

Activities undertaken by Polish social partners aimed at implementing the European Framework Agreement on Work-Related Stress of October 8, 2004

Joint Report

1. Dissemination of knowledge on the phenomenon of work-related stress and on the European Agreement and its implementation

The starting point was the project under the name “Work-Related Stress as a Supranational Problem to Employees and Employers. Methods for Counteracting the Phenomenon by Exchanging Good Practices,” carried out between 2006 and 2007 by the Independent Self-Governing Trade Union “Solidarnosc” (NSZZ „Solidarność”) as part of the European Commission’s “Industrial relations and social dialog” budget line. The project was supported by other organisations of social partners being the members of the European Agreement’s signatories: the All-Poland Alliance of Trade Unions (OPZZ), the Confederation of Polish Employers (KPP), the Polish Confederation of Private Employers “Lewiatan” (PKPP Lewiatan), and the Polish Craft Association (ZRP).

The project included the following elements:

- a series of training courses disseminating knowledge on the phenomenon of work-related stress;
- a conference during which experiences were exchanged with the representatives of foreign partners (Lithuania, Malta, Italy, Slovenia) and preliminary agreements made between Polish social partners with regard to the agreement’s implementation;
- the publication of a brochure containing information on the phenomenon of work-related stress itself, as well as on good practices which contribute to limiting its occurrence; the brochure also contained the Polish translation of the European Agreement;
- negotiation workshop for Polish social partners.

2. Coordination of actions by Polish social partners

The actions, forming part of the aforementioned project, culminated in workshop for Polish social partners which took place in September 2007. Preparatory arrangements for negotiations were made during the workshop in which participated the representatives of the Confederation of Polish Employers, the Polish Confederation of Private Employers “Lewiatan”, the Polish Craft Association, the All-Poland Alliance of Trade Unions and the Independent Self-Governing Trade Union “Solidarity”. The parties decided to agree on the text of Polish translation of the Agreement and decided to appoint their representatives for the negotiation team. In addition, the following subjects were indicated to be included in the negotiations:

- diagnosing the work-related stress phenomenon and the factors provoking the phenomenon (stressors),
- analysing the context of the work-related stress phenomenon in Poland, including applicable law and bad practices, in terms of attaining the objectives of the European Framework Agreement,
- analysing actions which may be undertaken by social partners on the national level, the trade level, and on the level of individual employers, taking into account enterprise specificity,

- the team should keep in mind that the agreement's implementation should not impose unnecessary burdens on employers, especially on small and medium companies.

3. Joint negotiations of Polish social partners

The first meeting of the negotiation team was held on January 15, 2008 as a result of arrangements made during the workshops. The meeting was organised by the Independent Self-Governing Trade Union "Solidarity" (the union side). It was confirmed that all the Polish partners sitting on the Tripartite Commission for Social and Economic Issues, and thus also organisations not affiliated with the European organisations of social partners that signed the Agreement of October 8, 2004 (i.e. BCC and the Trade Unions Forum), should take part in the negotiations. The Parties agreed that they would ask the government for a legal expert opinion to establish whether the laws of Poland are in accordance with the Framework Agreement concerning work-related stress, and would also ask for the opinion of experts from the National Labour Inspectorate and the Central Institute for Labour Protection. The point was to discuss the experience in diagnosing and counteracting the phenomenon of work-related stress.

The second meeting of the negotiation team was held on April 15, 2008, and was organised by the Polish Craft Association (the employers' side). Expert opinions were presented during the meeting. The parties established that by May 26, 2008 they would have presented their stands in writing, and during the subsequent meeting to be held in June, an attempt would be undertaken at working out the framework and the content of the agreement.

4. Main problems

- ▶ **Issues of organisational nature.** In the Polish practice of social dialogue, autonomous negotiations are still rare. The formula of the bilateral secretariat for autonomous dialogue (Round Table for Social Dialogue in the Matter of European Integration), which was helpful when negotiating the telework agreement, has not been continued. The Polish Government ensures technical and financial support only for tripartite dialogue. As a result, there were difficulties with coordination of actions leading to implementation of European agreements, since the process involves 5 organisations affiliated to the European social partners' organizations and 2 organisations representative on the national level and not affiliated on the EU level. As a consequence, this causes delays in implementing the results of the European social partners' action plan on the national level. This also concerns the implementation of the agreement on work-related stress.
- ▶ **Doubts concerning the implementation formula.** Due to a very general form of the European Agreement on Work-Related Stress, social partners are discussing whether legislative reinforcement of the agreement in the Polish law is necessary (as the union side claims) or it is sufficient to work out common guidelines of social partners. The latter option is supported by the employers who relay on the opinion by the Polish Ministry of Labour and say that there is no need to introduce changes in the labour law regulations in order to implement the Framework Agreement on Work-Related Stress. For the Polish law contains regulations enabling the implementation of the Agreement which oblige the employer to:

- a. organise work in a way ensuring the reduction of the arduousness of work, especially of monotonous work and work performed at a fixed pace;
- b. provide safe and hygienic working conditions, as well as regular employee training with respect to occupational health and safety;
- c. satisfy the social needs of employees as the funds held allow;
- d. use objective and fair evaluation criteria for the employees and their work performance;
- e. influencing the shaping of social co-existence rules at the company;
- f. counteract mobbing;
- g. evaluate and document occupational risk connected with the work performed and use the necessary risk reducing preventive measures, and also to inform the employees about occupational risk connected with the work performed and about risk protection procedures.

The Labour Code also provides for consultations with employees or their representatives with regard to occupational health and safety. Moreover, the Labour Code obliges employees to cooperate with employers and superiors in fulfilling the obligations concerning occupational health and safety.

5. Summary

The implementation actions by Polish social partners have undoubtedly been extended in time, but the intensification of meetings should be expected soon. The emerging fundamental discrepancy is the willingness, visible on the union side, to demand certain legislative changes from the government, which is not seen as appropriate by the employers' organisations.

The positive element of initiatives undertaken so far is increasing the awareness of risks connected with work-related stress among the members of social partners' organisations.

All the participants to the negotiations agree and have many times underlined that educational actions and the exchange and information about good practices are necessary. The dialogue is proceeding in a positive atmosphere; however, it is difficult to talk about clearly outlined positions of the parties. At the same time, it is not yet possible to specify the final form of joint actions by social partners with regard to work-related stress.

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