

TRADE UNION EMPOWERMENT IN PSYCHOSOCIAL RISK MANAGEMENT

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WHY ?

THIS TOPIC SELECTED

- Article 30 of the Labour Code (2017) provided for “**new**” **provisions on employees’ right to dignity at work and protection from psychological violence**. No case law was present in the middle of 2020.
- **Solution**: start **combining legal analysis method with qualitative interviews** to assess the extent to which legal norms are working in practice and what effect do they have on participants of employment relationships:
 - **16 quality interviews with employees that felt victims of bullying or harassment at work in mid 2020** and proceeded with other researches subsequently.
 - **Survey on National Collective agreement application (2023)** - 25 TU leaders in institutions of one national TU – agreement party participated initiated.

MAIN QUESTIONS

Related to TU empowerment in a field of psychosocial risk management

- **WHY TU role is important ?**
- **WHAT powers do TUs have today?**
- **HOW do TUs use their powers ?**

TU Empowerment in Psychosocial Risk Management

WHY IS IT IMPORTANT ?

- Lithuania is a country with **centralised legal regulation** ("top-down" approach: up to 95% employee H&S rules are laid down in national legislation passed by the Parliament, Government, ministries, the SLI methodical recommendations).
- **Weak structures of social partners, including in psychosocial stressors management field**. Non of European Social Partners Agreements (on Work Related Stress (2004), on Harassment and Violence at Work (2007), etc.) have been implemented by Lithuanian social partners (2011, 2016 reports of European Commission).

TU Empowerment in Psychosocial Risk Management

WHY IS IT IMPORTANT ?

- **Low TU density.** TU density increased recently (from 7-8% in 2010-2018 up to 25% in 2022-2023). Mainly related to signing a number of national and sectoral collective agreements in the public sector.
- Situation in private sector remains stagnant.

TU Empowerment in Psychosocial Risk Management WHY IS IT IMPORTANT ?

- Lithuania is one of “strong leaders” in fatal accidents at work and standardised death rate due to intentional self-harm and (2021).
- The most common suicide in Lithuania is among people of working age (45-59 years), doctors and other health specialist are not an exception (new case law November, 2024 – legal responsibility of employer recognized, obliging to compensate 70 000 euro non-pecuniary damage to the relatives).

Trade Union Empowerment in Psychosocial Risk Management

WHY IS IT IMPORTANT ?

- Lithuania is among EU countries with **lowest reported levels of workplace violence** (2010-2015).
- SLI states (2023): "**Employees often have no objective evidence to prove the existence of psychological violence (PV)**" <...>, or they misunderstand the **concept of PV** and therefore **associate legitimate employer actions** (e.g. demanding an explanation for non-performance/misperformance of work duties, offering to mutually terminate the employment contract, etc.) **with psychological PV. HOWEVER our qualitative interviews (2020) result that those demands of employers might be used as PV!**

WHAT

Powers do Trade Unions have in Psychosocial Risk Management?

Represent or assist in representation of the H&S representative rights (Law on Health and Safety of Employees (Art. 13), LC Art. 30, etc.):

- 1) represent employees in the Committee, participate in measures implemented by the employer to improve the H&S in workplaces, including the assessment of occupational risks (**including psychosocial**) and the implementation of measures to eliminate and/or reduce risks.
- 2) propose and request that the head of the unit or the employer's representative take appropriate measures to ensure the H&S (**including psychosocial**) of workers;
- 3) participate in the assessment of occupational risks (**including psychosocial**) and the design of preventive measures;
- 4) inform the person representing the employer if the head of the establishment fails to take the necessary measures to ensure the H&S of workers. If the person representing the employer fails to take measures to eliminate or reduce risks (**including psychosocial**), notify the SLI;
- 5) receive information on all matters relating to occupational S&H from the head of the unit, the undertaking's occupational H&S service and the committee.
- 6) Negotiate collectively.
- 7) Initiate collective labor dispute of rights.

WHAT

Powers do Trade Unions have in Psychosocial Risk Management?

Trade union commitments 12 October 2023 in the **National Collective Agreement** (similar in 2022):

Clause 17 of the 2023 contract (Clause 16 of the 2022 contract): <...>**A trade union at employer level, upon receiving information about psychological violence, harassment or discrimination <...> shall have the right to propose to employer <...> on a parity basis to set up a commission to investigate the information received <...> ("the Commission"). <...> If the parties to the Commission fail to reach an agreement, a record of the disagreement shall be drawn up and forwarded to the owner of the institution and to the trade union organisation at the level above the level of the employer.**

HOW do TUs use their powers ?

Have you and/or your employer taken measures to prevent psychological violence at work?

- The predominant answers: "taken by the employer" or by the employer together with the trade union, or even that no measures were taken at all. [echoing "HEROS" survey the employer is doing a good job, dealing with it (trade union responses)]. Often no measures are mentioned, it is not known whether additional funding has been provided, or it is stated that no additional funding has been provided. The measures mentioned in the answers: i.e. "the establishment of a welfare commission", <...>sound good, but probably indicate that **existing "old" mechanisms are not being used and new ones created: "more is not better"**.

CONCLUSIONS

- 1. A big mismatch between rights TUs have and how do they make use of them.**
- 2. TU participation in psychosocial risk management is a great possibility** to collect information and to improve content of collective labor agreements, **to attract new members.** Especially when effectiveness of other mechanisms is low.
- 3. Weak coordination 'between levels'** (European - national - branch - territorial - employer): both top-down and bottom-up. This coordination is essential for countries with low TU density. No TU instructions in the H&S field, “state” legislation prevailing.
- 4. Further research** to find out more why TUs use their powers so modestly **is needed.**
- 5. Together recommendations how to encourage TU activities in the field should be prepared.**

THANK YOU !

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