The Prevention of Psychosocial Risks in European Union Law

Marco Peruzzi
Université de Vérone
A lack of regulatory sources?

... «There are no legal provisions specifically aiming at work-related stress and the prevention of it and its effects. This is not surprising bearing in mind the rather broad scope of national and EU formulations as applied to working conditions and workers' health. However, it is quite clear that both national and European formulations do apply to the field of work-related stress and health. The most important and basic one is the EU Framework Directive (89/391/EEC). Under this Directive, employers have a "duty to ensure the safety and health of workers in every aspect related to the work", The formulation "in every aspect related to the work" also clearly includes the subject of this Guidance, namely all causes of work-related stress.»...

... «the guidance given is of a non-binding nature. It provides a menu from which the various actors can choose a specific mix of measures to meet their own specific needs, going beyond mandatory requirements, if they so wish».

Or a lack of effectiveness?

«the points to be improved concerning the practical implementation of the provisions related to the risk assessment are the following: ... There is hardly any consideration of psychosocial risk factors and work organisational factors.» (COM(2004) 62 final)

«The report concludes that implementation of the Agreement has not yet ensured a minimum degree of effective protection for workers from work-related stress throughout the EU.» (SEC(2011) 241 final)
The EP «is concerned by the rising number of stress-related illnesses and notes the lack of education in managing stress at work; calls for preventive actions for all, but in particular for young people, with the involvement of social partners, in the form of stress management training courses, which should encompass social skills, including interpersonal communication and the ability to cope with conflict situations» (Report on the mid-term review of the European strategy 2007-2012 on health and safety at work (2011/2147(INI), p. 66)

«Promotion of mental health at the workplace.
At the present time, problems associated with poor mental health constitute the fourth most frequent cause of incapacity for work. The WHO estimates that depression will be the main cause of incapacity by 2020. The workplace can be an appropriate place in which to prevent psychological problems and promote better mental health» (Commission, Community strategy 2007-2012 on health and safety at work, COM(2007) 62 final).
«Dual pathway hazard-harm» model (Cox et. al. 2000)
«Recognising that harassment and violence at the work place are potential work related stressors but that the EU social partners, in the work programme of the social dialogue 2003-2005, will explore the possibility of negotiating a specific agreement on these issues, this agreement does not deal with violence, harassment and post-traumatic stress.» (Agreement on Work-Related Stress)

«The work environment can influence people’s exposure to harassment and violence» (Agreement on harassment and violence at work)

«work environment is to be understood in a broad sense including work organisation, working conditions and work content» (ETUC Commentary to the Agreement on harassment and violence at work)