at work and has led to trade union mobilization, awareness raising and negotiations. In a survey carried out in the United Kingdom by the TUC in association with the Everyday Sexism Project, more than half of all women – and nearly two-thirds of young women – had experienced sexual harassment at work. A strong link was found between the high levels of sexual harassment experienced by younger women and the fact that the latter are more likely to be in low-paid, casual, insecure work (TUC, 2016).

In addition, our understanding of violence and harassment has changed, and there is now much greater awareness that violence can take the form of harmful psychological control, particularly over women workers. In Europe, data shows that although physical violence at work has declined, other forms of violence and harassment – such as threats, intimidation, bullying and unwanted sexual attention – are prevalent in the workplace (Eurofound, 2015). There is also well-documented evidence of the negative impact of violence and harassment on workers' health and well-being, and of their strong association with higher levels of absenteeism and staff turnover (Eurofound, 2016). Trade unions have highlighted how difficult it is to measure the problem effectively as, compared to other psychosocial problems, the number of reported cases of violence and harassment at work is low. Under-reporting often stems from shame and guilt, a societal and workplace culture of silence and impunity around violence, and a fear of reprisals or further intimidation or harassment in the workplace (Pillinger, forthcoming). As women are disproportionately affected by violence and harassment at work, their more vulnerable work situations and their insecurity at work may go some way to explaining this under-reporting.

This article explores three main aspects of the psychosocial risks of violence and harassment at work. First it discusses existing definitions of violence and harassment and other, emerging, psychosocial risks in the world of work. It is argued that a broader definition is needed: one that encapsulates generic as well as specific definitions, and that incorporates both a gender-sensitive

approach and an understanding of the different sectors of the economy and the risks of violence there, of third-party violence by clients and customers, and of other dynamics in the "world of work". This will help to ensure that the definition takes into account issues often seen as tangential to the workplace, such as travel to and from work or the impact of domestic violence at work.

Secondly, it discusses violence and harassment as a risk affecting people in the most vulnerable work situations, who have difficulty in exercising labour rights such as freedom of association, collective bargaining, decent work, non-discrimination and access to justice. Put simply, if a worker has limited protection, he/she will not only be more at risk of violence and harassment but will be less likely to report it, for fear of losing a job or being subjected to some other kind of retaliation by a perpetrator or employer. Psychosocial risks at work are impacted by social and economic dynamics, such as changes in the organization of work and in working conditions, new risks in the world of work arising from globalization, and new understandings of the risks faced by particular groups of workers. Some of these groups – in particular, women – are disproportionately affected because of unequal power relations, low pay, precarious working conditions and other workplace abuses, and with the economic crisis this situation has been worsening. There is also a growing recognition of discrimination-related harassment and violence, and of the risks faced by workers who are subjected to multiple and intersecting forms of discrimination.

Thirdly, the article discusses ways in which trade unions and employers can jointly introduce measures to prevent and manage the risk of violence and harassment at work. They can do this in areas such as gender-based violence or third-party harassment, by challenging institutional and structural forms of discrimination against workers, thereby broadening the reach and scope of occupational safety and health initiatives. Recognition of this problem and of the vulnerabilities faced by some groups of workers has encouraged trade unions to challenge and transform their traditional strategies on organizing and representing workers who are vulnerable, such as those in the informal economy.

The article draws on evidence – from research carried out for the ILO with six Global Union Federations (GUFs) and the International Trade Union Confederation (ITUC) – which has documented examples and case studies showing how national and global unions are tackling violence and harassment at work (Pillinger, forthcoming). This research has helped to increase the visibility of those facing some of the greatest risks of violence, such as those employed in the sectors and situations where workers are most vulnerable. The article also reflects on some of the discussions held at the ILO Workers' Group meeting both before and during the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work, held in Geneva on 3–6 October 2016. These meetings have been important for building a strong trade union position in preparation for the first discussion on a proposed standard on violence against women and men in the world of

work, to be held at the International Labour Conference in 2018. That discussion will be an opportunity to produce an agreed international definition of violence and harassment (including sexual harassment) in the world of work, and to set standards for government, employer, company and union action.

Some existing international labour standards provide for and inform different approaches to addressing violence at work, particularly where this affects domestic workers, indigenous peoples, child labourers, rural workers, migrant workers, those working in the informal economy and other vulnerable groups.[1] ILO Convention No. 111, on Discrimination in Respect of Employment and Occupation, has also been particularly important: through it, the ILO has promoted the systematic integration of a gender dimension into collective bargaining, together with measures to address sexual harassment and violence. In 2009, however, the ILO's Committee of Experts on the Application of Conventions and Recommendations noted that there continued to be an implementation gap where sexual harassment at work was concerned. The ILO has also drawn up three relevant codes of practice: one on workplace violence in the services sectors and measures to combat it (ILO, 2003); one on occupational health and safety in agriculture (ILO, 2010), and one on occupational safety and health in ports (ILO, forthcoming). The two latter codes contain provisions on violence and harassment and, in an annex, provide a model sexual harassment policy.

Violence and harassment in the world of work: New and emerging risks

Defining violence and harassment

There is a wide range of definitions of violence and harassment at work (Chappell and Di Martino, 2006; ILO, 2016a and 2016b; EU-OSHA, 2010; Eurofound, 2015). They tend to include physical violence, assault, injury and death; psychosocial/psychological violence which takes the form of bullying, harassment and mobbing; and sexual harassment, sexual violence and abuse (ILO, 2016a). They can also include the impact of domestic violence in the workplace. In this article, the term "violence and harassment" is used broadly to reflect a wide range of different forms of violence. This approach is in line with the conclusions of the Geneva Meeting of Experts on Violence against Women and Men in the World of Work, in October 2016, where it was agreed that "violence and harassment" should be used as an overarching

1. Relevant are the Domestic Workers Convention, 2011 (No. 189); the Protocol of 2014 to the Forced Labour Convention, 1930; Recommendation No. 200 on HIV and AIDS and the World of Work (2010), and Recommendation No. 204 concerning the Transition from the Informal to the Formal Economy (2015).

concept capturing: "... a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering. Within this continuum, there was particular focus on gender-based violence" (ILO, 2016b, para. 7).

In practice, the psychosocial risk of violence and harassment is increasingly associated with psychological forms of violence (variously referred to as harassment, moral harassment, bullying, and mobbing), as well as sexual harassment (Chappell and Di Martino, 2006). Violence of this kind entails repeated, unreasonable behaviour directed towards a worker or group of workers by a colleague, supervisor or subordinate, aimed at victimizing, humiliating, undermining or threatening them. Some definitions refer to unwanted sexual attention and sexual harassment, while others are silent on the issue. Sexual harassment is usually defined as unwanted conduct of a sexual nature (verbal, non-verbal or physical) that violates a person's dignity and leaves a victim feeling violated, intimidated, humiliated or degraded. The ILO code of practice on occupational safety and health in agriculture states: "Sexual harassment is a hazard that lowers the quality of working life, jeopardizes the well-being of women and men, undermines gender equality and can have serious cost implications for firms and organizations" (2011, p. 69).

A useful typology of violence and harassment at work may be found in the EU's 2007 "Framework agreement to prevent, manage and eliminate violence at work", signed by the European Trade Union Confederation (ETUC) and European employers' organizations (BusinessEurope, UEAPME and CEEP). It defines violence as encompassing physical, psychological and/or sexual dimensions, whether in one-off incidents or more systematic patterns of behaviour. It states that violence can be perpetrated amongst colleagues, between supervisers and subordinates or by third parties (e.g. customers, clients, patients, pupils), and that harassment and violence can be carried out by one or more managers or workers with the objective of creating a hostile work environment. As a result of the 2007 framework agreement, national social partners have reached new agreements or added new clauses into existing collective agreements at sectoral or company level; examples include a national sectoral banking agreement in Luxembourg (2009) and national agreements in France (2010) and Italy (2015) signed by the main employer and union organizations.

Violence and harassment as a core occupational safety and health issue

Violence and harassment are increasingly understood as an occupational safety and health risk affecting workers' physical and psychological well-being. Through safety and health programmes, unions have increasingly been able to gain leverage to discuss and prevent violence and harassment at work.

In the EU, for example, a sharpened focus on psychosocial risks at work has opened up possibilities for violence prevention to become a core safety and health issue in occupational risk assessments and prevention programmes (EU-OSHA, 2010). Adverse working conditions and workplace relations are increasingly defined as occupational risks to be tackled through occupational risk assessments and prevention programmes. For example, in Belgium sexual harassment and violence are principally dealt with as psychosocial risks in the workplace under the Act on Well-being at Work of 28 February 2014. This states that stress, psychological harassment and sexual harassment at work can result from workers being exposed to an aspect of the work environment or behaviour over which the employer has some control (e.g. work organization, work content, working and living conditions at the workplace and interpersonal relationships at work).

As a safety and health issue, violence at work has been addressed through the training of safety and health representatives and labour inspectors, the signing of agreements to include violence as a topic for discussion in safety and health committees, and workplace programmes and guidance for tackling violence as a safety and health issue. Examples of training programmes for occupational safety and health representatives include a project of the global union IUF[2] with affiliated unions in the agricultural sector in South Africa, where regional safety and health representatives have been trained to identify and tackle violence and harassment in a sector where sexual harassment is widespread. In the Philippines, the construction union NUBCW has addressed sexual harassment through the implementation of the Non-traditional Skills Training Project (2004–2010), which included training on how to negotiate agreements on occupational safety and health, including sexual harassment and HIV prevention. In the health sector, the Argentinian health-care union CICOP and the Alliance of Filipino Workers have been instrumental in negotiating agreements to establish joint workplace committees on health and security, with a particular focus on addressing rising levels of third-party violence against health-care workers, and on building awareness that violence and harassment at work are a psychosocial hazard. In the Philippines this led to the strengthening of the All Filipino Workers Confederation's Occupational Safety and Health Committee and its ability to negotiate improved safety and health regulations. Violence and harassment at work have been addressed as a safety and health issue by the Coalition of Immokalee Workers: they established the innovative US Fair Food Program and Code of Conduct for addressing sexual harassment on US farms, which employ mainly migrant workers. The establishment of the participatory health and safety committees required under the Code has enabled workers to address sexual harassment in a collaborative process with their employers.

2. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations.

Travelling to and from work

Violence against people travelling to and from work is a new "world at work" issue affecting workers who risk violence and harassment if they are reliant on hitch-hiking or travel on buses late at night. Those who work at night because of late opening hours or forced overtime are made vulnerable by a lack of safe public transport. For women employed in global supply chains in the garment, flower and electronics industries, for example, pressure to complete orders and long working hours add further risks if they have to travel late at night (Morris and Pillinger, 2016). Young women working in export processing zones are particularly vulnerable to violence and sexual abuse in factories, in company accommodation and when travelling to and from work (ITUC, 2009).

The IUF maintains that travel to and from work exposes female agricultural workers to violence: often, a lack of transport forces them to hitch-hike or to walk long distances to and from fields. Contract women workers in India, for example, face a daily risk of rape and violence while hitch-hiking to remote plantations. In the retail sector, risks are associated with longer opening hours. In the United Kingdom, the Freedom from Fear campaign organized by the shop workers' union, USDAW, has focused on increasing the safety of women shop workers on their way to and from work late at night or early in the morning. The South African Commercial, Catering and Allied Workers Union, which represents workers in the retail sector, has highlighted the problem of travel to and from work arising from extended opening hours, pointing out that, owing to the lack of public transport, workers who are expected to work late face a risk of rape on their journey home, including gang rape, and even murder. Unions in the transport sector have negotiated safety measures for bus drivers and conductors, including safe access to toilets for women workers, and have worked to change men's behaviour and raise awareness about gender-based violence and HIV/AIDS. The Action Guide on Violence Against Women published by the International Transport Workers' Federation (ITF) cites examples from the Amalgamated Transport and General Workers Union (ATGWU) in Uganda and from ITF affiliates in Burundi, the Democratic Republic of Congo, Kenya and the United Republic of Tanzania, which are supporting projects for long-distance drivers along the Northern Corridor in Central and Eastern Africa that include raising awareness about gender-based violence and HIV transmission.

Third-party violence and harassment

A more in-depth understanding of the psychosocial risks associated with violence and harassment can be gained by looking at the different sectors of the economy where these risks are significant. This is particularly important

in relation to third-party violence and harassment directed at a worker by a client or customer, which, again, has only recently been recognized as a "world at work" issue. In some sectors, working with clients or customers exposes workers to a higher risk of violence, for example in night-time services such as bars and cafés where alcohol is consumed, and in places where criminal justice or policing is carried out, where front-line services are provided by emergency first responders, where money or prescription drugs are handled, where care or education services are provided, and where work is carried out in isolated or mobile locations or at unsocial hours. Significant risks of violence from third parties are faced by transport workers such as bus drivers, ticket collectors, conductors and air stewards. In particular, women providing front-line services may be at risk, such as women shop assistants, bar and restaurant workers, teachers, nurses and social care workers. A study of long-term care facilities for older people carried out by the Canadian union CUPE (2013) found that understaffing, a lack of properly trained staff and poor working conditions were factors contributing to aggression from residents whose needs had become more complex. In Canada, 38 per cent of long-term care workers experience physical violence daily.

In the service sector, non-standard forms of employment often mean that workers suffer violence in silence: many are unable to complain, or are afraid of doing so, in case they lose their jobs. Research carried out by Nordic unions on sexual harassment in the hotel, restaurant and tourism industry (HRCT, 2015) shows that pervasive sexual harassment has serious and damaging consequences. A major problem is the high level of third-party sexual harassment directed at women, in particular young women with insecure jobs. In the tourism industry, alcohol consumption, the tipping culture, irregular working hours and the notion that the customer is always right, and that harassment is part of the job, all contribute to a culture of third-party harassment. The unions' research highlights the key role the social partners could play in challenging and addressing endemic sexual harassment in the sector.

In the health sector, where austerity measures have led to insufficient resources for staffing and for high-quality services, there has been an increase in both the incidence and the severity of violence in the workplace. Research and guidelines drawn up by the global union federation, Public Services International (PSI), jointly with the ILO, the International Council of Nurses (ICN) and the World Health Organization (WHO) (2002), show that workers in the health sector are at increased risk of violence at work because of the characteristics of the services delivered and their present work environment. The issue of third-party violence has also been the subject of a European-level sectoral social dialogue between social partners from the commerce, private security, local government, health and education sectors (EPSU, UNI EUROPA, ETUCE, HOSPEEM, CEMR, EFEE, EUROCOMMERCE, CoESS), which in 2010 agreed guidelines to tackle

third-party violence and harassment at work by customers, clients, patients and members of the public. In India, unions concerned about rising levels of sexual violence by customers against women bus conductors found that they were able to win support and agree policies with employers when they took a broader approach that also included the risks of violence faced by women passengers. In an innovative project – supported by the International Transport Workers' Federation – to address sexual harassment, violence and rape against women bus conductors and passengers, the Maharashtra State Transport Kamgar Sanghatana Union (MSTKS) shows how unions have effectively implemented campaigns, and negotiated with employers, on violence against women transport staff and passengers.

Domestic violence as an occupational safety and health risk in the world of work

The "world of work" concept can also include activities that are unrelated to paid work but that do impact on it, such as women's household and caring responsibilities (Cruz and Klinger, 2011). This is particularly relevant when making connections between work and the home in cases of domestic violence and abuse. Considerable learning, gleaned in decades of feminist work on the subject, shows that domestic violence encompasses both physical and non-physical forms of coercive (psychological) control – such as control over social interactions, control of autonomy or control of money – which have profound psychological consequences and which impact on a woman's confidence and also on her ability to leave a violent relationship.[3]

Domestic violence is a relatively new workplace bargaining issue that has had the effect of widening the reach of the employment relationship by recognizing the interconnection between work and private life (Pillinger, Schmidt and Wintour, 2016). This can mean ensuring that victims of domestic violence are offered safety advice, job relocation or safe parking or office spaces in order to prevent stalking, harassment or violence from partners or ex-partners, specially agreed leave to attend counselling or solicitor's appointments or to relocate to a safe house, or referral to specialist services. Unions are beginning to build knowledge and negotiating skills for sectoral and workplace policies on domestic violence at work, including through agreeing model clauses that can form the basis for negotiating agreements, training for union representatives and shop stewards in how to support victims of domestic violence sensitively, negotiating practical support with the employer,

3. See, for instance, the Duluth Domestic Abuse Intervention Project (National Center on Domestic and Sexual Violence), which shows that power and control are connected to and encompass coercion and threats, emotional abuse, the isolation of victims, denial and blaming the victim, controlling and using her children, and economic abuse.

and ensuring that the prevention of domestic violence at work is included in workplace risk assessments and on the agendas of safety and health committees. As with other forms of workplace violence, domestic violence impacts on victims' health and well-being, their attendance at work, their productivity and security, all of which results in considerable costs to employers.[4]

Surveys conducted in Australia, Canada, New Zealand, the Philippines, Turkey and the United Kingdom[5] show that, on average, one-third of workers report having experienced domestic violence at some point in their lives; around half of victims of domestic violence felt that their job performance was negatively affected, and three out of four had a hard time concentrating while at work. The surveys point to the importance of measures in the workplace to respond to the needs of victims of domestic violence by mitigating its impact on their health, well-being and safety, as well as their attendance at work, performance and productivity. The first national survey carried out in Australia by the Australian Domestic and Family Violence Clearinghouse at the University of New South Wales (McFerran, 2011) was completed by over 3,600 union members. Its findings paved the way for domestic violence workplace agreements, which included provisions on paid leave, protection and flexible working arrangements. A survey carried out by the University of Western Ontario and the Canadian Labour Congress (Wathen, MacGregor and MacQuarrie, 2014), and completed by 8,429 respondents, reinforced the importance of workplace domestic violence policies and practices (including collective agreements) in the prevention of domestic violence.

Good practices can be found in a number of countries across the world. Many have been inspired by unions in Australia which, by 2015, had negotiated 944 agreements with a domestic violence clause, covering 804,649 employees across a broad range of industries (such as retail, public transport, banking, education, manufacturing, airline and maritime) and involving some of the country's largest employers (McFerran, 2016; Baird, McFerran and Wright, 2014). In 2015, in a landmark case on domestic violence and work [Ms L. Moghimi *v.* Eliana Construction and Developing Group Pty Ltd [2015] FWC 4864, 23/08/2015], the Australian Fair Work Commission ordered an employer to pay maximum compensation to a domestic violence victim who had

4. Estimates of what domestic violence costs employers include those by the Australian National Retail Association for 2014–15, which indicate that domestic violence cost the retail industry more than 62 billion Australian dollars in that period. A report by the Canadian Federal Justice Department estimated the economic impact of domestic violence on employers at 78 million Canadian dollars in 2009. In the United States, an estimated 8 million days a year are taken off work because of domestic violence, resulting in a cost to the economy of US$2.5 billion in lost productivity. In the United Kingdom, it is estimated that domestic abuse costs that economy £1.9 billion in lost economic output every year and leads to lower productivity, greater absenteeism and higher employee turnover.

5. For further information on the surveys, see: http://dvatworknet.org/research/national-surveys.

been unfairly sacked: her employer had claimed they were unable to protect the victim from her partner, who was employed in the same workplace.

In Canada, unions and employers have negotiated a range of agreements at workplace level to prevent and address domestic violence at work, and the Canadian Labour Congress is actively engaged in union education, lobbying for legislative change and collective bargaining to address the issue. A good example from Canada is the Women's Advocate Program run by the national union UNIFOR – this is a joint union-management initiative to prevent and tackle domestic violence in the workplace. It involves specially trained workplace representatives who provide confidential support for women dealing with workplace harassment and domestic and other forms of violence they may be subjected to outside the workplace. The programme is an excellent example of a joint union-management initiative that has successfully helped to create healthy, respectful and safe workplaces.

Many unions argue for a legal framework on domestic violence at work, including obligations on employers to tackle it as a core feature of occupational safety and health and risk assessments. In particular, unions point to learning from the precedent set in Canada, under the Ontario Occupational Health and Safety Act, where unions have been able to take an active role in preventing and responding to domestic violence perpetrated in the workplace by dealing with it as a safety issue.

Workers in vulnerable forms of employment, discrimination, and the risk of violence and harassment at work

Those most at risk of violence at work include migrants, those who are financially vulnerable, poor or on low pay, and those in non-standard forms of employment such as informal or casual work.

Women workers are the most vulnerable of all, as they are often the least protected. This is the case especially with women in non-standard (informal or casual) forms of employment and those who are affected by discrimination, the lack of decent work, debt bondage, the risk of exploitation and trafficking, etc. They are affected by rapid globalization, the increasing informalization of work, new forms of organization and pressure at work, and discriminatory practices.

Global labour markets

Rapid and uneven globalization, changes in the organization and location of work and production, and changing work practices in global labour markets, all present new psychosocial risks leading to violence and harassment. Factors such as work insecurity, work pressures and stress (EU-OSHA, 2010)

are closely linked to this situation. Employment in isolated or mobile locations and the shifting of the production of goods and services to low-income countries (for example through global supply chains, and in export processing zones), also contribute to rising levels of violence. Violence and harassment occur in labour-intensive manufacturing industries (garments, textiles, electronics, etc.) because of the presence of large numbers of young, inexperienced, female migrant workers from rural areas under the supervision of small numbers of men, with high levels of production pressure and abusive workplace practices. Violence and abuse directed against the predominantly female workforce is further fuelled by a workplace culture of harassment, low levels of unionization and a lack of decent work (Morris and Pillinger, 2016). In the garment sector, according to UN Women, "... the industry has created tragically unsafe, exploitative and dangerous workplaces where women workers face poor pay, inequality, harassment and violence" (UN Women, 2015, p. 59). In particular, women's employment in global supply chains in sectors such as electronics, agriculture, tourism and apparel, while it does provide access to formal work, is typified by non-standard forms of employment, long and unpredictable working hours and pressure to reach production targets. Coupled with difficulties in joining trade unions or obtaining the protection of collective bargaining agreements (CBAs), these are practices that perpetuate a climate of workplace harassment and violence (ILO, 2016c). The issue was discussed at the 2016 International Labour Conference in the context of decent work in global supply chains. In the Resolution adopted there, it is argued that women are "... disproportionately represented in low-wage jobs in the lower tiers of the supply chain and are too often subject to discrimination, sexual harassment and other forms of workplace violence" (ILO, 2016d).

The informal economy, poverty and financial vulnerability

Women's increased participation in the labour market has in many cases been in non-standard and vulnerable forms of employment, particularly in the informal economy. The ILO definition of non-standard forms of employment includes temporary work, part-time work, temporary agency work and other multi-party employment arrangements, disguised employment relationships and dependent self-employment – all of which are a feature of contemporary labour markets. According to the ILO (*World Employment and Social Outlook*, 2015), in countries with available data, three-quarters of the world's workers are employed on temporary or short-term contracts, in informal jobs without any contract, under own-account arrangements or in unpaid family jobs. Over 60 per cent of all workers lack any kind of employment contract. The economic crisis has accelerated the informalization of work, and this increase in non-standard jobs (in which women are

over-represented) is associated with greater insecurity for workers when compared to standard employment. These workers, according to the ILO, are at greater risk of sexual harassment and occupational violence than those in full-time, permanent work (ILO, 2016e). Financial vulnerability – at worst, poverty – locks workers into dependence on exploitative employers, unethical recruitment agents, and traffickers, and make it difficult for women to leave violent relationships. Informal work, low-paid, poorly protected work and, in a growing number of developed countries, the trend towards higher levels of casual and temporary forms of employment, make women especially vulnerable to sexual harassment at work. Global unions often adopt strategies designed to win living wages and decent work, which are seen to be crucial in reducing financial vulnerability and, thereby, reducing the risk of violence.

New forms of work organization and work pressure

Relatively new changes in work organization and in pressures at work have been increasing psychosocial risks, which in turn lead to higher levels of stress and harassment – all of which have been exacerbated by the economic crisis. The changes include unrealistic targets, staffing shortages, more isolated workplaces and heightened stress, and coupled with growing levels of technology-based workplace surveillance and monitoring of workers' performance, and they present major challenges for unions in organizing and protecting workers from violence at work. The growth of non-standard work – including informal work, zero-hour contracts, agency work and casualization – is particularly affecting women and younger workers. Unions argue that there is strong connection between good working conditions, decent work and the dignity of workers.

Unions are dealing with these challenges in different ways. The imposition of unfair work targets has been addressed as a psychosocial risk by the UNI-affiliated banking union in Brazil (Contraf-CUT), while in the Philippines the impact of poor work organization and an unfavourable working environment have been identified by a PSI-affiliated union in the health sector (Alliance of Filipino Workers) as factors leading to co-worker conflict and harassment. In the public sector, lower staffing levels, changes in work organization and the introduction of "new public management" systems are additional factors that global union PSI argues have intensified stress and work pressure and have led to higher levels of harassment at work, particularly amongst front-line health and social care workers. A Building and Wood Workers' International (BWI) affiliate in Italy also highlights the efforts made in that sector to address sexual harassment, which, unions argue, has increased since the economic crisis with the introduction of changes to how work is organized and the now heightened pressure at work.

A more recent development is the emerging evidence and debate about new forms of psychosocial violence and harassment, which include the "cyberbullying" and workplace surveillance associated with digitalization and new technology. The global union UNI, which represents workers in managerial and technological occupations, has begun to address the new forms of harassment and stress facing workers in the technology and digital sectors, as well-being and dignity at work are being impacted by new work patterns. Long working hours, the intensification of work, greater pressure to reach targets, cloud working, and expectations that workers should be "on call" 24/7 to respond to emails, are new and growing psychosocial risks for workers. In this context the boundaries between work time and personal time are being blurred. UNI's work on new communications and web-based technologies shows that employers are increasingly monitoring work performance – a phenomenon that has recently been extended to professional, managerial and service-related work. According to UNI, some progress has been made by signing agreements with large companies on data protection, protection against cyber-harassment, and switching off from email outside of work hours, but such agreements remain few in number.

Discrimination and intersectionality

The structuring of work around race, gender and other such bases for discrimination has consequences for workplace relations and the mitigation of psychosocial risks. Struggles for women's agency and voice, as seen in the organizing strategies for informal workers in sectors such as transport, waste and construction, have been crucial in tackling risks of violence and harassment. As Williams (2016) argues, multiple social relations of gender, race and class not only help to reveal women's struggles around issues such as violence, they also show a capacity for "relational self-determination" in areas such as paid work and access to public services. This is crucial for understanding how to ensure access to work that is dignified, sustainable and free from the risk of violence. Vulnerability to psychosocial risks, for example as faced by migrant workers, also needs to be understood in the wider context of global neo-liberalism, and it is reflected in gendered and racialized inequality.

In addition, discrimination-related violence affects workers in the most vulnerable situations. Women who experience multiple discrimination are disproportionately affected by violence and harassment at work, and many are in jobs where there is a risk of violence. An intersectional approach to understanding violations of labour rights, including violence and harassment, is emerging in some trade unions. This has led to the recognition that discrimination based on gender, race and ethnicity, disability, LGBT orientation, financial vulnerability, poverty and migration, amongst other attributes, is closely connected to unequal power relations. The Canadian Union

of Public Employees (CUPE, 2014) argues that workers who are affected by "sexism, misogyny, homophobia, transphobia, racism, colonialism, ableism and other forms of oppression" may disproportionately experience workplace harassment hazards. For example, Inuit women working in mines in remote and isolated locations in Canada experience high levels of sexist and racist violence in the workplace, high levels of domestic violence at home, and poor access to support services (Pauktuutit, 2014). Similar issues are faced by informal waste pickers in Brazil (Dias and Ogando, 2015).

An understanding of the multiple forms of discrimination has helped to shift mainstream trade union activity to considering the impact of gendered power relations, as well as the race, ethnicity and migration, for example in the unions' work of organizing, recruiting and representing workers. Particularly important have been organizing campaigns that have given voice and agency to workers in the informal economy, who are predominantly women. For example, BWI affiliates in India have adopted strategies to organize informal brick kiln workers there, who are predominantly women. Many face high levels of violence and harassment, and at several locations the unions have engaged in dialogue with brick kiln owners on the provision of decent wages and proper living and working conditions for the workers. Workplaces where the predominant workforce is one gender or one ethnicity are often more hostile to individuals who do not conform to established gender norms or who come from under-represented groups. The most vulnerable workers are disproportionately affected by public sector austerity measures and the growth of privatization and casualization. Younger workers may be particularly at risk of violence and harassment, as they are more likely to work in casual and non-standard forms of employment in both the public and private sectors. Young women workers participating in the ITUC "Decisions for Life" project identified violence and harassment as one of the core issues of concern affecting their daily lives.

Gender-based violence

Gender-based violence – including physical, verbal and sexual harassment and abuse – differs from other workplace issues because it is an invisible, very sensitive and widely unreported issue. A report from IUF Asia-Pacific region on violence against women (IUF, 2016) highlights the fundamental importance of understanding that, because of gender inequality, women disproportionately experience violence at work. Gender-based violence is increasingly being addressed as a problem in global production workplaces, for example, where labour abuses and sexual harassment are commonplace. Action to address this issue in the context of globalization and global supply chains includes joint work between trade unions and women's organizations, and through multi-stakeholder initiatives that involve unions and employers, amongst others (examples of which are the Fair Wear Foundation and the Ethical Training

Initiative). The Fair Wear Foundation has developed a programme specifically designed to prevent the gender-based violence that chiefly affects women at the bottom of the apparel supply chain (Fair Wear Foundation, 2013). Global unions have also been engaged in global action and lobbying to eliminate and prevent all forms of violence against women and girls. This led to the adoption in 2013, by the 57th Session of the United Nations Commission on the Status of Women (UNCSW57), of a paragraph giving unions rights, as legitimate stakeholders, in addressing discrimination, exploitation and violence in the workplace. As well as being a ground-breaking development, it recognized that neither custom, tradition nor religion should play a part in denying women equality or in justifying violence (United Nations, 2013).

LGBT violence and harassment

Violence and harassment against lesbian, gay, bisexual and transgender (LGBT) workers are increasingly commonplace (Fundamental Rights Agency, 2013; OHCHR, 2012; Guas, 2012), and trade unions are addressing the issue through awareness-raising campaigns and collective bargaining. Despite legal obligations on States to protect the human rights of LGBT people, as many as 77 countries have discriminatory laws criminalizing private, consensual same-sex relationships, which in at least five countries are punishable by death (OHCHR, 2012 and 2015). Draft guidance for businesses on promoting human rights and tackling discrimination against lesbian, gay, bisexual, transgender and intersex people (LGBTI) has been produced by the UN High Commissioner for Human Rights and the Institute for Human Rights and Business (OHCHR, 2016). Unions have also worked closely with LGBTI organizations in advocating for laws, policies and practices to reduce violence and harassment at work, for example by raising awareness, by training staff and managers in anti-bullying initiatives in workplaces and schools, and through the recognition of same-sex relationships and attitudinal change at a societal level. They have provided guidance on negotiating agreements for LGBTI workers under the Canadian Labour Congress' Fairness Works campaign, on the training of LGBTI workplace equality representatives in the UK public service union UNISON, and on bargaining for workplace representatives addressing LGBTI violence at work through the Spanish CCOO (Workers' Commissions) union, where "LGBTI-phobia" is identified as a psychosocial risk.

Racialized workers

Racialized workers are more exposed to workplace harassment than white workers, and experience different forms of it. They are often harassed through attacks on their personal characteristics (Lewis and Gunn, 2007; Okechukwu et al., 2014), while black and ethnic minority women report more frequent incidents of unwanted sexual attention and sexual coercion

than white women (Einarsen et al., 2010). Black and ethnic minority women's over-representation in high-risk and insecure occupations – for example in health, education and the social services – also puts them at greater risk of violence and harassment (CUPE, 2014). In the United Kingdom, the black and ethnic minority workers and migrant workers targeted in racist attacks are often in high-risk employment (for example driving taxis or working in fast-food outlets in the night-time economy) where there is greater potential for racial violence (Institute of Race Relations, 2013).

Unions in many countries have campaigned against racial discrimination and violence at a societal level. This is the case with US unions and the AFL-CIO's Coalition of Black Trade Unionists, which have supported the Black Lives Matter movement at a time of rising levels of violence against black people on the streets by law enforcement agencies. The Electrical Industry Workers Union in Malaysia highlights the problems of racial discrimination and the racialized forms of violence which particularly affect workers who migrate to work in Malaysian cities. In this context the union believes that low wages and their psychosocial effects on workers should be addressed as workplace violence. Several unions in the United Kingdom have issued guidance for negotiators and workplace representatives on challenging racist abuse and violence in the workplace, including guidance produced by the TUC in the light of a recent increase in racist abuse and violence in the workplace.[6]

Trade union action to address psychosocial risks at work: Collective bargaining and trade union advocacy and campaigns

National-level action by trade unions

Although trade unions have been active in ensuring that violence and harassment are included in occupational safety and health programmes, risk assessments and awareness raising, this is just one of several approaches they have taken to addressing rising levels of violence and harassment at work. In practice, many collective agreements provide a framework for workplace policies and procedures, including complaints mechanisms and awareness raising, to highlight the psychosocial risk of violence and harassment at work and to encourage workers to report and make complaints about any such behaviour. The weakening of collective bargaining in many countries, however, has limited trade unions' capacity to negotiate at the national/sectoral and company levels. According to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the right to freedom of

6. *Combatting racist abuse in the workplace*, available at: https://www.tuc.org.uk/sites/default/files/CombattingracistabuseTUCguide.pdf

association and collective bargaining is still not recognized in many countries. This results in a lack of protection for workers in the most vulnerable work situations, which contributes to problems of forced labour, human trafficking and slavery (UN Special Rapporteur, 2016).

Despite these problems, there are many examples across the world of successful trade union negotiations resulting in collective agreements to tackle violence and harassment at work (Pillinger, 2014; Pillinger, Schmidt and Wintour, 2016; ITUC, 2016). Collective bargaining remains the most effective tool unions can use to prevent and combat violence and harassment at work, and the psychosocial risks that lead to these problems, and there is considerable evidence of the role it can play here. Good practice agreements typically commit employers to developing policies and procedures for dealing with and preventing violence, including training for managers and workplace representatives to enable them to identify signs of violence and harassment, collecting data and monitoring incidents, and providing practical health and psychological support for workers experiencing violence and harassment at work. Some collective agreements address all forms of violence (physical, psychosocial, sexual harassment), while others focus exclusively on sexual harassment. Often the issue is addressed from a gender perspective, as part of equality bargaining and gender mainstreaming strategies, in recognition of the fact that sexual harassment and violence are discrimination-based violations of women's rights. As discussed above, collective bargaining has also proved to be a powerful and effective way of addressing the societal issue of family and domestic violence.

In addition, advocacy and awareness-raising campaigns carried out by GUFs and the ITUC often focus on particular groups of workers, principally women. In some union campaigns, such as UNI's "Breaking the Circle" campaign on violence against women, the ITF, IUF, UNI and BWI have a specific focus on gender-based violence. The PSI has also prioritized campaigns to address third-party violence and violence at work, as an integral part of improving resources for and access to quality health-care services. Other examples include work done by the ITF specifically on the bullying and harassment of road transport workers and seafarers, or violence and abuse in trade unions. GUFs and national unions are also participants in the ITUC's global campaign, "Stop gender-based violence at work!".

Regional and global agreements to prevent violence and harassment

Recognizing of global employment trends, unions have been pressing for sectoral agreements at the regional or global level, some of which have addressed the psychosocial risks that can result in violence and harassment at work. Sectoral agreements have been signed at the EU level, for example,

including an agreement in 2013 between the social partners in the maritime sector – the European Transport Workers' Federation (ETF) and the European Community Shipowners' Associations (ECSA) – on eradicating harassment and bullying in the workplace in the maritime industry.

Global Framework Agreements (GFAs) have become another strategy used by unions to guarantee fundamental labour rights in global labour markets, where an absence of these rights significantly adds to the of risk of violence and harassment at work. GFAs, also known as International Framework Agreements, are joint statements by multinational enterprises and GUFs. By March 2014 a total of 142 GFAs had been negotiated and signed between multinational enterprises and global union federations (Hadwiger, 2015). Although many GFAs make reference to workplace health and safety risks, they often do not specify whether these include psychosocial risks, violence or harassment. A large number merely refer to the principle of non-discrimination and dignity at work, without specifying further obligations. Indeed in most cases they are statements of principle, sometimes aimed at improving occupational safety, health and well-being. Nine GFAs[7] go further by including specific provisions on preventing and addressing violence and harassment at work, in particular sexual harassment. Two deal solely with sexual harassment at work in sectors where it has been endemic. The GFA entitled "Joint Commitment to preventing sexual harassment" (2016), signed between the food and manufacturing multinational Unilever and global unions IUF and IndustriALL, states that "[p]reventing sexual harassment in the workplace is an essential foundation for promoting a culture of inclusion and diversity", and it sets out standards, principles and practices on the basis of which Unilever, the IUF and IndustriALL commit to working together to ensure this goal is achieved. A further GFA between the banana company Chiquita and IUF/COLSIBA (the Coordinating Body of Latin American Banana and Agro-industrial Unions), the "Joint Understanding on Sexual Harassment" (2013), followed a union campaign by the IUF and COLSIBA for an agreement to end sexual harassment at the workplace and gave crucial support to union organizing efforts in Colombia and Honduras. A code of conduct annexed to the agreement states: "We should each help foster a harassment-free work environment by speaking out when a co-worker's conduct

7. GFA between Unilever, IUF and IndustriALL, "Joint Commitment to preventing sexual harassment" (2016); GFA between the banking group ABN-AMRO and global unions UNI and FNV (2016); GFA between Inditex and IndustriALL on the "implementation of international labour standards throughout the supply chain of Inditex" (2007, 2014); GFA Danone and IUF on diversity (2007). GFAs at regional level include the IUF/COLSIBA/Chiquita agreement, "Joint Understanding on Sexual Harassment" (2013); the GFA between EPSU, IndustriALL and GDF-Suez European Agreement on professional equality (2012); the agreement between the supermarket chain Carrefour and UNI (2015), "For the promotion of Social Dialogue and Diversity, and Respect for Basic Employee Rights"; the agreement between the banking group Société Générale and UNI (2015), and the GFA between the energy company ENEL and IndustriALL, PSI, Filctem CGIL, Flaei CISL and Uiltec UIL (2014).

makes us uncomfortable. We strictly prohibit retaliation against employees who report discrimination or harassment." The agreement references the ILO Code of Practice on safety and health in agriculture as a source of language on the prevention of sexual harassment that could be included in CBAs.

As well as addressing core labour standards, GFAs aim to create sustainable improvements in working conditions and to help secure living wages for workers. These are important issues, as poor and insecure working conditions put workers at further risk of harassment and violence. In addition, most GFAs today are addressed to all suppliers, contractors and subcontractors across a global supply chain. A new challenge for GUFs is how future GFAs can address psychosocial risks, for example by guaranteeing decent work and freedom of association, and how they can forge solutions for dealing with violence at work. Global unions and the ITUC argue unequivocally that the adoption of an ILO standard on violence and harassment at work is an important lever for making this happen, as most GFAs replicate ILO core labour standards.

Conclusion

This article argues that preventing violence and harassment against women and men in the world of work is strongly linked to ensuring access to decent work, secure and sustainable employment, non-discrimination and protection through a trade union. Moreover, new forms of work organization, stress and pressure at work, and the growth in informal work and non-standard forms of employment are putting people especially at risk of violence and harassment at work. Financial vulnerability and poverty have enduring effects, and leave workers vulnerable to repeated violence, while poverty prevents workers – in particular, women – from gaining financial independence. New "world of work" issues have been flagged up in this article, including violence that takes place away from the traditional workplace, e.g. during travel to and from work, together with ways to connect the worlds of work and home through workplace measures designed to prevent domestic violence at work.

On the one hand, an awareness of gender-based violence at work (and its causes) has led to specific initiatives and union programmes aimed at challenging unequal gender power relations and discrimination against women workers. On the other, violence at work is increasingly seen as a core occupational safety and health issue, covering in particular the psychosocial risks faced by all workers, including women workers and other groups facing multiple discrimination. Trade unions have altered their priorities and have stepped up their action on violence and harassment – largely thanks to sustained programmes on gender equality over the last 20 years, which have brought about a recognition that women are disproportionately affected by violence because of unequal gender roles and relations that impact on their

security and safety at work, in public spaces and in the family. Many unions today point to the need for workplace measures to take account of discrimination-related harassment and violence, including multiple and intersecting forms of discrimination.

Tripartite and bipartite social dialogue, and well-functioning industrial relations, are crucial to ensuring that violence and harassment are addressed at sectoral and workplace level. Collective bargaining remains the most important tool used by trade unions for preventing and combating violence and sexual harassment at work, and third-party harassment in the health, retail, hotels or transport sectors, and for promoting occupational safety and health. Collective bargaining can also be considerably strengthened when legislation sets out the obligations on governments, employers and unions. This has been important for unions in India, Bangladesh, Pakistan and Nepal who are now using sexual harassment laws to institute workplace negotiations and company complaints committees. Legislation can place obligations on governments (through labour inspection) and employers (through the introduction of workplace policies and procedures) to find effective solutions in the workplace through social dialogue and collective negotiations. Many workers are not covered by this legislation, however, either because legal obligations do not apply to small workplaces or because work takes the form of non-standard employment. Further problems arise from the insufficient awareness and visibility of gender-based violence and gender-sensitive approaches amongst safety and health representatives, in occupational safety and health committees or amongst labour inspectors – leading some women's sections of unions to be concerned that the integration of violence and harassment into mainstream health and safety initiatives could result in a de-gendering process or a lack of attention to emerging issues such as the impact of domestic violence at work. Similarly, the low awareness amongst trade unions and employers of intersectionality and discrimination-related harassment, and the lack of training on issues of discrimination, are impeding the effectiveness of joint health and safety committees in their work on prevention and risk assessments.

It is evident that more attention needs to be given to examining and addressing the key emerging issues of work organization and work patterns for future workplaces, and their likely impact in terms of rising psychosocial risks of violence (such as growing work pressures and stress, changes in work organization, surveillance and harassment by employers in the technology and digital sectors, long and unpredictable working hours in the service, manufacturing and agriculture sectors, the privatization and casualization of work in public services, etc.), which particularly affect the most exploited workers in isolated and precarious working situations. Unions representing workers in front-line services in the health-care, transport and other service sectors also note the importance of legal frameworks covering third-party violence. In addition, domestic violence at work is a relatively new world-of-work issue that can be addressed through workplace negotiations.

Below is a selection of examples of agreements to address violence and harassment at work from the forthcoming ILO ACTRAV report*

In Europe, examples include agreements between the Bulgarian transport union, FTTUB, and transport employers. FTTUB's campaign on violence against women in the transport sector has led to the negotiation of CBAs with four municipalities to prevent this violence in municipal transport services. In addition, a special chapter on "Protection against violence at the workplace and gender equality" was negotiated in the 2010–2012 sectoral collective agreement, which included joint actions by employers and unions to prevent violence, and a zero-tolerance approach. In Italy, an agreement on a code of conduct on sexual harassment in the woodworking sector between the unions (Feneal-Uil, Filca-Cisl, Fillea-Cgil) and the employer (FederlegnoArredo) sets out detailed definitions and procedures for preventing and addressing sexual harassment at work as part of the four-year national sectoral agreement. The code also specifies prevention and awareness-raising activities to be undertaken in relation to training managers, disseminating information to workers about procedures, and joint employer-union monitoring of the code. The Swedish Hotel and Restaurant Workers Union (HRF) has negotiated several local agreements to combat rising levels of third-party sexual harassment against women workers in hotels and restaurants.

In Latin America, a good practice collective agreement is the Vista Sol Punto Cana 2014–2017 agreement in the Dominican Republic, which aims to prevent sexual harassment from occurring, confirms that no sanctions will be taken against a worker who makes a complaint, and stipulates sanctions against the aggressor. Some collective agreements, for example in Paraguay, Brazil and the Dominican Republic, include a joint union-employer commitment to preventing sexual harassment through, inter alia, raising awareness and providing counselling services. In Brazil, a collective agreement in the banking sector signed in 2011 establishes guidelines for setting up internal complaints committees, complaints procedures and prevention measures. The construction union Unión Obrera de la Construcción Argentina (UOCRA) has concluded several agreements to address gender-based violence in that sector. In Colombia, a landmark agreement between the union Sintrainagro and the main banana company in the region (Augura) benefits 95 per cent of banana workers and includes provisions to reduce violence at work and improve labour conditions. It is one of few agreements in the industry ever achieved in Colombia, and is a binding document covering the 350 plantations in the Urabá region where bananas are produced. In Brazil, a national agreement between the São Paulo, Osasco and Region Bank Workers' Union (Contraf/CUT) and employers includes clauses to prevent physical, psychological and verbal violence and the bullying of workers by employers, managers, colleagues and customers, and covers compensation for the injury or death of staff in the event of armed robberies. In addition to the national agreement, unions negotiate locally, at each bank, on particular issues. Negotiations also take place through the bipartite Equal Opportunities Committee, the bipartite Health and Working Conditions Committee and the Security Committee. The union is mobilizing pressure on the banks to extend the collective agreement to include clauses on combating organizational violence, sexual harassment and workplace security.

Unions in East Africa, supported by ITUC through advocacy and capacity-building programmes, have negotiated clauses in collective agreements for example to establish sexual harassment committees and occupational health and safety (OHS) committees in the workplace. In the United Republic of Tanzania in 2015, for example, CHODAWU (the Conservation, Hotel, Domestic and Allied Workers Union) successfully negotiated a new collective agreement which included a clause on sexual harassment. In Uganda, one widely documented success in collective bargaining in the cut-flower industry successfully led to an agreement – negotiated between the Uganda Flower Exporters Association (UFEA) and the two national trade unions representing floriculture workers (UHAWU and NUPAWU) – to raise awareness and establish effective complaints and grievance mechanisms in order to tackle the sexual harassment faced by women working on flower farms and travelling to and from work. In South Africa, a Safety and Security Sectoral Bargaining Council (SSSBC) agreement on addressing sexual harassment in the workplace by colleagues and third-parties** was agreed in 2011 by police and prison-sector unions and employers. A further agreement negotiated by the South African Commercial, Catering and Allied Workers Union (SACCAWU) introduces specific provisions on preventing gender-based violence, and on the impact of domestic violence at work, into policies on HIV/AIDS and on health and safety. SACCAWU has negotiated at company level for additional provisions to be introduced on a case-by-case basis, in order to ensure that individual, flexible responses take account of the different levels of trauma experienced by workers.

In Asia, the Papua New Guinea Maritime and Transport Workers Union (PNGTWU), acting on concerns about high levels of sexual harassment of women, included a sexual harassment clause in its agreements to protect women members and employers. An example is the CBA with the RD Tuna Canneries, who have agreed to a clause on preventing and combating sexual harassment at work. The Korean Women's Trade Union (KWTU) has successfully negotiated a CBA on preventing and addressing sexual harassment, following a worker's claim of sexual harassment in a university dormitory. In March 2013 the trade union won the "Woman of the Year" prize at the Daegu-Gyeongbuk Assembly of Women for these efforts, and it has since concluded other collective agreements on sexual harassment, protecting education workers, cleaners and other similar staff. In the Philippines, NUWHRAIN (the National Union of Workers in Hotel, Restaurant and Allied Industries) has concluded a sectoral CBA that includes penalties for sexual harassment among peers and makes companies responsible for holding seminars on the issue.

* Pillinger, forthcoming. ** https://nupsaw.co.za/images/Resolutions/sssbc-resolutions/2011/Agreement%201%20of%202011_Sexual%20Harassment%20in%20the%20Workplace.pdf

In the future, it will be important for violence and harassment at work to be an integral part of occupational safety and health initiatives, prevention programmes and risk assessments, and for violence prevention to be included in occupational programmes on workplace HIV prevention. Similarly, labour inspectors have an important role to play in monitoring, tackling and raising awareness about violence at work, and in ensuring that this is supported by jointly agreed union–employer guidance and by training labour inspectors in how to identify psychosocial risks, including the prevalence of

sexual harassment in the workplace. A key role for unions in the future will be to include an understanding of gender-based violence, intersectionality and discrimination-related harassment as a core part of safety and health programmes. These are all relevant issues for consideration in the discussions on a future ILO standard on violence and harassment in the world of work.

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Workplace violence in France

Towards an analysis of vulnerable targets

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The relationship between work, those carrying it out and the occurrence of violent behaviours is relevant to anyone interested in violence in the workplace. Although French legislation is silent on the issue, the social partners have addressed it by negotiating a national inter-professional agreement on harassment and violence at work; the Extension Order of 23 July 2010 specifies that workplace violence "occurs when one or more employees are attacked in work-related circumstances. It ranges from disrespect to the manifestation of an intent to injure or destroy, from rudeness to physical aggression. It may take the form of a verbal attack, aggressive – in particular sexist – behaviour, or physical aggression" (*JORF* No. 0175, 31 July 2010, p. 14192). Firmly centred on the victim and on the violent behaviour, this definition – although it restricts the notion of "victim" to those with employee status and takes no account of the professional context – has the merit of focusing attention on the "weaker party" in the employer/employee relationship. Moreover, it underscores the fact that the links between work and violence are diverse, and that they are potentially applicable to all employment relationships, which are intrinsically unequal. These facts draw attention to the existence of workers who are potentially more vulnerable than others to workplace violence.

Although the notion of vulnerability implies some weakness on the part of an employee, what we are talking about here is essentially the inferior status of employees as regards personal situation, family circumstances or financial position, making them "more sensitive to the expression of employer authority" (Pizzio-Delaporte, 2014, p. 13), which an unscrupulous employer may exploit. Having little control over their employment conditions, vulnerable workers run "far greater risk, as regards job security, of exposure to disadvantageous conditions" (Chaykowski, 2005, p. 1), and as regards workplace violence more generally. (For a discussion of the extent of the term "vulnerable" as applied to workers, see Saunders, 2003; Castel, 1995.) However, for our analysis to be as accurate as possible, it is important to emphasize that the vulnerability of these potential targets of violence relates as much to the characteristics of the individual as to specific vocational settings, to the extent that "the fact of having a 'normal' job does not protect against vulnerability" (Vallée, 2005, p. 4). In this article we show, first, the particular vulnerability of certain groups of workers to workplace violence; and, second, violence specific to so-called "at-risk" occupations and professions.

Vulnerability of certain groups of workers

In order to avert violence that may occur in the workplace, it is vital to address the factors that tend to trigger it (Dejours, 2007). Among the factors in the imbalance between employer and employee, which is itself a generator of violence, is the vulnerability of certain workers. Facing a lack of resources and poor access to education, health and communication technologies,

vulnerable groups are identified by common traits that blot out their unique characteristics. For example, Lhuillier, Sarfati and Waser (2013) refer rather bluntly to "women", "seniors", "the disabled", "the bullied", "the chronically ill", "the unfit", "foreigners", and so on. Many variables in the risk of violence are broadly acknowledged and taken into consideration from a legal perspective; others, although trivialized, are nonetheless indicative of increased risk of violence.

Acknowledged factors in workers' risk of violence

On the basis of the identity variables listed above, some workers are considered a priori as experiencing difficulty in performing their work and in their working relationships, and may be at greater risk of violence than others for biological, physiognomic or socio-cultural reasons.

Biological factors

Two examples of the ways in which a worker's biological identity can lead to a risk of workplace violence are considered here.

First, there is the manner in which labour law addresses the physiological differences and specificities of what was long referred to as "the weaker sex". Necessary legal protections for women's physiological specificities result from the biology of the human body, but this leads to a vulnerability of women in the world of work, as they are not always able to offer absolute and uninterrupted availability or unwavering involvement in the company. Despite the specific protections that apply to the employment contracts of pregnant women,[1] our analysis of French social jurisprudence and the deliberations of the Défenseur des Droits (Defender of Rights) shows that maternity is still a common reason for direct discrimination in female employment. Moreover, the return to work after maternity leave is a "high-risk time" (Lemière, 2013, p. 52) that often results in an unfavourable change in women's employment situations, if not outright termination. Such changes may include transfer, non-renewal of a fixed-term contract, demotion or refusal of a promotion, or even a combination of various suspect measures translating into discriminatory treatment, potentially accompanied by psychological harassment. The persistence of such discriminatory practices often leads to women – particularly single parents with one or more dependent children – becoming

1. Protection begins as soon as the employer is informed of the pregnancy, and continues both during maternity/parental leave and after the return to work, in the form of the prohibition of any discrimination relating to the worker's family life. In addition, any termination that is discriminatory is declared null and void and the worker is entitled to reintegrate the firm. Moreover, at the end of postnatal leave, employees must be given the job they held previously or a similar job on at least equivalent pay.

isolated from the world of work, their career paths broken. Moreover, it is women who are the main victims of sexual violence (Brown, 2012), and of attacks in the workplace on their physical and psychological integrity and their dignity. Furthermore, it is particularly regrettable that understanding of the organizational consequences on their professional lives of domestic violence endured by women still suffers – in contrast to the ground-breaking Spanish legislation of 2004 on gender violence – from the blindness of French labour law (Hennequin and Wielhorski, 2012).

Women, however, are not the only workers to suffer stigmatization in relation to a real or presumed biological diminishment in their capacity for professional commitment. Age, which can affect functional capacity, is another risk factor in vulnerability to violence. At either end of their working lives, workers of both sexes bear the burden of the presumption that their capacities are diminished.

While they are young, their professional inexperience and physical and psychological immaturity inspire legal protections designed to protect their health and safety. Yet despite such protections, the occupational accident rate for 18–25-year-olds is more than twice that of employees overall (DARES, 2009). Moreover, the vulnerability of apprentices and minors who are granted special dispensation to work[2] facilitates, de facto, violations of labour law such as non-payment of salaries, breaking the promise to hire, excessive hours, night work or even physical or sexual violence on the part of those who exercise employer authority.

For older workers, too, the rate of employment is low in France: in 2013 it was 45.6 per cent for those aged 55–64, compared to a European average of 50.3 per cent (DARES, 2014a). This is due to presumptions of diminished functional capacity, and on grounds of productivity and competitiveness (Aizicovici, 2009; Cour de Cassation, 2010). Frequently thought of as the primary means of reducing staff numbers in the event of planned redundancies, older workers are the victims of techniques and mechanisms strongly encouraging voluntary departure or of various forms of pressure including harassment in order to push them into accepting early retirement. State of health or disability is another biological risk factor for violence in the form of marginalization, being sidelined within a business (Lhuillier, Sarfati and Waser, 2013, p. 15), or of losing one's job when affected by HIV/AIDS, of being declared incapable, of redundancy and of potentially permanent exclusion from the labour market.

2. Exceptions to the general prohibition are provided for in order to allow young people under 16 to work occasionally, as employees, in the performing arts sector and in modelling from the age of three months (art. L. 7124-1 ff. and art. R. 7124-1 ff. of the Labour Code); for the execution of light work lasting half of their school holidays for young people from the age of 14 years (art. L. 4153-3 of the Labour Code); and without age restriction for light work in establishments where only family members are employed, with the authorization of the father, mother or guardian (art. L. 4153-5 of the Labour Code).

In order to prevent or combat the violence that sees qualified workers sometimes characterized as "unemployable" (ibid., p. 13), it is crucial to raise awareness in trade union organizations, in particular about signs of psychological violence brought about by the guilt-tripping of workers by management. This applies notably when putting in place procedures relating to "raising awareness about disruption to production", for example on return to work after an absence due to illness or work accident. Such practices constitute indirect discrimination relating to the state of health (Cass. soc. 12 February 2013, No. 11-27.689, *Bull. civ.* V, No. 36). They can include a refusal to authorize a raise for employees who have been absent due to illness (Cass. soc. 7 February 2006, No. 04-45.733, unpublished), or the introduction of attendance and diligence bonuses. These bonuses are discriminatory since they are determined on the basis of the number of days taken as sick leave (Cass. soc. 11 January 2012, No. 10-23.139, *Bull. civ.* V, No. 10).

Physical and socio-cultural risk factors

Physiognomic factors can make people vulnerable to violence. This happens when unreasonable and illegitimate presumptions are made on the basis of a person's physical appearance and which cause unspoken but real inequalities in treatment. This criterion was introduced into French law on the occasion of the adoption of the first Act transposing the EC Directive to combat discrimination on the basis of origin (Act No. 2001-1066 of 16 November 2001) and makes it possible to take into account forms of discrimination that despite everything is very difficult to connect directly to one of the existing traditional criteria.

Discrimination based on an individual's intrinsic physical characteristics can be a symptom of workplace racism, sexism or homophobia. It may include assumptions made on the basis of objective characteristics (visible or audible, such as skin colour, facial features, surname or accent); these assumptions may trigger diffuse and multifaceted violence, resulting in differences in treatment (Défenseur des Droits, 2012). Such discrimination, for example an employer's desire to change an Arabic-sounding first name (Cass. soc. 10 November 2009, Complaint No. 08-42.286) or to confine somebody to the execution of tasks involving no contact with the public, often leads to strategies of concealment by workers displaying those characteristics (Aubert-Monpeyssen, 2010). There can also be manifestly aggressive actions on the part of the worker's colleagues, such as blacklisting or psychological harassment (Cass. Soc. 21 June 2011, No. 10-11.690, unpublished). Discrimination based on appearance (the person's looks, weight or height) may also occur as a result of assumptions made on the basis of subjective requirements by the employer or by the relevant professional setting (Amadieu, 2002). The same goes for aspects of physical appearance that an

employee deliberately chooses to adopt in terms of clothing (especially items with a religious connotation) and/or body modification that can have the effect of making the employee's presentation less neat, or imply an ideological or religious adherence or a specific sexual orientation or identity. These are likely to make the employer question, sometimes in a manner exceeding its prerogative, the image that an employee having contact with the public might convey of the company.

Assumptions about an employee's behaviours may also render them vulnerable and put them at risk of workplace violence (Verdier, 2010, p. 832). The same applies to personal beliefs, whether in relation to trade unions, politics or religion. In fact, an employee's behaviours crystallize a real or imagined "difference" relative to the collective norm imposed on the workplace. In daring to express a difference – including in defence of collective interests – the employee may provoke acts of violence on the part of the employer as well as work colleagues. Moreover, the protected status afforded in law to employees involved in collective bargaining is all too often "neutralized" (to borrow Verdier's term) by the courts; this considerably increases their vulnerability to the violence that they may encounter.

Assumptions relating to mores such as a worker's sexual orientation and identity – i.e. a priori made on the basis of facts drawn from the worker's personal life – are also of a nature to make them vulnerable and, most importantly, to themselves constitute a form of violence. Although termination of employment may be justified if there is an objectively characterized damage to the company, personal variables may in no circumstances legitimize disciplinary sanctions (art. L. 1132-1 of the Labour Code), discriminatory behaviours or other physical, psychological or sexual violence indicative of homophobia in the workplace. It must be emphasized that actions characteristic of workplace homophobia are extremely diverse, as they involve taboos and prejudices leading to comments, bullying, insults, avoidance tactics or a brake on career advancement. Consequently, in order to avoid violent behaviours of this kind, many homosexual employees conceal their sexual orientation. This option is not always practicable for employees whose sexual and social identity does not match (or no longer matches) the sex they were assigned at birth. Transsexual or transgender individuals rarely face just one type of violence; often it takes forms of multi-criteria such as gender combined with sexual orientation, physical appearance combined with sexual identity, origin combined with sexual orientation, and so on. This is termed "intersectorial" discrimination, in the sense that, rather than being an accumulation, the grounds for discrimination interact with each other and compound these workers' vulnerability (Lemière, 2013). Despite the frequency and variety of homophobic and transphobic behaviours, the mobilization of companies and trade unions on this issue is, in France, without doubt still extremely inadequate; the same is true of their mobilization against violence where the trigger factor is origin, race, ethnicity or religion.

Unacknowledged factors putting workers at increased risk of violence

Although some risk factors for violence are generally acknowledged in law, others, more trivialized, seem to be veiled in silence, downplayed even though they present an increased risk. This is true of socio-economic factors and of factors relating to a worker's foreign origin.

Socio-economic factors

Workers forced to accept "atypical contracts" are more vulnerable than others (Puel, 1980; Pélissier, 1985). This generally affects workers with low qualifications. The trivialization or even normalization of "contractual precarity"[3] encourages insecurity (Castel, 2006 and 2009) and disparities in treatment, whilst creating fertile ground for the proliferation of various forms of violence, as is particularly apparent in occupational accident rates for extremely part-time work, night work in the retail sector, multiple short-term contracts and the overuse of seasonal work, as well as forced domestic work. Research on the impact of changes at work on the physical health of "workers in atypical or precarious employment" shows that their working conditions are worse, more dangerous even, than those of employees on fixed-term contracts (Rouxel, 2009; Gollac and Volkoff, 2007). In order to protect the health of precarious workers, temporary work is formally prohibited for some particularly dangerous kinds of work such as that exposing them to various chemical agents (art. D. 4154-1 of the Labour Code), and theoretically they should receive enhanced security training. Despite this legal framework, however, affected workers face not only an increased risk of exposure to occupational hazards (Rouxel, 2009) but also have trouble being identified and monitored by OSH services. Paradoxically, they are among the least well medically monitored. Precarity therefore often goes along with a "precarity due to work" (Paugam, 2007), in so far as for workers already made vulnerable by uncertain career trajectories, "the risk of deterioration in their health may be elevated, increasing in turn the risk of a break and professional exclusion" (Rouxel, 2009, p. 5). Moreover, although the links between the precarity of an employment situation and its repercussions on the mental health of workers so affected are at present little considered in law (Lerouge, 2009), they are nonetheless undeniable, in particular as regards the risk of depression (Haut Conseil de la santé publique, 1998; InVS, 2003; WHO, 2004). The health repercussions are all the more important as these workers often do not have adequate social protection. The onset of an illness can rapidly become synonymous with poverty (Yerochewski, 2014; *Droits et libertés*, 2014).

3. Contractual precarity is a state in which workers alternate between periods of provisional employment and periods of unemployment of varying length.

Workers' poverty is clearly in itself a risk factor for violence, owing to increased subjection to working conditions that are arduous, unclear or demeaning. This applies in particular to situations of extremely part-time work, which are in 70 per cent of cases imposed on women who have an unskilled job, are "isolated", have dependent children and are obliged to take on multiple jobs (Pak, 2013, p. 1) – all of which are characteristic of income poverty (Barnier, 2011). It also affects domestic workers, whose working conditions and terms of employment, which are subject to extended working hours and workload, as well as low pay and social isolation, seem to make them prone to abuse and social insecurity. Thus, carrying out work in the employer's private home – where the labour inspectorate has no right of entry, according to the Labour Code (art. L. 8113) – as well as "the merging of domiciles" of the employer and the domestic worker (leading to the lack of separation of private and professional life), encourage the emergence of situations that are counter to fundamental rights such as a private life, dignity and freedom of movement (Perrier, 2012; Auvergnon, 2013a). These conditions also put such workers at increased risk of acts of physical, sexual, mental and economic violence (D'Souza, 2010); in particular, the "reinforced" nature of the subordinate relationship is a significant factor here in occupational vulnerability (Perrier, 2012). However, despite the evident link to precarity (Concialdi, 2004), very little has been done in French social law to effectively address poverty as a risk factor (Auvergnon, 2013b, p. 20).

Foreign origin

Another risk factor is a worker's foreign origin. Regardless of whether their status is legal or illegal, or whether their job is declared or clandestine, foreign workers (especially migrants) are a distinct category that is particularly vulnerable, with an inferior status exploited by unscrupulous employers. In addition to their origin, poor qualifications and lack of mastery of the French language and national law, scant resources and social and financial distress are other elements increasing the vulnerability of foreign workers. Indeed, the personal, family or financial situation of these workers "makes them more sensitive to the expression of employer authority" (Pizzio-Delaporte, 2014, p. 13). The conditions of employment, work, pay and career progression to which they are exposed are such that their work is de facto deprived of legal protection.

First of all, the invisibility of the activity in which they are engaged highlights their increased exposure to violence as well as the troubling nature of their situation overall (ILO, 2004). This is particularly the case for those employed in domestic service, agriculture and construction, on a temporary basis or in an irregular situation.

Legal instruments concerning foreign workers are diffuse, because the protection they enjoy (in particular under the principle of equality or respect

for their dignity) is not specific to nor directly targeted at them. It may be noted that the ILO Migrant Workers Convention, 1975 (No. 143), and the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families, 1990, have still not been ratified by France. This is all the more regrettable given that the latter convention grants migrant workers the right to "effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions" (Art. 16.2).

In addition, the national measures that are supposed to protect foreign workers are ambivalent (Bonnechère, 2010), because they continue to be a means of regulating competition aimed at combating "social dumping" and often tend to favour keeping foreigners in a state of precarity rather than ensuring their true integration into French society.

Then there are the difficulties of recourse that they face, which contribute to increased risk, whether it is their restricted access to labour law or their access to justice more generally. They are excluded de jure from French legal rules on employment termination (if their status is illegal) and de facto from those applicable in the context of collective bargaining or strikes (even when their status is legal). This "legal exception regime" impedes access to provisions protecting workers and facilitates the development of various forms of violence, either during employment or on termination of the contract.

Evidently, once we start talking about hidden or clandestine work, or even criminal activities such as prostitution (tolerated) or drug trafficking (prohibited), the complete lack of legal protection against the kinds of violence that workers are likely to experience is easy to see. In fact, illegal work shows itself to be a "major risk factor for the development of violence, in that illegality as an area of non-law renders almost impossible any regulation and control of violence" (Dejours, 2011, p. 78).

In some circumstances, the work carried out by vulnerable foreigners is imposed on them and can thus be described as forced labour, which is exacerbated when an employer takes advantage of the particular vulnerability of an employee (Brissy, 2010, p. 499). French legislation has not addressed forced labour except through the double condemnation of France by the European Court of Human Rights (ECHR) for violation of its obligation to put in place legislative and administrative provisions to effectively combat slavery (servitude) and forced labour (ECHR, 11 October 2012, No. 67724/09, *C. N. and V. v. France,* and ECHR, 26 July 2005, No. 73316/01, *Siliadin v. France*). Act No. 2013-711 of 5 August 2013 contains various provisions of adaptation in the field of justice and application of European Union law and France's international obligations (*JORF*, 2013, p. 13338), which transpose in particular Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting the victims of such practices.

Violence specific to certain occupations or professions

In addition to the vulnerability faced by certain groups of workers, there are also certain occupations or professions that are recognized as being "at risk", although this phrase has no basis in law. Although the terms "occupations" and "professions" are generally used synonymously in legal parlance, it is worth emphasizing the lack of a legal definition for the notion of "profession", as well as its ambiguity in labour law. It designates "both the branch of economic activity to which the employing company belongs and the activity that is performed by the employee of that company". The Labour Code for its part targets "particular categories of individuals whose legal condition is uncertain from the point of view of labour law and that is intended to equate to paid employees" (Chauchard, 2016, p. 142).

The specific characteristics of the job, the position held or the organization of work are in themselves sometimes carriers of violence, while certain professional activities are the theatre of highly symptomatic manifestations of violence.

Specific characteristics of the job and work organization

The statistical measurement of workplace violence has led to a search for explanations, above all in work organization (Cavalin, 2012, p. 4). However, workplaces that put workers in situations where they are vulnerable to violence are overwhelmingly those in which the specific characteristics of the job and the organization of work that is used involve, first, continual contact with the public and, second, a pace of work or work pressure that is difficult to endure.

Contact with the public

Dealing with the public is undeniably conducive to a variety of violent incidents and outbursts. First, there may be violence committed by a member of the public (Laviolette, 2014a). However, this tends to consist not so much of physical attacks as verbal insults by customers, users or patients, whether delivered face to face or over the phone, and usually occurs where money is concerned, or as a result of checks on the application of the law or security, or of contact with a potentially violent public. In 2013, 37 per cent of employees reported having been subject to hostile behaviours in the course of their work in the past 12 months. For more than 22 per cent of them, these behaviours came from the public (Algava and Vinck, 2016, p. 142). Verbal harassment can also come from third parties, especially if these hold some de facto authority over the worker. It may also occur in the form of violence resulting

from contact with persons in distress (ibid., p. 82); or from atypical hours such as working on weekends, Sundays and public holidays, variable hours, overtime, night work or solitary work; or from constant demands by superiors (Meyssonnier and Tahar, 2014, p. 144); or from third parties such as clients, users or work providers (Dejours, 2011; Caizzi, 2010, p. 138). Although generally we might conclude that contact with the public can render some a priori harmless places "violence-prone" – which is why being a librarian can be considered an "at-risk" occupation,[4] some occupations are more exposed than others to acts of aggression by third parties. This applies to representatives of state authority who bear arms (the police, prison officers, the military); occupations required to handle cash (cash security officers, bank employees, retailers); those empowered to grant or withdraw social entitlements or rights (employees of social security offices and job centres); and those involved in managing public services.

Pace and pressure of work

The pace of work imposed, as well as pressures relating to the occupational activity being carried out, can make workers vulnerable. This is particularly the case when the intensity of the work results in a pace of work or work schedule that is difficult to endure, or even in a workload that is physically or emotionally "truly and clearly excessive", as characterized by the Interprofessional National Agreement (ANI) on stress at work of 2 July 2008, which transposed the European Framework Agreement of 8 October 2004 (see also Moreau, 2000, p. 263). According to ANI, work (over)load is a recognized psychosocial risk factor, notably for occupational stress, especially when "managerial violence" is part of a deliberate management strategy by the company's leadership. In this context, managerial violence consists in deleterious methods of management, staff evaluation and performance management carried out by a hierarchical superior against one or more subordinates or collaborators (Laviolette, 2014b). Similarly, the harshness to which workers are exposed in the context of their work is no longer overlooked, as seen in Act No. 2010-1330 of 9 November 2010 reforming pensions, and confirmed in Act No. 2014-40 of 20 January 2014 guaranteeing the future and fairness of the pensions system.

Ten factors of arduous working conditions have been identified; they include exposure to significant physical strain (e.g. manual handling, arduous working position, mechanical vibrations), to an aggressive physical environment (due to the use of hazardous chemical agents, including dust and smoke, to extreme temperatures or noise), and to certain work schedules. According to the results of the 2010 SUMER survey (medical surveillance

4. See http://www.enssib.fr/bibliotheque-numerique/documents/65122-violence-et-incivilite-des-usagers-en-bibliotheque-municipale-perceptions-causes-solutions.pdf.

of exposures to vocational risks), the most affected sectors are construction, manufacturing, waste processing and agriculture, and the most affected workers are labourers, followed by retail and service sector workers. Of these, those engaged in production, installation, manual handling or cleaning are at higher-than-average risk (DARES, 2014b). Moreover, physical pressures and working environments also make these occupational activities "accident-prone" and pathogenic for the workers exposed to them. They include exposure to nuisance noise and temperatures and to radiation; visual, postural and movement constraints; work in controlled air supply and restricted spaces; manual handling of loads; vibrating tools and machinery; and driving (Vinck, 2014).

These factors are often compounded by organizational risk factors such as the strong pressures put on workers and the little autonomy they enjoy in the execution of their work. The underlying violence that these workers face may stem from working in alternating shift patterns (especially three eight-hour shifts); or from work characterized by the repetition of the same gesture at a constrained cadence imposed (or not) by automatic movement of machinery; or from remuneration by piece-rate, with a defined cycle time; or solitary and/or night work such as that carried out by security agents, truckers, public transport drivers and taxi drivers. It may also stem from excessively restrictive, rigid or malfunctioning systems of work organization which deprive workers of room for manoeuvre (Rouat, 2008), in particular to allow them to reconcile their professional and family lives. This can occur due to the increased and continuous surveillance of workers, initially effected by supervisors tasked with making sure that everyone is where they are supposed to be; continual checks on their work; or even intrusive video surveillance intended to "combat systematic dawdling by workers", to borrow an expression from Frederick Taylor's *Shop Management*, published in 1903. The same is true when it is impossible for workers to interrupt their work due to the complications of hierarchical control, formerly human and now computerized. Indeed, "computer-assisted Taylorism" is showing itself to be much more relentless than the traditional human controls, in particular when the operations of production workers are so automated that they set off the automatic arrival of the next task, and their monthly pay is shown in real time to employees throughout the day in relation to their productivity (Ray, 1992, p. 525). This also makes it possible to "avoid direct hierarchical confrontation" (Roudil, 1981, p. 311), even while imposing computerized time management tools controlling productivity.

Such workers' low level, or even complete lack, of autonomy is indicative of a degree of subordination that is tolerated to varying degrees depending on the position held, the urgency of the objectives being achieved, the requirement to respect deadlines or the fact of having to start an activity over again following contradictory orders (Sarnin, 2013, p. 26). Imposed by the employer, the degree of subordination may manifest itself through excessive

use of information and communication technologies. In fact, the over-use of digital tools and the expectation of hierarchical superiors, clients, providers or subcontractors that workers be constantly available to respond by phone or email lead to increased subordination as well as to the explosion of pathologies relating to hyper-connectedness (Le Fur, 2016). France has been innovative in establishing a right to "disconnect" (Ray, 2016, p. 912), an innovation created by Act No. 2016-1088 of 8 August 2016 relating to Work, Modernization of Social Dialogue and Securing of Professional Processes (known as the "El Khomri Law"). However, effective implementation of the Act is challenging for collaborative working hours, including tele-conferences between employees spread across the entire world, with the sometimes delicate problem of time differences. Going far beyond the problem of professional connectedness outside working hours and the exceeding of "reasonable maximum work duration" (Cass. soc. 7 July 2015, No. 13-26.444), being subject to such requirements transforms the subordination of the worker into a "sub-organization" (Ray, 2002, p. 5) and can at times be tantamount to voluntary slavery. Equally, the repercussions of the continuous "geo-localization" of the worker, even "tele-localization" (Ray, 2012, p. 61), with no geographical boundaries or time limits, should not be ignored, in particular in terms of the invasion of workers' private lives (Ray, 2004, p. 1077).

Specific examples

There are plenty of "at risk" professions and occupations that are the theatre of characteristic manifestations of violence. These include the police, the military, and prison and security guards, among others, where potential recourse to violence, especially physical violence, is part of the means of exercising the professional activity and requires the continual handling of weapons. Moreover, in the context of their work, "the military, as an occupational group, can themselves be the victims of work-related violence, as well as inflicting such violence on others" (Chappell and Di Martino, 2000, p. 20, note 44).

Some professions such as construction and public works, the chemical industry, sea-fishing or dock work tolerate or even maintain a climate of "habitual violence", in the sense that these work settings involve significant risks of attack on physical integrity and workers therefore develop collective strategies to protect against fear. These include the capacity to endure suffering, even violence, and the capacity to inflict it on others (Dejours, 2011). There are also professions in which avoiding ever-present violence is an individual defence strategy in coping with the difficulty of the work. Prime examples of this are hospitals, medico-social settings and nursing work; particularly in this last sector, where most employees are women, nurses' relationship to violence may at first sight seem difficult to discern since it is above all an

"astute relationship" marked by anticipation. Strategies are therefore implemented by the care staff involving the transgression of security rules and the organization of hospital work so as to not be confronted with the aggressiveness of patients; for example, choosing to ignore the trafficking of alcohol in their service, out of fear of the state of withdrawal in a patient (which can be worse than drunkenness), or out of compassion in the face of the social and emotional misery of patients (Molinier, 1999).

In the case of the banking sector, however, where there is a significant risk of violence that is notably but not exclusively physical and that originates from outside the company, the answers provided are not from a professional culture or a spontaneous collective or individual defence strategy. Although incivilities continue to grow, there has been a significant drop in armed robberies: in 2015 there were only 16 violent or armed robberies in AFB banks, compared to 32 in 2011, a reduction of 50 per cent.[5] However, the elements of reflection and/or awareness raising that have been brought to bear on the problem of workplace violence in this vocational sector are agreement-based. Anxious to "maintain a spirit of security", the social partners reached a professional agreement on 30 May 2016 on the security of staff and assets at banking points of sale, targeting all robberies that make use of violence. Defining minimum security rules, this agreement essentially consists of provisions, equipment and procedures intended to ensure the security of employees. It also makes security training obligatory and stipulates the assistance to be afforded to bank staff who are victims of an attack in connection with a violent theft. This includes immediate closure of the point of sale for at least a half-day in order to organize the medical-psychosocial care for affected employees who request it; declaration of work-related accident for employees who are victims of aggression; medical and legal assistance; informing the occupational health and safety committee; and taking on board requests for job transfer and advice issued by the occupational physician.

Although this agreement attests to the way the banking profession has taken action on issues relating to security from the point of view of attacks on the physical and psychological integrity of affected employees, it does not prohibit the existence of points of sale or counters manned by just one employee. In those circumstances, rude behaviour and other violence to which the solitary employee is exposed are all the more difficult to contain and endure psychologically (Rouat and Laporte, 2008).

Another striking example of the repercussions of violence, especially of an economic nature, on the physical and mental health of employees (who are for the most part temporary workers), is the nuclear maintenance sector. In fact, those responsible for maintaining the reactors are 80 per cent agency staff, namely 22,000 precarious employees hired by the subcontracting

5. See http://www.wk-ce.fr/actualites/actualites_imprimer.php?action=imprimer&actualite_id=95247.

companies of EDF, who take care of the maintenance and care of the installations.[6] According to the Nuclear Safety Authority, there are sometimes up to eight levels of subcontracting. The "management of employment by dose", which is applied overtly, is a discriminatory practice that "causes temporary workers who have reached their dose limit [of radiation] to lose their jobs, be prohibited from entering the plant, and excluded from their place of work" (Thébaud-Mony, 2007a and 2007b). Identification and understanding of the effects of the casualization of dangerous tasks – such as the maintenance and cleaning of the plants, the treatment of waste, or decontamination – on the working and living conditions as well as the health of "nuclear plants' intermittent workers" has been an area of study for several decades, for example by Rettenbach (1978a and 1978b), and a field of crucial legislative intervention (Doniol-Shaw, Huez and Sandret, 1995). However, the amendment of 10 October 2013, proposing to take into consideration the specific arduousness of nuclear work, especially due to exposure to ionizing radiation, was rejected. The debate has remained closed since then.

Despite the dangers of this activity for workers' health – an activity long referred to as "servitude" [sic!], now termed "logistics" and consisting of all the maintenance works that arise every 12 or 18 months during "shutdowns" that last between 30 and 90 days – there is no preventive legal measure aimed at reducing exposure to ionizing radiation. Cynically, the only option proposed is the succession of a large number of workers recruited as subcontractors or temporary workers, who are excluded as soon as they reach their maximum allowable dose of radiation. It has been shown that, in addition to increased exposure to radiation, the risk to physical health is aggravated by the increase in the variety of tasks (Sandret, Huez and Doniol-Shaw, 2001), as well as through a somewhat cavalier attitude to reporting occupational accidents. For instance, despite the serious contamination of an outsourcing company agent for EDF which occurred on 28 May 2011 in works at the nuclear station of Dampierre-en-Burly (Loiret), EDF did not declare it until March 2012. A private prosecution against EDF was filed by Réseau Sortir du Nucléaire (2016) denouncing EDF's unacceptably irresponsible attitude towards the health of workers.

Although trade unions have been a little slow to recognize the seriousness of this issue, some of them are now publicly denouncing this kind of outsourcing of occupational risk and demanding "a stop to mass outsourcing, cascade subcontracting and precariousness" on power plant sites (*Le Monde*, 2011). In order for these vulnerable workers to have swift access to an appropriate level of social protection – at least equal to that of other workers – trade union campaigning will need to be persistent. Moreover, it must take the form of support for and systematic encouragement of recourse to justice in order to expose these practices to the public through the

6. See http://groupes.sortirdunucleaire.org.

media and to bring the legislator's silence to an end. One example of success is the judgment against Bouygues (and several of its subcontractors) in the Correctional Court of Cherbourg, 7 July 2015, for "work concealed through the concealment of employees and activity, unlawful loan of labour and merchandise" concerning 460 Romanian and Polish workers on the nuclear reactor construction site between 2008 and 2011 (Aizicovici, 2015).

An alignment of this kind of trade union commitment on all the problems relating to workplace violence and stress would moreover be of significant benefit in raising public awareness of the consequences of these practices for the health and safety of workers, as well as in eradicating such practices.

Concluding remarks

Trade union and employer federations at both international and European levels have initiated many high-quality campaigns, guidance and recommendations on combating violence in the world of work, especially concerning the psychosocial risks of stress and professional burnout, gender equality, discrimination, and sexual or domestic violence. There are even initiatives targeting those sectors where workers face particular forms of violence: health, retail and transport, among others. Nevertheless, it must be admitted that the determination shown has not always borne the hoped-for fruit at the national level, in particular in the case of France.

Despite awareness-raising activities directed at employer organizations about the financial cost of workplace violence in terms of its negative impact on productivity, absenteeism and the accident rate (ILO, 2014), the impact at the national level has not been greatly felt. This is especially true of harassment and discrimination based on origin, ethnicity and religion, or of homophobic or transphobic behaviours, for which mobilization remains largely inadequate in France. There is still a clear divide between the militant base in companies and the trade union leadership, whether national, European or international: the concerns of the former do not correspond to the concerns of the latter. In the face of the growing deterioration in working conditions, the trivialization of "stock market lay-offs" and the casualization of jobs, some of the battles worth fighting have been effectively abandoned by the trade unions.

Despite the economic benefits of combating workplace violence effectively (ibid.), the French social partners are having difficulty dealing with these issues fully and effectively. And yet, large-scale trade union mobilization at the company level is indispensable. This could take the form of awareness-raising and training of trade union representatives about the various forms of violence that represent a particular risk for these vulnerable groups of workers and occupational sectors, so that support and systematic assistance can be offered. Such trade union support could consist in providing workers

with legal advice and information with the aim of encouraging them to seek redress whenever this is appropriate, and should lead to the multiplication of legal proceedings on behalf of workers, specifically when they are vulnerable, whenever the law allows. In French law, this is particularly the case in terms of discrimination (art. L. 1134-2 of the Labour Code), professional equality between women and men (art. L. 1144-2 of the Labour Code), and moral or sexual harassment (art. L. 1154-2 of the Labour Code). "Judicializing" denunciations of workplace violence in all its forms will contribute to media awareness of these deleterious practices and of their harmful effects on the health and safety of workers; media coverage, in turn, will lead to a further judicialization of these issues.

However, at a time when this kind of trade union mobilization in support of a real and collective fight against workplace violence is vital, some French trade unions, or at least some of their representatives, can be accused of fanning the flames, of playing on the exasperation of employees who have been pushed to the limit, of encouraging and actually resorting to physical violence. We might mention some of the events that marked labour disputes in enterprises such as Metaleurop, Caterpillar, Continental and Goodyear, or Cellatex, where in July 2000 the employees threatened to blow up the factory and dump toxic products in the river Meuse; or, more recently, the "ripped shirt" incident at Air France in which 15 trade union militants were prosecuted for "property damage" and "organized violence" committed in early October 2015 at Air France headquarters during a protest against a restructuring plan that aimed to cut almost 3,000 jobs.

These few moments of a "return to worker violence" must not allow us to forget that they usually occur in response to prior "employer violence", especially redundancies resulting from stock market lay-offs. This latter violence, multifaceted and more widespread, is a violence passed over in silence.

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Flexible and remote work in the context of digitization and occupational health

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An outline of the problem

Speculation concerning the risks and opportunities of digitization yields a variety of scenarios, ranging from factories devoid of workers to offices reachable around the clock and service employees under permanent stress. It is probably safe to assume that these are exaggerations. What is clear, though, is that in the interest of an intelligent labour policy the opportunities and risks should be recognized, identified and assessed. Digitization certainly has many advantages. Robotics, for example, can make work that is physically demanding or monotonous easier or more efficient, in production as well as in health care. Digital information and communication systems also enable new and enriching possibilities, in both work content and work organization, which ideally could also lead to an improved balance between private/family and working life. Viewed historically, the growing options for freely choosing when and where to work represent enormous progress for many employees. Self-determined work is a good match for today's more educated employees, the desire for self-realization at work and the growing importance of knowledge work. It is important, however, to ensure that these options are used in ways that are appropriate and fair to employees and are anchored in legislative and regulatory frameworks.

At the same time, digitization leads to concerns about job security, partly because its inherent potential for rationalization puts an unknown number of jobs at risk. It is also giving rise to new, flexible forms of employment (e.g. crowdworking), which often lack the social safety net that accompanies more traditional forms of employment, and which add complexity and hence confusion around the concept and design of paid work. This confusion extends to questions concerning professional and vocational qualifications. No one knows what kind of challenges and demands on workers will be brought on by digitization in the years ahead. Various studies show that, despite the benefits of greater freedom and opportunities, many working people also feel they are under greater pressure and are concerned that they will not be able to cope with the growing demands of work in the long term (e.g. Menz, Dunkel and Kratzer, 2011). The pressure resulting from work-related demands is already alarmingly high and will presumably worsen as a result of increasing digitization (Institut DGB-Index Gute Arbeit, 2016). Moreover, occupational safety measures have thus far failed to adequately deal with psychosocial stress factors. The new, largely unforeseeable developments in digitization and flexibilization, along with newly arisen forms of work and employment, make it vitally important to critically assess the current state of occupational safety and health (OSH).

For these reasons, this article examines the challenges facing OSH, focusing on psychosocial hazards and risks. Based on results of recent representative surveys of works councils, it identifies trends in digitization and health observed in the workplace and the impact these have on employees' working conditions.

The WSI Works Council Survey is an instrument of the Institute of Economic and Social Research (Wirtschafts- und Sozialwissenschaftlichen Institut – WSI) of the Hans Böckler Foundation; data on workplace co-determination and other information have been collected since 1997. The fields covered by the survey include staffing situations, collectively bargained pay agreements, the employer's economic situation and recent restructuring activities, current activities and problem areas for the works councils, and working time arrangements. The survey includes responses from approximately 2,000 works councils and is representative for workplaces with works councils in Germany.

Working conditions today

The complex interplay between digitization, flexibilization and OSH has received little research attention thus far. As yet, little is known about the extent to which companies have adopted digital work tools and digital working practices and how this has changed the nature of work. Although findings discussed in recent years have linked psychosocial hazards, stress and burnout to the new information and communication technologies, many other causes have also been implicated. Today, however, digitization and the reality of the ever-changing technical possibilities that go along with it are making its role more conspicuous. Thus, there are grounds for presuming that digitization as such is not necessarily the only cause of changing work demands, such as constant reachability. On this point, Pfeiffer writes: "While the new media do enable and accelerate the shift to an increasingly borderless world of work, they are not the real driving force" (2012, p. 16).

A classic example of a consequence usually attributed to digitization, constant reachability is more likely a result of boundary-blurring processes that have been under way for years and have arisen as new results-oriented management concepts (target agreements, project work, etc.) have been implemented. Digital work tools and higher expectations of reachability and work flexibility have led to mounting pressure on employees. In terms of work design, the integration of family and work life was already the subject of much debate and discussion long before digitization became an issue. It is now more possible than ever to work anytime and anywhere, but high expectations (of flexibility, speed and customer orientation), especially in combination with digitization, can make it very difficult for individuals to coordinate and manage their family and work lives.

To better understand the interrelated subjects of work-related stress, OSH and digitization, it is worth taking a moment to review the general working conditions of employees in the workplace today.

The results of the WSI Works Council Survey 2015 for Germany show that work intensification, performance pressure, overtime hours and

insufficient staffing levels are commonplace in many workplaces. Work and performance pressure have been under scrutiny for years. Employee health problems have increased significantly in 77 per cent of the companies surveyed. The number of overtime hours worked has risen in just over half of the companies (54 per cent). Work-related stress is an oft-recurring issue in negotiations with employers (78 per cent) and at employee meetings.

It should be pointed out that the findings of the Works Council Survey probably paint a more positive picture than that actually prevailing in German workplaces, since working conditions in workplaces where co-determination (via works councils) is in place are likely to be better than the average for workplaces overall.

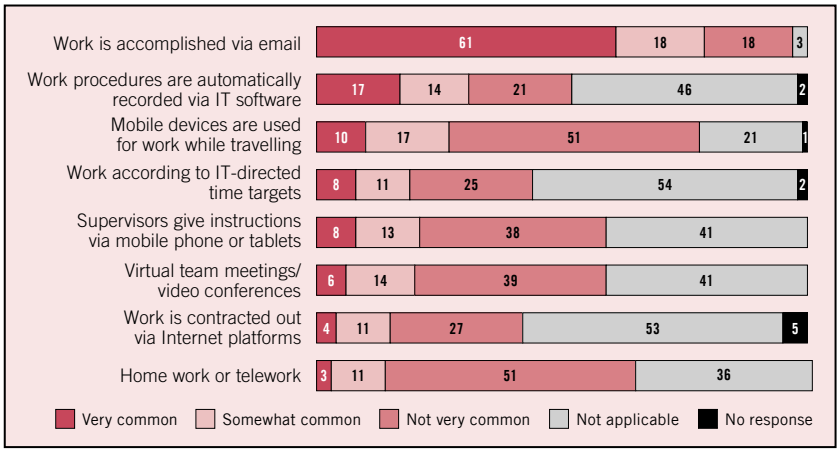
These numbers illustrate the everyday experience of employees in the workplace. Even without focusing on the shift toward digitization, they reveal a world of work that is hectic and where overwork is the norm. With the growth of the service sector and increasingly faster digital workflows, it can be assumed that working life will become even more dynamic, complex and intensive in the future.

How far has digitization in the workplace progressed?

Various surveys show the extent to which companies in Germany have already been digitized. The results vary greatly, depending on the target group and the definition of digitization. The extent of digitization in Germany still appears very low when respondents are asked about cyber-physical systems, smart factories, the Internet of things, big data, cloud computing systems, online platforms and shop systems at the workplace level. And while it is true that approximately half of all companies today use one or more such technologies, the proportion of modern digital technology compared to all production, office and communication media is still relatively low (Arntz et al., 2016).

However, a different picture – namely of digitization that is already in full swing – emerges for example in employee surveys conducted by Bitkom, the German association for information technology, telecommunications and new media industries. These surveys show that 87 per cent of German employees use a stationary and/or a mobile computer, and that 67 per cent of all employed persons use a smartphone (Bitkom, 2013). According to the Federal Office of Statistics (Statistisches Bundesamt), in 59 per cent of all companies in Germany over half of the employees use a computer with Internet access. The German service industry trade union ver.di also comes to the conclusion that digitization in the service sector is well advanced, with survey results showing the proportion of jobs that are already "digitally equipped" to be 92 per cent in media and culture, 82 per cent in power companies and 71 per cent in trade.

Figure 1. Extent of digital working practices, works council responses (percentages)



Source: WSI Works Council Survey 2016.

One point that everyone agrees on is that the Internet has made its way into nearly all companies. In particular, communication via email has increased. In 61 per cent of all workplaces, most tasks are accomplished by email (see figure 1). According to the findings of the WSI Works Council Survey, digitization has reached the majority of workplaces, though not across the board and often only for certain types of work. For example, 70 per cent of companies in Germany permit (at least some of their) employees to remotely access their work email accounts. Half of the companies offer tablet computers to some of their employees. In 57 per cent of companies, employees have remote access to work files. In 10 per cent of companies, remote off-site working is commonplace and in 17 per cent it occurs occasionally. As shown in figure 1, work instructions received from a superior via mobile phone or tablet are also no longer a rarity: in 8 per cent of workplaces this is very common, while in 13 per cent of them it applies only to some employees and is somewhat common. In 17 per cent of companies it has become very common to record steps in a work procedure electronically.

How are work and demands on employees changing?

These digital working practices can lead to palpable changes in the nature of paid employment. However, these developments do not necessarily always move in one direction, nor, as described above, is digitization necessarily the cause of the change, but is more likely a contributing factor.

- Digitization has the potential both for more flexible and self-organized work and for further standardization of work processes. In call centres, for

example, or in public administration, an ongoing process of standardization can be observed whereby steps in a process are prescribed by software programs in increasingly smaller increments and employees work through them in prescribed work patterns. In most cases though, work content for various work positions is becoming more complex and the demands in terms of flexibility, reachability, self-organization, qualification and personal accountability are greater.

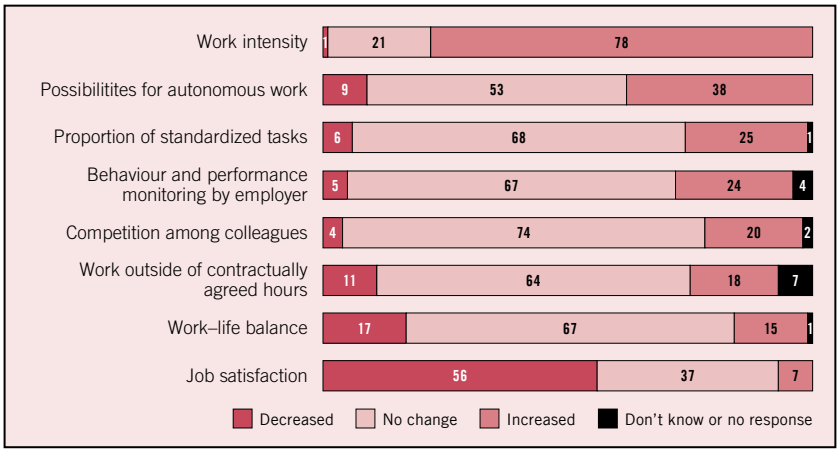
- The Internet and the increased interconnection of work positions are changing the content of work, and communication is taking place to a great extent by reading and (quickly) responding to emails. Using the Internet to obtain information is also a typical activity in the everyday working life of many employees.
- Information and communication technologies are what made the blurring of the space and time boundaries between work and private life possible in the first place, and today's Internet and mobile devices support constant reachability. This makes actual working time difficult to define and measure, especially when work emails are read and answered from home. New communication cultures are also being created, characterized by high levels of expectation that reactions and answers will be fast.
- The growing networking capabilities offered by the Internet and mobile devices are blurring company boundaries. Workers with regular employment contracts are increasingly working alongside external freelancers. Crowdsourcing is bringing third parties (freelancers, users, etc.) into production processes. Via crowdworking, packets of work tasks that are amenable to mobile and digital solutions, and which were previously performed in-house, are being contracted out on Internet platforms set up for this purpose.

In sum, it is clear that the digitization of work will be accompanied by significantly higher flexibility demands. Problems arise when the flexibility required (for work or production process) cannot be achieved or overwhelms employees. The result for employees is that work intensification, along with an overlap of work and private life, is increasingly common – along with all the social and health consequences.

What are the psychosocial risk factors?

Works councils were surveyed on both opportunities and risks associated with digitization in their workplaces. The findings provide evidence that working conditions have above all shifted in the direction of increasing work intensity (for 78 per cent of works councils according to the WSI Works Council Survey 2016, as shown in figure 2). This is particularly true for the service sector (financial and insurance services: 87 per cent; education/

Figure 2. How have working conditions for employees at your workplace changed overall since 2011? Works council responses (percentages)



Source: WSI Works Council Survey 2016.

health/schools: 84 per cent; trade: 80 per cent). Roughly one-third of the works councils that reported increased work intensity attribute it to technological developments. Here, too, there are notable differences between sectors: in financial and insurance services, over half of the works councils blame technological developments for the increased work intensity, while in the IT industry the figure is just 36 per cent.

Fewer, but still 38 per cent, of the works councils report that the possibilities for autonomous work have grown. This is most often the case in production (investment goods: 43 per cent). However, only a third of them attribute these growing possibilities to technological developments. In a quarter of the workplaces the proportion of standardized tasks has risen, especially in financial and insurance services (61 per cent). Overall, nearly half the works councils (47 per cent) blame this on digitization; in the case of financial and insurance services, the figure rises to 76 per cent.

In a quarter of workplaces the possibilities for behaviour and performance monitoring by the employer are growing; here again financial services (38 per cent) and trade (29 per cent) are the most affected, while 38 per cent of works councils attribute this to technological developments.

Competition among co-workers has also increased in a fifth of the workplaces. One explanation for this is to be seen for example in call centres, where software allows measurement of time and success for each step of the work process.

The responses of the works councils show that although 15 per cent see improved possibilities for work–life balance (this is most likely to be observed in financial and insurance services, at 19 per cent), a greater share (17 per cent) observe decreasing possibilities for work–life balance, and this is most

likely to be the case in public services/education/health (22 per cent). The same can be said for work satisfaction. Here, only 7 per cent observe greater work satisfaction as a result of digitization, whereas 56 per cent see a decline. These results contradict the view that digitization has only positive effects on work–life balance and work satisfaction.

What is to be done? Challenges for occupational safety and health

Along with technological developments, demands on employees have also changed. It has become possible to work much more flexibly. This has far-reaching consequences for occupational health protection: employees are increasingly less integrated into the traditional workplace location, which means that it is more difficult for occupational health actors to reach them. It also means greater performance demands on employees in terms of self-organization and reachability, making it increasingly challenging to set boundaries between working time and private life.

Theoretically, employees with flexible working arrangements have the ability to adapt their working time to their time needs outside work. In practice, though, this is often not feasible (e.g., due to urgent customer needs). Employees pay for the freedom that comes with such results-oriented working arrangements with eroded work–life boundaries and constant reachability. In 2016, 22 per cent of employees were often expected to be reachable outside normal working hours, e.g. via email or telephone. As a result of constant reachability, 37 per cent of these employees end up doing additional, unpaid work (Institut DGB-Index Gute Arbeit, 2016). Work intensity and performance pressure on employees, already high, are only further increased by working with the Internet and the expectation that emails will be answered quickly.

The growing use of mobile devices makes flexible working possible from any location, with the result that work tools and location can no longer be monitored and are not covered by OSH ergonomics measures (Schwemmle and Wedde, 2012). Often, private devices are used that are largely unsuitable for long-term use. Neither the standard workplace regulations *(Arbeitsstättenverordnung)* nor regulations for computer workstations *(Bildschirmarbeitsverordnung)* apply to work performed outside the company. These developments are leading to a situation in which regularly employed staff, when they work remotely and flexibly, are no longer covered by these kinds of occupational safety standards. The proportion of employees affected will likely rise and become more significant as time goes on. In this regard, company agreements with their works councils that explicitly stipulate when employees are expected to be reachable, and when not, have been shown to be helpful (Vogl and Nies, 2013). The aim is to make it easier for employees to set boundaries between work and private life.

Difficulties can be observed above all for freelancers and crowdworkers. The Internet has made it easier for companies to organize production processes more flexibly; for example, they can use the Internet to sell separate packets of work individually to self-employed workers. For companies, this is a flexible and cost-effective way to conduct some of their business, but for the contracted freelancer it can bring significant social risks. Crowdwork often combines time pressure, self-exploitation, insecurity and isolation. Regulations on social security and OSH, which protect other employees as a matter of course, apply to a very limited number of these workers.

In light of these new work-related demands, concrete measures need to be taken. Using the example of remote/mobile working, there are four key areas where regulatory action is required:

1. The flexibilization of **working time**, which blurs work–life boundaries and entails constant reachability, is growing. In fact, for many working people regulatory stipulations regarding the eight-hour working day, required breaks and maximum working-time limits, whilst they might look good on paper, are of little or no practical relevance. Thus, it is imperative to revitalize the existing norms described in working time and OSH legislation. In light of increased use of honour-based timekeeping systems, and the self-exploitation of employees that is associated with them, works councils should be entitled to co-determine whether timekeeping is introduced in a workplace.
2. The **decoupling of work location from the employer's workplace** can lead not only to blurred boundaries and constant reachability for employees, but also to even more pronounced individualization, as the amount of time employees spend working together with a familiar group of co-workers declines. Communication, participation and co-determination – including for flexible forms of work – must be improved.
3. In terms of **work and health**, it is clear that (increasing) work intensity is problematic and often represents a health risk (Oppolzer, 2010). It is precisely on this point, however, that weaknesses can be discerned in the current state of OSH, weaknesses that require urgent attention and remediation. Employees should be protected from health-threatening levels of overwork, and risk assessments for psychosocial hazards should be conducted more often and in a more binding framework, and be adapted to digitized work demands.

Experience has shown that, with regard to a digitized working world, there are weaknesses in occupational safety both at the organizational level and at the level of the individual employee.

At the organizational level, occupational safety is more difficult to implement precisely because the work location is not always the employer's workplace. Many OSH guidelines are targeted at the company workplace.

For home offices, as an example, health standards have yet to be defined and regulations that govern in-company workplaces do not apply. The same is true for working time, which is also being decoupled from in-company workplaces in the age of smartphones and laptops remotely connected to company networks. Nor are crowdworkers and freelancers organizationally included in occupational safety, as they are formally considered to be self-employed.[1] This is despite the fact that the proportion of crowdworkers in Europe is growing steadily. Legally ensconced OSH standards must be expanded to include new forms of work.

For individual employees, the effectiveness of occupational safety standards is constrained owing to new, results-oriented forms of performance management, for which digitization provides further fuel – but also because many employees themselves desire to work more autonomously. Performance management via deadlines in project teams or via customer or market pressure ("indirect performance management") is common for flexible and results-oriented forms of work. Employees are left to fend for themselves in coping with overwork, time pressure and excessive demands on performance. Existing legal limits to working time (such as the maximum working time of ten hours per day) are often ignored by employees themselves who, in their own "self-interest", put themselves at risk – especially in cases where targets are set for employees for the delivery of specific work results to a deadline.

The tension between the "individual" and the "employee", i.e. the desire for greater work autonomy on the one hand and the interest in maintaining one's health on the other, is difficult to resolve using the so-called "logic of prohibition". The logic of prohibition goes against the interests of many employees; for example, weekend work is an explicit wish of many employees (when they can work less at other times in exchange), in order to be able to work with fewer interruptions and greater concentration. The desire for a private life and self-determination is in conflict with the rules in place to protect employees from work-related health risks.

A further dilemma for OSH is that the nature of work-related stress has also changed. The demands of work and the forms of work-related stress have grown more complex (examples are exhaustion and the inability to rebound from stress). The traditional search for a specific workplace cause and its health consequences is thus out of date for OSH today. Complex work-related stress factors (such as simultaneous time pressure, high work intensity and constant reachability) are much more likely to lead to diffuse psychosocial and physical complaints. What is needed is approaches that take into account the complexity of the interaction between working conditions and psychosocial risks, and that emphasize workplace measures for maintaining good health (management behaviour, social support, sufficient staffing, etc.).

1. An exception is the category of "employee-like freelancers" who are covered by German occupational safety law.

Occupational safety legislation provides for a legal remedy to many of these problems. Risk assessments (as described, for example, in the German Safety and Health at Work Act, S.5) can minimize the health risks of work-related stress in a participative and process-oriented approach. In reality, however, only about a quarter of all companies have implemented risk assessments that include psychosocial risks (Ahlers, 2011 and 2015). In the past ten or 20 years there has been no fundamental progress in the implementation of this very important occupational safety instrument. The reasons for this implementation deficit are explored below.

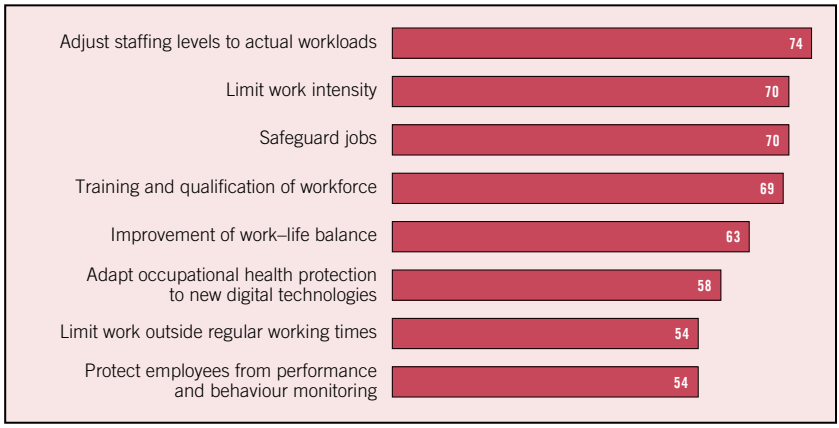
Many feel overwhelmed by, or inadequately trained to deal with, the subject of psychosocial risks (according to 65 per cent of all works councils). Unfortunately, OSH continues to be treated as a technical issue that focuses on threshold values and safety rules, with little emphasis on health prevention. The risk assessment instrument, however, also poses constructive questions regarding organization of work in the company and management behaviour. This is challenging and requires sufficient training, systematic instructions and procedures, and instruments.

Good risk assessments are also participative in character, that is, they are conducted with the direct involvement of the employees. Participation can only succeed, however, when OSH actors and employees are sensitized and trained, as mentioned above. Improved qualification and a participative process would extricate employees from the trap of individualization, enabling them to share with colleagues their experiences of overwork with less anxiety about being labelled as lazy or low performers. Work-related stress would thus become a subject to be looked at objectively and managed cooperatively.

There is another aspect that also deserves attention in the context of the digitized working world: even when psychosocial risks are the subject of assessment, action seldom follows. No, or only half-hearted, measures are undertaken, and the effectiveness of those taken is not monitored. In companies no one seems to feel responsible (according to 61 per cent of the works councils). Many companies fail to act, partly due to the associated costs (according to 35 per cent of the works councils), partly due to reluctance to engage in constructive dialogue on such sensitive questions as work organization, management behaviour and staffing levels. For employees, though, half-hearted risk assessments are disillusioning and dampen their motivation to participate in further assessments. In the digitized working world, therefore, risk assessments should be viewed as ongoing and dynamic processes that enable successive improvements to working conditions by involving employees and taking their specific interests into account.

Furthermore, OSH should always be considered in the context of the performance culture and policies of the company in question. As digitization progresses, the problems of high performance demands and precise performance measurement are set to become more acute. The introduction of

Figure 3. Most important themes for German workforce representation in the future, works council responses (percentages)



Source: WSI Works Council Survey 2016.

new technologies or digital work tools with the aim of enabling more efficient work also often coincides with further rationalization measures that reduce staffing levels. This can add to the already high levels of work intensity in companies. Permanently high work pressure, however, is one of the primary causes of psychosocial health risks. In other words, a large part of the workload that represents a health risk could presumably be effectively reduced by more adequate staffing, as difficult as that may be to implement. The extent to which works councils in Germany are in agreement on this point can be seen in the finding that 74 per cent of them consider staffing levels that are in line with actual workloads to be their most urgent issue (see figure 3). The next most urgent issues are limiting work intensity (70 per cent) and safeguarding jobs (also 70 per cent).

Outlook

The demand for flexibility is growing and work intensity is on the rise. In addition, companies are keeping staffing levels very tight. These are the conditions under which the digitization of work is taking place, and they are a sign of how important OSH will be in the future. As our working lives become more digitized, regulatory approaches need to be comprehensive and acknowledge the conflict between individuals' desire for greater work autonomy and growing levels of self-exploitation, and they need to offer empowering support. This calls for approaches that do not (only) follow the logic of prohibition, but instead offer binding co-determination options, for example on questions of reachability or adding staff to a team. The Safety and Health at Work Act already provides for one such option in the form of risk

assessments, but these need to be used in order to be effective. Other adjustments to rules governing working time and occupational safety to better suit today's circumstances may require legislative amendments, followed by flexibilization of OSH standards either via a policy of qualitative collective bargaining (e.g. collectively bargained agreements on health) or company agreements with their works councils (e.g. on working time, remote working, the right to "non-reachability").

Isolated and one-sided approaches are unlikely to suffice. In the long run, a bundled approach that works at different levels simultaneously would make sense. This would mean taking action at the individual, company and government levels.

At the individual level, employees need to be made aware of the links between work organization and performance management, and their experience of work-related stress. This is a necessary step in order to address the mindset that views work intensification, tight deadlines and time pressure as inevitable, so that it becomes possible to see working conditions as something that can be shaped and managed. Another aim would be increased awareness of working conditions and their potential impact on health, learning to set boundaries and how to maintain them. Such boundary management will gain importance in future, because traditional boundaries (such as fixed times and places for work) are eroding, especially for those working remotely and digitally, and thus need to be renegotiated. Here, employees must not be left alone to solve this problem for themselves. There must be support – organizational, political or via collective bargaining – to help them meet this challenge. There is also a need to establish the right to temporary periods of part-time work, the right to co-determination of working time schedules, and the right to work from a home office.

It is also important to take action at the company or workplace level. Designing working conditions that effectively tighten up or relax existing OSH regulations as appropriate would be a conceivable strategy. This could be achieved by means of a qualitative collective bargaining policy (i.e. collective agreements that focus on health or demographics), company agreements between employers and their employees' representative bodies (e.g. on mobile/remote working or the "right to non-reachability"), and the contractual stipulation in such agreements of specific bargaining rights and procedural rules. Company agreements between employers and their works councils on reachability, as have been negotiated in several companies, are an important source of protection for employees, especially for digitized work. Works councils can also function as a driving force of occupational health protection, particularly with regard to risk assessments (Blume et al., 2011). In Germany, co-determination rights for works councils with regard to personnel planning are under discussion.

At the government level, efforts must be made to ensure that employees continue to benefit from contractual rights in company agreements with

works councils, and strengthened co-determination rights. In light of the increasing demands for flexibility, reliable and predictable working hours need to be guaranteed in the Working Hours Act *(Arbeitszeitgesetz)*. Existing provisions of the Safety and Health at Work Act must be applied, implemented and monitored in companies. In particular, compliance with existing provisions on risk assessments for psychosocial hazards, which are so rarely conducted, is also necessary. In the long term, government enforcement is important: thus far, there have been few sanctions for disregarding the provisions of the Safety and Health at Work Act on the performance of risk assessments. German OSH inspectorates tend to be understaffed and lack sufficient training on psychosocial risks (Kohte, 2015). Staff levels were reduced by 25 per cent between 2001 and 2010 and the number of control visits in the same period fell by 40 per cent (Wittig-Goetz, 2012). Unfortunately, given the degree of latitude that exists in the design of risk assessments for psychosocial hazards, the need for advice and support has grown immensely. The number of violations of existing working-time regulations and OSH regulations has also risen sharply. As a result of many years of cuts in personnel and funding, occupational safety inspectorates are de facto unable to keep up with the tasks for which they are responsible. In the end it is employee health that suffers from these years of cost cutting in the regulatory agencies. What would be required is significantly higher staffing levels in OSH inspectorates, as well as training to sensitize their staff to the complex interdependencies between (digital and flexible) working conditions and psychosocial risks.

In this way, the initially described positive potential of digitization might be realized.

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The psychosocial impacts of technological change in contemporary workplaces, and trade union responses

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Introduction

In the era of the so-called Fourth Industrial Revolution, "characterized by a fusion of technologies that is blurring the line between the physical, digital and biological spheres" (Schwab, 2016), we increasingly work with machines in both cognitive and manual workplaces. It is widely understood that research and experimentation in work design has undergone numerous stages of evolution since "scientific management" began. With influences from bureaucratic and control methods, to corporatist and participative management, to the current trend for "agile" workplaces, we have moved from the predominance of manufacturing to service and digitalized work; a significant range of new technologies in workplaces are changing the way we work in ways hardly seen before.

Technology has always had a double-edged identity in workplaces, but most notably since the well-known industrialists Frederick W. Taylor and Frank and Lillian Gilbreth devised schemes to understand how workplace productivity is linked with human behaviour, and searched for ways to influence change through technologically informed work design at the beginning of the 1900s. Indeed, the principles, influence and integration of technology in workplaces can be traced back to the industrial age, where efficiency and productivity gains were prioritized but with a parallel desire to maintain the well-being and health of workers (akin to the Gilbreths' interest in fatigue and rest). What is new is the availability and inclusion of a range of unprecedented technologies that can be used to measure, track, analyse and perform work in ways hardly imagined during the lifetimes of Taylor and the Gilbreths. New tracking and monitoring technologies allow management to control work at ever more intensified levels. Some applications of workplace technology remove management accountability, and in some cases traditional "management", altogether. This article looks at what this means for workers.

Traditional non-routine professional work is increasingly delineated into discrete piecework that can now be done by machines and artificial intelligence (Ford, 2015; Brynjolfsson and McAfee, 2011), building on Braverman's observations in factories (1974). More recent researchers note that "computers, which are meant to help [workers to] do the work more efficiently are also extremely merciless monitoring tools" leading to conditions where "work rates are close to the maximum that workers can manage" (Peaucelle, 2000, p. 461), with high turnover rates, worker tensions and psychosocial violence among the consequences. New technologies and digitalized work not only put pressure on workers in the Western world, but have allowed for a global division of labour, outsourcing of routine work and increasing pressures on factory and manufacturing work where practices are regulated nationally. Workplace technologies of surveillance and control are also occurring in both the global North and global South (Moore and Robinson, 2016).

In this article we outline some of the most relevant developments in the uses, and possible misuses, of technology in workplaces today, in the context of a globalized world of work where workers at all levels of income, job security and locations of work increasingly face new pressures. A range of new possibilities has also emerged for "structural violence" at the level of the psychosocial through the newest technologies in, and of, work design. Galtung notes that violence is present when "human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations" (1969, p. 168). This well-known Norwegian scholar extended the definition of violence, finding that a narrow understanding where it is seen as a simple opposite to peace, or only a "*somatic* incapacitation, or deprivation of health, alone (with killing as the extreme form), at the hands of an *actor* who *intends* this to be the consequence [italics in original]" (p. 168) does not take into account the variety of types of violence that exist nor allow for concrete action. Galtung differentiates between physical and types of psychological violence, the latter of which work "on the soul" and "serve to decrease mental potentialities" (p. 169), seen here as psychosocial violence. There is not always a specific agent in conditions where such violence arises, and in the cases we present here, technology and its usage have agency in ways that are not always observable.

Structural violence (Galtung, 1969) refers to situations where features of a social institution, such as the technological aspects of work design within the institution, permit the possibility to hurt people by blocking access to basic needs. This type of violence is "built into the structure and shows up as unequal power and consequently as unequal life chances" (p. 171). Galtung is known in peace research circles, and feminist researchers have built on this work by reminding us that power relations are gendered and that feminism will "enrich Galtung's theory by seriously tackling issues of power and gender, which are essential to an understanding of violence as a process through which (violent) social relations are built, legitimized, reproduced, and naturalized" (Confortini, 2006).

While Galtung noted that the term "structural violence" is interchangeable with "social injustice", he did not look explicitly at gendered power relations. Here, the integration of technologies into workplaces has a range of effects and, in principle, violence and injustice can be avoided by care and recognition of the potential and existing problems we point out below and how they have an impact on vulnerable groups – significantly, women and men in technology-intensive professional and non-professional roles.

Mainstream thought dictates that technology does not necessarily, nor always, improve the experience of work. ILO research has already demonstrated that overwork has an effect on productivity (Golden, 2011) and there is now evidence that, unchecked, new technologies in workplaces can lead to further overwork causing psychosocial problems that can prevent basic levels of comfort and well-being at work. This includes, notably, stress and ill health,

by virtue of the fact that technology reduces autonomy and privacy; leads to intensified surveillance and monitoring of work; enables a fast working pace; leads to work–life integration to the point where there is no room for life or family or sociability (which impacts women, care workers and technology-intensive professional roles the most); provides few natural breaks; can lead to increased monotony; individualizes accountability; results in fewer opportunities for involvement in decision-making; and leads to intensified workloads (Ball, 2010; Ball and Margulis, 2011; Taylor et al., 2002; Rafnsdottir and Gudmundsdottir, 2011; Rosenblat, Kneese and Boyd, 2014). Additional risks range from the low-level stress felt by workers as new technologies become increasingly central, to the more intensive impact of practices such as anticipatory surveillance, or a "new penology" involving techniques that are usually utilized in policing contexts, where people are categorized based on levels of perceived dangerousness. All this can lead to disastrous employee responses and severe psychosocial and mental health problems. Some extreme consequences of these practices have involved worker suicides, as for example in the case of Foxconn workers in China (Chan and Pun, 2010).

This article highlights endemic precarity and inequality in technology-rich workplaces and the effect on groups of disproportionately vulnerable workers whose livelihoods are at risk. These include women and girls who are badly affected within the global digital divide (United Nations Division for the Advancement of Women, 2005). Indeed, information and communication technologies may "exacerbate existing inequalities between men and women and create new forms of inequality" (ibid., p. 3). The report *Because I am a girl: The state of the world's girls 2010: Digital and urban frontiers: Girls in a changing landscape* (Plan International, 2010) shows that it is women who are the main victims of cyberbullying and human trafficking online. Domestic workers are increasingly tracked and monitored, which leads to stress and unpaid work (Moore, 2015). The responsibilities and expectations of reproductive labour in effect double the workload of telemarketers in Brazil (Nogueira, 2009). Elsewhere, Huws (2014, p. 55) shows that in the eEconomy in China, and in the growth of value added work such as data entry in lower-cost countries such as the Dominican Republic, Madagascar and Sri Lanka, women tend to languish in lower-skilled positions while men occupy higher-skilled roles in systems design. A recent report by *The Candidate* (2016) observes that, in a study of 150 digital businesses in the United Kingdom, there are twice as many men employed as there are women. On the philosophical level, Colman has reminded us that technologies inevitably transform working bodies and that the processes of change are both gendered and structurally violent (2014, p. 6). It can be concluded that technology appears to neutralize and de-gender labour relations, which leads to possibilities of psychosocial violence in a variety of ways that lead to work intensification and open up a range of distinct areas of discrimination that governments, employers and unions are slow to capture.

There are a number of studies by international organizations and academic researchers that look at, among others, access to digital participation as linked to education and development in the global South; inequality of work in the ICT sector; research on the effect of digital monitoring on domestic work; and philosophical writings on the human experience with technology. However, data on the impact of heightened performance monitoring and other forms of quantified and digitalized labour on women specifically, and recommendations for improvement in the area of work and employment for women's empowerment, are worryingly limited. As indicated, lower-paid and casualized forms of work in the technology sector are overpopulated by women and other vulnerable groups. Their life experiences are intensified by new monitoring technologies which perpetuate psychosocial violence through exclusion and discrimination; we address these issues below.

With this in mind, we detail some of the specific structural violence resulting from the applications of new technologies in workplaces. This article looks first at the psychosocial conditions of working life that are made possible through specific technologies and practices, focusing on management practices, distribution and work design efforts, since digitalization and mechanization explicitly affect aspects of work and production. Secondly, it outlines some of the activities that unions have carried out, and can do more to carry out, to mitigate these issues.

New management practices and work design

Electronic performance monitoring (EPM) and surveillance at work

Most, if not all, professionals and service workers now use computers at work. According to CISCO's Visual Networking Index (2016) forecasts, the number of mobile Internet devices on the planet outnumbered the global human population at the end of 2015. The number of smartphones and Internet-connected tablets and monitors is staggering when we remind ourselves that 3G is only a decade old. Alongside Global Positioning System (GPS) on phones, new tracking methods are also available which allow management to gather information about workers' activities and to carry out electronic performance monitoring (EPM).

Perhaps the longest history of EPM is seen in call-centre work (Taylor et al., 2002) where various types of surveillance facilitate lean working practices. Even emotion tracking is standard activity in Indian centres (Van Jaarsveld and Poster, 2013). EPM can be defined as including email monitoring, phone tapping, tracking computer content and usage times, video monitoring and GPS tracking. The data produced from new technologies can be used as productivity indicators; indication of employees' location; email

usage; website browsing; printer use; telephone use; even tone of voice and physical movement during conversation (see below, section on wearable technologies). Practices are increasingly normalized internationally.

In the early 1990s, a US Senator on the Labor and Human Resources Committee, in hearings on the Privacy for Consumers and Workers Bill (S. 516) warned that "unrestrained surveillance of workers has turned many offices into electronic sweatshops... electronic monitoring should not be abused... Employees should not be forced to give up their freedom, dignity or sacrifice their health when they go to work" (Collins, 1991). Nonetheless, by 2010, an estimated 75 per cent of American companies were shown to be monitoring employee communications and other at-work activities (Ball, 2010). The estimated change in the US market use of technology to monitor employees rose by 43 per cent between 2007 and 2010 (Harper's Index, 2010, quoted in Schumacher, 2011, p. 138) and we are now in a period of what seems to be "limitless worker surveillance" (Ajunwa, Crawford and Schultz, forthcoming).

The concern is that EPM can be used to micromanage employees and invade privacy, lower job satisfaction, increase stress and lead to low-trust, negative work relationships (Schumacher, 2011), all of which can lead to poor psychosocial conditions. Human dignity is at stake in the context of rising workplace surveillance and, as Rothstein pointed out in relation to workplace monitoring:

> At work, human dignity is denied by treating the employee as a mere factor of production with fixed capacities and vulnerabilities determining her behavior and ignoring both the worker's individuality in the face of statistical probabilities and the human potential to overcome or compensate for physical obstacles. The worker's dignity is denied when she is treated as a mechanism transparent to the view of others at a distance and therefore manipulable or disposable without the ability to confront the observer (Rothstein, 2000, pp. 383–384; see also Gantt, 1995).

Direct productivity monitoring enabled by software installed into work and personal computers has brought into being a new EPM technique. Examples include RescueTime, Toggl, ATracker and My Minutes which have been introduced in, for example, real estate design workplaces such as in the case of the "quantified workplace" study carried out by one company in the Netherlands (Moore, Piwek and Roper, 2016).

Trade unions recognize that tablets and smartphones have changed the way people work, but many of their members question whether the tools have helped manage working people's work–life balance. One Hong Kong-based organization which engages the social partners in trade unions and business to improve corporate social responsibility (CSR) surveyed workers by presenting positive and negative statements about the impact of technology

on work–life balance (Community Business, 2012). While 15.4 per cent of respondents agreed with the positive statements, 42.7 per cent agreed with the negative ones. The main complaint was that people felt they could never really switch off, even while asleep or on holiday. These pressures are compounded in a new world of work where employees are "always on", or even "hyper-employed". The constant onslaught of communications and information, and expectations to personally manage work that was once done by another specialist in the company in timetabling and accountancy, has led to 24/7 working lives (Bogost, 2013). The "overwhelmed employee" checks mobile devices up to 150 times a day and suffers from information overload, inability to find time to reflect and even just to think, leading to employee disengagement and undermining productivity (Hodson et al., 2014).

The power of tracking work with EPM becomes even more attractive to employers with the possibilities for aggregation of "big data". Productivity can be monitored with increasing accuracy, offering detailed second-by-second frequency through the use of "people analytics" that extrapolates from the data made available. People analytics is made possible by reduced costs of data and information processing and is of interest to business because it is seen to reduce costs in service-provider selection and/or workplace reorganization and restructuring. It is the dominant selection method in the sharing economy (discussed below). Implicit in the use of these technologies, and the large amounts of data produced as well as analysis from people analytics, is that the type of activity and the length of time spent on activities can be inherently linked to a qualitative judgement about a worker's performance, information that could be used in appraisals or hiring and firing decisions. Intimate performance dashboards provided by most EPM technologies incorporate contextual information obtained from tracking devices, such as levels of physical activity, stress levels, or presence and absence scores. Such data are seen as an indicator of value. However, as pointed out by Angrave et al., "the process of modelling and creating dashboards and traffic lights is not value neutral but depends on dominant paradigms and perspectives within accounting and operations management, which themselves reflect ideology, politics and power (2016, p. 7).

These practices are rapidly superseding other forms of management methods, as data produced are seen to be a reliable indicator of productivity. New EPM then is very different from traditional methods and can have very negative consequences for employees (Jeske and Santuzzi, 2015). Reliance on metrics from tracking devices potentially dehumanizes employees, who are reduced to a collection of activity timestamps (Moore and Piwek, forthcoming). The associated violence results in biased performance evaluations; pressures for increased work or work intensification; reduction of autonomy (Bhave, 2014; Haque, 2015) (linked to privacy concerns); and perceived intensified control over individuals' work (Jeske and Santuzzi, 2015). These pressures lead to reduction of commitment and lowered job

satisfaction. EPM has very real potential to be used in psychological bullying, and employees are concerned about the possibilities for workplace control on the basis of what can be considered new surveillance methods (Rosenblat, Kneese and Boyd, 2014; Ball and Margulis, 2011).

For enterprises, there is a danger that vital data relating to confidential company activities, financial transactions, personnel management and employees' personal data may be accessed by unauthorized parties, creating justification for installing devices that protect and monitor access to such data. There is a fear on the part of employers that ICT facilities could be used by staff for personal reasons during working hours to the detriment of their work, or that the enterprise may be held legally responsible for information transmitted by workers in such circumstances. Mismanagement of data holding can also lead to negative employment relationships as well as legal questions around what kind of employee information an employer should have and store. These are some of the tensions faced by both employers and workers.

In 2014, 36 per cent of workers in a Gallup poll (Harter, Agrawal and Sorenson, 2014) said they checked work email outside of normal working hours, and this number is not likely to drop. Employers are legally permitted to monitor workers' emails and Internet browser history, with few restrictions. Facebook's terms of service are more binding than most governments', stating that "you will not share your password... let anyone else access your account, or do anything that might jeopardize the security of your account". There is little actual legal protection over these violations of privacy, and employers are increasingly known to ask potential employees for social media log-in information (Beesley, 2016). "Workplace spying" (*The Week*, 2015) can, unsurprisingly, lead to anxiety and psychosocial discomfort. Research has shown that when employees perceive they have privacy, it actually improves productivity: a feature of the "transparency paradox" (Bernstein, 2012).

There are difficulties in adapting the concept of respect for private life to workplaces. The right to privacy is taken to cover professional or business activities and employees' communications, thus implying that employers may not, in principle, interfere in these areas. However, as Kilkelly (2001) recalls, such interference is acceptable in certain circumstances – notably "in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals" (Art. 8(2), European Convention on Human Rights). This raises questions about the extent to which workers may be monitored and the relationship between their rights and employers' prerogatives. However, a number of principles relating to privacy and employer monitoring at the workplace can be drawn from bodies of national legislation that provide guidelines on the definition of this concept. Gilbert Demez's study "La preuve en droit du travail: Protection de la vie privée et nouvelles

technologies" (2002) states four principles to determine how privacy protection should occur in digitalized spaces:

- *relevance* – the aims for monitoring by the employer in respect of electronic communications data must be relevant to the situation of workers;
- *proportionality* – the monitoring must, in all cases, be appropriate, relevant and proportionate with regard to the aims it is pursuing;
- *transparency* – the concrete expression of this is found in employee information and consultation procedures that the employer must comply with when the monitoring system is installed; and
- *non-discrimination* – the measures adopted must not lead to discrimination between workers or groups of workers, and must be applicable to all.

An example of the psychosocial impacts of surveillance and EPM is seen in the Taiwan (China) outsourcing firm Foxconn, where a workforce of almost 1 million produces many of today's technological gadgets in a production regime which "sacrifices dignity for corporate profit in the name of economic growth" (Chan and Pun, 2010, p. 3). Stress and psychological breakdown, as well as physical health problems, are routine effects of such production conditions. Workers report they are "losing their futures" (ibid., p. 4). Among the characteristics of Foxconn's work regime are rigid internal surveillance systems such as identity checkpoints, frequent body searches and the use of extreme forms of quality control (Chan, Pun and Selden, 2013, p. 109). Wearable and quantified technologies (also discussed below) range from low-tech colour-coding of uniforms to the use of fingerprint scanners, electronic smart cards and alerting devices which are central to this regime. Harmful conditions and health and safety violations leading to fires and employee suicides are also well documented (Chan, Pun and Selden, 2013; Bieler and Lee, 2016).

The machinery question: Non-routine work at risk, and reputation by algorithm in online platforms

In 1821 David Ricardo introduced the "machinery question", referring to the "influence of machinery on the interests of the different classes of society". The machinery question, he indicated, centred around the "opinion entertained by the labouring class, that the employment of machinery is frequently detrimental to their interests" (Ricardo, 1821, p. 392). Karl Marx, in defence of the working class, stated that "like every other instrument for increasing the productivity of labour, machinery is intended to cheapen commodities and, by shortening the part of the working day in which the worker works for himself, to lengthen the other part, the part he gives to the capitalist" (Marx, 1867, p. 492).

Research on the capability of machinery to carry out human-like activities started in the 1950s when a researcher first coined the term "artificial intelligence" in a report where the author wrote that progress can be made in getting machines to "solve kinds of problems now reserved for humans" (McCarthy et al., 1955). The term was abandoned after the 1950s as people discussed "expert systems" and "neural networks" (Ford, 2015), but resonates with simultaneous social concern that machines could actually steal paid work from humans. Ted F. Silvey, from the National Headquarters Department of Education staff of the Congress of Industrial Organizations (CIO) and American Federation of Labor (AFL), pointed out that "machines and instruments can do almost everything except buy what they make"(Silvey, 1958). In an earlier paper he had noted that "[i]nstruments substitute for man's mind, just as the rest of the machine takes the place of his muscles. Machines are acquiring the skill of human beings, but they must work faster and more accurately than anything of flesh and blood – and they never tire" (Silvey, 1957, p. 29).

In this context, trade unions were concerned in the early Western era of manufacturing that the technologies involved in mass production worked to "trivialize" man by their "repetitive performance of bits. His craft skills, his creativeness, his human dignity, his uniqueness, were at best ignored and at worst, stomped on", causing the "destruction of the workers' dignity as people" (Silvey, 1956, p. 3).

This same trade unionist also optimistically pointed out the possibilities that mechanization would reduce the work week and work year, "both with full wage or salary income" (Silvey, 1958) and claimed that "automation promises a time when a comparative handful of people will have to work in factories at the dull, repetitive tasks demanded by mass production" (1957, p. 30). Silvey's optimism as well as pragmatism are remarkable: he states that "in the long run, automation will make more jobs... but the challenge is to solve the problem in the short run, to give immediate aid to the worker whose fingers are caught in the door when it is slammed shut" (1957, p. 29).

In the 1970s Harry Braverman hinted at the origins of algorithmic processes as a feature of the development of machinery, indicating that "it is only when the tool and/or the work are given a fixed motion path by the structure of the machine itself that machinery in the modern sense begins to develop" (1974, p. 130). The machine's ability to run itself has become almost accepted in contemporary life, but what happens when humans begin to make decisions based on specific aspects of the machine's operations with little or no external interference?

Today, the machinery question is "back with a vengeance" (*The Economist*, 2016, p. 3) because this question is infiltrating professional workplaces where all kinds of work can be increasingly automated. In 2012, the ImageNet Challenge set people to program computers to recognize images. These "challenges" or contests, coordinated by top researchers and corporations, became

a measure of success in the field, contributing to rapid improvement in what is called "deep learning"; the computer's ability to recognize images has now surpassed human capacity. This and other experimentation is bringing about the realization that tasks once considered the exclusive remit of humans are now at risk of automation, mechanization and digitalization. Frey and Osborne's more recent report (2013) demonstrates that both repetitive and non-repetitive jobs are now susceptible. Telemarketers, tax preparers, insurance underwriters and library technicians are at high risk of automation, at 0.99 probability (1 = certain). Work in professions such as health care and social work (0.0035) and recreational therapy (0.0028) are also under threat. A great deal of legal casework research can now be done by computers using deep learning algorithms (Ford, 2015). Non-routine work such as driving and deciphering handwriting are now being made possible by machines (Frey and Osborne, 2013, p. 17).

So the threat of automation in factories has been updated by new patterns of labour selection in new work design models such as the "sharing economy", facilitated by the new method of work selection and distribution called people analytics (PwC, 2015), which facilitates a process of identity management (Ajana, 2013) evident in new online platforms in the demand economy (AFL-CIO, 2016) where people buy and sell labour. The sharing economy or work in the "human cloud" includes such platforms as Upwork, ODesk, Guru, Amazon Mechanical Turks, Uber, Deliveroo and Handy, which are called "online platforms" in the Digital Single Market European Commission terminology (discussed below). Huws (2015) and Cherry (2011) label this type of exchange and work "crowdsourcing", and Huws defines it as "paid work organized through online labour exchanges" (2015, p. 1).

Crowdsourcing has facilitated companies' outsourcing of labour as well as introducing new platforms for freelance and self-employed work. The Office of National Statistics in the United Kingdom reported in July 2016 that the number of self-employed workers rose from 3.8 million in 2008 to 4.6 million in 2015 (ONS, 2016). The platform economy relies on self-employed contracted labour in both the United Kingdom and internationally and these workers have no access to regular employment benefits such as health care or maternity leave. They also have very little legal protection, and platforms are designed to reduce employer liability, as discussed below.

When these kinds of platforms were first introduced, workers used them to top up incomes and the work was mostly in more advanced economies. However, over time, workers with no other incomes in both the North and South have become heavily reliant on these spaces. Online platforms have facilitated outsourcing of work to the global South where the price paid for human labour is lower and labour market regulation is localized and limited (Bergvall-Kåreborn and Howcroft, 2014). But now, even professional tasks on these platforms are being "broken down by their least common denominator" and "the way that tasks and human capital is being viewed and

handled is... one that almost serves to dehumanize workers" (Cherry, 2011). Companies have tended to follow minimum standards, particularly in the global South (Estreicher and Cherry, 2008) and often adopt unenforceable CSR models which affect how outsourced labour occurs.

On the "crowdwork" (Berg, 2016) platforms Mechanical Turks and Upwork, people place available job contracts online and workers contact clients to pick up work. Work is often distributed in a piecemeal fashion to various workers as part of outsourced labour. The work offered from such platforms ranges from graphic design to programming, but communication between the worker and client is usually very limited, leading to a distinct lack of transparency. This can raise ethical questions, as "workers are unable to make judgments about the moral valence of their work" (Bergvall-Kåreborn and Howcroft, 2014, p. 218, citing Zittrain, 2008). Further to this, intensified reputation self-management is standard practice in the online labour market as freelancers seek work and as employers or clients actively profile employees with the use of new technologies (Pasquale, 2010; Gandini, 2016; Bodie et al., forthcoming). The chasing and utilizing of social capital to enhance and further careers and to find work and employment is not itself new, but the type of reputation formed that allows freelancers and the like to find work on online platforms is "based on algorithmic-based third party elaboration that translated the opinions of others into reputation proxy" (Gandini, Pais and Beraldo, 2016). So reputations are acquired through the number of tasks a worker took on board and ratings by customers. For example, Uber drivers report that if they receive customer "star" rankings below 5.6 or 4.5 they can be fired, despite some aspects of a journey – such as traffic and 3G or the soiling of the car by another passenger – having nothing to do with a driver's performance. Drivers receive no help from the firm for related issues and often receive much less income than they were promised upon becoming drivers (Brownstone, 2015). Nonetheless, the paradox and fiction of algorithms is that "human bias" is "absent" (Frey and Osborne, 2013, p. 18). However, Bodie et al. point out that "workers want to be treated as people, not ranked as fungible data sets or assessed as cost centres" (forthcoming, p. 75).

The profiling of human behaviour and the resulting data allow management to make judgements about who people are, as well as to predict their future behaviour. Computer-generated data are expected to be reliable and neutral, and to help with forecasting (Amoore, 2013; Cheney-Lippold, 2011). The assumed neutrality and utility of data for these purposes is what is at stake in workplace power relations, whether the workplace is one of a freelance worker or a full-time employee. Workers are increasingly easily selected and discarded, replaced and disposable in this "profane" referencing system (Gandini, Pais and Beraldo, 2016). Reputation in the online labour market has become incredibly important for work that happens in digital spaces, so-called "virtual work" (Huws, 2013 and 2014; Holts, 2013) and "digital labour" (Fuchs, 2014).

Online platform work is largely unregulated, leading it to resemble a neo-Darwinist arena of uncertainty: discrimination is fully experienced offline but is generated online where the social relations of work are masked and anonymized (Bergvall-Kåreborn and Howcroft, 2014, p. 218). Accountability is heavily skewed towards workers, a situation which is exacerbated when casualized work is on the rise. Virtual work has already been proven to perpetuate precarity, and pressures people to overwork (Huws, 2014; Moore and Robinson, 2016). This is all part of the impending workplace structural violence that we describe.

As stated, people must actively cultivate online reputations to attract further work; this is an unpaid necessity. Among the problems that arise are the obstruction of newcomers and difficulties in entrance points to what becomes a closed loop of client/worker relationships. The logic of algorithmic reputation acquisition penalizes non-standard workers and leads to the "unequal life chances" which Galtung refers to as structural violence (1969, p. 171). Irregular career patterns can also result from time out of work for reproductive domestic labour, maternity leave, physical illness and mental health issues.

In mid-2016 the European Commission (EC) was in the discussion phase of implementing a Digital Single Market, and presented a "targeted approach to online platforms" (EC, 2016a). Online platforms cover "a wide range of activities including... collaborative economy platforms" (EC, 2016b). The emphasis, however, is on services and free markets while there is no mention at all of workers' protections. The targeted approach is to be guided by:

- a level playing field for comparable digital services;
- responsible behaviour of online platforms to protect core values;
- transparency and fairness for maintaining user trust and safeguarding innovation; and
- open and non-discriminatory markets in a data-driven economy (EC, 2016a).

Platform Upwork's website provides a link to a section called "Am I safe working here?". The "I", however, refers to safety for clients rather than workers. Upwork provides a Work Diary which is a billable time system recording all work completed. The Diary takes a screenshot of a freelancer's screen every ten minutes to verify work and counts keystrokes during work sessions. Upwork Messages also provides an online messenger system allowing real-time discussion if desired. Upwork ensures clients their "right to ownership of intellectual property" and will provide dispute assistance (Upwork, 2016).

Amazon's Mechanical Turks' Participation Agreement limits its role in the transactions between "requesters" and "providers", putting the emphasis on both to ensure legality of transactions and appropriate taxation. This agreement indicates clearly to providers that: "you will not be entitled to any of the benefits that a Requester or Amazon Mechanical Turk may

make available to its employees, such as vacation pay, sick leave, insurance programs, including group health insurance or retirement benefits; you are not eligible to recover worker's compensation benefits in the event of injury" (AMT, 2014). Since these platforms allow the exchange of labour but do not provide basic necessities, we can confidently state that they lead to structural violence and have begun to affect workers in the ways outlined here. The next section discusses further how technology is being used in workplaces and the related psychosocial impacts.

Wearable tracking technologies, the "quantified workplace'" and people analytics

A recent report indicates that the "market for enterprise wearable devices, which includes industrial and healthcare wearables, [is] growing from US$21 million in 2013 to US$9.2 billion by 2020" (Nield, 2014), a compound annual growth rate of 138 per cent (Tractica, 2016). During 2014–19 more than 13 million wearable fitness tracking devices will be incorporated into workplaces (Nield, 2014) and the forecast for worldwide wearables to be shipped in 2019 is estimated to reach 126.1 million (IDC, 2015).

In 2015, nearly a fifth (18 per cent) of employees in Europe had access to wearable technology at work (ADP, 2015). This "quantified work environment" (Bersin, Mariani and Monahan, 2016) resembles the world of athletes where technology aids people in identifying peak performance times and gaining rapid feedback. Wearable devices can be used to record levels and type of physical activity, heart rate variability as well as emotional and mood variances and stress levels. In this context the emergence of workplace wearable devices and self-tracking technologies are seen in health wellness initiatives in advanced economies as cutting-edge methods which improve employees' health and well-being as well as aggregate firm productivity (Wilson, 2013; Nield, 2014). Despite the increasing levels of interest in adopting wearables in workplaces, recent ADP (2015) research shows that more than half (52 per cent) of employees have expressed concern with the amount of personal data that employers can access via the wearable technology. Workers feel that devices may be used as tools to "spy" on them (*The Week*, 2015). These attitudes towards privacy vary across countries, with 60 per cent of German employees expressing reservations but only 36 per cent of Dutch employees feeling this way. UK workers are the most hesitant to use wearables, with as few as one in five feeling comfortable with this possibility (ADP, 2015).

The use of wearable tracking technologies for productivity originates in the factory and in warehouse work. Newly intimate forms of the technology are also being introduced. One warehouse operative, Ingrid (not her real name), who has worked in a warehouse in the United Kingdom for 11 years, provided information about a new worn device that was rolled out

in her workplace in February 2016.[1] All warehouse floor operatives were unexpectedly required to use the hand-worn scanner. The present authors asked what the workers were told the devices would be used for. Ingrid indicated that management had told workers that the devices would provide management with information about any mistakes made and who in the warehouse had made them, implying that the worker could be given help to not do this again. In practice, however, Ingrid indicated that the technology had been used not only to track individual mistakes but also to track individual productivity and time spent working and on breaks. Workers were told that management would hold individual consultations on the basis of the data, but this had not happened. Instead, at a specific interval in the months that followed the implementation of the devices, workers were told that people would be fired within days, and it transpired that data from the devices were part of the decision-making process for dismissals. Ingrid was not clear how the data were interpreted, however, as seen in her response here:

> Recently they sacked two or three people, and they decided this based upon who did least work. Maybe it was in May, when things get a bit quieter at work. They sacked three people: one of them was lazy, so I understand why. But the other two were very good. A week before the sackings, the management said "everyone be careful, because we are going to fire someone from the temporary staff". So everybody speeded up.

Ingrid indicated concern that the data accumulation was in fact being rigged. In one case she and her co-workers suspected that specific people were given easier tasks during a period of amplified monitoring. While warehouse operatives are permitted to join trade unions, Ingrid indicated that she is not part of a trade union and that she is not aware of any membership in her workplace. In any case, no consultation was held with relevant trade unions nor with workers before the technology was integrated. Ingrid stated:

> We're aware that the tracking might be used to put pressure on us to work faster, and it might be used to sack people. But lots of us feel that we don't care anymore. Because physically we just can't do any more.

In professional settings, sensory tracking devices are often provided for wellness initiatives but have similar implications for activity management. As incorporation becomes normalized, employees not only risk feeling excluded from programmes if they choose to opt out, but may face both stigmatization and financial penalty (Hamblen, 2015; Rosenblat, Kneese and Boyd, 2014). Beyond the "wellness syndrome" (Cederstrom and Spicer, 2015) and

1. Transcript of semi-structured interview provided to Moore, who sent interview questions to a translator in August 2016. Signed consent form available.

employee stigmatization, we have to ask whether opting "in" or "out" is ever possible in an employment relationship. Moore, Piwek and Roper (2016) have researched one company's Quantified Workplace study as part of a BA/Leverhulme project entitled "Agility, Work and the Quantified Self", where the employer at a company in the Netherlands provided FitBits, RescueTime and gamified activities to employees as part of a wellness initiative. The Personal Data Protection Agency in the country put forward a series of queries to the local data analyst working on the company's study. The Agency asked in a quite incisive manner: "Is the relationship between an employee and employer ever actually consensual?" Employers have significant leeway to gather information about employees, but new technologies available for human resource management have unprecedented possibilities for what employers can know about workers, inviting questions on regulation, privacy, data protection, work intensification and data-based decision-making.

In professional workplaces, wearable technologies are used for more than wellness initiatives. Olivetti Research's Active Badge and its successors, such as the Sociometric Badge and Wearable Sensor Badge, can trigger automatic doors, transmit wearer identities and forward telephone calls. Some can also record workers' movements, speech, proximity and interactions, and analyse voice patterns and non-verbal cues to deduce mood and interpersonal influence (Lindsay, 2015; Olguin et al., 2009). In early 2016, employee presence recorders were attached to desks in the UK's *The Daily Telegraph* newspaper offices without employee consent, which was received badly by the employees. The OccupEye devices were removed after journalists publicized the issue widely (Mance, 2016). In another example, an employee was told by her US employer to keep the GPS tracking device on her phone switched on even outside of office hours. She was fired for disabling it out of hours, and sued her employer for economic and non-economic damages (Kravets, 2015). The potential to displace management accountability for workers' stress levels to support decision-making on redundancy on the basis of data is very real in these contexts. These cases demonstrate uses of surveillance and monitoring that lead to psychosocial stress and new forms of structural violence.

Delivery drivers have been tracked for decades, and the introduction of satellite technologies has allowed this practice to become ever more finite. One UPS driver told Harper's that the employer uses new metrics as a "mental whip", noting that "people get intimidated and work faster" (*The Week*, 2015). The use of new wearable devices that allow tracking of location and speed of warehouse work has led to the "rationalization" of workforces, such as in the case of the retailer Tesco, where wearable badges tracking working speed in warehouses were demonstrated to reduce the need for full-time employees by 18 per cent (Wilson, 2013). Employee tracking in Amazon warehouses has resulted in reports of heightened stress and physical burnout. Indeed, employee health and safety usually comes secondary to lean logistics and speed of work in depot work (Mulholland and Stewart, 2013).

Lawyers are warning that the use of productivity and health tracking in appraisals is a very grey area. Using wearable technologies to decide on promotions and bonuses could significantly contravene Federal US law, for example. Medical data are for the most part protected by law, and health-related discrimination is illegal. A report in the *National Law Review* warns employers to take note of the following when pursuing a productivity-tracking system with wearable devices:

> (1) The Americans with Disabilities Act (ADA) prohibits employment discrimination based on health status and generally forbids employers from inquiring about an employee's health status.
>
> (2) The Genetic Information Nondiscrimination Act (GINA) prohibits employment discrimination based on genetic information and forbids employers from asking about an employee's genetic information.
>
> (3) The Health Insurance Portability and Accountability Act (HIPPA) establishes standards to protect the privacy of personal health information, which may include information collected by an employer to track employee productivity (Sheppard Mullin, 2016).

Productivity data are an area of obvious direct interest to an employer and enjoy different legal protection, but many devices can now track many aspects of workers' everyday lives. For all these reasons, the constant-on nature of work, the rise of algorithmic distribution and selection of work and the threat of automation, as well as the use of wearable tracking devices have become significant concerns for workers' psychosocial well-being. Awareness and action are necessary. Trade unions have become increasingly aware of the pressures that workers endure in the context of new technologies in the workplace. Next, we outline some of the responses trade unions have taken and offer suggestions for tackling these issues head on.

Trade unions defend well-being in an age of digital surveillance

This section provides some trade union perspectives and actions on the psychosocial risks which have been attributed to a wave of digitalization and new surveillance methods in workplaces. We highlight examples of strategies that trade unions have adopted to meet the detailed challenges above and describe policies that trade unions have developed through social dialogue with employers and governments. The section will conclude with some suggested guidelines to tackle concerns about digital surveillance, with the aim of protecting psychosocial health and well-being at work.

Psychosocial risks and union responses

At the international level, UNI Global Union, the federation for white-collar professionals, managers and private service sector workers' trade unions (including trade unions in the ICT sector), has observed a growing number of businesses across its sectors (commerce, postal and logistics, graphical and packaging, IT and telecommunications, financial services, property services, and health care, among others) increasingly operating on a global stage and interacting with customers and colleagues in different time zones. More and more staff are expected to be available for late-night or early-morning calls. The global economic downturn has also forced many workers to take on additional duties, which has led to longer working hours. As increasing numbers of mobile devices are launched, and increased mobile data speeds make it even easier to work anywhere and anytime, trade unions have recognized a need to intensify the debate with governments and employers about work–life balance, well-being and availability in a 24/7 working world.

UNI Global Union has actively campaigned for employees' digital rights since 1998. Its trade union affiliates recognize how the use of technology has facilitated a 24/7 working culture. UNI Global Union ran its fifth annual Work–Life Management Fortnight from 7–20 October 2016. This year's theme was "Achieve more with less stress" and focused on technology and work–life balance. Trade unions recognize that it is not technology *in itself* that has fostered the most negative aspects of how technology is applied in the workplace; there are wider reasons for these changes and they must be tackled by trade unions and the social partners. Here, we discuss what UNI Global Union and its affiliates have done in response to: (a) the impact of technology and management cultures on work–life balance; (b) privacy as relating to workplace stress; and (c) the need for collective bargaining to further deal with these issues.

Trade union members recognize that it can be much easier to get work done now that the "cloud" enables workers to access corporate information or applications without to be in offices. It is acknowledged that video-conferencing has reduced the need for time-consuming corporate travel. These are two examples of the benefits that are possible, because technology allows people to work anywhere. However, it should not be considered a coincidence that the launch of devices such as the BlackBerry in 2003, the iPhone in 2008, and the iPad in 2010 have been accompanied by a steep rise in the number of people using business centres and drop-in business lounges to work.

Regus, the business solutions company, estimates that there are now 1 million customers in 100 countries using its flexible workplaces, because people are choosing to work at locations that suit them and their customers, instead of doing the old-fashioned fixed, daily commute. In the

Regus Work–Life Balance Index (2013) in Asia and the Pacific, 41 per cent of 27 respondents globally said their companies were doing more to help employees reduce commuting than had been the case two years earlier. In Singapore, the percentage stood slightly lower, at 39 per cent, while in China and India it was well above 50 per cent. CISCO's (2013) study into what makes teleworking productive and profitable found that working remotely can save the average employee 79 hours of commuting each year. It also cuts their travel costs and car emissions. It is probable that flexible working and measures to cut commuting are some of the reasons why 61 per cent of people surveyed for the Regus Work–Life Balance Index said their work–life balance was better than two years earlier.

However, union research carried out by UNI Global Union affiliates (2015) demonstrates that the negative aspects of 24/7 mobile working lifestyles arise not only from the presence of technology at work, but from workplace management cultures. In Community Business's (2012) survey of workers, almost a quarter said they use mobile devices and technology for work outside office hours because their bosses expect them to. Almost one-fifth said it was because their clients expect them to. So it seems that it is not their phones that are preventing workers from relaxing, it is other people. People may need to make early morning or late-night conference calls, but they may be happier to do so if flexible working patterns let them cut their commuting time or juggle home and work commitments. Office workers may need to think about their own habits too. One reason colleagues and clients can so easily reach us out of hours nowadays is that those being contacted are already on their tablets or phones, using social media or checking the football scores. People are more likely to hear the ping of an email arriving, so they are more likely to deal with it. The sender then assumes that individuals are happy to work out of hours, and bombards them even more in future. It's not just employers who need to learn the lessons about technology, presenteeism (either at the desk or at the end of the phone), and how we can work most productively – it is also ourselves.

These topics demonstrate the keen interest for businesses and trade unions to identify how technology has changed the workplace and the high risk of psychosocial impacts on workers. Trade unions in Belgium were instrumental in getting government backing for "well-being at work" legislation in 2014, just as Swedish trade unions played a key role in getting the Government to pass a new "health and safety, stress and violence" law in 2014, in an attempt to mitigate against the most egregious consequences of technology-related psychosocial stress in the workplace. In 2015 the Argentine trade unions impressed upon their Government the need to issue a "decree on health workers and stress", while in 2016 the French trade unions presented a united front in support of the "right to disconnect" clause in the El Khomry labour law reforms, to tackle work-related burnout from stress caused by digital technology spilling over into employees' private lives.

Hubert Bouchet's (2001) study, *La cybersurveillance des salariés dans l'entreprise* for the Commission Nationale de l'Informatique et des Libertés in France, presciently noted:

> First, the supervisor, a person who is easy to spot and has responsibility for monitoring workers' physical presence at the workplace and how they perform their duties; then electronic supervisors, charged with checking physical presence through access badges. Henceforth, there will be an era of the virtual supervisor, able to do anything without the worker always being fully aware of what is going on and, in certain circumstances, over and above legitimate monitoring of employees' safety and productivity, able to draw up the virtual employee's professional, intellectual and psychological profile.

In the context of increasing digitalization at work and its attendant risks, questions are arising about workers' privacy as well as around the relationships between employers and workers. How far can employers' actions aimed at preventing potential security risks be extended without undermining workers' fundamental rights?

At the national level, trade unions and employers' organizations in many countries are increasingly debating or proposing guidance, policies and codes of practice on workplace digitalization and have begun to discuss proposals for updating workplace-specific data protection and privacy legislation. Despite the lack of multi-employer bargaining on privacy and technology use, there are examples where trade unions have successfully negotiated with legislators and employers, or won judicial victories in defence of workers' rights to privacy and the right to be protected against the psychosocial risks that come from poorly regulated or managed use of digital technology encroaching on workers' private lives. A notable example is from Belgium, where the 2002 national collective agreement on protection of employees' private lives (No. 81) with respect to controls on electronic online communications data (earlier agreements covered matters such as workplace video monitoring) called for information to be provided at both individual and collective level.

On privacy issues, the central "basic agreement" between the Norwegian Confederation of Trade Unions (Lands-organisasjonen i Norge – LO) and the Confederation of Norwegian Business and Industry (Næringslivets Hovedorganisasjon – NHO) contains an agreement on monitoring activity in enterprises (there are similar rules in other basic agreements between social partner confederations). The agreement stipulates a range of conditions under which monitoring and control measures may be implemented by the employer, emphasizing the principles of objectivity and proportionality. The introduction of such measures must be discussed with union representatives as early as possible prior to implementation. Employees must receive notice

of the proposed measures before they are implemented (on the objective of monitoring, its consequences, etc.). Trade union representatives must be consulted with regard to handling and registration of the information acquired through such monitoring. The agreement also refers to the Act relating to the processing of personal data. If provisions of the agreement are ignored prior to implementation of measures, the measures may be deemed unlawful by the Labour Court.

In 2001, the Confederation of Danish Trade Unions (Landsorganisationen i Danmark – LO) and the Danish Employers' Confederation (Dansk Arbejdsgiverforening – DA) adopted a "basic agreement" which concerns the new control initiatives at the workplace. It states that any new control arrangements or mechanisms at the workplace must be announced at least two weeks prior to their introduction.

In Greece, the National General Collective Agreement refers to protection of personal integrity, stating: "the contracting employer organizations underscore to their members the obligations for enterprises as regards the protection of the individual relative to matters of a personal nature, aimed at protecting workers' personal integrity".

In Germany, the Federal Constitutional Court and Federal Labour Court have ruled in favour of the trade union position that any "secret" monitoring, i.e. without the worker's consent, is an intrusion into a worker's private life.

At the international level, trade unions have focused on the issue of workplace privacy. In November 2000, UNI Global Union hosted a conference in Brussels on the legal and practical issues raised by the use of electronic media at work. Based on contributions made at the conference, and the experience of companies and unions that have already implemented "electronic facilities" agreements, UNI drew up a code of practice on online rights at work, designed to "establish an internationally recognized yardstick of what constitutes good practice". The code consists of four parts:

- *Trade union communication*. Works councils, trade unions and their representatives should have the right to access and use enterprise electronic facilities for works council or trade union purposes, both internally and externally. This includes the right to send relevant information to all employees. Employees should have the right to use enterprise electronic facilities to communicate with their trade unions, works council and representatives. This part of the code seeks to extend to electronic means of communication the provisions on workers' representatives' facilities contained in the ILO Workers' Representatives Convention, 1971 (No. 135) and Recommendation (No. 143). It notes that the nature of communication has changed, with employee representatives in different branches of a multinational company now needing to be able to cooperate and coordinate work across international borders. Moreover, an increasing

number of employees are working from home, from remote telecentres or on the move.

- *Non-business communication*. Employees should be permitted to use enterprise electronic facilities for non-business purposes, both internally and externally, provided that this is not detrimental to their work responsibilities.
- *Monitoring and surveillance of communication*. The employer is obliged to undertake not to subject employees' use of the enterprise's electronic facilities to clandestine surveillance and monitoring. Communication should be subject to surveillance and monitoring only if: this is permitted by collective agreement; the employer is legally obliged to do so; or the employer has reasonable reason to believe that an employee has committed a criminal offence or serious disciplinary offence. Access to surveillance and monitoring records relating to individual employees should take place only in the presence of a trade union representative or a representative selected by the employee. UNI states that these provisions take into account various international and European laws and guidelines on workplace privacy.
- *Conditions for use of electronic facilities*. Employee rights to use enterprise electronic facilities should be subject to a number of conditions: communication must be lawful and not include defamatory or libellous statements; enterprise electronic facilities shall not be used as a means of sexually harassing other members of staff or spreading offensive comments or intolerance; and the employer can require a disclaimer when employees are communicating internally and externally, making clear that the views expressed are those of the author alone and not those of the enterprise.

In many countries there is little reference in collective bargaining (especially above the individual enterprise level) to the issue of protecting privacy or technology-related well-being at the workplace, either in general or in relation to the use of digital technology. But specific examples come from a handful of countries. In France, company policies have in some cases been agreed with employee representative bodies. One example is the Renault group's 2001 "charter on the correct use of data technology, electronic and digital resources", which was endorsed by the company and its employee works councils. The charter sets out the rules governing the use of the group's various collectively accessible resources. Company-level bargaining involving trade unions has been more active in other aspects of the use of new technologies, especially in terms of access for union officials and members to corporate information and communication resources. The conclusion of such agreements has increased rapidly since 2002 – mostly in large companies such as VediorBis (Randstad), EADS, Orange, BNF and COGEMA – following precedents set previously, for example by an agreement signed at Alstom in 2001, which included provisions on trade union access to the company's

internal communication networks. In Spain, there has been some company-level bargaining in the finance and telecommunication sectors, with examples including an agreement at Ericsson.

The way forward

Trade unions, while generally promoting workers' well-being and privacy rights, can go further to give the topics discussed here the highest priority.

One approach to prevent the worst effects could be better training for managers in the identification and management of risks around poor use of technology and its psychosocial consequences, as well as access to adequate resources to remedy the causes and consequences of the problem. Much like employers' organizations, they may be spurred into action by the prospect of legislation. Unions representing technical, professional or managerial staff, or sectors such as ICT and telecommunications, tend to take a greater interest in workplace well-being and privacy issues. UNI Global Union and its affiliates have launched campaigns and promoted codes of practice or model agreements. Given the pace and intensity of technological development, workers and trade unions face an uncertain legal framework on digital surveillance. Systems which fail to balance employer and worker concerns, and cannot take account of individual workplace circumstances, are unlikely to serve the best interests of either employers or workers.

A review of the legal position of digital surveillance in a new world of work is urgently needed. Until such time as the gaps in regulation, which include the lack of regulation of the demand economy, are addressed, the sensible solution for all social partners is to concentrate on agreeing good workplace policies or codes of conduct governing digital surveillance issues and psychosocial well-being. Joint development of policies and procedures between trade unions – as representatives of workers – and employers can help to build trust between workers and their managers. The principles below lay the foundations for trade unions and employers to collaborate and secure good practice, with a clearly expressed need for workers to be treated fairly and to know where they stand.

As a way of concluding, the authors suggest that workplace policies and procedures that may raise issues around digital surveillance and new technologies in workplaces can be assessed against the following checklist, which offers a starting point for social dialogue with the intention to challenge the structural violence made possible by these technologies and new forms of distribution and management of work. While the list does not directly address the issues facing online platform workers, in any individual workplace these guidelines would need to be put into the context of other policies and arrangements such as grievance and disciplinary procedures and union recognition agreements. They should be prefaced by a general statement of

explanation and intent, for example that the aims of the guidelines are to encourage responsible behaviour and good management practice, as well as to safeguard worker privacy, autonomy and long-term well-being.

1. *Openness*: Workers are entitled to know what forms of digital surveillance are being used and for what purpose. Hidden digital surveillance or the use of the information it produces can destroy trust in the workplace.
2. *Consent*: If workers are to be the subject of a particular form of monitoring, they should have specifically agreed to it, either through a clause in a contract or a separate agreement.
3. *Consultation*: New forms of digital surveillance should not be introduced without meeting standards of procedural fairness. Informing or consulting with unions and / or workers is the most appropriate means of ensuring that digital surveillance policies are workable and fair.
4. *Private spaces*: Workers should not be in fear of or subject to constant digital surveillance. All workers should be guaranteed areas, means of communication and periods during the day in which they can be sure that they will not be monitored.
5. *Proportionality*: In accordance with the principles of the European Convention on Human Rights, a fair balance should be struck between the purpose of digital surveillance and the protection of workers' privacy, dignity and autonomy. This implies that surveillance should meet a legitimate aim, be necessary to meet that aim, and be the least harmful means for workers to meet that aim.

Trade unions, employers and governments should also take steps to ensure that workers have access to grievance and other dispute resolution mechanisms to address alleged abuses, without fear of retaliatory measures including blacklisting, detention or dismissal, and to appropriate and effective remedies where abuses have occurred. These provisions should ensure the availability and operation of complaint and other dispute resolution mechanisms that are accessible in practice, rapid and affordable. Appropriate steps should be taken to ensure, through judicial, administrative, legislative or other means, that those affected have access to effective remedies, which may include but not necessarily be limited to compensation. Pending the investigation or resolution of a complaint or dispute, whistle-blowers or complainants should be protected and workers should have timely and effective access to procedures.

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