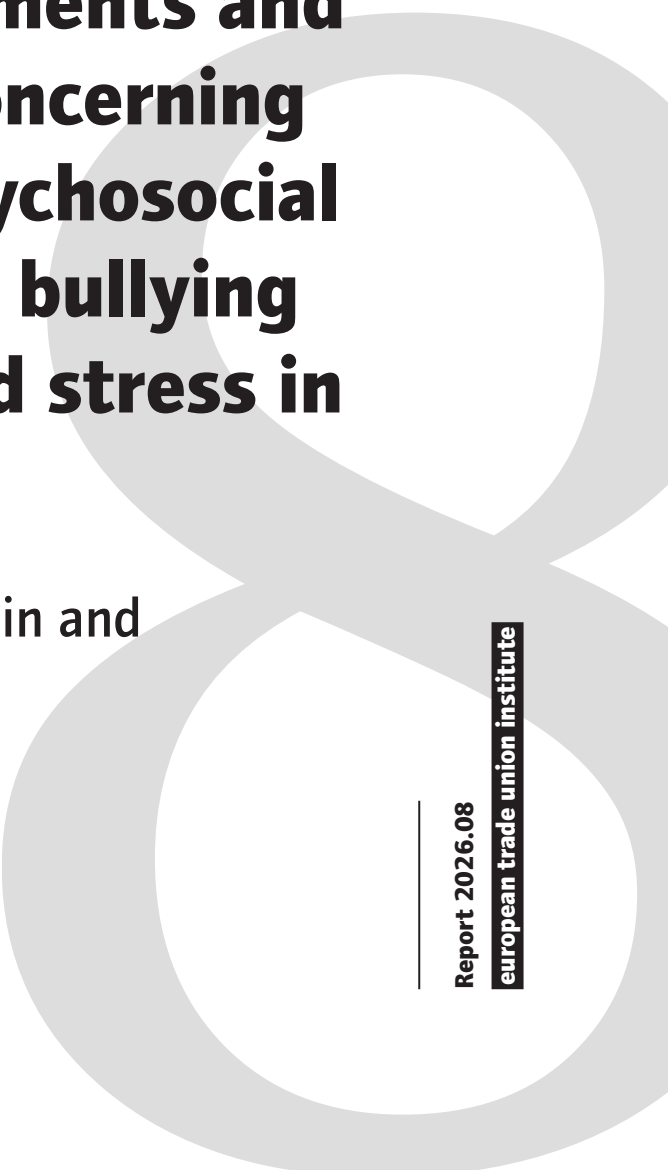


Mapping of national laws, collective agreements and jurisprudence concerning work-related psychosocial risks, workplace bullying and work-related stress in the EU27

Aude Cefaliello, Aditya Jain and
Stavroula Leka

Report 2026.08

etui.



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European trade union institute

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1. Introduction

There have been numerous changes in the European world of work in recent decades. The globalisation of markets, deindustrialisation and expansion of the tertiary sector are some of the shifts that have contributed to profound changes in the nature of work and the environment in which it is performed. Alongside these changes work-related psychosocial risks (PSR) have been exacerbated. This development has been subject to increasing attention in the public debate, in research and in policy responses, at both the European and the national level.

In 2017, Leka, Jain and Lerouge elucidated some of the terms found in the literature on work-related psychosocial risks. They clarified that the term ‘psychosocial factors’ refers to aspects of work organisation, design and management that include, among other things, work demands, the availability of organisational support, rewards and interpersonal relationships in the workplace. Such factors do not necessarily have an immediate negative or positive connotation. When reference is made to psychosocial hazards, however, it is implied that these aspects of work organisation, design and management have the potential to cause harm to individual health, safety and well-being, as well as other adverse organisational outcomes, such as sickness absence, reduced productivity or human error (for example, Leka et al. 2015). Psychosocial risk is defined as the potential of psychosocial hazards to cause harm (BSI 2011).

Whether an organisation has a positive or a negative psychosocial work environment depends on how effectively it manages the risks associated with its various dimensions (Leka et al. 2017). According to the European Agency for Safety and Health at Work (EU-OSHA 2013), psychosocial risks are related to the negative outcomes that arise from unfavourable organisation and management in the workplace, as well as from a poor social context at work, or psychosocial hazards. These may include, but are not limited to:

- excessively demanding work and/or not enough time to complete tasks;
- conflicting demands and lack of clarity over the worker’s role;
- a mismatch between the demands of the job and the worker’s competency — underusing a worker’s skills can be a source of stress just as much as overstretching them;
- a lack of involvement in making decisions that affect the worker and a lack of influence over the way the job is done;

- working alone, especially when dealing with members of the public and clients, and/or being subject to violence from a third party, which may take the form of verbal aggression, unwanted sexual attention or the threat of or actual physical violence;
- a lack of support from management and colleagues, and poor interpersonal relationships;
- psychological or sexual harassment and bullying in the workplace — the victimising, humiliating, undermining or threatening behaviour of supervisors or colleagues towards an employee or group of employees;
- an unjust distribution of work, rewards, promotions or career opportunities;
- ineffective communication, poorly managed organisational change and job insecurity; and
- difficulties in combining commitments at work and at home.

These issues are key psychosocial hazards that have been identified in numerous scientific studies and key guidance provided to organisations. They have also been included in specific legislation on work-related psychosocial risks in several EU Member States, as will be discussed later. Exposure to work-related psychosocial risks has been shown to lead to a variety of adverse outcomes, including – but not limited to – work-related stress, mental ill health, cardiovascular disease, mortality, sickness absenteeism and presenteeism, as well as early exit from the workforce as a result of disability (for a review of the relevant studies see Leka and Jain 2024).

Confusion sometimes arises in policy and practice in terms of references to work-related stress as a psychosocial risk. This is erroneous. Work-related stress is an outcome of exposure to work-related psychosocial risks. It is a possible response when people are presented with work demands and pressures that are at odds with their knowledge and abilities, and which thus challenge their ability to cope (WHO 2003). Furthermore, while the impact of work-related psychosocial risks is often considered in specific relation to mental ill health, it may also extend to physical health, organisational performance and societal outcomes (Leka and Jain 2024).

It is important to note, however, that a high-quality psychosocial work environment has been linked to the fostering or promotion of positive mental health and well-being at work. Probably the most well-known definition of mental health is that of the World Health Organization (WHO), which defines it as a state of well-being in which every individual realises their potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to their community. The European Commission defines well-being at work as an individual's ability to work productively and creatively, engage in strong and positive relationships, fulfil personal and social goals, contribute to the community and have a sense of purpose (European Commission 2008, 2011). Reference is made to mental health and psychological well-being in the majority of EU Member State policies. However, policy approaches should not take an isolated view of issues such as work-related stress, harassment and bullying at work, or mental health

at work, or confuse mental health and work-related psychosocial risks at work – and the respective legislation – as the same thing (see Lerouge 2025). They should rather aim to promote a healthy psychosocial work environment based on principles of prevention, minimising potential risks to individual health and organisational sustainability, and promoting and strengthening positive aspects of the work environment.

1.1 Mental health at work and the prevalence and impact of work-related psychosocial risks in the EU

1.1.1 Mental health at work in the EU

The state of mental health at work across the European Union has been the subject of extensive research, and the findings consistently evoke a troubling picture. EU-OSHA's 2025 OSH Pulse survey shows that nearly one in three workers (29%) experience stress, depression or anxiety linked to their job. Women are consistently more affected (31%) than men (27%), reflecting broader gendered inequalities in the workplace. In some countries, the situation is even more alarming: in Greece, Finland, Poland, Cyprus, and Spain, close to half of all workers report such difficulties.

The toll is not confined to stress alone, however. Some 8% of workers report being bullied or harassed in the past year, with women again more vulnerable (9% vs 7% of men). Burnout adds another layer of concern. Across the EU, 18% of workers report frequent emotional exhaustion (Eurofound 2023). Yet, the variation between countries is dramatic: in the Netherlands, only 6% of workers report burnout, while in Cyprus the figure is as high as 33%, a fivefold difference (Eurofound 2023). This disparity highlights how national work cultures, labour policies and support systems can either protect or endanger workers' mental health.

This makes it all the more concerning that the stigma surrounding mental health remains deeply entrenched. The EU-OSHA 2025 OSH Pulse survey highlights further differences. Workers are evenly split on whether disclosing a mental health condition would harm their career: 48% agree it would, while 48% disagree. But beneath this EU-wide balance lies a patchwork of national attitudes. In Greece (69%), Cyprus (67%), and France and Italy (63% each), a clear majority fear negative consequences. In contrast, the Nordic countries exhibit a culture of openness: in Finland, Sweden, and Denmark, around 80% of workers say they would feel comfortable discussing mental health with their manager. In Finland (43%) and Estonia (42%), many even strongly agree. Hungary, however, lies at the other extreme, as only 32% of workers would feel comfortable raising the issue. This divergence underscores how workplace culture and national norms shape not only the prevalence of mental health challenges but also workers' willingness to seek help.

Employers are not blind to the problem. Nearly 80% of managers express concern about work-related stress, and one in five identify violence and harassment as major issues. Nevertheless, the measures available to workers remain patchy. Just over half (53%) report access to awareness-raising or training on well-being. Fewer than half (45%) say that their workplace consults them about stressful aspects of work, and only 40% have access to counselling or psychological support. The disparities between countries are stark:

- In Ireland (70%), Malta (69%), Luxembourg and Finland (67%), awareness is general and training is widely available.
- In Greece (28%), Romania (31%) and Cyprus (33%), fewer than a third of workers report such initiatives.
- Counselling is most accessible in Denmark (78%) and Finland (73%), but in Cyprus, Bulgaria and Greece, only about a quarter of workers can access it.
- ‘Other measures’, such as reorganising work, setting clearer priorities or improving communication, are most common in Finland (63%) and Estonia (59%), but in Italy only 19% of workers report such initiatives.

The availability of support is not evenly distributed. Workers in professional, technical and administrative roles are more likely to benefit from preventive initiatives than those in manual or lower-skilled jobs. For example, 54–56% of professionals report access to awareness training compared with 47% of skilled or unskilled workers. Access to counselling shows a similar gap (41% vs 33%).

Organisational size also matters. In large firms with more than 250 employees, 66% of workers report access to awareness training, compared with just 42% in micro-companies (with fewer than 10 employees). This suggests that smaller businesses, which make up the majority of enterprises in Europe, are less equipped to provide structured mental health support.

Sectoral differences add another layer of inequality. Workers in ICT, finance and professional services are more likely to report access to awareness training (57–58%), while those in construction, manufacturing and services often face more limited support. Access to counselling is highest in utilities, health and social care, and ICT (43–47%), but far lower in commerce, hospitality and transport.

The available evidence tells a sobering story. Across the EU:

- 1 in 3 workers struggle with stress, depression, or anxiety.
- 1 in 5 experience burnout.
- 1 in 10 face bullying or harassment.
- 1 in 6 are exposed to violence or verbal abuse.

Whether a worker receives meaningful support depends heavily on their gender, country, occupation, company size and sector. The result is a deeply

uneven landscape in which some workers benefit from robust support systems while others are left to cope alone.

1.1.2 Work-related psychosocial risks in the EU

Examining the prevalence of psychosocial risks in the European Union, the most common are linked to workload and the intensity of work. According to the 2025 OSH Pulse survey (EU-OSHA 2025), more than four in ten workers across the EU (44%) report that they are exposed to severe time pressure or work overload. About one in three (34%) report a lack of rewards (such as pay, career opportunities or recognition) for all the effort they put into their job, followed by 29% who are affected by poor communication or cooperation within their organisation. Smaller proportions of workers report exposure to a lack of autonomy or of influence over work pace or work processes (17%) and to violence or verbal abuse from customers, patients, pupils and so on (16%). Nearly one in ten workers (8%) report being exposed to harassment or bullying at work.

Across almost all countries, the largest share of workers answer that they are exposed to severe time pressure or overload. This psychosocial risk is mentioned by more than half of workers in Finland (51%), France and the Netherlands (both 52%), Luxembourg (54%) and Greece (57%). Career opportunities and recognition for all the efforts they put in their job also varies across countries, with higher reporting in Italy (40%), France (41%), Switzerland (42%) and Greece (44%). In contrast, fewer than one in four mention this risk factor in Bulgaria (24%), Norway (23%), the Netherlands (22%) and Latvia (16%). The largest shares of workers who have to cope with poor communication or cooperation within their organisation are observed in Finland (42%) and Switzerland (40%). On the other hand, less than half as many workers mention this psychosocial risk in Iceland (16%), Bulgaria, Italy and Romania (all 18%).

In all the countries surveyed, fewer than three in ten workers are dealing with a lack of autonomy or lack of influence over their work pace or work processes. Workers are more likely to be exposed to this psychosocial risk in Austria (29%). This figure decreases to 9% in Lithuania and 8% in Slovakia.

When asked about job insecurity, another important psychosocial risk, 16% of workers in the EU agree that they might lose their job within the next six months. However, the vast majority of EU workers (82%) do not share this concern about potential job loss in the immediate future. The highest shares of workers agreeing that they might lose their job in the next six months are observed in Ireland and Spain (both 23%), Greece and Poland (both 22%), and Luxembourg (21%). In contrast, workers in Czechia, Denmark, Iceland, the Netherlands, Norway and Slovenia feel most secure, with only 8–9% expressing concern about potential job loss. Additionally, Bulgaria and Norway have the highest shares of workers who strongly disagree that they might lose their job in the next six months, at 66% and 60% of workers,

respectively. The proportion of workers totally disagreeing that they might lose their job in the next six months is also high in Finland and Hungary (both 56%), and Iceland (55%). As might reasonably be expected, employees on temporary contracts are more likely to agree that they might lose their job in the next six months compared with those on permanent contracts (22% vs 15%). Other differences across socio-demographic characteristics and types of workers are small or are statistically insignificant.

Similar proportions are observed for exposure to violence or verbal abuse from customers, patients or pupils (between 8% in Bulgaria and 23% in Belgium). Lower shares of workers report being exposed to harassment or bullying, ranging from 3% in Czechia to 14% in France.

Female workers are more likely to be exposed to psychosocial hazards such as violence or verbal abuse from customers, patients, pupils and so on (19% vs 14% of male workers) and poor communication or cooperation within the organisation (31% vs 27%). In addition, younger workers (aged 16–24) are less likely than older workers to face severe time pressure or work overload (38% vs 43–46% in other age categories).

Compared with self-employed workers, employees with a permanent or temporary contract are more likely to be exposed to poor communication or cooperation within the organisation. Specifically, 30% of employees report this issue, compared with 22% of self-employed workers. Similarly, employees are more likely to experience a lack of rewards (for example, pay, career opportunities, recognition) for their job efforts, with 35% of employees reporting this concern versus 28% of self-employed workers.

Looking at the results by type of occupation, it emerges that exposure to severe time pressure or work overload is more prevalent among professionals, technical or higher administrator occupations (47%) compared with skilled, semi-skilled or unskilled workers (including farm workers) (42%) and clerical, sales or service occupations (43%).

Workers' exposure to work-related psychosocial risks varies by workplace size, generally showing an increase in exposure as workplace size increases. For example, while 32% of workers in large companies (250+ employees), 31% in small companies (10–49 employees) and 30% in medium-sized companies (50–249 employees) report exposure to poor communication or cooperation within the organisation, it affects just 23% of workers in micro companies (<10 employees). The differences are smaller, but still observed with regard to severe time pressure or work overload: 47% of workers in medium-sized companies, 45% in small companies and 44% in large companies report this issue, compared with 41% in micro companies.

Workers in services related to health or social care are most at risk of exposure to work-related psychosocial risks. In this sector, 50% of workers report facing severe time pressure and overload, compared with an average of 45% across all sectors. Additionally, 41% say they experience a lack of rewards (such as

pay, career opportunities or recognition) for all the effort they put into their job, versus 33%, on average, across all sectors. Similarly, 25% of health and social care workers report being exposed to violence or verbal abuse from customers, patients, pupils and so on, which is significantly higher than the 15% average across all sectors.

Finally, new and emerging risks linked to technological change and the Covid-19 pandemic are reshaping the work-related psychosocial risk landscape. Telework, which expanded rapidly during the pandemic, has had mixed effects. For some, it has improved work–life balance through greater flexibility and autonomy (Vargas Llave et al. 2022), but for others it has led to longer and more irregular hours, greater work pressure and blurred boundaries between work and private life (Ahrendt et al. 2022; Delfino and van der Kolk 2021). Broader digitalisation trends, including robotics and ‘artificial intelligence’ (AI), are expected to intensify psychosocial risks by increasing cognitive and emotional load, fostering permanent connectivity and eroding traditional workplace hierarchies (EU-OSHA 2017; European Parliament 2021). While digital technologies can enhance autonomy, they often drive work intensification in performance-focused environments (Eurofound 2020). Surveillance is another growing concern: 25 per cent of workers report being monitored by digital devices, with the highest rates in Malta (46%), the Netherlands (43%), and Ireland (41%) (EU-OSHA 2022). This is particularly prevalent in low-paid sectors such as hospitality, retail and logistics, as well as in the gig economy, where algorithmic management and constant customer ratings create job insecurity, emotional labour and work–life conflicts (Bérestégui 2021; European Parliament 2021).

Numerous studies have examined the impact of work-related psychosocial risks, the majority focusing on outcomes at individual level (Leka and Jain 2010), such as the relationship between psychosocial risks and work-related stress (ILO 2016; WHO 2010, 2022), cardiovascular disease (Eller et al. 2009; Kivimäki et al. 2012), depression and anxiety (Madsen et al. 2017) and mortality (Taouk et al. 2020; Tsutsumi et al. 2006). A meta-analysis by Niedhammer and colleagues (2021) of a total of 72 reviews and IPD-Work consortium studies found that these studies focused mainly on job strain as exposure and on cardiovascular diseases and mental disorders as outcomes. The associations between psychosocial risks and cardiovascular diseases and mental disorders were, in general, significant, and the magnitude of these associations was stronger for mental disorders than for cardiovascular diseases. Based on high quality reviews, significant associations were found between job/high strain and long working hours as exposures and coronary heart disease (CHD), (ischaemic) stroke and depression as outcomes. Another study by Niedhammer et al. (2022) aimed to provide the fractions of cardiovascular diseases and mental disorders attributable to five psychosocial work exposures in Europe in 2015, namely job strain, effort–reward imbalance, job insecurity, long working hours and bullying (35 countries, including 28 European Union countries), for each separately and all countries together. Overall attributable fractions, taking all exposures into account, ranged between 17 and 35% for depression and between 5 and 11% for CHD. Other

studies have found work-related psychosocial risks to be related to sickness absenteeism (Russo et al. 2021) and presenteeism (Navarro et al. 2018), as well as to early exit from the workforce as a result of disability (Leineweber et al. 2019). To a lesser extent, studies have examined positive outcomes and have found a better-quality psychosocial work environment to be related to, for example, work engagement (for example, Bakker and Demerouti 2017), and innovation at both employee and country levels (Dediu et al. 2018).

Evidence in relation to the impact of PSR has driven policy and practice responses to prevent possible negative outcomes and promote healthier psychosocial work environments. Macro-level interventions aimed at the prevention of work-related psychosocial risks at source encompass the introduction of specific regulations, or other forms of policy, such as social partner agreements (Leka and Jain 2024).

1.2 The policy context with regard to work-related psychosocial risks

The Framework Directive on Safety and Health at Work (89/391/EEC) lays down employers' general obligations to ensure workers' health and safety regarding work, addressing all types of risk. According to Article 5 (1), '[t]he employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.' This includes work-related psychosocial risks, which should be addressed, like other types of risks, in a preventive manner, by establishing health and safety procedures and systems and implementing preventive measures. The Framework Directive does not include the terms 'psychosocial hazards', 'psychosocial risks', 'mental health' or 'psychological health' (Leka et al. 2015). However, some terms are included in other Directives, which complement the provisions of Framework Directive 89/391/EEC. For example, reference to 'mental stress' is found in Directive 90/270/EEC on the minimum safety and health requirements for work with display screen equipment and in Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Reference to work-related psychosocial risks is found in Directive 2010/32/EU implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU.

More recently, reference to psychological harm is found in Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence. Furthermore, Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work includes reference to psychosocial risks, mental health, stress, anxiety, violence and harassment. Furthermore, there is additional legislation of relevance to work-related psychosocial risks and mental health at work, such as Directive

89/391/EEC)2000/78/EC, which establishes a general framework for equal treatment in employment and occupation. An interpretative document of the legal obligations of Framework Directive 89/391/EEC in relation to mental health in the workplace, published by the European Commission in 2014, includes a list of other Directives complementing the provisions of Council Directive 89/391/EEC in relation to mental health in the workplace, and provides a list of these directives (Leka and Jain 2014).

A number of non-binding/voluntary policies of relevance to work-related psychosocial risks have also been developed that provide guidance, clarify legal obligations and recommend actions in policy and practice. For instance, nearly 30 years ago, the European Commission's 'Guidance on Risk Assessment at Work' published in 1996, provided clarity to Member States on how employers, workers and OSH professionals can fulfil their obligations on risk assessment under Framework Directive 89/391/EEC. It states that a risk assessment can include a review of psychological, social and physical factors that may contribute to stress at work, and how they interact together and with other factors in the work organisation and environment. The framework agreements on work-related stress (2004) and harassment and violence at work (2007) also clarify employers' obligations in relation to these issues in accordance with the Framework Directive.

There are also additional social partner agreements that are relevant to work-related psychosocial risks, including telework (2002), inclusive labour markets (2010) and digitalisation (2020). The European Commission's Senior Labour Inspectors Committee (SLIC) has adopted the non-binding publication 'Guide for Assessing the Quality of Risk Assessment and Risk Management Measures with regard to the Prevention of Psychosocial Risks' (SLIC 2018). The EU Strategic Framework on Health and Safety at Work 2021-27 (European Commission 2021) also addresses psychosocial risks in the workplace. DG SANTE also adopted 'A comprehensive approach to mental health' (European Commission 2023), which includes a direct consideration of mental health and psychosocial risks at work.

The European Parliament's resolution of 21 January 2021 includes a recommendation to the Commission on the right to disconnect (2019/2181(INL)) (European Parliament 2021). The European Parliament resolution of 10 March 2022 on a new EU strategic framework on health and safety at work post-2020 (including better protection of workers from exposure to harmful substances, stress at work and repetitive motion injuries) (2021/2165(INI)) called for a directive on work-related psychosocial risks and well-being at work (European Parliament 2022a). Closely related to the aforementioned resolutions, the European Parliament's resolution of 5 July 2022 on mental health in the digital world of work (2021/2098(INI)) points to work-related mental health problems in the EU and calls for preventative action to protect workers' mental health and work-life balance in the context of digitalisation (European Parliament 2022b).

Despite the plethora of regulatory and other policy initiatives in relation to psychosocial risks and mental health at work, the EU-OSHA ESENER survey has consistently found that only about 20% of European enterprises inform their employees about work-related psychosocial risks, while even fewer take appropriate actions to tackle them. Less awareness and action are reported by SMEs. Lack of awareness, lack of resources and lack of technical support, guidance and expertise are key needs in this area that have been identified irrespective of enterprise size, sector or country (EU-OSHA 2020). European employers also consistently report OSH legislation as a key driver to address health and safety issues. However, the consistent lack of action, and especially preventative action on the management of work-related psychosocial risks and the promotion of mental health in the workplace, raises questions on whether the current EU legal framework is effective in this area. Indeed, there have been several calls for clarification of the text of EU legislation through the inclusion of specific terms (such as psychosocial risks, work-related stress and mental health at work). The European Commission published evaluations of the practical implementation of the provisions of the OSH directives in 2004 and 2017 (European Commission 2004, 2017). The evaluation report recommended that the Framework Directive should address this topic in a future revision (COWI 2015). A report by the European Parliament (Makarevičienė et al. 2023) also argued that new EU legislation in this area is needed as European countries still lack a unified concept of mental health and psychosocial risks at work.

The need for clearer terminology and further development of the EU legal framework on work-related psychosocial risks has also been highlighted in various scientific publications (such as Leka et al. 2011, 2015; Potter et al. 2024). A study by Jain et al. (2022) showed, based on an analysis of ESENER and EWCS data, that the introduction of specific national-level legislation on work-related psychosocial risks and work-related stress is associated with more organisations implementing actions to tackle work-related stress (Jain et al. 2022). However, it also found that the existence of action plans was associated with increased job resources, but not with decreased job demands. This raises questions on whether current interventions implemented at organisational level to deal with work-related stress are geared more towards the development of individual resources and less towards better work organisation and job design, tackling psychosocial risks at source, and developing healthier psychosocial work environments through a preventative approach. A follow-up study tested the same model in Italy and found similar results (Leka et al. 2023).

Following on from two European Commission peer reviews on legislative and enforcement approaches to address work-related psychosocial risks in the EU Member States, published in 2019 and 2024 (see for example, Leka 2024; Leka et al. 2019), this report seeks to map the current state of legislation, jurisprudence and collective agreements on work-related psychosocial risks, harassment and bullying, work-related stress and mental health at work.

2. Methodology

Data for the analysis presented in this report were collected in two ways.

In September 2021, the ETUI collected information to map national legislation and jurisprudence on work-related psychosocial risks through a call for experts with an academic background in law. The experts were required to have the necessary skills to conduct legal research based in a specific national legal system. Reports from experts sought the following information:

- (1) Legislation: does the Member State regulate specific obligations on work-related psychosocial risks, workplace bullying and work-related stress? Please specify what aspects of work-related psychosocial risks are being regulated, in what (kind of) legal act(s,) and how. Legislation on discrimination was excluded from this study.
- (2) Collective agreements: are there any collective agreements (sectoral, inter-sectoral or company level) that cover specifically work-related psychosocial risks, workplace bullying and work-related stress?
- (3) Jurisprudence and case law: are work-related psychosocial risk cases being brought to court in the country? If so, please specify what kind of cases, what kind of courts (labour court, civil court, criminal court, but also: levels of appeal).

Reports were received from 26 national experts, with no response from Slovakia. Data on Slovakia presented in this report are thus based on published sources.

In March 2025, information on legislation and collective agreements collected by the national experts was cross-checked with that in the following key reports:

- (1) European Commission (2011) Report on the implementation of the European social partners: Framework Agreement on work-related stress, SEC(2011) 241 final, 24.02.2011.
- (2) European Commission (2016) Study on the implementation of the autonomous framework agreement on harassment and violence at work: final report, Publications Office of the European Union.
- (3) Leka S., Iavicoli S. and ICF (2019) Peer review on legislation and practical management of psychosocial risks at work: a critical evaluation of the EU policy context, Stockholm, 3-4.10.2019, Publications Office of the European Union.

- (4) Leka S. (2024) Peer Review on legislative and enforcement approaches to address psychosocial risks at work in the Member States, Thematic Discussion Paper June 2024, Publications Office of the European Union.

The information was consolidated and is presented in tabular format in the following sections. Because of the lack of published reports and accessibility of jurisprudence documentation at national level, it was not possible to verify the information provided by experts.

3. Legislation

National-level legislation in EU Member States encompasses a broad variety of legislation on work-related psychosocial risks. Leka (2024) provides a typology of national legislative approaches to work-related psychosocial risks. According to this, some Member States include a definition of such risks in their legislation, while legislation in other countries merely refers to work-related psychosocial risks. Specific obligations with regard to psychosocial risk assessment and management are included in legislation in most EU Member States. In some countries there is reference to and coverage of specific issues, such as mental health at work, psychological well-being at work, work or mental stress, psychological and moral harassment, bullying, mobbing (bullying by a group) and psychological violence (Leka 2024).

Our review examined whether legislation in EU Member States includes reference to work-related psychosocial risks, workplace bullying and work-related stress.

3.1 Psychosocial risks

This section presents coverage of work-related psychosocial risks in EU Member State legislation. Specifically, details are provided on whether legislation only mentions work-related psychosocial risks or provides a definition and refers to specific risks, and also includes additional obligations.

It is important to note here that Directive 89/391/EEC, in article 6(d) already covers some work-related psychosocial risks:

adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health.

Notably absent from these provisions, however, are considerations associated with workload, work pace, prolonged working hours, work autonomy and work–life balance (for a comprehensive discussion see Leka and Jain 2024).

Figure 1 Maps of legislation on psychosocial risks (mention, definitions and obligations)

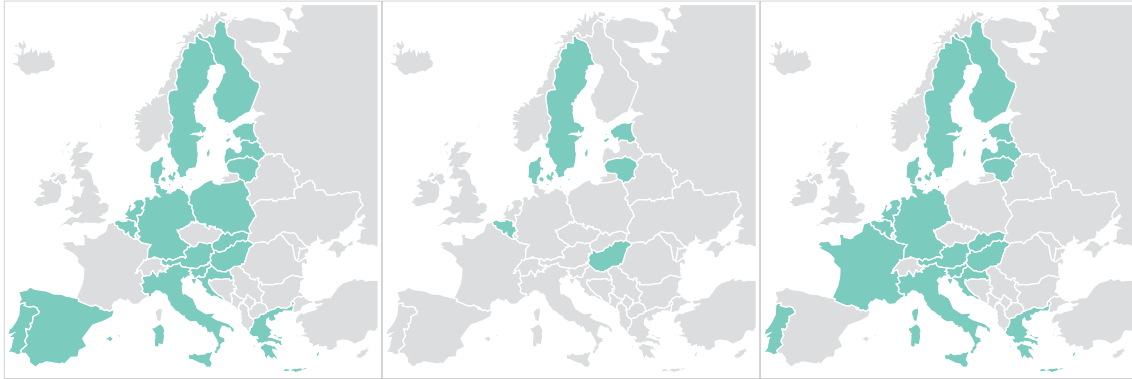


Table 1 Mention, definition and specific employer obligations on work-related psychosocial risks in EU Member State legislation

	Mention	Definitions	Extra obligations
Austria (AT)	Yes ^a (Hazards within the meaning of the Federal Act are understood to mean work-related physical and psychological stress factors that lead to undue strain)	No	Yes Planning of hazard prevention must be done with the aim of coherently linking technology, activities and tasks, work organisation, work processes, working conditions, work environment, social relationships and the influence of the environment on the workplace
Belgium (BE)	Yes	Yes Psychosocial risks: the risk of one or more employees experiencing psychological damage that may or may not be coupled with physical damage, as a result of exposure to elements of work organisation, work content, conditions of employment and interpersonal relations at work, on which the employer has an impact, and which hold an objective risk.	Yes Preventive measures related to work-related psychosocial risks: taking organisational measures (e.g., dropping unrealistic goals), adopting internal procedures for formal and informal psychosocial intervention (e.g., person of trust), informing and training employees, informing the health and safety committee.
Bulgaria (BG)	No	No	No
Croatia (HR)	Yes The employer shall be obliged to, taking into account the work and its nature, assess the risks to life and health of employees and people at work, particularly in relation to the means of work, the work environment, technology, physical harms, chemicals i.e. biological agents used, design of the workplace, the organisation of work processes, work monotony, statodynamic and psychophysiological exertions, work at a set pace, results based work in a given period of time (normative work), night work, mental workload and other risks that are present, for the purpose of preventing or reducing the risk.	No * Does not refer directly to the term. Instead the law states: The employer shall be obliged to implement stress prevention at work or in relation to work caused in particular by factors such as content of work, work organisation, working environment, poor communication and interpersonal relationships, in order to minimise employees' need to overcome difficulties of long-term exposure to intense pressure and to eliminate the possibility of impairing employees' work efficiency and of a deterioration of their condition.	Yes The main obligations concern work-related stress (see table below). Occupational medicine specialists & psychologists (if asked by medical specialists) should take part in proposing and implementing preventive measures. They should also take part in worker training. Medical specialists must take adequate preventive measures if they notice that workers are showing signs and symptoms of diseases that could be caused by work-related psychosocial risks.

	Mention	Definitions	Extra obligations
Cyprus (CY)	No	No	No
Czechia (CZ)	No	No	No
Denmark (DK)	Yes	Yes Work-related psychosocial risks: being the effects which arise in connection with the way in which the work planned and organized, organizational aspects of importance for the work of the employee, content of the work (including the requirements to do the work), the way the work is done and the social relations at work.	Yes Special provisions on individual risk factors: heavy workload and time pressure, unclear and/or conflicting work requirements, high emotional demands in relation to work with people, offensive acts and work-related violence at work, as well as outside work.
Estonia (EE)	Yes	Yes Psychosocial risks include work that involves risks of accidents or violence, unequal treatment, bullying and monotonous work and other factors related to management, organisation of work and working environment that may affect the mental or physical health of employees, including work-related stress.	Yes To prevent damages arising from a psychosocial risk, employer shall take measures, including adapting the organisation of work and workplace to suit the employee, optimizing the employee's workload, enabling breaks to be included in the working time for the employee during the working day or shift and improving the enterprise's psychosocial working environment.
Finland (FI)	Yes	No	Yes Employers must take into account employees' personal capabilities and the physical and mental capacities when work and working methods are designed and planned in order to avoid or reduce hazards or risks from the workload factors. Concrete measure: the employer must have a policy for action to promote safety and health and to maintain the employees' working capacity.
France (FR)	No	No	Yes Evaluation of health and safety risks should also apply to work organisation. Also, for day-per-year scheme, need to control employees' workload with regard to occupational risk factors.
Germany (DE)	Yes Section 5 of the ArbSchG states 'psychische Belastungen bei der Arbeit' which translates to 'psychological stress at work' or 'psychosocial risk factors at work'.	No	Yes Extension of existing OSH obligations to these risk factors.
Greece (EL)	Yes	No Evaluate psychosocial risks, among which is the risk of violence and harassment, including sexual harassment.	Yes To draw up a programme of preventive action and improvement of working conditions at the enterprise, taking into consideration work organisation, social relationships, environmental and technological factors, as well as psychosocial factors.

	Mention	Definitions	Extra obligations
Hungary (HU)	Yes	Yes Psychosocial risks: the effects to which workers can be exposed at work (conflicts, organisation of work, work schedule, uncertainty of employment), that influence his reactions to such effects, or in consequence of which stress, occupational accidents may occur, and psychosomatic symptoms (relating to or involving both the mind and body) may develop. ^b	Yes Extension to pre-existing OSH obligations to psychosocial risks factors. Additional obligations too: The human factor shall be taken into consideration when setting up the workplace, selecting the work equipment and procedures, with particular regard to reducing the amount of work time spent on monotonous or frequently repeated procedures, with particular regard to reducing the amount of work time spent on monotonous or frequently repeated procedures and the detrimental effects of such, and to the scheduling of the work time, and to avoid any psychosocial stress that may result from work. Decree with list of psychosocial hazards which may have a negative impact on individuals (e.g., working under time pressure, doing monotonous or overly simple, repetitive work, exercises which require high level of attention, working in an environment with too much stimuli).
Ireland (IE)	No	No	No
Italy (IT)	Yes Refers to work-related psychosocial risks as work-related stress risks	No	Yes
Latvia (LV)	Yes	No	Yes Employees exposed to psychological and emotional work-environment risk factors must be sent for periodic examinations every three years. These risk factors include: working hours, shortage of working time, monotonous work, inability to influence the working procedures, work in isolation, increased responsibility, strained psychological atmosphere at work, violence, other psychological factors.
Lithuania (LT)	Yes	Yes Psychosocial factor: a factor that causes mental stress to employees because of working conditions, work requirements, work organisation, work content, relations between employees or between employer and employee.	Yes Detailed regulation of how the study of psychosocial risks should be conducted – identify and investigate the following psychosocial risk factors, and then take specific action. Important: employers shall approve plan of measures to reduce and/or eliminate psychosocial risks only after approval by employee representatives. The Data of the assessment of psychosocial risks factors and the plan of measures to reduce and/or eliminate psychosocial risk is introduced to the employees and the employees' representatives for safety and health committee.
Luxembourg (LU)	No	No	No

	Mention	Definitions	Extra obligations
Malta (MT)	No	No	No
Netherlands (NL)	Yes	No	Yes Employers shall have a policy to prevent work-related psychosocial risks. If employees are or can be exposed to psychosocial hazards, a risk assessment and evaluation of the risks needs to be performed. The measures have to be determined and implemented in the plan of action based on this risk assessment in order to prevent psychosocial risks or – if this is not possible – to limit it. Further, the article states that when there is a danger of being exposed to psychosocial hazards, instructions should be given to employees who carry out such work about the risks of exposure to psychosocial hazards, as well as about the measures aimed at preventing or mitigating these risks.
Poland (PL)	Yes	No	No
Portugal (PT)	Yes	No	Yes Adapting the work to the employee, especially in matters concerning the workplace design and choice of work equipment, methods of work and production with a view to alleviating monotonous and repetitive work and reducing psychosocial risks.
Romania (RO)	No	No	No
Slovakia (SK)	Yes	No	Yes
Slovenia (SI)	Yes	No	Yes
Spain (ES)	Yes Law on remote work: risk assessment should take into consideration the risks characteristic of this type of work, paying special attention to the psychosocial , ergonomic and organisational factors and the accessibility of the effective work environment.	No	No
Sweden (SE)	Yes The WEA Act does not refer to the term work-related psychosocial risks but is the framework law providing measures on psychosocial work environment issues.	Yes Definitions of: demands of the job, victimisation, unhealthy workload, organisational environment, resources for the job, social work environment.	Yes See the report for extremely detailed provisions and obligations on: systematic work environment management concerning psychosocial risks, workload, working hours, victimisation.

^a Kloimüller I. and ICF (2019) Peer Review of 'Legislation and practical management of psychosocial risks at work', Peer Country Comments Paper – Austria, Stockholm 3-4.10.2019, Publications Office of the European Union. <https://ec.europa.eu/social/BlobServlet?docId=23041&langId=en>

^b According to the implementation report (Commission on European framework agreement on work-related stress) psychosocial risks comprise the sum of the impacts of work organisation, work schedule, uncertainty of employment and other factors affecting employees' behaviour, which may bring about stress, work-related accidents and psychosomatic illnesses.

Reference to the term ‘work-related psychosocial risks’ is included in legislation in 19 Member States. Definitions are provided in six countries, while in Italy there is a definition of work-related stress risks. Additional obligations are specified in 18 countries. Psychosocial risks mentioned in definitions or additional obligations specified in legislation include: work organisation, workload, work content, conditions of employment, working environment, poor communication and interpersonal relationships, unequal treatment, bullying, victimisation, harassment, violence, monotonous work, repetitive work, long working hours, working under time pressure, tasks that require a high level of attention, night work, increased responsibility at work, frequent making of important decisions that can have a significant impact on human life, or on the health or quality of life of many people.

3.2 Workplace bullying

This section presents the coverage of workplace bullying in legislation in EU Member States. Specifically, details are provided on whether legislation only mentions workplace bullying, or provides a definition and additional obligations.

Figure 2 Maps of legislation on workplace bullying (mention, definitions and obligations)

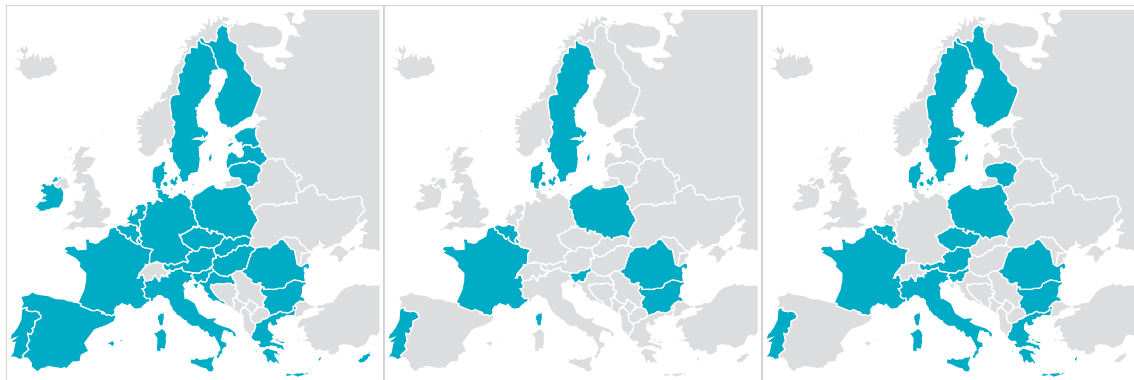


Table 2 Mentions, definitions and specific employers' obligations on workplace bullying in EU Member State legislation

	Mention	Definitions	Obligations
Austria (AT)	Yes*	No	Yes Zero tolerance of 'mobbing' is stated in public service legislation
Belgium (BE)	Yes	Yes	Yes Risk assessment, policy to prevent workplace bullying, internal channel of reporting and protection against victimisation.
Bulgaria (BG)	Yes*	Yes Any unwanted physical, verbal or other conduct, which has the purpose of effect of violating the dignity of a person and of creating a hostile, degrading, humiliating, offensive or intimidating environment.	Yes But considered as a discrimination (but broader protective grounds than the one provided by the Dir on equal protection). Protective grounds include political affiliation or any other characteristics established in a law or in an international agreement to which the Republic of Bulgaria is a party. Employer who has received a complaint from a worker who believes she/he is subject to harassment at the workplace to immediately start an investigation, take measures to stop the harassment and start a disciplinary action against the author of the misconduct.
Croatia (HR)	Yes <i>Respect for personal integrity</i> Does not explicitly mention workplace bullying but it falls within the scope.	No Jurisprudence developed to fill legislative gap (2011 & 2018).	No
Cyprus (CY)	Yes	No	No Code of conduct applies only to the Public Service. New 2025 Violence and Harassment in the Workplace Law will introduce obligations
Czechia (CZ)	Yes* Protected through legislation on discrimination with prohibition on stalking and harassment.	No	Yes Similar to Bulgaria; protective grounds are more extended than those of the Directive on equal treatment in the workplace. Protective grounds also apply to political opinions and health factors.
Denmark (DK)	Yes	Yes Offensive behaviour is defined as a situation in which one or more persons grossly or several times expose one or more other persons in the company to bullying, sexual harassment or other degrading behaviour in the workplace. The behaviour must be perceived as degrading by the person being subject to this behaviour.	Yes Offensive behaviour includes bullying and sexual harassment.

	Mention	Definitions	Extra obligations
Estonia (EE)	Yes Psychological risks include work that involves (...) a risk of bullying and harassment at work (...)	No	No Protection via general provision against work-related psychosocial risks
Finland (FI)	Yes	No	Yes Includes obligations for both employer and the employee. The employee has an obligation to take care both of his or her own health and that of other employees. They should avoid harassment and other inappropriate treatment of fellow employees at the workplace. If aware, employer is liable to act for remedying this situation by available means. The perpetrator can be given a note or a warning or can be dismissed.
France (FR)	Yes	Yes Repeated acts (...) that have the purpose or effect of a degradation of their working conditions which may undermine their rights and their dignity, affect their physical or mental health or jeopardise their professional future.	Yes Obligation to implement preventive measures. Workers' representatives can exercise their right to alert the employer in case of violations of human rights, including acts of bullying. Any employee who has committed acts of bullying is liable to disciplinary sanctions. A possible mediation procedure is foreseeable on behalf of the victim and the person who is deemed to be the cause.
Germany (DE)	Yes*	No	No
Greece (EL)	Yes Law 4808/2021 transposed ILO Convention No. 190 into national law. All forms of violence and harassment that occur at work, whether associated with or arising from it, including gender-based violence and harassment and sexual harassment are prohibited.		Yes General obligation of prevention. When a firm has more than 20 employees there are extra obligations: adoption of a policy for the prevention and elimination of violence and harassment at work, and procedures for the management of internal complaints about incidents of violence and harassment should be adopted.
Hungary (HU)	Yes*	No	No
Ireland (IE)	Yes*	No	No
Italy (IT)	Yes Law 4/2021, the Italian legislator shall adopt a law and regulations requiring employers to take appropriate steps to take account of violence and harassment.	No	Yes
Latvia (LV)	Yes*	No	No
Lithuania (LT)	Yes Mentioned as a psychosocial factor: '5. Employee relations/or employer relations: poor employee relations in the group(...) <i>intimidation (mobbing) with violence, harassment.</i>	No	Yes Art. 30 of the Labour Code obliges employers to create a work environment in which employees or groups thereof will not be subject to hostile, unethical, demeaning, aggressive, insulting or offensive actions that encroach on the honour or dignity of individual employee

	Mention	Definitions	Extra obligations
			or group thereof or the physical or psychological integrity of an individual, or which are aimed at intimidating, belittling or pushing an employee or group thereof into an unarmed or powerless situation in which they feel unarmed or powerless. The employer shall take all necessary measures to ensure the prevention of psychological violence in the work environment and to provide assistance to persons who have experienced psychological violence in the work environment.
Luxembourg (LU)	Yes	Yes Art. L. 246-2. 'Any conduct which, through its repetition or systematisation, undermines the dignity or psychological or physical integrity of a person constitutes moral harassment in the context of employment relations'	Yes
Malta (MT)	Yes*	No	No
Netherlands (NL)	Yes As one consequence of exposure to work-related psychosocial hazards: violence & bullying.	No	No
Poland (PL)	Yes	Yes Actions or behaviours concerning an employee or directed against an employee, consisting in persistent and long-term harassment or intimidation of an employee, causing an employee to be undervalued in terms of professional usefulness, causing or intended to cause humiliation or ridicule of an employee, isolating an employee or eliminating an employee from his/her team of co-workers.	Yes Obligation for employer to prevent workplace bullying. Victims of bullying can obtain compensation. Obligation to conduct an anti-mobbing policy, e.g., having a committee to consider any reports of suspected/alleged bullying.
Portugal (PT)	Yes	Yes Art 29(2): Harassment shall be understood as unwanted conduct, including that based on a discriminatory factor, occurring in the context of access to employment or employment, work or vocational training with the purpose or effect of disturbing or constraining a person, affecting his or her dignity, or creating an intimidating, hostile, degrading, humiliating or destabilising environment.	Yes Art 29(4) the victim of harassment has a right to compensation. Art 29(6) The whistle-blower and the witnesses indicated by him/her cannot be disciplinarily sanctioned, unless they act maliciously, based on statements or facts contained in the records of a judicial administrative offence proceeding initiated due to harassment until a final and unappealable decision has been taken, without prejudice to the exercise of the right to adversarial proceedings. Art 127(1) LC: employer has to exercise his disciplinary power whenever he becomes aware of the allegations of harassment. Art 127 – when seven employees or more, obligation for employer to have a code of conduct to prevent harassment at the workplace.

	Mention	Definitions	Extra obligations
Romania (RO)	Yes	Yes Any behaviour that, through its systematic nature, may harm the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading the working climate. Any conduct performed on an employee by another employee who his superior, by a subordinate and/or by a hierarchically comparable employee, in connection with employment relationships, which have as their purpose of effect a deterioration of working conditions by infringing the rights or dignity of the employee, by affecting his physical or mental health or by compromising his professional future, behaviour manifested in any of the following forms: hostile or unwanted conduct, verbal comments, actions or gestures (including physical violence).	Yes Employee has the right to benefit from a job without moral harassment. The Employer has the obligation not to dismiss or sanction the employee because he was subjected to moral harassment or because he refused to be harassed morally at work. Employer has the obligation to take any necessary measures in order to prevent and combat acts of moral harassment at work, including by providing in the internal regulations of the disciplinary sanctions unit for employees who commit acts or acts of moral harassment at work.
Slovakia (SK)	Yes*	No	No
Slovenia (SI)	Yes	Yes Any unwanted behaviour, relating to any personal circumstance, which harms or intends to harm the dignity of a person or which creates or intends to create an intimidating, hostile, humiliating or insulting workplace environment. Any repeated or systematic blame-worthy or obviously negative and insulting action or conduct, directed against individual workers at the workplace or in relation to their work. (Criminal definition) An act of sexual harassment, psychic harming, bullying or unequal treatment at the workplace or in relation to the workplace, which causes humiliation or distress to the victim.	Yes Worker should not be a target of adverse effects at the workplace if he exercises his rights of being protected against WB. Obligation upon employer the obligation to maintain a workplace free from harassment or bullying from employer or co-workers.
Spain (ES)	Yes*	No	No
Sweden (SE)	Yes	Yes <i>"Victimisation"</i>: Actions in an abusive manner at one or more employees that may lead to ill health or to exclusion from the workplace community.	Yes Employers need to take measures to eliminate conditions in the work environment that could give rise to victimisation (e.g., written policy). Managers and supervisory staff have a special responsibility to prevent, notice and deal with victimisation. Having procedure in place to handle victimisation including, who receives information that victimisation is occurring, what happens with the information, what the recipient is to do, how and where victims can quickly receive help. The employer shall make these procedures known to all employees.

* Indicates indirect coverage in OSH law, and coverage in non-OSH law.

Workplace bullying is mentioned in legislation in all EU Member States, although in ten countries this mention is not included in the OSH legal framework. Definitions are available in 10 countries and additional obligations in 16 countries. Definitions refer, among other things, to psychological harassment, mobbing, degradation, ridicule, victimisation, humiliation, insult, hostility, undermining and offensive behaviour. Obligations include policies, codes of conduct, procedures for management of incidents, compensation and disciplinary sanctions.

3.3 Work-related stress

This section presents the coverage of work-related stress in EU Member State legislation. Specifically, details are provided on whether legislation only mentions work-related stress, or provides a definition and additional obligations.

Figure 3 Maps of legislation on work-related stress (mentions, definitions and obligations)



Table 3 Mentions, definitions and specific employer obligations related to work-related stress in Member State legislation

	Mention	Definitions	Obligations
Austria (AT)	Yes	No	Yes Art 60(2) ASchG – work processes shall be designed in such a way that forced postures are avoided as far as possible and stresses caused by monotonous work sequences, one-sided strain, stresses caused by cycle-related work and time pressure, as well as other psychological stresses are kept to a minimum and their harmful effects on health are mitigated. Art 68(1) ASchG – Within the scope of the identification and assessment of hazards, special consideration shall also be given to the possible impairment of eyesight, as well as to physical and mental stress. On the basis of this identification and assessment, appropriate measures shall be taken to eliminate the identified hazards, taking into account the possible interaction of the identified hazards.
Belgium (BE)	Yes	Yes Defined in CLA 72: Stress is a state perceived as negative by a group of workers, which is accompanied by complaints or dysfunctions at the physical, psychological, and/or social level and which is the consequence of the fact that workers are unable to meet the demands and expectations imposed on them by their work situation.	Yes
Bulgaria (BG)	Yes Art 12 'Where work is high-stress, monotonous, involves a forced work rhythm or posture, or the fulfilment of a set daily quota, or takes place in shifts.'	No	Yes Art 12 'A physiological regime of work and rest shall be introduced to help preserve the health and work capacity of working persons.'
Croatia (HR)	Yes	No	Yes Obligation on the employer to prevent work-related stress caused by psychosocial risk factors such as content of work, work organisation, working environment, poor communication and interpersonal relationships, in order to minimise the workers' need to overcome difficulties of long-term exposure to intense pressure and to eliminate the possibility of impairing the worker's work efficiency and of the deterioration of his condition. When there is indication of stress at work or in relation to work, the employer shall be obliged to pay special attention to: the organization of work and of

	Mention	Definitions	Extra obligations
			work processes, working conditions and the environment, communication, subjective factors.
Cyprus (CY)	No	No	No
Czechia (CZ)	Yes Stress (Psychological strain).	No	Yes Section 110 - Working conditions shall be assessed with regard to fatigue resulting from patterns of working time, the distribution of working hours, e.g. into shifts, non-working days, night work and/or overtime, and with regard to harmfulness or arduousness caused by other negative effects of the working environment and with regard to risky aspects of the working environment. Section 300 - In determining a certain quantity of work to be done (workload) and the pace of work, the employer shall take into account an employee's physiological and neuropsychic (psychological) capabilities, and ensure adequate breaks and rest.
Denmark (DK)	No	No	Yes* But indirectly via the specific provisions on psychosocial risk factors. Section 17 EOPW defining unclear and conflicting demands as the presence of unclear demands in the work or that demands are incompatible, including demands for specific jobs, quality level, work function, areas of responsibility, work methods, work processes, roles of employees, time consumption, speed of work or working hours.
Estonia (EE)	Yes Approach as an example of the expression of work-related psychosocial risks.	No	No
Finland (FI)	Yes Mention of the stress factors and risks related to working alone and night work.	No	Yes
France (FR)	Yes	No	No
Germany (DE)	Yes	No	No
Greece (EL)	No	No	No
Hungary (HU)	Yes Mentioned as a consequence/ expression of psychosocial risk factors.	No	No
Ireland (IE)	No (indirect only)	No	No
Italy (IT)	Yes Mentioned as one topic that should be part of the OSH risk assessment.	No	Yes

	Mention	Definitions	Extra obligations
Latvia (LV)	No	No	No
Lithuania (LT)	Yes Mentioned in the definition of psychosocial risk factors: <i>'factor which causes mental stress to employee...'</i>	No	No
Luxembourg (LU)	No	No	No
Malta (MT)	No	No	No
Netherlands (NL)	Yes Mentioned in the definition of work-related psychosocial hazards (<i>"psychosociale arbeidsbelasting"</i>) as factors causing stress .	No	No
Poland (PO)	No	No	No
Portugal (PT)	Yes Stress is recognised as a risk/risk factor.	No	No
Romania (RO)	Yes Stress and physical exhaustion fall under the scope of moral harassment at the workplace.	No	No
Slovakia (SK)	Yes Mental tension and strain.	No	No
Slovenia (SI)	No	No	No
Spain (ES)	No	No	No
Sweden (SE)	Yes Section 11 - The employer shall take measures to counteract ill health among employees who encounter tasks and situations that entail severe mental stress.	No	Yes

* If we refer to work-related stress as exposure to a state in which workers feel unable to meet the requirements or expectations placed on them, accompanied by physical, psychological or social complaints or dysfunctions.

Work-related stress is mentioned in legislation in 17 Member States. Several terms are used including: work-related stress, stress, mental stress, psycho-emotional stress and psychological strain. Only Belgium provides a definition of work-related stress. It is interesting to note that no country uses the definition of work-related stress included in the framework agreement on work-related stress (2004). Additional obligations exist in nine countries.

4. Collective agreements

European social dialogue comprises discussions, consultations, negotiations and joint actions undertaken by social partner organisations. It has passed through a number of stages of development, initially from a rather passive approach, based mainly on responding to initiatives of the European Commission, to a more proactive and increasingly autonomous approach (Branch 2005). The first stage, lasting from the beginning of social dialogue in 1985 to the early 1990s, involved the adoption of (non-binding) joint opinions by the social partners. The second stage started in 1993, when the social partners obtained the right to be consulted by the Commission on all initiatives and to negotiate and conclude framework agreements, which might be adopted as European law. In the third stage, the social partners broadened their autonomy and concluded three autonomous agreements (telework, 2002; work-related stress, 2004; and harassment and violence at work, 2007) (Ertel et al. 2010). To implement these non-legally binding autonomous agreements, the social partners commit to discuss and implement them at national level through their member organisations, and to monitor the process. They then have to report to the European Commission on implementation activities in each EU country.

The European Commission (2011) published a Report on the Implementation of the European Social Partners' Framework Agreement on Work-related Stress.¹ To summarise, the main activities following the signing of the agreement included its translation into national languages and its use as an awareness-raising tool. It is also worth noting that there were additional activities, mainly in countries in which there was already a high level of awareness concerning the issue of work-related stress. Implementation of the agreement was reported to constitute a significant step forward and to have added real value in most Member States, although some shortcomings were identified in terms of coverage, impact of measures and the provision of a comprehensive action-oriented framework. Furthermore, the European Commission (2016) published the results of a study on the implementation of the autonomous framework agreement on 'harassment and violence at work' in 2016. Implementation generally involved less 'binding' activities (guidance, declarations, translation and dissemination) than was the case for previous European autonomous framework agreements.

1. https://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/0241/COM_SEC%282011%290241_EN.pdf

Our review examines collective agreements on work-related psychosocial risks, workplace bullying and work-related stress in EU Member States. It reviews these agreements in the context of trade union density at country level.² The European industrial relations model includes collective representation of employee rights and employee participation rights. At national level, trade union density – or the proportion of workers who are members of trade unions – is an indicator of the role these organisations play in the regulation of employment and working conditions (Eurofound 2011). Worker representation increases the potential for worker participation and control in the workplace with a view to altering and shaping working conditions also related to worker health, and union density has been shown to improve psychosocial safety climate (Dollard and Nesar 2013).

4.1 Psychosocial risks

Table 4 presents details on collective agreements on work-related psychosocial risks in each EU Member State. It also indicates whether there is specific national legislation on such risks, which may include mention of the term, a definition and extra obligations. Finally, union density is stated for each country.

Table 4 Collective agreements related to psychosocial risks in EU Member States

	Collective agreement
Austria (AT)	Psychosocial risk factors are not explicitly mentioned in collective agreements, but are covered insofar as they negatively impact mental health. 10 inter-sectoral or sectoral agreements contain provisions on mobbing/bullying or work-related stress. The Labour Constitution Act (Arbeitsverfassungsgesetz – ArbVG) contains statutory provisions on the content of work/company agreements. Some models of company agreements include the promotion of employees' mental health by avoiding psychosocial risks, stress and bullying. Legislation: Yes (mention and extra obligations) Union density: 26%
Belgium (BE)	Collective Labour Agreement (CLA) No 72 of 30 March 1999 tackles the issue of stress at work more from the standpoint of working conditions, in which the works council plays a role. Other than the definition of stress and the highlighting of the works council's role, all the provisions in this CLA are contained and further elaborated in title 3 of book I of the Code on Well-being at Work, which covers all psychosocial risks at work. Legislation: Yes (mention, definition and extra obligations) Union density: 49%
Bulgaria (BG)	No collective agreement related to psychosocial risks. Legislation: No Union density: 15%
Croatia (HR)	No collective agreement related to psychosocial risks. Legislation: Yes (mention and extra obligations) Union density: 21%
Cyprus (CY)	No collective agreement related to psychosocial risks. Legislation: No Union density: 43%

2. <https://worker-participation.eu/trade-unions>

	Collective agreement
Czechia (CZ)	No collective agreement related to psychosocial risks. Legislation: No Union density: 11%
Denmark (DK)	No collective agreement related to psychosocial risks. Legislation: Yes (mention, definition and extra obligations) Union density: 67%
Estonia (EE)	The agreement titled 'Maintaining mental health in the work environment' was concluded on 28 June 2021 by the State and Self-government Institutions Workers Trade Union (ROTAL) and the Ministry of Finance. ^a According to Kalle Liivamägi, chair of ROTAL, this is the first arrangement on psychosocial risks in Estonia. ^b It applies to all state employees. Legislation: Yes (mention, definition and extra obligations) Union density: 6%
Finland (FI)	Collective agreements take a variety of psychosocial risks into account because the level of difficulty of particular tasks and/or task-related requirements in different competence categories affect wage levels. The difficulty of work is defined in accordance with the following factors: responsibility and learning time required for the job, working conditions, and work-related risk factors caused by workload, monotony and complexity. The factors to be considered are broadly parallel, although sectoral differences can be observed. Legislation: Yes (mention and extra obligations) Union Density: 59%
France (FR)	With regard to psychosocial risks in the private sector, the framework agreement of 17 March 1975, on the improvement of working conditions (extended to all sectors in 1996), provides that: work standards must not lead to a rhythm of work, an increase of muscular or intellectual effort, and an exposure to nervous tension which may result in an excessive fatigue risk; workload must be compatible with the physical and mental health of employees, compliance with these requirements is a necessary condition for the development of the personality of employees. The establishment of work standards must consider acceptable paces, sufficient staffing levels and appropriate rest periods. The intellectual and psychological needs of Employees must be met in the accomplishment of their work (Art.4). Another example is the National Intersectoral Agreement (NIA), concluded 9 December 2020, to enhance prevention and a renewed offer in terms of occupational health and working conditions (applicable to all sectors since 13 April 2021). The primary stage in preventing occupational risks is the main objective of the agreement (Preamble). It defines the scope of occupational risks by including psychosocial risks (article 1.2.1.1) and reaffirms that the prevention of psychosocial risks involves, notably, the prevention of stress at work and the prevention of bullying and violence at work, and the psychosocial risks must be integrated into the evaluation of occupational risks and brought up in the occupational risk assessment. Legislation: Yes (extra obligations only) Union density: 11%
Germany (DE)	Certain aspects that contribute to the prevention of psychosocial risks can be part of general collective agreements between the social partners. Most commonly collective agreements include clauses on working time, shift work or on work-life-balance. Example of agreements with an explicit focus on OSH also exist; service trade union Ver.di addressed workload in the health sector in collective negotiations. Ver.di has also concluded 'collective health agreements' (<i>Gesundheitstarifverträge</i>) at company level (e.g. IBM 2014 and Primark 2018). Such agreements included aspects of good leadership, flexible working arrangements and company/working culture in order to improve working conditions and job retention. ^c Legislation: Yes (only mention) Union density: 16%
Greece (EL)	No collective agreement related to psychosocial risks. Legislation: Yes (mention and extra obligations) Union density: 19%
Hungary (HU)	No collective agreement related to psychosocial risks. Legislation: Yes (mention, definition and extra obligations) Union density: 8%
Ireland (IE)	No collective agreement related to psychosocial risks. Legislation: No Union density: 25%
Italy (IT)	No collective agreement related to psychosocial risks. Legislation: Yes (mention and extra obligations) Union density: 32%

	Collective agreement
Latvia (LV)	No collective agreement related to psychosocial risks. Legislation: Yes (mention and extra obligations) Union density: 12%
Lithuania (LT)	Yes but it only repeats what is laid down in the law without further development. Legislation: Yes (mention, definition and extra obligations) Union density: 7%
Luxembourg (LU)	Psychosocial risks are explicitly mentioned in some collective agreements, ^d e.g., the 'Convention Collective des salaires des entreprises d'assurance' of 2021–2023 between the following trade unions: ACA, ALEBA, LCGB and OGBL. Article 8 reads as follows: <i>'The social partners are committed to the prevention of psychosocial risks and the quality of life at work in general. Companies, in collaboration with the staff delegation, are committed to the prevention of psychosocial risks in the medium and long term. To do this, they will set up structured projects allowing each employee to get involved in this process by proposing improvements in their work and having the opportunity to develop their personal resources to better prevent and deal with the risks identified.'</i> Similarly, in another collective agreement, the prevention of psychosocial risks entails measures that enable employees to propose improvements in their working conditions. ^e Legislation: No Union density: 28%
Malta (MT)	No collective agreement related to psychosocial risks. Legislation: No Union density: 43%
Netherlands (NL)	The Collective Labour Agreement for Hospitals 2019–2021 states that in risk assessment and evaluation special attention should be paid to tackling workload, aggression, physical strain and violence. ^f Legislation: Yes (mention and extra obligations) Union density: 15%
Poland (PO)	No national collective agreement related to psychosocial risks. The number of collective agreements in Poland is small, and they rarely cover any innovative areas, such as managing psychosocial risks. The only example that has been reported covering psychosocial risks is the company agreement of the Philip Morris Corporation. Legislation: Yes (mention only) Union density: 13%
Portugal (PT)	Yes, some specific references to psychosocial risks are made in collective agreements at sectoral and national level. Legislation: Yes (mention and extra obligations) Union density: 15%
Romania (RO)	No collective agreement related to psychosocial risks. The 2011 Social Dialogue Act eliminated national level agreements. Legislation: No Union density: 21%
Slovakia (SK)	No collective agreement related to psychosocial risks. Legislation: Yes (mention and extra obligations) Union density: 11%
Slovenia (SI)	Yes, but only a few examples and they do not enter into details. Legislation: Yes (extra obligations only) Union density: 24%
Spain (ES)	Although rare, some agreements mention the choice of the method for evaluating psychosocial risks. An example is found in the <i>Convenio Colectivo de panadería y pastelería de la Comunidad Valenciana</i> (DO Comunitat Valenciana, 13 March 2019), which, in its Article 42, recognised the problem of increasing work-related stress and proposed <i>'to advance, through the risk assessment and prevention plan, awareness and greater understanding of this matter to prevent, eliminate, and reduce psychosocial risks in the workplace.'</i> It also cites various tools to carry out a psychosocial risk assessment. Annex I of the <i>Convenio Colectivo del Grupo Unidad Editorial</i> (BOE, 7 October 2017) establishes that, to carry out the psychosocial risk assessment, the methods developed by the former National Security Institute and Hygiene at Work will be applied. Legislation: Yes (mention only) Union density: 12%

	Collective agreement
Sweden (SE)	No collective agreement related to psychosocial risks, as covered in law. The Work Environment Act (WEA) is the framework law providing measures on psychosocial work environment issues Legislation: Yes (mention, definition and extra obligations) Union density: 65%

^a This agreement is not a collective labour agreement. It was drafted on the basis of a framework agreement on work-related stress signed by the social partners at the European level in October 2004. It is considered to enshrine the agreed principles by which the parties are guided.

^b Communication with the chair of Rotal Kalle Liivamägi dd 12 July 2021.

^c https://www.bund-verlag.de/aktuelles-20151112_gesundheits-tarifvertrag-bei-ibm-.html;

<https://handel.verdi.de/unternehmen/p-r/primark/++co++b6acd8ba-37f1-11e8-87e4-525400423e78>

^d Another example is the collective agreement applicable to the insurance sector, see Dr Franz Traxler, *Collective Bargaining: Levels and Coverage*,* University of Vienna.

^e Art. 35, Collective Agreement for Bank Employees between the members of the Luxembourg Bankers' Association and their employees.

^f CAO Ziekenhuizen 2019-2021.

Collective agreements on work-related psychosocial risks exist in 13 Member States at national or sectoral level. In all these countries there is relevant legislation. However, relevant legislation also exists in countries without specific collective agreements on work-related psychosocial risks. There are agreements in countries with high or low union density.

4.2 Workplace bullying

Table 5 provides details on the existence of collective agreements on workplace bullying in each EU Member State. It additionally indicates whether there is specific national legislation on workplace bullying, which may include mention of the term, a definition and extra obligations. The table also indicates whether the ILO Violence and Harassment Convention, 2019 (No. 190)³ has been ratified in each country and when it entered into force. Finally, union density is stated for each country.

Collective agreements on workplace bullying exist in 19 Member States either at national or sectoral level. Furthermore, legislation on workplace bullying and/or harassment exists in all Member States. In 10 of them this falls within the OSH legal framework. The ILO Violence and Harassment Convention 2019 (No. 190) has had an important impact on the policy context in many Member States. Fourteen countries have signed it and in some, new legislation has been introduced as a result. Because the Convention includes specific requirements on the assessment and management of work-related psychosocial risks, new legislation now covers the psychosocial work environment more broadly.

3. https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:3999810

Table 5 Collective agreements related to workplace bullying in EU Member States

	Collective agreement
Austria (AT)	One collective agreement provides that acts of mobbing constitute formal grounds for dismissal and early termination of the employment contract. ^a In another, the employer commits to promote and maintain a climate of cooperation by, among other things, preventing bullying. ^b Some collective agreements also contain provisions to prevent or manage cases of workplace bullying. ^c Legislation: Yes (non-OSH) Convention No. 190 signed September 2024, in force. Union density: 26%
Belgium (BE)	Collective Labour Agreement (CLA) No 72 defines work-related stress as a state perceived as negative by a group of workers, which is accompanied by complaints or dysfunctions at the physical, psychological and/or social level, and is applicable to violence and harassment at work ^d (part of social relations at work). Legislation: Yes (mention, definition and extra obligations) Convention No. 190 signed June 2023, in force. Union density: 49%
Bulgaria (BG)	No national collective agreement on bullying at work. Binding sectoral collective agreements on prevention of discrimination and all types of physical and psychological violence and harassment (health care) and violence against women (transport) have been signed and implemented. ^e Legislation: Yes (non-OSH) Convention No. 190 not signed. Union density: 15%
Croatia (HR)	No national collective agreement on bullying at work. Legislation: Yes (mention only) Convention No. 190 not signed. Union density: 21%
Cyprus (CY)	No national collective agreement on bullying at work. There have been negotiations on a sectoral agreement on violence and harassment in specific sectors. Legislation: Yes (mention and extra obligations) Convention No. 190 signed March 2025, enters into force March 2026. Union density: 43%
Czechia (CZ)	While there is no national collective agreement on bullying at work, binding sectoral and company agreements and measures have been reached. Legislation: Yes (non-OSH) Convention No. 190 not signed. Union density: 11%
Denmark (DK)	Two collective agreements covering bullying and sexual harassment. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 signed June 2024 in force. Union density: 67%
Estonia (EE)	No national collective agreement on bullying at work. Legislation: Yes (mention only) Convention No. 190 signed December 2024, in force. Union density: 6%
Finland (FI)	Workplace bullying and violence were explicitly mentioned in a few individual collective agreements. The collective agreement on commerce takes the threat of violence into account more specifically than the legislation. The employer must carry out an assessment of the threat of violence in the workplace. In addition, individual actions by which the employer must prevent and reduce the threat of violence in accordance with the law are mentioned, e.g., a code of practice for situations of violence and ensuring access to the police or security company. The collective agreement of the theatrical sector included a precise provision on harassment in the workplace, which prohibits all forms of bullying and sexual or other harassment throughout the work community. Legislation: Yes (mention and extra obligations) Convention No. 190 signed June 2024, in force. Union density: 59%

	Collective agreement
France (FR)	A National Intersectoral Agreement (NIA) was concluded on workplace bullying on 26 March 2010 (extended to all sectors 23 July 2010). Employers have the obligation to forbid harassment and violence at the workplace and implement preventive measures, such as awareness-raising, improvement of the organisation and working conditions, and employees' right of expression. The employer must also take appropriate measures to identify, understand and deal with workplace bullying and violence at work. The NIA also provides a framework for intervention to ensure discretion in investigations, anonymity of data, timely procedures, hearings with the relevant parties, handling of false accusations, and the possibility of bringing in external expertise or mediation. These measures should be taken following consultation with the workers or their representatives. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 signed April 2024, in force. Union density: 8%
Germany (DE)	While there is no national collective agreement on bullying at work, different actions have been taken at sectoral and company level through collective or company level agreements. Legislation: Yes (non-OSH) Convention No. 190 signed June 2023, in force. Union density: 16%
Greece (EL)	No national collective agreement on bullying at work. Legislation: Yes (mention and extra obligations) Convention No. 190 signed August 2021, in force. Union density: 19%
Hungary (HU)	No national collective agreement on bullying at work. Legislation: Yes (non-OSH) Convention No. 190 not signed. Union density: 8%
Ireland (IE)	Implementation of the 2007 European Agreement in Ireland is built on a Charter on Dignity in the Workplace prepared by the Irish Health and Safety Authority in 2007 with the participation of the social partners. This drew on more long-standing joint work, including the development of Codes of Practice on Preventing and Dealing with Bullying and Harassment at Work (e.g. from 2002). Since the adoption of the European Agreement, no further joint actions have been taken at cross-industry level because the requirements of the agreement were seen to be met by existing legislation and Codes of Practice. A number of unilateral actions have been taken by Irish social partner organisations to further raise awareness and address the issue. There have also been discussions on the issue at the sectoral level. Legislation: Yes (non-OSH) Convention No. 190 signed January 2023, in force. Union density: 25%
Italy (IT)	Following implementation of the European framework agreement in 2007, trade unions in Italy assessed their existing collective agreement dating back to 2003 and resolved that no further action was needed to implement the goals of the framework agreement, although some companies in the sector, such as Poste Italiane, have since concluded collective agreements that feature this issue. Legislation: Yes (mention only) Convention No. 190 signed October 2021, in force. Union density: 32%
Latvia (LV)	The Latvian cross-industry social partners LDDK and LBAS signed a joint declaration in 2008 implementing the European level agreement. After this agreement a number of initiatives were launched in support of national implementation. These included several LBAS information meetings with regional trade union consultants and organisations, a conference on violence at work in the health-care sector, LDDK information seminars for their members and other employers, as well as mainstreaming of the issues covered by the autonomous agreement in some collective agreements at local and sectoral level. Legislation: Yes (non-OSH) Convention No. 190 not signed. Union density: 12%
Lithuania (LT)	No national collective agreement on bullying at work. Some sectoral agreements on harassment at work have been signed. Legislation: Yes (mention and extra obligations) Convention No. 190 not signed. Union density: 7%

	Collective agreement
Luxembourg (LU)	The Grand Duchy of Luxembourg adopted a Grand Ducal Regulation and an inter-professional agreement on the topic of bullying and violence. Since 15 December 2009, a Grand Ducal Regulation has given full legal effect to the Convention of 25 June 2009 on harassment and violence at work, thereby making it applicable to all companies established in Luxembourg. The framework agreement of 25 June 2009 was signed between the Luxembourg social partners, i.e. UEL, OGB-L and LCGB. This agreement includes the directives set out in the European framework agreement whose main goal is to prevent situations of intimidation, harassment or physical violence at the workplace.^f Legislation: Yes (mention, definition and extra obligations) Convention No. 190 not signed. Union density: 28%
Malta (MT)	No national collective agreement on bullying at work. Legislation: Yes (non-OSH) Convention No. 190 not signed. Union density: 43%
Netherlands (NL)	The collective labour agreement on secondary vocational education in Article 10 mentions that employers have to ensure that there is a policy aimed at creating a healthy and safe working environment. This means that arrangements have to be made to prevent sexual harassment, racism and violence at work. Employers are required to introduce a complaints procedure to deal with violence, among other things, at work.⁹ The CLA on higher vocational education contains an article devoted to work-related psychosocial hazards (<i>psychosociale arbeidsbelasting</i>).^h This states that employers must design rules regarding aggression, violence and (sexual) harassment, discrimination and bullying. In relation to workload, the CLA highlights the need for a systematic approach. Legislation: Yes (mention only) Convention No. 190 not signed. Union density: 15%
Poland (PO)	No national collective agreement on bullying at work. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 not signed. Union density: 13%
Portugal (PT)	The Portuguese social partners jointly agreed and disseminated a translation of the European Agreement on Harassment and Violence at work, at national level. Following this, implementation was undertaken at the sectoral level. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 signed February 2024, in force. Union density: 15%
Romania (RO)	The sectoral agreement on the health budget for 2019–2021 provides a procedure to guarantee equal opportunities and prohibit discrimination. Art. 15-19 of this Annex regulates specific aspects of workplace mobbing. Mobbing is defined in Art. 15 of the Annex as any inappropriate behaviour that occurs over a period of time, which is repetitive or systematic and involves physical behaviour, verbal or written language, gestures or other intentional acts that could affect the personality, dignity or physical or psychological integrity of a person. Other collective agreements concluded at the company and group levels include similar provisions. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 signed June 2024, in force. Union density: 21%
Slovakia (SK)	No national collective agreement on bullying at work. Legislation: Yes (non-OSH) Convention No. 190 not signed. Union density: 11%
Slovenia (SI)	Yes, some sectoral agreements – but only a few examples. In Slovenia, social partners have worked with the government in pursuit of implementation of the 2007 European autonomous framework agreement by means of an amendment of the national legislation. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 not signed. Union density: 24%

	Collective agreement
Spain (ES)	A significant part of collective agreements focuses on moral harassment, establishing the meaning of such harassment, as well as specific measures addressed to employees.ⁱ Workplace bullying seems to be the main concern at the workplace at both the sectoral and company levels of collective bargaining.^j It also provides examples of behaviour that constitutes workplace bullying: failure to assign a task or assigning useless or degrading tasks with no productive value, isolation (by separating someone's work location and ignoring the worker), or giving a worker an excessive workload in a malicious manner.^k Some collective agreements specify that: <i>'All of the above behaviours can occur between individuals of the same or different sex and in three ways:</i> <i>i. Descending: when the harasser holds a higher position than the alleged victim.</i> <i>ii. Horizontally: in cases where it occurs between people at the same hierarchical level.</i> <i>iii. Ascending: when the harasser occupies a lower hierarchical position than that of the alleged victim of harassment."</i>^l Additionally, some collective agreements establish the employer's duty to assess psychosocial risks as a preventive measure when moral harassment is identified in the company.^m Legislation: Yes (non-OSH) Convention No. 190 signed May 2022, in force. Union density: 12%
Sweden (SE)	Following the 2007 Agreement on Harassment and Violence at work, the social partners prepared a joint translation and disseminated the text, as sectoral agreements were already considered to include relevant provisions. Legislation: Yes (mention, definition and extra obligations) Convention No. 190 not signed. Union density: 65%

^a Art. 13d Annex 2 'Crisis Agreement', Collective agreement for the flying personnel of Eurowings Europe GmbH.

^b Art. 25.2 Collective agreement of the Vienna Social Fund.

^c E.g. Art. 4.9 Collective agreement for university employees.

^d https://www.etuc.org/sites/default/files/document/files/belgium_etuc_safe_at_home_safe_at_work_final.pdf

^e Study on the implementation of the autonomous framework agreement on harassment and violence at work, available at:

<https://data.europa.eu/doi/10.2767/8998>

^f <https://www.astf.lu/harcelement-moral?lang=en>

^g CAO MBO 2020–2021.

^h CAO HBO, art. U-1.

ⁱ Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, number 208; X Convenio colectivo nacional para las industrias de pastas alimenticias. BOE 12 April 2021, number 87; Convenio colectivo del sector de grandes almacenes. BOE 11 June 2021, number 139.

^j IV Convenio colectivo del grupo VIPs. BOE 14 August 2020, number 219; III Convenio colectivo de Cimodin, SL. BOE 28 May 2021, number 127.

^k Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, number 208. 4; X Convenio colectivo nacional para las industrias de pastas alimenticias. BOE 12 April 2021, number 87. Anexo II. Protocolo acoso sexual y acoso por razón de sexo.

^l Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, No. 208.

^m X Convenio colectivo nacional para las industrias de pastas alimenticias. BOE 12 April 2021, number 87. Section 3. Harassment prevention measures.

4.3 Work-related stress

Table 6 provides details of collective agreements on work-related stress in each EU Member State. It also indicates whether there is specific national legislation on work-related stress, which may include the term, a definition and extra obligations. It is important to note here that an indication of legislation does not include general legislation on work-related psychosocial risks, but specifically on work-related stress. Finally, union density is stated for each country.

Table 6 Collective agreements related to work-related stress (WRS) in EU Member States

	Collective agreement
Austria (AT)	Work-related stress is often addressed in collective agreements on workplace health promotion. To prevent illnesses and improve well-being at work, certain health indicators are to be defined internally by the company health committee. The prevention of stress is mentioned explicitly. Workplace health promotion does not replace the legal obligations of the ASchG but must be seen as a complement and extension. At the sectoral level, some service agreements stipulate, for example, that the employer must take appropriate preventive measures within the framework of occupational safety and health principles to prevent physical and mental stress at the workplace, as far as possible. Legislation on work-related stress: Yes (mention and extra obligations) Union density: 26%
Belgium (BE)	A multi-industry collective agreement was adopted on 30 March 1999: collective labour agreement (CLA) no. 72 on preventing work-related stress. Legislation on work-related stress: Yes (mention, definition and extra obligations) Union density: 49%
Bulgaria (BG)	No collective agreement on work-related stress. Legislation on work-related stress: Yes (mention and extra obligations) Union density: 15%
Croatia (HR)	At the sectoral level, the collective agreement for the construction industry prescribes that one of the most important obligations of employers is to implement the prevention of work-related stress, but also that workers should act in accordance with the employer's instructions in order to prevent, eliminate or reduce work-related stress, and cooperate with the employer in order to prevent, eliminate or reduce stress at work or in connection with work. Legislation on work-related stress: Yes (mention and extra obligations) Union density: 21%
Cyprus (CY)	In June 2008, the main social partner organisations signed a framework agreement on work-related stress, which effectively adopts the relevant framework agreement signed by the social partners at European level in October 2004. It is accompanied by a non-binding policy statement referring to actions aimed at successfully implementing the new agreement. Legislation on work-related stress: No Union density: 43%
Czechia (CZ)	No collective agreement on work-related stress. Legislation on work-related stress: Yes (mention and extra obligations) Union density: 11%
Denmark (DK)	Danish social partners in local and regional, as well as in state administrations have concluded agreements stipulating that workplace social dialogue bodies must develop guidelines to identify, manage and prevent stress. These have been complemented by a wide range of joint measures. Private sector social partners took the view that the 2004 agreement was already implemented through existing regulations and several sectoral agreements. The legal framework addresses work-related stress explicitly. Danish private sector social partners believed that existing legislation and collective agreements already met the European agreement's requirements. In the public sector, the social partners in local, regional and central government signed collective agreements in 2005 to implement the European accord. Legislation on work-related stress: Yes (But indirectly via specific provisions on psychosocial risks) Union density: 67%
Estonia (EE)	No collective agreement on work-related stress. Legislation on work-related stress: Yes (mention only) Union density: 6%
Finland (FI)	No collective agreement on work-related stress. Finnish legislation lays down explicit obligations to address physical and mental workload that can lead to stress. The Finnish social partners signed a joint recommendation on preventing and managing work-related stress in 2007, adapting the European agreement to national circumstances. Legislation on work-related stress: Yes (mention and extra obligation) Union density: 59%
France (FR)	A national intersectoral agreement on work-related stress was adopted on 2 July 2008 (extended to all sectors 23 April 2009). This agreement described the state of stress and suggests the use of indicators to detect work-related stress, including level of absenteeism, number of resignations, relational conflicts, occupational injuries, violence-related behaviours and visits to an occupational physician. The agreement also strongly supports implementation of an operational framework to prevent work-related stress. The agreement focuses on the analysis of various factors, such as work organisation and processes, working conditions and environment, communication (for example, incorrectly defined tasks, difficult interaction) and subjective factors (such as emotional pressure). It specifies that, as soon as a work-related stress problem is identified, action must be undertaken to prevent and eliminate, or at least to reduce it. Some examples

	Collective agreement
	of corrective measures are given. The employer has the responsibility of determining the appropriate measures and implementing them in connection with the workers or their representatives. Legislation on work-related stress: Yes (mention only) Union density: 11%
Germany (DE)	No collective agreement on work-related stress. Legislation on work-related stress: Yes (mention only) Union density: 16%
Greece (EL)	The EU framework agreement on work-related stress was incorporated in the National General Collective Employment Agreement (Εθνική Γενική Συλλογική Σύμβαση Εργασίας (EGSSE)) for 2008–2009, signed on 26 March 2008. The text of the framework agreement is annexed to the EGSSE and forms an integral part of it. Legislation on work-related stress: No Union density: 19%
Hungary (HU)	No collective agreement on work-related stress. The framework agreement on work-related stress was implemented through legislation (2007) on the initiative of the social partners in the National Interest Reconciliation Council. Legislation on work-related stress: Yes (mention only) Union density: 8%
Ireland (IE)	No collective agreement on work-related stress. At the request of the social partners, the Labour Relations Commission (a public industrial relations advisory and dispute-resolution body) drew up a non-binding guide to workplace stress, published in 2007, which incorporates the European agreement and recommends use of an existing Health and Safety Authority risk-assessment tool (Work Positive). Legislation on work-related stress: No (indirect only) Union density: 25%
Italy (IT)	Social partners concluded a national cross-industry agreement that is binding on their members in 2008. The European Agreement's preventive approach regarding psychosocial risks was incorporated in the revised occupational health and safety law in 2008 and 2009. Specialised agencies and labour inspectorates stepped up their work on guidance on work-related stress following the Agreement. Legislation on work-related stress: Yes (mention and extra obligations) Union density: 32%
Latvia (LV)	No collective agreement on work-related stress. However, the Latvian social partners adopted a declaration on cooperation that included a general recommendation to members in 2006, but the focus remained primarily on awareness-raising and complementary measures. Legislation on work-related stress: Yes (mention only) Union density: 12%
Lithuania (LT)	No collective agreement on work-related stress. Legislation on work-related stress: Yes (mention only) Union density: 7%
Luxembourg (LU)	No collective agreement on work-related stress. In 2006 the social partners and the government adopted a set of 'guiding principles' for employers, workers and their representatives, with a view to implementing the 2004 agreement through campaigns and other measures to raise awareness. Legislation on work-related stress: No Union density: 28%
Malta (MT)	No collective agreement on work-related stress. However, the MT-OSHA published guidelines on a 'Maltese Framework for the Control of Work-Related Stress' in 2013. Legislation on work-related stress: No Union density: 43%
Netherlands (NL)	In 2006, the Dutch social partners updated an existing brochure on stress, aimed at companies, employees and employee representatives, to take account of the European agreement. This was done in the context of an explicit legal framework that includes 'occupational health and safety catalogues' laying out mandatory provisions agreed by sectoral social partners, as well as of numerous awareness-raising and complementary activities by social partners and public authorities. The Collective Labour Agreement on higher vocational education contains an article devoted to work-related psychosocial hazards (<i>psychosociale arbeidsbelasting</i>). Legislation on work-related stress: Yes (mention only) Union density: 15%

	Collective agreement
Poland (PO)	No collective agreement on work-related stress. Social partners adopted a joint declaration (2008) that covers some elements of the 2004 European Work-related Stress Agreement. Legislation on work-related stress: No Union density: 13%
Portugal (PT)	No national collective agreement on work-related stress. However, the Portuguese social partners were active in dissemination and trade unions made efforts to raise awareness in cooperation with the employers' organisation in the services sector (CCP) and the Working Conditions Authority, and in 2009, the Portuguese legislator amended the law to include mention of mental stress. Legislation on work-related stress: Yes (mention only) Union density: 15%
Romania (RO)	The inter-sectoral national collective agreement concluded for 2007–2011 included clauses on the prevention and reduction of work-related stress in Art. 37. Legislation on work-related stress: No Union density: 21%
Slovakia (SK)	No collective agreement on work-related stress. However, following consultations in the Economic and Social Council, legislation now has detailed provisions on the assessment of mental workload, and measures to manage this successfully. Legislation on work-related stress: No Union density: 11%
Slovenia (SI)	No collective agreement on work-related stress. Legislation on work-related stress: No Union density: 24%
Spain (ES)	The social partners implemented the Framework Agreement on Work-Related Stress through their national inter-confederal agreements (2005 and 2007), which guide collective bargaining at lower levels, and made a substantial effort to raise awareness, as well as introducing some complementary measures. The cross-industry social partners have implemented the European accord since 2005 through their regular national agreements, providing a framework for lower-level collective bargaining. Clauses on work-related stress can be found in sectoral collective agreements, including in perfumery, ^a banking ^b and telemarketing. ^c Legislation on work-related stress: No Union density: 12%
Sweden (SE)	In Sweden, national agreements were signed in the private sector in 2005 and in the public sector in 2006, laying down guidelines for action to implement the 2004 European Framework agreement. This led to the development of several general sectoral agreements. Many actors had previously provided instruments to tackle work-related stress. Swedish legislation obliges employers to protect workers' health from physical and mental strain, and they have to take physical, psychological and social conditions into account. Legislation on work-related stress: Yes (mention and extra obligations) Union density: 65%

^a Convenio colectivo estatal de perfumería y afines. BOE 20 August 2019, No. 199.

^b XXIV Convenio colectivo del sector de la banca. BOE 30 March 2021, No. 76.

^c II Convenio colectivo de ámbito estatal del sector de contact center (antes telemarketing). BOE, No. 165, 12 July 2017.

The picture with regard to collective agreements on work-related stress is mixed. There are collective agreements in 12 Member States, but in half of these countries they are at the sectoral level. Legislation is in place in ten of these countries, but in some cases this was introduced after the agreement. Some countries already had collective agreements that covered work-related stress before the introduction of the European agreement on work-related stress in 2004. In some other countries this was implemented in legislation directly (for example, Italy, Hungary, Portugal and Slovakia). Finally, union density does not appear to be related to the introduction of these collective agreements as it varies from 11 in France to 65 in Sweden in the 12 Member States that have collective agreements on work-related stress.

Figure 4 Maps of collective agreements (psychosocial risks, work-related stress and workplace bullying)



5. Jurisprudence

The jurisprudence on health and safety law explores the legal principles and theories underpinning regulations on workplace health, safety and well-being. It examines the balance between employer responsibilities and employee rights, as well as the broader societal goals of preventing harm and promoting well-being. Key aspects include legal foundations, case law, criminal vs civil law, as well as corporate accountability. Health, safety and well-being case law in Europe often revolves around the EU Framework Directive 89/391/EEC, which sets out measures to improve workplace safety and health. The next sections outline the jurisprudence at national level of relevance to psychosocial risks, bullying at work and work-related stress, which have been the subject of several important legal cases. This highlights the evolving legal landscape around psychosocial risk management and the responsibilities of employers.

5.1 Work-related psychosocial risks

Information on jurisprudence presented here is based on the expert reports submitted to ETUI in September 2021. These have not been cross-checked with other sources. However, the information presented here is by no means complete. Examples of cases are reported for each country, where available, with an indication of whether relevant legislation is in place.

Experts reported jurisprudence on work-related psychosocial risks in 16 Member States. In 8 countries this took place in the absence of legislation on work-related psychosocial risks or before it was introduced. The work-related psychosocial risks mentioned in these cases include bullying, mobbing, abusive behaviour, professional isolation, demotion/unfair treatment, workload, overwork/underwork, time pressure, work reorganisation that resulted in unreasonable work demands, unclear roles and responsibilities, workplace conflicts, overtime and night work, unfair dismissal. Several health issues were mentioned as a result of exposure to work-related psychosocial risks, including depression, psychiatric injury, anxiety, nervous breakdown, pain and disability.

Table 7 Jurisprudence/court cases related to work-related psychosocial risks in EU Member States

	Jurisprudence/decision	Existing legislation
Austria (AT)	Yes (but focus is primarily on mobbing/bullying at work). Because psychosocial risks are not standardised offences in the Austrian Criminal Code (Strafgesetzbuch), there is little case law on the subject.	Yes
Belgium (BE)	Yes, claims for breach of the provisions on psychosocial risks at work can be brought before civil ^a and criminal ^b jurisdictions.	Yes
Bulgaria (BG)	No	No
Croatia (HR)	On one occasion a worker invoked exposure to work-related psychosocial risks (such as overburdening) to prove that she was a victim of mobbing (2014).	Yes – Law in 2021, so before the adoption of the law
Cyprus (CY)	No	No
Czechia (CZ)	No	No
Denmark (DK)	A Work Environment Appeal board case in which the risk of deterioration of the employee's physical and mental health was not adequately prevented (company's policy on WB not known by employees) (2021). (2009; 2012 and 2016) Case of workload and time pressure: the heavy work and time pressure was deemed a risk to physical and mental work environment.	Yes but decisions before the Executive Order.
Estonia (EE)	No	Yes
Finland (FI)	(1992) due to repeated and prolonged pressure at the workplace an employee developed depression, anxiety and pain. (2014) employee's role and responsibilities at work left vague and open and without adequate information to carry on working. Employee not treated appropriately under OSH legislation. (2015 and 2021) employee eligible for sick pay for the period of disability in a situation in which work disability is due to stress.	Yes – before and after the adoption of the Occupational Health Safety Act 738/2002
France (FR)	(Civil courts) reorganisation of work organisation – reduction of the workforce leading to professional isolation without sufficient assistance system to guarantee safety (Cass soc 2008), or redistribution of tasks causing an overwhelming workload on the remaining staff (CA Paris 2012). Also impact on workers' mental health with professional evaluation in the form of an annual review (Cass soc 2007) or establishing a benchmark system in which individuals compare themselves to others as a way to measure their personal performance (CA Lyon 2014). (Labour court) employer breaches his duties when he does not resolve workplace conflicts or a climate of tension leading to a deterioration of health (Cass soc 2017).	2002 Law introducing the protection of mental health – not specific but jurisprudence builds on it.
Germany (DE)	Right to protect workers against overstrain. (2018) Co-decision right of the work council in risk assessment of psychosocial risks at work.	Yes
Greece (EL)	(2012) (work accident) Constant pressure to carry out all assigned tasks, employer demands for increases of workload, employers' threatening and abusive behaviour cause the employee to suffer a psychological and nervous breakdown.	Yes but decision before the revision (2021)
Hungary (HU)	Mobbing and work-related stress within the scope of the term 'psychosocial risks' in legislation and jurisprudence. Burden of proof – employer's liability with regard to work-related psychosocial risks subject to expert opinion (2014), which has to establish a logical connection between work-related psychosocial risks, workplace conditions and health impairment (2017). Restrictive jurisprudence – not beneficial to the worker.	Yes – law 2007. (After)
Ireland (IE)	(2005) employer's duty to protect employee from 'psychiatric injury induced by the stress and pressures of the employee's working conditions and workload' (supreme court). After that, claim for compensation for psychiatric injuries triggered by overwork/underwork (2005), loss of role/status following reorganisation (2006), demotion/unfair treatment (2006), bullying/interpersonal difficulties at work (2014).	No

	Jurisprudence/decision	Existing legislation
Italy (IT)	Cases on overwork and excessive workload considered to constitute autonomous damage to the employees' health and safety (2014, 2015, 2017). Employer responsible when did not adapt work organisation or the company's workforce to avoid overwork or excessive workload (2018).	Yes but really restricted so case law paves the way for the recognition of psychosocial risks broadly intended in the Italian legal system.
Latvia (LV)	No	Yes
Lithuania (LT)	Employee's right to compensation for non-pecuniary damage for psychological pressure on them to resign, damage to his/her reputation, unlawful dismissals on a highly compromising basis, severity of the employer's violation of employee's rights etc. (2017)	Yes – Law 2005 (After)
Luxembourg (LU)	Medical depression as a consequence of work overload and overtime hours (2018) (worker lost the case).	No
Malta (MT)	No	No
Netherlands (NL)	Employer has a duty of care to prevent psychological complaints if the risks are known to him. Employer is liable if there is a causal relationship between heavy workload, long working hours, bullying, threats and negative impact on the worker (2009 & 2020).	Yes – Law 1999 (After)
Poland (PO)	No	Yes
Portugal (PT)	No	Yes
Romania (RO)	(2012) If the employer violated all regulations regarding working time, rest time, overtime and night work, the employee's refusal to perform additional, excessive tasks, after an abusive regime that endangered his health and safety at work, it is considered justified. Both the suspension decision and the disciplinary dismissal decision were illegal and unfounded, requiring their cancellation, reinstatement of the employee and payment of (unpaid) salary.	No
Slovakia (SK)	No	Yes
Slovenia (SI)	No	No
Spain (ES)	Two judgments of the Constitutional Tribunal (Judgments 62/2007 and 160/2007) have addressed psychosocial risks at work via an interpretation of Article 15 of the Constitution, concerning the fundamental right to life.	No – fill legislative gap based on constitution)
Sweden (SE)	No	Yes

^a Art. 578, 11° Judicial Code.^b See Art. 127 Social Criminal Code, and Art. 119-122 Social Criminal Code.

5.2 Workplace bullying

Information on jurisprudence presented in this section is based on the expert reports submitted to ETUI in September 2021. These have not been cross-checked with other sources. Examples of cases are reported for each country, where available, with an indication of whether relevant legislation is in place, whether within the OSH legal framework or more generally.

Experts reported that there was no jurisprudence on workplace bullying in only six Member States. It is important to note that legislation on workplace bullying exists in all Member States, however in 10 countries, it falls within the legal framework for OSH.

Table 8 Jurisprudence/court cases related to workplace bullying in EU Member States

	Jurisprudence/decision	Existing legislation	
		OSH	Other
Austria (AT)	Several decisions – first supreme court decision was delivered in 1997.	No	Yes (Equal Treatment Act -GlBG, and Federal Equal Treatment Act -B-GlBG)
Belgium (BE)	Yes, claims for breach of the provisions on psychosocial risks at work can be brought before civil and criminal jurisdictions.	Yes (Act on well-being at work)	Yes (harassment, sexual harassment and violence at work may be related to criteria referred to in the three anti-discrimination acts of 10 May 2007)
Bulgaria (BG)	No	No	Yes (Law on protection against discrimination (LPD); and Article 8 of the Bulgarian Labour Code)
Croatia (HR)	Jurisprudence provides a definition: ‘a specific form of behaviour at the workplace by which one person or a group of persons systematically psychically (morally) harass or humiliate another person, with the goal to jeopardize his/her reputation, honour, human dignity and integrity, until he/she is eliminated from the working place”.	Yes (Labour Act 2014) and jurisprudence to fill legislative gap (2011 and 2018).	Yes (Anti-discrimination act, Gender equality act, and Criminal code)
Cyprus (CY)	No	Yes (Violence and Harassment in the Workplace Law of 2025)	Yes (Law 205(I)/2002 on Equal Treatment between Men and Women in Employment and Vocational Training; and Code of Conduct on Preventing and Combating Harassment and Sexual Harassment in Public Service)
Czechia (CZ)	No	Yes	Yes (Anti-discrimination Act; and Labour Code)
Denmark (DE)	(Work environment appeal board) (2015) WB by manager, (2016 & 2019) WB between colleagues. The WEAB said that the work was not planned, organised and carried out in a safe and healthy manner, which resulted in a risk to the physical and mental health of the employees. (2021) Violence – lack of training and information. (Employment Court) (2015) dismissal of the offender depending on the severity of the offence and previous conduct. (2016) Organisational changes	Yes, but jurisprudence before the adoption of the Executive Order.	Yes

	Jurisprudence/decision	Existing legislation	
		OSH	Other
	in work caused tensions between management and employees, resulting in the resignation of several employees. No harassment according to the court because the changes were justified objectively. (2009) Change in bus timetable putting them at risk due to pressure, drivers started a strike – Court said strike unlawful because the risks were not severe enough.		
Estonia (EE)	Defined (in 2019) as hostile unethical behaviour which is systematic, long-lasting and targeted at one or more individuals who become helpless and vulnerable because of such bullying. Bullying is characterised by repeated unpleasant or degrading treatment, bully and victim are under unequal protection; victims cannot defend themselves; the act of bullying is intentional. (2020)	Yes – After	Yes
Finland (FI)	Example of a case of unfair dismissal due to alleged workplace bullying (2015). But also employer's obligation to address bullying situation, and whether the employer intervened quickly enough (2014).	Yes (2002)(after)	Yes
France (FR)	(Social security) As soon as the employer has been informed of a risk, he is presumed to be aware of the danger. Applies to employers informed of acts of bullying who take measures that have not prevented the risk from materialising (CA Poitiers 2015) (Labour courts) Employers have to take action to prevent acts of bullying – simple corrective measures applied afterwards are insufficient (Cass Soc 2016). Even if workplace bullying is an individual matter in the Labour Code, courts recognise that the cause can be the managerial approach or work organisation. Managerial harassment: a director of an establishment who puts continuous pressure on and blames their staff, gives contradictory orders with the purpose of creating confusion among the team to establish their authority (Cass soc 2009)(Criminal courts), psychological harassment does not necessarily require an intent to do harm (Cass. crim., 13 November 2019, n°18-85.367) and the other resulting from the judgment France Telecom, which considers that the offense of bullying at work includes punishment of 'institutional' bullying based on a company policy concerning a community of employees (TGI Paris, 31 st chamber, 2 nd section, 20 December 2019, n°0935790257). ^a	Yes (first text 2008)	Yes
Germany (DE)	Obligation of the management to protect workers against mobbing at the workplace. If no action is taken against mobbing, workers can also be financially compensated.	No	Yes (General Act on Equal Treatment -AGG)
Greece (EL)	Case law on workplace bullying but limited compensation, and includes (e.g.) systematic defamation of the employee's honour and reputation arbitrarily and without any evidence in front of third-party employees and non-employees.	Yes (Law 4808/2021 but Case prior)	Yes (Law 4443/2016 to promote the principle of equal treatment and to combat acts of discrimination in employment)
Hungary (HU)	No	No	Yes (Act I of 2012 Labour Code; Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities)
Ireland (IE)	The Irish courts have held that the provisions from the Safety, Health and Welfare at Work Act 2005 impose 'a direct duty of care' on employers to take reasonable care to prevent their employees 'suffering mental injury in the workplace as a result of being bullied or harassed'.	No	Yes (Employment Equality Act and Equal Status Act; Criminal law statutes)

	Jurisprudence/decision	Existing legislation	
		OSH	Other
Italy (IT)	Court of cassation confirmed that professional diseases due to mobbing are eligible for compensation (2020). Same court issued a ruling on employers' responsibilities and damages due to mobbing, both vertical and horizontal (2020). Mobbing is also a criminal offence.	Yes, <i>but case law prior to adoption of the law</i>	Yes
Latvia (LV)	(2021) A worker was treated unequally, differently, and was not provided fair, safe and healthy working conditions and was victim to bullying, mobbing and psychological terror at the workplace. The court rejected the worker's claim.	No	Yes
Lithuania (LT)	Compensation for psychological aggression at work (and mobbing) should be determined taking into consideration aggravating factors (the offensive nature of words and non-verbal conduct used by perpetrator of the damage) and mitigating factors (victim initiated or supported the disagreements). (2021)	Yes – (2017) (After)	Yes
Luxembourg (LU)	(2011 – court rejected the worker's claim). The Luxembourg judges applied the definition of Directive 2000/78/CE establishing a general framework for equal treatment in employment and occupation as there is no general legislation on bullying in the workplace in Luxembourg. Act of bullying characterised by an attack on physical or psychological dignity and verbal or physical violence, it being specified that it must involve repetitive acts, and an isolated act cannot be considered harassment. Burden of proof lies on the victim.	Yes (<i>Law of 29 March 2023, introducing a system related to protection against moral harassment in the context of employment relations</i>)	Yes (<i>Labour Code, equal treatment between men and women and non-discrimination</i>)
Malta (MT)	No	No	Yes (<i>Equal Treatment in Employment Regulations</i>)
Netherlands (NL)	Jurisprudence stresses that there must be a causal relationship between bullying and damage suffered by the plaintiff.	Yes	Yes
Poland (PL)	Example of jurisprudence dealing with mobbing, but the development of the jurisprudence had the effect of narrowing down the scope of protection/the application of protective scope.	Yes	Yes
Portugal (PT)	Courts reluctant to allocate compensation for damages arising from situation of moral harassment within the framework of occupational contingencies, courts more receptive when it comes to compensation for injuries resulting from violence exercised by third-parties (co-worker, employer or third party to the employment relationship), regardless of whether they have grounds related to labour activity. (1995 & 2012)	Yes – 2009	Yes
Romania (RO)	Mobbing according to the court comprises employer systematically checking on the employee, by legal means, without reaching a concrete result and without communicating to the employee the result of the checks, which is likely to affect the psychological integrity of the employee and could make them think that their employment is continuously under threat (2019).	Yes	Yes
Slovakia (SK)	No	No	Yes
Slovenia (SI)	(2020) Supreme court decision, bullying of a worker by a superior, co-worker or the employer himself, for example, by inappropriate verbal communication, not providing the employee with enough work with the intent of harassing the worker, prohibiting communication with the worker etc. The stance of the supreme court on employer's liability as far as harassment and bullying at the workplace are concerned is that the employer is liable as soon as one of their employees is found to have engaged in actions that fall under harassment or bullying. 'Psychological violence' (2018) Supreme court ruled that there is no need for an intention to harm to be present on the side of the aggressor for their action to be considered a criminal act of workplace harassment. Psychological	Yes	Yes

	Jurisprudence/decision	Existing legislation	
		OSH	Other
	violence should be defined as any action with which the perpetrator inflicts fear, humiliation, endangerment, a feeling of inadequacy or other mental distress on the victim.		
Spain (ES)	Reguera, C. and García-Izquierdo, A.L., 2021. Women as victims of court rulings: Consequences of workplace harassment in the hospitality industry in Spain (2000–2016). <i>Sustainability</i> , 13(14).	No	Yes (articles 147, 173 and 184 of the Criminal Code)
Sweden (SE)	(Criminal court) two managers charged with being responsible for the death of a worker by failing to prevent bullying (2015) (but managers were acquitted).	Yes	Yes

^a These decisions were confirmed by the final decision of the Cour de cassation; Cass. Pour., 21 January 2025, N°22-87.145 FS-B+R.

5.3 Work-related stress

Information on jurisprudence presented here is based on the expert reports submitted to ETUI. These have not been cross-checked with other sources. Examples of cases are reported for each country, where available, with an indication of whether relevant legislation is in place.

Experts reported jurisprudence on work-related stress in 16 countries. In all countries in which cases were reported there is legislation on work-related stress, with the exception of Ireland, Romania and Spain. Cases in Ireland and Spain have been successful. In Ireland work-related stress is covered extensively in soft law (Management Standards for Work-related Stress) and the Health and Safety Authority provides employers with tools (Work Positive) for risk assessment. In Spain, work-related psychosocial risks are mentioned in legislation and tools are also provided to employers (ISTAS). In Romania, no successful cases were reported up to the point of expert consultation. No cases were reported by experts in five countries in which there is legislation on work-related stress. In terms of the characteristics of cases brought to court against employers, they claimed work-related stress as a result of high workload, pressure and work pace, task overload, long working hours, bullying, lack of training and resources, and unrealistic and unachievable goals. Often other health issues were mentioned in these cases, such as burnout, depression, heart attack and disability.

Table 9 Jurisprudence/court cases related to work-related stress in EU Member States

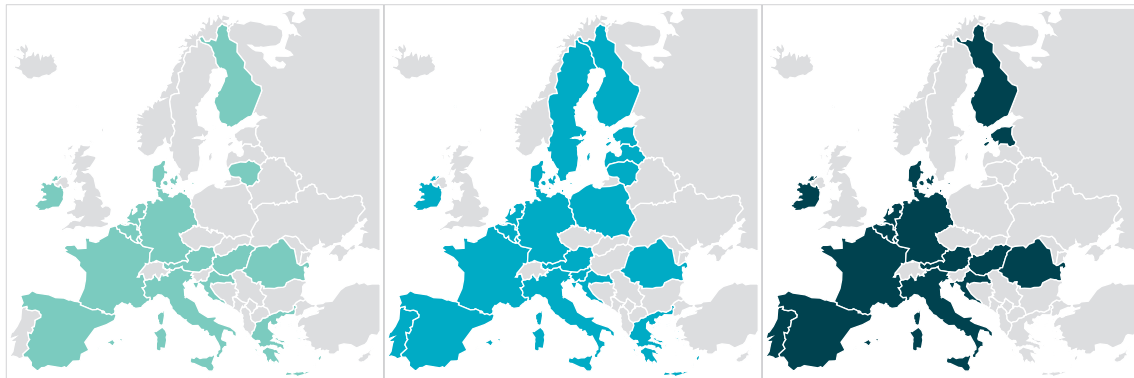
	Jurisprudence/decision	Existing legislation
Austria (AT)	The bulk of the jurisprudence in Austria addressing psychosocial risk concerns bullying at work and sometimes work-related stress.	Yes
Belgium (BE)	Yes, claims for breach of the provisions on psychosocial risks at work can be brought before civil and criminal jurisdictions.	Yes
Bulgaria (BG)	No.	Yes
Croatia (HR)	For compensation of non-material and material damage caused to a worker in the workplace, judges refer to work-related stress as a consequence of a harmful event (e.g., invalid dismissal or transfer to another job) (2014).	Yes
Cyprus (CY)	No.	No
Czechia (CZ)	No.	Yes
Denmark (DE)	Civil/tort courts (2017) (psychosocial risks/workload and stress). Employee exposed to high workload for a long period of time. Pressure in terms of work pace, long working hours, resulting in work-related stress and sick leave. Court held that workload was a direct result of the nature of the work (OSH) and the employer is thus liable. However (2006) in the case of a high workload, a hospital was not liable for illness caused by stress because a sound management structure had been established and management had been aware of the work environment problems and measures were initiated to address it.	Yes
Estonia (EE)	(2020) A stressful job because of lack of training and resources; caused illness and employer did not take measures to improve situation. Court found that there was a link between work-related stress and employee's illness. Employer did not meet OSH standards by failing to address the issue of work-related stress.	Yes
Finland (FI)	A few cases at the Labour Court, employee eligible for sick pay for a period of work disability in situations in which the work disability is due to stress (2021).	Yes
France (FR)	(Social security court) Inexcusable fault in relation to an employee who suffered a heart attack because of stressful situation. Taken into consideration: the increase in workload in the years before the accident, the policy of task overload, pressure, unrealistic and unachievable goals, or the failure of the employer to consider the consequences of his cost reduction strategy in terms of risks to employee health (Cass soc 2012). (Labour courts) employer breaches duties when failing to react in a situation of work-related stress due to new responsibilities (Cass soc 2017).	Yes
Germany (DE)	The Federal Labour Court acknowledged the right of workers to be protected against overstrain 30 years ago. ^a	Yes
Greece (EL)	No.	No
Hungary (HU)	Employees can lawfully terminate their contract if frequently exposed to loud and heated quarrels, which cause stress at the workplace. However, (same case) claim for non-pecuniary damages for psychosocial risk-related stress was unfounded, as employee failed to provide sufficient evidence to prove how much their health was affected by psychosocial risks (2015).	Yes
Ireland (IE)	Compensation for psychiatric injuries triggered by workplace stressors.	No
Italy (IT)	Overwork and excessive workload are identified as elements in an evaluation of the sustainability of working conditions, and inextricably linked with work-related stress. Court decision (2013) found employer liability because they did not consider work-related stress when adopting preventive measures.	Yes
Latvia (LV)	No.	Yes
Lithuania (LT)	No.	Yes
Luxembourg (LU)	Psychosocial risks are taken into consideration to establish breach of prevention of stress (or mobbing). Worker claimed that they suffered from burnout at the point of dismissal (also rejected by the court).	Yes
Malta (MT)	No.	No

	Jurisprudence/decision	Existing legislation
Netherlands (NL)	(Employee lost) Employee suffered from depression and stress, claimed that it was caused by poor working conditions, including excessive work pressure, bullying and threats. Court referred to 'normal psychological resistance'. (2020 v/Uber) worker claimed to be experiencing stress due to high work pressure. No proof it was due to work.	Yes
Poland (PO)	No.	No
Portugal (PT)	(Court of Appeal 2007) Court recognised the link between 'occupational stress' and the onset of an occupational disease.	Yes
Romania (RO)	Restrictive approach by the court: judges expect employee to 'prove that they had been subjected to acts of intense psychological pressure, repeatedly, by the employer, over a long period of time' (2019).	No
Slovakia (SK)	No.	No
Slovenia (SI)	No.	No
Spain (ES)	Several court cases related to workplace stress. They were based on the framework agreement on work-related stress negotiated in 2004 by the European social partners. According to case law ^b if a risk of stress is identified, the employer should adopt preventive measures (to avoid, eliminate, or reduce the risk). The company has the duty to act to ensure workers' safety and health, and a failure to act may result in liability. The company is responsible for determining the appropriate measures. Measures should be adopted with the participation and collaboration of workers and/or workers' representatives.	No
Sweden (SE)	No	Yes

^a BAG AP Nr. 15 zu § 618 BGB.

^b See STSJ Madrid 5.10.2005 (R^o 2236/2005), SAN 14.5.2014 (number 0091/2014), STSJ Cantabria 20.3.2019 (R^o 0000061/2019) and STSJ Madrid 19.11.2019 (R^o 445/2019).

Figure 5 Maps of jurisprudence (psychosocial risks, work-related stress and workplace bullying)



6. Conclusion

The analysis presented in this report highlights several key points. The first is that a lot of action has been taken in the policy arena on work-related psychosocial risks and there is a mix of approaches, including legislation and collective agreements. Legislation now exists in the majority of EU Member States, but there is variation in the approach taken in each country in terms of having a broad legal framework covering work-related psychosocial risks in general or referring to specific risks to be addressed. Furthermore, in some countries there is only a mention of work-related psychosocial risks, while in others a definition is provided and there may also be additional legal obligations.

Legislation, jurisprudence and collective bargaining overall clarify that work-related stress and workplace bullying are outcomes of exposure to work-related psychosocial risks and the result of inadequate/inappropriate prevention of psychosocial risks (for example, workload). In line with the OSH Framework Directive, the focus is on their prevention at the organisational level, rather than more narrowly on the individual level. In some countries the specific issues of work-related stress, harassment and bullying and mental health are addressed in legislation. While health and safety legislation is the main avenue through which work-related psychosocial risks, work-related stress and mental health at work are addressed, additional laws usually address workplace bullying (for example, anti-discrimination legislation).

The rich regulatory landscape we have reviewed in EU Member States indicates that it is indeed possible to legislate in this area and there are already many examples of definitions and terminology that can be analysed comparatively and used in other countries. They can also be useful for the development of an EU Directive on psychosocial risks at work or to clarify coverage and the addition of specific terms in existing legislation. It is therefore proposed that an analysis be carried out of specific items of legislation on work-related psychosocial risks across EU Member States to assess their content with regard to key psychosocial work environment dimensions (see Leka and Jain 2024). Furthermore, case studies of countries where there is a long tradition of policy approaches on work-related psychosocial risks should be developed and analysed to evaluate how they have worked out in practice.

Our analysis also indicates that collective agreements have been introduced in several countries, even where union density is below the EU average. Additionally, especially in contexts in which social dialogue is weak, the

European framework agreements have been directly transposed into legislation (European Commission 2011). This clearly indicates the importance of these issues in the modern world of work. However, international policy developments have also spearheaded action. Importantly, the ILO Convention on Violence and Harassment at Work (2019, No. 190) has led to the introduction of new legislation in several countries that had chosen not to go beyond the requirements of the OSH Framework Directive (for example, Cyprus and Greece).

Information provided by experts on jurisprudence also indicates that work-related psychosocial risks, work-related stress and workplace bullying have been discussed in front of the courts. In some countries the jurisprudence is built on existing legislation, but in others it fills a gap. This implies a situation of legal uncertainty in this area with workers and employers being left at the discretion of judges. A European directive on work-related psychosocial risks would provide clarity and introduce a level playing across all EU Member States. It could provide added value in countries in which there is no legislation, but also aid with legislative convergence in countries that cover only certain aspects of the psychosocial work environment in their legislation.

Based on this analysis, it is argued that a harmonised EU policy framework is needed to promote a preventative approach to psychosocial risks and mental health at work, in terms of an alignment, clarification and update of EU policies. An update of the Framework Directive to include the terms ‘work-related psychosocial risks’, ‘work-related stress’ and ‘mental health at work’ would be welcome. This would mean, however, that employers’ health and safety obligations would no longer be general, but would revert to specific risks, which is not in line with the spirit of this legal instrument. Furthermore, this might hinder the development of more specific texts that would clarify terms, outline key work-related psychosocial risks and provide guidance on the nature and types of intervention that employers need to implement, with a focus on prevention. A new Directive on work-related psychosocial risks and mental health at work would improve clarity around these concepts and create greater uniformity across the EU, setting minimum standards and ensuring that legislation covers new and emerging psychosocial risks to protect and promote workers’ mental health and well-being, in the rapidly changing context of work. It is therefore proposed that European social partners engage in discussion of the development of an EU Directive on psychosocial risks and mental health at work.

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Annex

Country profiles

1. Austria (AT)

1. Legislation

The Federal Act on Safety and Health at Work (also referred to as the Employee/Worker Protection Act or *ArbeitnehmerInnenschutzgesetz*, ASchG)⁴ imposes on employers a general duty of care with reference to both physical and psychological well-being. The scope of the duty of care covers employees and both dependent and independent self-employed.⁵ Employers are obliged to organise working conditions in such a way that the life, health, and interests of their employees are protected as far as possible. The ASchG echoes the general principles of prevention contained in Directive 89/391/EEC with the obligation to evaluate or assess risks and take the necessary measures to prevent them. If, despite such preventive measures, the risks materialise, the employer has to take appropriate remedial action. The BGBl. I No. 159/2001 amendment enacted through the Health and Safety Reform Act in 2001 (*Arbeitnehmerschutz-Reformgesetz*, ANS-RG), specified that work/occupational psychologists should form part of the obligatory occupational health and safety services, and such preventive specialists have to be employed for a specific number of ‘preventive hours’ per calendar year. A.

However, the 2013 amendment (BGBl. I No. 118/2012) to the ASchG puts more emphasis on the importance of mental health and the prevention of work-related mental stress. Psychological stress is understood to be a major cause of work-related complaints and illnesses. Thus, occupational hazards are explicitly related to work-related physical and mental stresses,⁶ while para 7a specifies that health within the meaning of this federal law means physical and mental health. Article 4 – identification and assessment of hazards – clarifies that the principles of risk prevention that are to be applied must

4. BGBl. No. 450/1994 as amended in BGBl. No. 457/1995.

5. Austrian labour law makes a distinction between employees, dependent self-employed and independent self-employed. A self-employed person will be treated as an employee if there is a certain degree of personal dependence. These dependent self-employed are partially covered by labour law legislation, even in the absence of an employment contract.

6. Art. 2 ASchG. ‘Hazards within the meaning of this Federal Act are understood to mean work-related physical and psychological stress factors that lead to undue strain’ (*Unter Gefahren im Sinne dieses Bundesgesetzes sind arbeitsbedingte physische und psychische Belastungen zu verstehen, die zu Fehlbeanspruchungen führen.*)

take into account the design of work tasks and type of activities, the work environment, work processes and work organisation, as well as workers' level of training and instruction.

It also highlighted that, following an assessment, and if necessary, adjustments must also be carried out after incidents owing to increased work-related stress (and not only work-related accidents and illnesses, as was previously the case). Article 7 – principles of risk prevention – clarified that when implementing the principles of risk prevention and taking measures to protect employees, Para 4a on the design of work tasks and type of activities, the work environment, work processes and work organisation must be taken into account, and Para 7 on the planning of hazard prevention must be implemented with the aim of coherently linking technology, activities and tasks, work organisation, work processes, working conditions, work environment, social relationships and the influence of the environment on the workplace. Finally, the amendment also made changes to Article 60 – General Provisions on Operations – stating that 'work processes are to be designed in such a way that constrained posture is avoided as far as possible and stress from monotonous work processes, unilateral burdens, stress from rhythmic work and time pressure, as well as other mental stress are kept as low as possible, and health-damaging effects reduced'.

In addition to the Health and Safety at Work Act, the Work and Health Act 2011 (*Arbeit- und Gesundheit-Gesetz*, AGG) and the Part-Time Reintegration Act 2017 (*Wiedereingliederungsteilzeitgesetz*) are intended to provide support in the development and consolidation of a health-promoting working environment, and to facilitate a return to work after prolonged periods of sick leave, as well as the sustainable integration of workers with chronic diseases or disabilities. This requires a psychosocial work risk assessment, especially for workers with diagnoses of mental illness. Bullying and harassment at work are to some extent covered by the Equal Treatment Act (*Gleichbehandlungsgesetz*, GIBG), which applies primarily to employment relations under civil law, and the Federal Equal Treatment Act (*Bundes-Gleichbehandlungsgesetz*, B-GIBG) which applies to civil servants and employees of public authorities and state-affiliated companies.

2. Jurisprudence

Labour and social claims are the almost exclusive jurisdiction/competence of the civil courts. Most of the jurisprudence on psychosocial risks in Austria is related to bullying and/or stress, with claims about the application of the ASchG and the application of the employer's duty of care.⁷ Jurisprudence dealing with cases of workplace bullying have increased over the past decade. Since 2011, the Supreme Court has issued an average of seven decisions per

7. See, for example, OGH 22.2.1995, 9 ObA 9/95; OGH 18.8.1995, 8 ObA 269/95; OGH 8.8.2007, 9 ObA 90/07m.

year on this issue. The first Supreme Court decision referring to ‘mobbing’ was delivered in 1997.⁸ Because psychosocial risks are not standardised offences within the Austrian Criminal Code (*Strafgesetzbuch*),⁹ there is little case law on the subject. Cyberbullying¹⁰ is one exception, although there are few decisions on this matter either.

3. Collective agreements

In Austria, collective bargaining takes the form of collective agreements (inter-sectoral or sectoral level), service regulations (sectoral level) and company agreements (company level). These apply only to employees, however, and not to dependent and independent self-employed.

Of the approximately 860 collective agreements (inter-sectoral or sectoral) in force in Austria, only 10 contain provisions on mobbing/bullying or work-related stress. One collective agreement provides that acts of mobbing constitute formal grounds for dismissal and early termination of the employment contract.¹¹ In another, the employer commits to promote and maintain a climate of cooperation by, among other things, preventing bullying.¹² Some collective agreements also contain provisions to prevent or manage cases of workplace bullying.¹³

Work-related stress is often addressed in collective agreements via the concept of workplace health promotion. To prevent illnesses and increase well-being at work, certain health indicators are to be defined internally by the company health committee. The prevention of work related stress is mentioned explicitly. Workplace health promotion does not replace the legal obligations of the ASchG but must be seen as a complement and extension.¹⁴

At the sectoral level, some service agreements cover bullying at work. These stipulate, for example, that the employer must take appropriate preventive measures within the framework of occupational safety and health (OSH) principles to prevent physical and mental stress at the workplace, as far as possible. Psychosocial risk factors are not mentioned explicitly, but are covered insofar as they negatively impact mental health.

8. OGH 13.2.1997, 8 ObA 2285/96d.

9. BGBl No. 60/1974.

10. Art. 107c Criminal Code.

11. Art. 13d Annex 2 ‘Crisis Agreement’, Collective agreement for the flying personnel of Eurowings Europe GmbH.

12. Art. 25.2 Collective agreement of the Vienna Social Fund.

13. For example, Art. 4.9 Collective agreement for university employees.

14. Art. 29a Collective agreement for employees of banks and bankers; Art. VII para 1 Collective agreement for employees of commercial credit cooperatives; Art. 14a Collective agreement for employees of Austrian regional mortgage banks; Art. 22b Collective agreement for employees of the Raiffeisen Banking Group and Raiffeisen Auditing Associations; Art. 166 para 3 Collective agreement for the employees of saving banks.

Guidelines and/or company agreements underline that measures for the early detection and/or prevention of mobbing, addictive behaviour and burnout should be developed with the participation of the work councils.¹⁵ Moreover, the Labour Constitution Act (*Arbeitsverfassungsgesetz*, ArbVG) contains statutory provisions on the content of work/company agreements.¹⁶ Measures to protect workers' health, including the organisation of work and the introduction of a company complaints system, are one way of addressing psychosocial risks, stress and bullying at the workplace. However, the inclusion of these measures cannot be verified because most company agreements are not publicly accessible. Some models of company agreements include the promotion of employee mental health by avoiding psychosocial risk factors, stress and bullying.

2. Belgium (BE)

1. Legislation

The Act of 4 August 1996 on the well-being of workers in the performance of their work (the Well-being Act) and the Code on well-being at work (Code du bien-être au travail¹⁷) provide all the provisions, general and specific, applicable to the prevention of and protection against psychosocial risks at work. The 'psychosocial aspect of work' is one of the seven domains of well-being at work, alongside others such as occupational safety, health and ergonomics.¹⁸ The Well-being Act applies to employers and employees in the broad sense.¹⁹ The focus of this Act, however, is not only OSH but also the broader concept of workers' well-being, which encompasses seven domains: work safety, protection of workers' health, psychosocial aspects of work, work hygiene, ergonomics, the embellishing of the workplace and environmental aspects.

The law provides both definitions and a list of preventive measures. Psychosocial risks at work are described as 'the risk of one or more employees experiencing psychological damage that may or may not be coupled with physical damage, as a result of exposure to elements of work organisation, work content, conditions of employment and interpersonal relations at work, on which the employer has an impact and which harbour an objective risk'.²⁰

15. Art. 8c Service Regulation for Administrative Employees, Health Professionals and Dental Technicians at Austrian Social Insurance Institutions; Art. 8c Service Regulation for Doctors and Dentists at the Austrian Social Insurance Institutions; Art. 7c Service Regulation for Workers in the Austrian Social Insurance Institutions.

16. See in particular Art. 97 para 1.

17. FPS Employment, Labour and Social Dialogue, n.d. 'Code of Well-being at Work' (Code du bien-être au travail). Available at: <https://emploi.belgique.be/fr/themes/bien-etre-au-travail/principes-generaux/code-du-bien-etre-au-travail>

18. Art. 4.1 Well-being Act.

19. Art. 2 Well-being Act.

20. Translation from Art. 32.1 Well-being Act and Art. I.1-4, 7° Code on well-being at work.

Violence, as well as moral and sexual harassment at work are among the main psychosocial risks at work and may be tackled via the general framework for the prevention of psychosocial risks at work. Specific legislation in Belgium in relation to psychosocial risks includes the Royal Decree of 17 May 2007 on the prevention of psychosocial risk caused by work, including violence, harassment and sexual harassment at work. This is applicable to employers and workers and to assimilated persons, as referred to in the Act of 4 August 1996. It defines psychosocial risk at work as any risk of a psychosocial nature, caused by the execution of work or arising as a result of the execution of work, which has a detrimental effect on a person's physical or mental health. Whereas the Royal Decree of 1999 addresses collective problems of work-related stress, the Royal Decree of 2007 addresses collective and individual aspects of psychosocial risks.

The Belgian legislation also provides specific definitions²¹ with regard to violence at work, mobbing/harassment and sexual harassment. Stress, burnout and conflicts at work are also mentioned in the Well-being Act and Code, although not defined.²² In addition to these definitions, the legislation provides some specific OSH obligations for employers. All employers are required to identify situations that may give rise to psychosocial risks, determine and evaluate these risks, and take the necessary preventive measures.²³ In most cases, the preventive measures are based on a risk analysis. The preventive measures related to psychosocial risks at work include²⁴: taking organisational measures (such as dropping unrealistic goals); adopting internal procedures for formal and informal psychosocial intervention (for example, with a 'person of trust'); informing and training employees; and informing the health and safety committee.

Furthermore, the Royal Decree of 10 April 2014 which came into force on 1 September 2014, states in Article 3 that when conducting risk assessments the employer has to take into account situations that include psychosocial risks, and in particular situations that can lead to stress and burnout. The evaluation of psychosocial risks at work has to take into account risks linked to elements of work organisation, content of work, working conditions, and interpersonal relationships at work. The risk assessment has to be conducted by the employer in a participatory way, with the contribution of workers.

21. Art. 32ter, Well-being Act.

22. Art. 32/2 para 1 Well-being Act; Art. I.3-1 Code.

23. Art. 32/2 Well-being Act.

24. Art. 32/2 para 2 and Art 32ter, Well-being Act.

2. Jurisprudence

In Belgium, claims for breach of the provisions on psychosocial risks at work can be brought before civil²⁵ and criminal²⁶ jurisdictions. The Social Penal Code punishes anyone who commits acts of violence, bullying and sexual harassment in the workplace. The Social Penal Code is dedicated to criminal actions within the framework of an employment relationship. There is also a General Penal Code for all other criminal actions. Criminal sanctions are applicable in case of workplace violence, bullying or sexual harassment. In terms of civil proceedings, the employment tribunal has competence for disputes regarding psychosocial risks at work. Restrictive measures to stop cases of violence, mobbing or sexual harassment can be adopted by the president of the employment tribunal.²⁷ As well as the representative employee and employer organisations, associations representing interests in this domain may also act in defence of victims' rights (for example, the Institute for the Equality of Women and Men).

3. Collective agreements

In Belgium, collective bargaining can take place at either the national level, with the conclusion of multi-industry collective agreements within the National Labour Council, or at the sectoral and company levels. Collective agreements are legally binding and cover almost the whole private sector through central level bargaining, sectoral bargaining and company level negotiations. The Collective Agreements and Joint Sector Committees Act of 5 December 1968 provided for the conclusion of collective agreements at a number of levels, including: individual enterprise, activity sector (within a Joint Sector Committee) or national (through the National Labour Council). Collective agreements form a binding contract for employers that are members of an employers' organisation which is a signatory, and all clauses concerning workers' rights automatically extend to all workers employed by those employers.

The only multi-industry collective agreement related to well-being at work was adopted on 30 March 1999: collective agreement (CLA) no. 72 on preventing work-related stress. It was supplemented with guidelines to help companies with implementation.²⁸ At the sectoral and company levels, it is difficult to obtain an accurate picture of the situation because little analytical data is available. Stress at work is dealt with at sectoral level via the implementation of CLA no. 72.

25. Art. 578, 11° Judicial Code.

26. See Art. 127 Social Criminal Code, and Art. 119-122 Social Penal Code.

27. Art. 32*decies* para 2 and para 3 Well-being Act.

28. NLC, *Voorkoming van stress, Collective arbeidsovereenkomst nr.72*, Brussels, 2004, p 34, www.cnt-nar.be.

The negotiation of workplace agreements is the responsibility of the social partners inside each company. The main role of the social partners has been to give advice about the implementation of the Wellbeing at Work legislation, particularly with regard to implementation of the law at the inter-professional level. In practice, most companies have established specific procedures and complaints mechanisms, including action plans for managing psychosocial risks and the appointment of ‘persons of trust’. These workplace policies have been negotiated through agreements between the social partners in workplace committees on safety and health at work (‘prevention committees’).²⁹ At the company level, it was reported in 2003 that in Flanders, social dialogue addressed ‘working conditions, health and safety’ (71%) and ‘stress’ (53.9%).³⁰ However, no further data or interpretations are provided or accessible. In 2022, the Belgian government agreed on the Labour Deal, which applied to employers with 20 or more employees, and focuses on four pillars, one of them being a right to disconnect for employees, effective 1 January 2023, based on amendments to the Law on Economic Growth and Social Cohesion of 26 March 2023.

3. Bulgaria (BG)

1. Legislation

In Bulgaria, psychosocial risks are not conceived as separate or different from the basic elements of labour law. Instead, they are covered by the general provisions of labour legislation. The Act on Occupational Safety and Health of 16 December 1997 (Additional provisions, definitions, 1.1) states that healthy and safe working conditions are defined as conditions intended to prevent work accidents and occupational diseases and to create prerequisites for workers’ full physical, psychological and social well-being. Work-related psychosocial factors are controlled through the implementation of preventive programmes, specific to particular types of labour, intended to reduce mental pressure and stress at work (Decree No. 7 of 23 September 1999 on minimum requirements for healthy and safe working conditions in workplaces and during the use of work equipment, Art. 220). Where work is highly stressful, monotonous, involves a fixed work rhythm or posture, or the fulfilment of a set daily quota, or takes place in shifts, a physiological regime of work and rest shall be introduced to help preserve workers’ health and work capacity. The terms, procedures and requirements for developing the rest-work physiological regime shall be set out under an ordinance (Act of 16 December 1997 on OSH, Art. 12).³¹

29. https://www.etuc.org/sites/default/files/document/files/belgium_etuc_safe_at_home_safe_at_work_final.pdf

30. See van Gyes G., Segers J. and Henderickx E. (2009) Het Belgische systeem van collectieve arbeidsverhoudingen gespiegeld aan Nederland, Tijdschrift voor HRM 2009, p 81.

31. https://wwwex.ilo.org/dyn/legosh_en/f?p=LEGPOL:1100:9437617382808:::P1100_THEME_ID:100479

Workplace bullying (and violence) is regulated by the Law on protection against discrimination (LPD), and by Article 8 of the Bulgarian Labour Code. Article 5 of the LPD provides that ‘harassment on the grounds referred to in article 4(1) (...) shall be considered discrimination’ and can include any unwanted physical, verbal or other conduct, which has the purpose or effect of violating the dignity of a person and of creating a hostile, degrading, humiliating, offensive or intimidating environment. The list of protective grounds in Art. 4(2) is broader than the one provided by the anti-discrimination directive. Art. 17, section 1 of the LPD provides an obligation for employers who receive a complaint from a worker who believes that they have been subject to harassment in the workplace to immediately start an investigation, take measures to stop the harassment and launch disciplinary action against the author of the misconduct.

2. Jurisprudence

No jurisprudence has been reported on psychosocial risks, stress or workplace harassment. Only the general terms of ‘working conditions’ and ‘health and life of the workers’ are mentioned in the jurisprudence, without specifically addressing the psychological or mental dimension of health. Despite the existence of legislation against discriminatory harassment (broadly understood), no jurisprudence has been reported on this topic.

3. Collective agreements

In Bulgaria no national collective agreements have been reported as dealing with psychosocial risks at work. The national expert reported that the reason for the lack of such provisions might be the same as that given for the fact that there is no specific legislation on psychosocial risks. The stakeholders of collective dialogue have not so far thought of psychosocial risks as a separate set of risks requiring separate measures. Binding sectoral collective agreements on prevention of discrimination and all types of physical and psychological violence and harassment (health care), and violence against women (transport) have been signed and implemented.³²

32. Study on the implementation of the autonomous framework agreement on harassment and violence at work. Available at: <https://data.europa.eu/doi/10.2767/8998>

4. Croatia (HR)

1. Legislation

In Croatia, psychosocial risks at work are regulated in two acts adopted in 2014: the Occupational Health and Safety Act (OHSA)³³ and the Labour Act (LA),³⁴ and in two by-laws: the By-law on risk evaluation³⁵ and the Regulation on protection at work of workers exposed to statodynamic, psychophysical and other exertions at work (2021).³⁶

According to the Labour Act, the employer has a general duty to ensure safe working conditions that do not have detrimental effects on workers' health in accordance with a special law and other regulations (Art. 7 (3), LA), namely the law and regulations on the protection of occupational health and safety. Furthermore, the employer has to respect workers' rights and dignity in the organisation of work (Art. 7 (2), LA).

OHSA covers or mentions certain factors pertaining to psychosocial risks and work-related stress ('stress at work or in relation to work').³⁷ Art. 51(1) OHSA provides that the employer has a duty to prevent work-related stress 'caused in particular by factors such as content of work, work organisation, working environment, poor communication and interpersonal relationships, in order to minimise the worker's need to overcome difficulties of long-term exposure to intense pressure and to eliminate the possibility of impairing the worker's work efficiency and of the deterioration of his condition'. Additionally, Art. 51(2) OHSA details that in case 'there are indications of stress at work or in relation to work, the employer shall be obliged to pay special attention to:

- 1) the organisation of work and of work processes (working hours, level of independence, correspondence between the skills of the workers and work requirements, workload, etc.)
- 2) working conditions and the environment (exposure of the workers and the employer to violent behaviour, noise, heat, cold, hazardous chemicals, etc.)
- 3) communication (uncertainty about what is expected from work, prospects of work security or upcoming changes, etc.)
- 4) subjective factors (emotional and social pressures, feelings of helplessness, feeling there is not enough support, etc.).³⁸

33. Zakon o zaštiti na radu, Official Gazette *Narodne novine*, Nos 71/2014, 118/2014, 154/2014, 94/2018, 96/18; hereinafter: OHSA.

34. Zakon o radu, Official Gazette *Narodne novine*, Nos 93/2014, 127/2017, 98/2019.

35. Pravilnik o izradi procjene rizika, Official Gazette *Narodne novine*, Nos 112/2014, 129/2019.

36. Pravilnik o zaštiti na radu radnika izloženih statodinamičkim, psihofiziološkim i drugim naporima na radu, Official Gazette *Narodne novine*, No. 73/2021.

37. 'Stress at work' is defined as 'health and psychological changes which are the result of the accumulating impact of stressors at work over a longer period of time, manifested as physiological, emotional and cognitive reactions and as behavioral changes of the employee' (Art. 3 (1), point 28). There is no definition of 'stress in relation to work'.

38. Such enumeration is in line with point 4 of the FA.

On the workers' side, Art. 52(1) of OHSA provides that workers have 'to act in accordance with the employer's instructions that aim to prevent, eliminate or reduce stress at work or in relation to work'. From the collective point of view, workers and their representatives have a duty to cooperate with the employer to prevent, eliminate or reduce stress at work or in relation to work (Art. 52(2) OHSA).³⁹

A new By-law on protection at work of workers exposed to statodynamic, psychophysical and other exertions at work, adopted in June 2021, defines 'psychophysical exertions as the loadings that appear due to the exposure to psychosocial hazards at the workplace'.⁴⁰ According to Art. 13, when assessing psychosocial risks, the employer should take into account the risks enumerated in Appendix V to the By-law. Psychosocial risks are classified in nine groups, as follows: content of work; the degree of control over work; mental loading; social environment and interpersonal relationships; system of time control and division of work (work sharing); professional insecurity; respect of personal integrity; work-life balance; and conditions of working environment.

Even though the OHSA does not mention workplace bullying, 'respect of personal integrity' includes harassment at the workplace (mobbing, bullying), intolerance (racial, sexual and similar) and exposure to violence at the workplace. The Labour Act of 2014 (amended in 2017, 2019, 2022 and 2023) prescribes the implementation of protective measures and relevant procedures against discrimination and sexual harassment in the workplace, and the Criminal Code of 2011 (including amendments between 2012 and 2024) recognises that workplace harassment that harms the health of the employee constitutes a criminal offence, which everyone is obliged to report, although prosecution is at the request of the victim.

In terms of intervention/action, when risk assessment shows that particular psychosocial risks represent significant harm, occupational medicine specialists or occupational and sports medicine specialists (hereinafter 'medical specialists'), as well as psychologists – if deemed necessary by medical specialists – should take part in proposing and implementing preventive measures. Medical specialists and psychologists should take part in the training of workers on the prevention of psychosocial risks in line with the regulations on implementation of specific occupational health protection. A medical specialist is obliged to take adequate preventive measures if they notice that a worker is showing signs and symptoms of diseases that could be caused by psychosocial risks at the workplace.

39. The same duties of the workers and workers' representatives are prescribed in the By-law of 2021.

40. It uses the definition of 'stress at work' from the OHSA.

2. Jurisprudence

In Croatia, cases of workplace bullying are brought to the (regular) civil courts (first instance: municipal courts and municipal labour court in Zagreb, second instance: county courts) and the Supreme Court of the Republic of Croatia as the court of the last instance. Croatian jurisprudence has developed legal protection to safeguard workers against workplace bullying in the absence of any specific legal provision.⁴¹ Workplace bullying/mobbing is defined as follows:

a specific form of behaviour at the workplace by which one person or a group of persons systematically psychically (morally) harass or humiliate another person, with the goal of jeopardising his/her reputation, honour, human dignity and integrity, until he/she is expelled from the workplace.

However, it seems that mobbing (group bullying) is very difficult to prove in court because of the lack of procedural rules, unaware judges and an incorrect interpretation of the existing material rules as applied to concrete cases.⁴² One worker invoked her exposure to work-related stress and other psychosocial risks (overburdening, for example) before a court to prove that she had been a victim of mobbing. In a number of cases on compensation for non-material and material damage caused to a worker in the workplace, judges referred to work-related stress as a consequence of a harmful event (for example, unfair dismissal, transfer to another job).⁴³

3. Collective agreements

Occupational health and safety protection has not traditionally been part of social dialogue in Croatia. Examples have been reported of collective agreements that cover, albeit not in detail, psychosocial risks and stress. At the sectoral level, the Collective Agreement for the Construction Industry prescribes, similarly to OHSA, that the prevention of work-related stress is among employers' most important obligations, but also that workers should act in accordance with the employer's instructions to prevent, eliminate or reduce work-related stress, and cooperate with the employer in order to prevent, eliminate or reduce stress at work or in connection with work. A similar approach has been identified at the company level in the collective agreement of K.P. Ltd (retail industry) and the collective agreement of P.H. Ltd (pharmaceutical industry). Several collective agreements at the company level (in the construction sector) contain provisions on workers' protection by means of the participation or mediation of the works council,

41. Županijski sud u Zagrebu, Gžr-1881/11 (11.10.2011.); Vrhovni sud RH, Revr 147/2017-2 (31.10.2018.).

42. Vinković, M., 'Hrvatski pravni okvir i njegove poteškoće – osnovne napomene', in: Priručnik, op. cit., pp. 22–23.

43. Vrhovni sud RH, Revr- 1604/12-2, 23.9.2014.

or by means of the mediation of the trade union. One collective agreement enables workers who think they have been subjected to unfair treatment by their direct superior, co-workers or company management to make a written complaint to their direct superior or to the company management board via the works council. These provisions could be seen as a preventive measure to address psychosocial risk factors (that is, tensions or conflicts at the workplace).

5. Cyprus (CY)

1. Legislation

The Health and Safety at Work Law 1996 and its Regulations implement the general principles of prevention provided by Directive 89/391/EEC. Art. 2 of the Health and Safety at Work Act provides that the scope of application covers both physical and mental health. Thus, psychosocial risks at work are covered by general provisions. In addition, Art. 13 of the aforementioned law provides that every employer has the obligation to guarantee their employees' health and a working environment free of health hazards. The employer has the obligation to adjust workload to each person's needs and abilities, and should develop an integrated and comprehensive policy of protection that covers work organisation and working conditions. However, work-related stress or mobbing are not mentioned in the law. Arguably, these risks could be indirectly covered by existing labour law legislation, such as the Organisation of Working Time Act, which can be used to achieve work-life balance and regulate workload.

Cyprus has two items of legislation focussed on prohibiting and preventing discrimination, harassment and sexual harassment, whether based on gender, race, religion, age or sexual orientation (Law 205(I)/2002 on Equal Treatment between Men and Women in Employment and Vocational Training; and Code of Conduct on Preventing and Combating Harassment and Sexual Harassment in Public Service). The Violence and Harassment in the Workplace Act of 2025 (approved by the Cypriot Parliament on 28 March 2025), is set to introduce new legislation on workplace violence and harassment aligning the current legislative framework with ILO Convention No. 190. The law will cover verbal, psychological and gender-based violence, emphasising zero tolerance for workplace violence and harassment while highlighting its impact on mental and physical health, productivity and equality. It will establish criminal penalties for workplace intimidation and create comprehensive frameworks for addressing complaints.

2. Jurisprudence

The lack of specific legislation might explain why there is no jurisprudence on psychosocial risks at work. Indeed, all existing cases related to the application (or breach) of the Safety and Health at Work Act, both civil and criminal, are

about physical health. The lack of jurisprudence should not be understood as an indication that there are no problems affecting employees' mental health; the national expert has inferred that overall, mental health is a taboo issue in Cyprus.

3. Collective agreements

There have been no reports of collective agreements on psychosocial risks at work, workplace bullying or violence. The only attempt to reach a collective agreement was on work-related stress. In 2008, the social partners⁴⁴ and the Minister of Labour, Welfare and Social Insurance signed a policy statement implementing the European framework agreement on work-related stress of 2004.⁴⁵ Unfortunately, the implementation process was stopped and no concrete measures were taken, whether in the form of a collective agreement or any other. Nevertheless, the social partners have launched some initiatives to inform their members about work-related stress through seminars and articles. These initiatives were supported by the Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance, which assists the social partners with information, training and printed materials to promote the goals of the Framework Agreement.

4. Other non-binding routes

The Ombudsman Office

Although there is no specific legislation on workplace bullying, the Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman Office or 'the Office') is used to fill (partially) this legislative gap. If the complainant is in the public or semi-public sector, the Ombudsman receives and examines complaints regarding workplace bullying under its general powers stipulated in Article 5(1)(a) of the Ombudsman Law of 1991 (3/1991). However, employees from the private sector are not protected and cannot file a complaint with the Ombudsman Office. Additionally, the Ombudsman has neither the legislative framework nor the necessary expertise – and even less the resources – to become an efficient or effective mechanism for the protection of all employees against workplace bullying.

Sound Industrial Relations 2014 Standard

In 2014 the Republic of Cyprus in cooperation with the European Social Fund of the European Union implemented the project 'Sound Industrial Relations – Contemporary Enterprises' by developing the Sound Industrial Relations 2014 Standard (SIR 2014), which was updated in 2016, 2019 and 2020. The Employers' Federation (OEB) has the main responsibility for implementation of this project, which emphasises improvements in key areas

⁴⁴. PEO, SEK, DEOK from the trade unions and OEC and KEBE from employer's organisations.

⁴⁵. In Greek: 'Συμφωνία Πλαίσιο για το Εργασιακό Άγχος - Δήλωση Πολιτικής'.

such as the promotion of good working relations, health and safety at work, equal opportunities and the correct application of Cypriot labour law and practice in enterprises and organisations in Cyprus. One of the obligatory criteria for SIR 2014 accreditation is that the enterprise takes measures for the prevention and mitigation of work-related stress.⁴⁶ The measures proposed to meet this criterion include adoption of the Framework agreement on work-related stress (Policy Statement) of 2008 and sharing it with the workforce, as well as conducting relevant training sessions. Accreditation for meeting the criteria of the SIR 2014 Standard is issued for a fixed period (usually three or five years). Currently, 48 enterprises have valid accreditation.⁴⁷

6. Czechia (CZ)

1. Legislation

There is no legislation on psychosocial risks in Czechia. The main item of OSH legislation is the Act on Safety and Health Protection at Work, Act No. 309/2006 Coll., as amended, accompanied by a number of ministerial decrees. The employer has a general obligation to ensure safety and health at the workplace, in line with the provisions of Directive 89/391/EEC. However, there is currently no systematic approach to preventing exposure to psychosocial hazards at work.

In Czechia, a provision on work-related stress was enacted in the Labour Code, No. 262/2006, Section 1028. Decree No. 432/2003 Coll., section 110, on the classification of works into categories categorises psychosocial hazards according to work pace, work monotony (both movement and task) and shift work. Also, Act No. 309/2006 Coll., stipulating further requirements for health and safety at work in labour law relations and ensuring safety and health in activities or within services provided outside labour law relations, contains a number of provisions that refer to mental stress (psychological strain). The Act stipulates that ‘when adopting and implementing technical, technological, organisational and other measures to prevent risks, the employer shall take into consideration the following general preventive principles....(g) planning of risk prevention measures with regard to the application of technology, work organisation, working conditions, social relations and the impact of the working environment’.

Workplace bullying is covered through the legislation on discrimination with prohibition of stalking and harassment on the grounds of political opinion, sex, race, nationality or health factors. Article 1 of the Charter of Fundamental Rights and Freedoms provides that ‘all people are free and equal in their dignity

46. SIR 2014, 2020 updated edition, p. 28. Available at: <https://slr.com.cy/wp-content/uploads/2014/05/V9-Protipo-SIR2014-Revision-2020-web-version.pdf>.

47. A list of accredited enterprises and organisations is available at: <https://slr.com.cy/standard/siraccreditations/> (last accessed 1 September 2021).

and rights. Their fundamental rights and freedoms are inherent, inalienable, non-prescriptible, and irrepealable.’ The Charter has the same legal effect as the Constitution. The Labour Code No. 262/2006 prohibits any form of discrimination in labour relations. Terms such as direct discrimination, indirect discrimination, harassment, sexual harassment, persecution, an instruction to discriminate and/or incitement to discrimination, and the instances in which differential treatment is permissible, are regulated in the Anti-Discrimination Act No. 198/2009 Coll.

If a worker makes a claim that he or she has been harassed or discriminated against on one of these grounds, he or she is protected against retaliation. Discrimination claims are taken to court in Czechia extremely rarely, but if it does happen, the employer carries the burden of proof and must provide evidence that the discrimination did not occur.

2. Jurisprudence

There are no reported cases/court decisions addressing psychosocial risks, work-related stress or workplace bullying before labour law courts. Two decisions address cases of workers dismissed on the basis of psychosocial investigations run by state agencies. Even though in both cases the court overruled the decisions, the court considered the fact that the worker had been subject to a psychological investigation as neither illegal nor immoral.

3. Collective agreements

There are no relevant collective agreements on psychosocial risks. Occupational safety issues are considered to be subject to public regulation. Collective agreements cannot replace or supplement a missing statute that would regulate public policy against psychosocial risks.

7. Denmark (DK)

1. Legislation

The psychosocial working environment was included in the Working Environment Act (WEA) when it was revised in 1975.⁴⁸ The law ‘must aim to ensure a safe and healthy physical and psychosocial working environment’ (cf. § 1, no. 1). Thus, risks to workers’ mental health (either direct risks or long-term effects) that have a direct link to work or the execution of work are covered. The WEA is a framework law with few specific provisions. In

⁴⁸ Current law: LBK No. 674 of 25 May 2020, Proclamation of the Working Environment Act (Bekendtgørelse af lov om arbejdsmiljø - <https://www.retsinformation.dk/eli/lta/2020/674>).

2020 Denmark obtained its first executive order on the psychosocial working environment (EOPW)⁴⁹ entailing detailed regulation in addition to the WEA. Work must be planned, organised and carried out at all stages in such a way that both short- and long-term effects on the psychosocial working environment are sound (cf. § 5). Preventive measures shall be implemented that take into account the general principles of prevention (cf. Art. 6, (2) Directive 89/391/EEC).

The EOPW provides a definition (cf. § 7) of work-related psychosocial risks as effects that arise in connection with the way in which work is planned and organised, organisational aspects of importance for employees' work, the content of work (including requirements for carrying out work), the way the work is to be done and social relations at work. In addition, there are special provisions on individual risk factors (cf. §§ 13-34): heavy workload and time pressure (§§ 13-15); unclear and/or conflicting work requirements (§§ 16-18); heavy emotional demands in relation to working with people (social workers, prison guards, nurses etc.) (§§ 19-21); offensive acts (bullying, etc.) (§§ 22-24); and work-related violence at work (§§ 26-30), as well as outside of work (§§ 31-34).

Every section starts with a repetition of the abovementioned general requirement of prevention in §5 and then provides a definition of the individual risk factor. The definitions are self-explanatory, but somewhat superficial as they have to be broad enough to cover all employees, whether working in a factory or an office. Thus, high-tempo work can differ in different areas of work and has to be assessed individually at company level each time. Offensive acts such as bullying are defined as a serious one-time offensive act or multiple (lesser) offensive acts towards one or more persons. General exercise of leadership, peer-to-peer feedback and the like are not in themselves offensive acts. In other words, a one-time offensive act, which is not categorised as serious/severe, does not fall within the scope of the provision. Additionally, the relevant behaviour has to be perceived as degrading or offensive by the offended party in order to fall within the scope of the law (cf. § 23). In other words, this means that subjective perception is paramount, and the law offers no objective measurement on the basis of which employers can be held accountable.

Stress is not mentioned separately or in any of the abovementioned provisions. However, work-related stress is understood as exposure to a state in which workers feel unable to meet the requirements or expectations placed upon them, and where this is accompanied by physical, psychological or social complaints or dysfunction.⁵⁰ §17 of the EOPW defines unclear and conflicting demands as the presence of unclear demands in the working environment, or

49. Executive order No. 1416 of 26 September 2020 on psychosocial work environment (Bekendtgørelse om psykisk arbejdsmiljø).

50. See Art. 3 (European) Framework agreement on work-related stress.

demands that are incompatible, including demands related to specific jobs, quality level, work function, areas of responsibility, work methods, work processes, roles of employees, time consumption, speed of work or working hours.

2. Jurisprudence

Cases can be brought before either the work environment appeal board (WEAB or appeal board) (lack of compliance with legislation), the employment court (abuse of managerial authority) or the civil/tort court (compensation claims).

Work environment appeal board

In a case from 2021 concerning abusive acts in the workplace, the appeal board assessed that the risk of deterioration of the employees' physical or mental health was not adequately prevented. The board emphasised that the employees were not aware of the company's personnel policy on abusive acts and bullying.⁵¹ The appeal board dealt with three cases of workplace bullying in 2015, 2016 and 2019.⁵² In the 2015 case it was the manager who bullied employees, while in the two other cases the bullying happened between colleagues. In all cases the appeal board assessed that the work was not planned, organised and carried out in a safe and healthy manner, which resulted in a risk to the employees' physical or mental health. Employers were ordered to use an authorised consultancy agency to deal with the current risks. In two other cases (2021) concerning violence,⁵³ the appeal board assessed that the measures in place did not sufficiently prevent the risk of violence and threats of violence, as the employees were not sufficiently aware of the company's guidelines on work-related violence. Employees also lacked training and instruction in dealing with potentially threatening or violent customers. In three cases concerning high workload/time pressure (from 2009, 2012 and 2016⁵⁴), the large amount of work and time pressure was deemed a risk to the physical and mental work environment. The companies were ordered either to work out an action plan for further prevention (2009) or to use an authorised working environment adviser to assist in assessing and reducing the risks (2012 and 2016). Action plans always include a time limit for reporting back to the appeal board.

Employment court

Cases at the employment court are mostly about whether or not the employer can expel or terminate an employee who bullies or is violent towards colleagues. Cases are few and far between and most concern sexual harassment. The vast

51. KEN no. 9643 of 25/08/2021.

52. KEN no. 10206 of 20/12/2021, KEN no. 9671 of 02/06/2016 and KEN no. 9007 of 16/12/2015.

53. KEN no. 9197 of 23/03/2021 and KEN no. 9501 of 25/06/2021.

54. KEN no. 9005 of 30/11/2016, KEN no. 9580 of 01/06/2012 and KEN no. 9848 of 01/04/2009.

majority of cases end in settlements, which are not open to the public and thus never reach court. With regard to bullying between colleagues, case law shows that employers are within their rights to terminate or expel the offender, depending on the severity of the offence. A variety of aspects are taken into consideration, including whether the bullying is repeated, verbal and/or physical, if the company has a bullying policy and if it's clear and well known to the employees and if the offender has previously been given an official warning.⁵⁵ However, the offence has to be of a certain severity to lead to dismissal, as shown in a case from 2015 regarding a strike. Here, among other things, the employees who didn't participate in the strike were disparaged and 'frozen out'. The court held that although these actions and statements could contribute to a poor psychosocial work environment, they were not of such a serious nature that it could lead to dismissal.⁵⁶

A case from 2016 regarding an organisational change at work, which caused tension between management and employees, caused several employees to resign. The court held that the change was objectively justified for operational reasons and therefore not deemed to constitute harassment of the employees.⁵⁷ Most notably, a case from 2009 regarding comprehensive changes in bus timetables resulted in bus drivers often having to exceed the speed limit to make up for lost time and not being able to have toilet breaks for several hours. The drivers went on strike, arguing that the changes were a violation of the Work Environment Act and a direct and acute risk to their health and that this was the reason why they exercised their right to stop working under Art. 17 of the Framework Directive. The court held that the strike was in violation of the peace obligation as the risks to health and safety weren't severe enough to be deemed lawful under Art. 17. However, the employees did not have to pay a penalty, because there clearly were risks to health and safety for which employer was responsible.⁵⁸

Civil/tort courts

A Supreme Court case from 2018⁵⁹ dealt with a caregiver at an autism care facility who was injured after being assaulted by a patient with infantile autism. The Court found that the employer had not sufficiently ensured that the working conditions were fully safe as the necessary instructions had not been given and there was no effective supervision. The employer was therefore held liable. Another Supreme Court case from 2017⁶⁰ concerned an employee who had been exposed to a heavy workload for a long time. This put increased pressure on her, in terms of both work pace and length of working days, which resulted in her taking sick leave due to stress. The Supreme Court found that the mentioned workload was a direct result of the nature of the

55. Faglig Voldgift (labour arbitration court) af. 4 februar 2016 and Faglig voldgift (labour arbitration court) af 27. Maj 2013.

56. Faglig Voldgift (labour arbitration court) af den 29 Januar 2015.

57. Arbejdsrettens (labour court) dom af 5 Februar 2016.

58. Arbejdsrettens (Labour court) dom af 11. Juni 2009.

59. Højesterets (Supreme court) dom af den 14. september 2018.

60. Højesterets (Supreme court) dom af den 13. Juni 2017.

work in accordance with the Occupational Injuries Insurance Act and that the employer was therefore liable. There were also two cases of bullying at the Eastern High Court in 2010 and 2020.⁶¹ In both cases the employer was not held liable. In the 2010 case the employer's actions in relation to the employees' sick leave and the lack of witnesses meant that the employees' claim was not upheld. In the 2020 case the court held that the employer was in compliance with the Work Environment Act as he had drawn up guidelines for dealing with conflicts with citizens, including, among other things, for the prevention and handling of violence, and these were issues that were regularly addressed. In a case on high workload from 2006 from the Western High Court, a hospital was not held liable for a nurse's stress-related illness. A sound management structure had been established and management had been aware of the work environment problems at the department and a number of measures had been initiated to address these problems.

3. Collective agreement

In 2004 a new provision was introduced in the Work Environment Act (§75b), stipulating that the DWEA will not oversee and supervise the psychosocial work environment if there is a collective agreement ensuring at least the same level of protection and control as the WEA. However, the DWEA is obliged to monitor compliance with the law in relation to employees who are not covered by the collective agreement (cf. § 72b (4)). Since then, three such collective agreements have come into existence. Two only cover bullying and sexual harassment, while the other covers the psychosocial work environment as a whole. The DWEA estimates that around 313,000 employees,⁶² or 13% of the workforce, are covered by the agreements. There are no individual agreements on stress, probably for the reasons mentioned above. There are probably a lot of local agreements at individual workplaces covering different issues (such as stress, workload, harassment and violence) and internal guidelines on how to act/react, who to contact and so on. These local agreements are, for the most part, guidelines and not binding agreements. There is no database to search in, as they are not usually open to the public. Therefore, no insight can be given with regard to quantity or quality.

8. Estonia (EE)

1. Legislation

Estonian legislation covers work-related psychosocial risks, including psychosocial risks, bullying, violence and stress. The Estonian Occupational Health and Safety Act (1999), which is based on Framework Directive

⁶¹ Østre Landsrets (Eastern High court) dom af den 18. december 2020 and Østre Landsrets (Eastern High court) dom af 12. november 2010.

⁶² Numbers might not be up to date because they are from 2018, but no new estimate could be found.

89/391/EEC, provides an obligation for employers to implement preventive measures to encourage improvements in occupational safety and health (OSH) and to guarantee workers' safety and health in all work-related aspects, including psychosocial risks. The latest version of the Act came into force on 1 January 2019.⁶³ Psychosocial risks are mentioned in Section 91 of the Act. Psychological risks include work that involves risks of accident or violence, unequal treatment, bullying and harassment at work, work not corresponding to the employee's abilities, working alone for an extended period of time and monotonous work and other factors related to management, organisation of work and working environment that may affect employees' mental or physical health, including work-related stress.⁶⁴ The same section further states that the employer shall take measures to prevent damage to health arising from a psychosocial risk, including adapting the organisation of work and workplace to suit the employee, optimising the employee's workload, enabling breaks to be included in working time during the working day or shift and improving the enterprise's psychosocial working environment. According to Section 13 of the Act the employer is obliged to organise risk assessments of the working environment to ascertain hazards, measure their parameters, as necessary, and assess risks to employees' health and safety. At the same time, employees have the right to receive information on working environment hazards, the results of risk assessments of the working environment.⁶⁵ The website of the Labour Inspectorate in Estonia provides a number of rules on risk assessment.⁶⁶ In 2023, several additional amendments to the Health and Safety Act came into force, supplementing the list of occupational diseases by adding post-traumatic stress disorder and other diseases caused by psychosocial risks in the work environment.⁶⁷

2. Jurisprudence

There are no reported cases on general psychosocial risk factors in Estonia, but there are some on workplace bullying and work-related stress. Workplace bullying was defined in a case⁶⁸ brought before the Tallinn circuit court⁶⁹ as hostile unethical behaviour that is systematic, long-lasting and targeted at one or more individuals who become helpless and vulnerable as a result of such bullying. Bullying is characterised by the following: repeated unpleasant or degrading treatment; the bully and the victim are in an unequal position;

63. Jarvis M. and ICF (2019) Psychosocial risks in the workplace: an increasing challenge for Estonia, Peer review on legislation and practical management of psychosocial risks at work, Peer country comments Paper – Estonia, Stockholm, 3-4 October 2019, Publications Office of the European Union.

64. Occupational Health and Safety Act 1999.

65. Section 14 of Occupational Health and Safety Act 1999.

66. Labour Inspectorate (2021), Risk assessment, viewed 29 July 2021. Available at: <https://www.tooelu.ee/en/79/risk-assessment#how-to-conduct-a-risk-assessment?>

67. Estonian Labour Inspectorate (2023). Overview of amendments in labour legislation. Available at: <https://www.ti.ee/en/news/overview-amendments-labour-legislation>

68. *XX v. Tax and Customs Board* (2019) 3-17-164.

69. In this case the Tallinn Circuit Court as the court of second instance reviewed the decision of the Tallinn Administrative Court.

the victims cannot defend themselves; and the act of bullying is intentional. The court has also clarified that there may be situations in which an employee may feel disturbed, but this may not be considered bullying.

One recent case concerned stress at work.⁷⁰ The defendant was working as a kindergarten teacher and claimed that some children with emotional and behavioural disorders were difficult to work with and were constantly offending her. The teacher did not have any special training to deal with children with special needs. According to the defendant, such a stressful job caused her illness, and the employer failed to take any measures to improve the situation. The Tartu circuit court found that there was a link between work-related stress and the illness of the employee. The court decided that the employer did not meet occupational health and safety standards by failing to address the issue of work-related stress.

3. Collective agreements

There is no collective bargaining on psychosocial risks at work in Estonia. The key level of collective bargaining in Estonia is the company or organisation, both in the private and the public sectors.⁷¹ The website of the Ministry of Social Affairs (*Sotsiaalministeerium*) has the collective agreements register⁷² and provides some details on signed collective agreements, including a checklist that shows whether particular work-related aspects are regulated by the agreement. However, the register does not contain comprehensive data on all concluded collective agreements and not all agreements have been registered.⁷³ It is important to add that full texts of collective agreements are not available, so it is difficult to verify whether company level agreements cover psychosocial risks. However, the counselling lawyer of the Estonian Labour Inspectorate, in an email dated 16 July 2021, stated that the Labour Inspectorate was not aware of any collective bargaining on psychosocial risks taking place at company level.

The only arrangement regarding psychosocial risks that can be mentioned is the agreement on maintaining mental health in the work environment⁷⁴ concluded on 28 June 2021 by the State and Self-government Institutions Workers Trade Union (ROTAL) and the Ministry of Finance.⁷⁴ According to Kalle Liivamägi, chair of ROTAL, this is the first arrangement on psychosocial risks in Estonia.⁷⁵ It applies to all the employees working for the state.

⁷⁰. *Soinaste Kindergarten v Maimu Kolossova* (2020) 2-18-12301.

⁷¹. Eurofound (2021) Living and working in Estonia, viewed 29 July 2021, <https://www.eurofound.europa.eu/nb/country/estonia#collective-bargaining>

⁷². For an overview of the registered collective agreements please see: <https://klak.sm.ee/>

⁷³. Eurofound (n 5).

⁷⁴. This agreement is not a collective labour agreement. It was drafted on the basis of a framework agreement on work-related stress signed by the social partners at the European level in October 2004. It is considered to constitute agreed principles to guide the parties.

⁷⁵. Communication with chair of Rotal Kalle Liivamägi dd 12 July 2021.

9. Finland (FL)

1. Legislation

The Occupational Safety and Health Act and the Occupational Health Care Act are the key regulations in Finland that define the workplace activities and occupational safety of the employee with regard to work-related stress and harmful workloads. Factors related to mental health are recognised in the Occupational Safety and Health Act (738/2002), which obliges employers to prevent harm to mental health. While there is no explicit mention of psychosocial risk factors, the employer has a general duty to take care of their employees' safety and health. Within this framework the employer must take into account, among other things, the employee's personal capabilities (Section 8) and physical and mental capacities in the design and planning of work and working methods in order to avoid or reduce hazards or risks from workload (Section 13). As a concrete measure, employers are obliged to adopt a policy to promote safety and health and to maintain the employees' working capacity (Section 9). The employer shall analyse and identify the hazards and risk factors caused by work and other aspects of working conditions. If these cannot be eliminated, their consequences for employees' safety and health must be assessed. Among other things, factors related to workload must be taken into consideration. (Section 10). On becoming aware that an employee is exposed to a workload that endangers his or her health, available means and measures shall be taken by the employer to analyse workload factors and to avoid or reduce the risk (Section 25).⁷⁶ Furthermore, the Occupational Safety and Health Act considers the stress factors and risks related to working alone and night work (Sections 29–31), as well as the risk factors concerning workplace structures and working environment (Sections 32–48).

As regulated in the Occupational Health Care Act (1383/2001), the employer must have a written occupational health care action plan (Section 11), which includes investigation and assessment of health and safety at work and working conditions, for example, exposure to substances in the workplace, workload, working arrangements, and the risk of accidents and violence (Section 12).

According to the Occupational Safety and Health Act (738/2002), employees also have a duty to take care of both their own safety and that of other employees. Employees shall avoid harassment and other inappropriate treatment of fellow employees at the workplace (Section 18). After becoming aware of the harassment or other inappropriate treatment of an employee, the employer is liable to take action to remedy this situation by all available means (Section 28). The harasser can be issued with a note or a warning; their employment relationship can even be terminated. Psychosocial risks also

⁷⁶ <https://ttk.fi/en/occupational-safety/responsibilities-and-obligations/employers-general-obligations/hazard-identification-and-risk-assessment/>

include the threat of violence. Work and working conditions in jobs entailing an evident threat of violence shall be so arranged that the threat of violence and incidents of violence are prevented as far as possible (Section 27).

2. Jurisprudence

As mental health and safety were not taken into account in legislation until the twenty-first century, little case law has accumulated on psychosocial risks. However, based on the available precedents, it can be seen that henceforth psychosocial risks are to be taken seriously when developing occupational safety.

Following preliminary rulings of the Supreme Court (in both civil and criminal cases) some psychosocial risks, such as workload, tension at work and unclear instructions, have been identified. The Supreme Court ruled, for example, on the actions of an employer's representative, as a result of which the employee became ill. The employee's symptoms were depression, anxiety and pain. The symptoms were considered to be the result of repeated and prolonged pressure in the workplace.⁷⁷ In another case, it was stated that the plaintiff's role and responsibilities in the working hierarchy had been left both open and vague, and also that the plaintiff had not received the necessary orientation and sufficient information to carry out their work duties. Thus, the Supreme Court held that the plaintiff had been treated inappropriately: the employer had not acted in accordance with the Occupational Safety and Health Act.⁷⁸

Furthermore, in a few cases brought before the Labour Court, it has been held that the employee is eligible for sick pay for the period of work disability in situations in which the work disability is due to stress.⁷⁹

In the case law workplace bullying has been assessed as grounds for dismissal in both civil courts and employment courts. For example, in a labour court case a shop steward had been dismissed due to alleged workplace bullying, but the court considered that the employer did not have a solid reason for termination and thus that he was unfairly dismissed.⁸⁰ Workplace bullying can be linked in case law to the employer's duty to act under the Act. For example, one court case concerned the employer's obligation to resolve the issue of bullying, and whether the employer had intervened in the bullying quickly enough.⁸¹

77. KKO 1992:180.

78. KKO 2014:44.

79. TT 2015-62 and TT 2021: 49.

80. TT 2015-17.

81. KKO 2014:44.

3. Collective agreements

A variety of psychosocial risks have been widely taken into account in collective agreements because the difficulty levels of tasks and/or task-related requirements in different competence categories affect wage levels. The greater the responsibility and workload or the more onerous the working conditions, the higher the difficulty level and so wages. The difficulty of work is defined in accordance with the following factors, among others: responsibility and learning time required for the job, working conditions, work-related risk factors caused by workload, monotony and heaviness (the intensity of the burden placed on a worker). The factors to be considered are broadly parallel, although sectoral differences can be observed. It is worth singling out the collective agreement in the theatrical sector, with regard to which the challenges involved in coping with employees and prolonging their careers have to be considered. The aim is to anticipate risk factors that may impair working ability, for example, by applying various early intervention models.

Workplace bullying and violence were explicitly mentioned in a few individual collective agreements. The collective agreement in commerce takes the threat of violence into account more specifically than the relevant legislation. The employer must carry out an assessment of the threat of violence in the workplace. In addition, individual actions are mentioned by which the employer must prevent and reduce the threat of violence in accordance with law, for example, a code of practice for situations of violence and ensuring access to the police or a security company. The collective agreement for the theatrical sector included a precise provision on harassment in the workplace, which prohibits all forms of bullying and sexual or other harassment throughout the work community.

There was no explicit mention of stress in any of the collective agreements reviewed.

10. France (FR)

1. Legislation

In France, private sector employers have a legal obligation to take the measures necessary to ensure workers' safety and to protect their mental health (L. 4121-1). Psychosocial risks (and risk factors) are not explicitly mentioned in the French Labour Code. However, some recent provisions cover some psychosocial risks that the employer is required to prevent. Indeed, following the adoption of Law No. 2021-1018 (2 August 2021), the aim of which is to improve prevention in occupational health, evaluation of risks to workers' health and safety will also include work organisation (future L.4121-3). This provision entered into force on 31 March 2022. There is also a legal obligation to control the workload of employees who work within the framework of a days-per-year scheme (*forfait jours*) and teleworkers. For

such workers, an annual interview must be scheduled to discuss this aspect of their activities (L.3121-65 I.4° and L.1222-10 3°). Since 2010, a list of occupational risk factors has been included in the Labour Code (L.4161-1 Labour Code). These risk factors require, in certain cases, a negotiation mechanism (L.4162-1) or an action plan (L. 4162-2). Only psychosocial risks such as shiftwork or night work are covered, leaving out other (and more general mention of) psychosocial risks.

The Labour Code prohibits workplace bullying, which is defined as follows: ‘repeated acts (...) that have the purpose or effect of a degradation of their [workers’] working conditions which may undermine their rights and their dignity, affect their physical or mental health or jeopardise their professional future’ (L.1151-1). The employer has an obligation to implement preventive measures (L.1152-4). The Social and Economic Committee (SEC), which is a workers’ representative body, can exercise its right to warn the employer in case of human rights violations, including acts of bullying (L.2312-59). Any employee who commits acts of bullying is liable to disciplinary sanction (L.1152-5). A possible mediation procedure is foreseeable to involve the victim and the person who is deemed to be the cause (L.1152-6C). Penal/criminal provisions are prescribed in the Penal Code against the author/perpetrator of acts of bullying (222-33-2 Code Penal).

Similar obligations exist in the public sector. Public employers are subject to the obligations provided by the Labour Code to ensure protection and prevention with regard to the mental and physical safety of civil servants. Thus, public employers have to evaluate occupational risks.⁸² Regarding workplace bullying, Article 6 of Law No. 83-634 of 13 July 1983 on the rights and obligations of civil servants, prohibits and defines bullying, and refers victims to competent authorities for their accompaniment, support and protection and to resolve the reported incident (6 quarter A). Work-related stress is not considered in either the Labour Code or in civil service law.

2. Jurisprudence

In France, courts have played a crucial role in the recognition of psychosocial risks factors, work-related stress and workplace bullying.

Workplace bullying

One case brought before the social security courts recognised the ‘inexcusable fault’ of an employer who was informed that acts of workplace bullying were being perpetrated but had not taken measures to prevent the risk from materialising, leading the relevant employee to take leave for more than six months (CA Poitiers, 16 September 2015, No. 14/03562). In most cases, lawsuits take place after a breach of the employment contract. Courts

⁸². Nevertheless, some leeway exists for the state civil service (Decree No. 82-453 of 28 May 1982) and the territorial civil service (Decree No. 85-603 of 10 June 1985).

expect the employer to take action to prevent workplace bullying (or to react when they are made aware of such behaviour). If employers do not take adequate preventive measures, the question of their liability arises (Cass Soc, No. 14-19.702 (2016)). Simple corrective measures applied after the risk has been realised is considered to be insufficient, emphasising the importance of preventive measures and actions. Also, even though the labour law provisions focus on the individual dimension of workplace bullying, courts have recognised that it can originate from managerial practices. Thus, a manager putting continuous pressure on and blaming his workers, giving orders and counter-orders with the aim of creating confusion to reinforce his authority qualifies as managerial workplace bullying (Cass. Soc. N°07-45321 (2009)). Additionally, although this is rarer criminal proceedings can be initiated to deal with workplace bullying. Indeed, there have been two important criminal law rulings. In the first, on 13 November 2019 the criminal chamber of the Court of Cassation ruled, as the social chamber had previously,⁸³ that psychological harassment does not necessarily require an intent to do harm (Cass. Crim, 13 November 2019, No. 18-85.367)⁸⁴. The second is the *France Telecom* judgment, which considers that the offence of bullying at work includes ‘institutional’ bullying based on a company policy concerning a community of employees (TGI Paris, 31st chamber, 2nd section, 20 December 2019, No. 0935790257).

Work-related stress and psychosocial risks

The civil courts screen corporate reorganisation projects that may affect workers’ mental health. They have the authority to suspend such projects. In one such case reorganisation reduced the size of the workforce, leading to professional isolation without sufficient assistance to guarantee safety (Cass. Soc., 5 March 2008, No. 06-45.888) or to redistribute tasks, resulting in an overwhelming workload on the remaining staff (CA Paris, pole 6, chamber 2, 13 December 2012, No. 12/00303). The same screening is operated on staff management projects implementing a professional evaluation in the form of an annual interview (Cass. Soc., 28 November 2007, No. 06-21.964) or establishing a benchmark system under which individuals compare themselves to others as a way of measuring their personal performance (CA Lyon, Social chamber C, 21 February 2014, No. 12/06988).

An inexcusable fault was admitted before the social security courts with regard to an employee who had suffered a heart attack because of their stressful situation. The employer should not have ignored the medical data related to stress at work and its consequences for employees. The judge noted the increase in workload in the years before the relevant employee’s illness, the policy of task overload, pressure, unrealistic and unachievable goals, and the employer’s failure to consider the consequences of his cost reduction strategy in terms of risk factors pertaining to the health of his employees (Cass. Soc.,

⁸³. Cass. Soc., 10 July 2009, No. 08-41.497.

⁸⁴. Confirmed by the final decision of the Cour de Cassation: Cass. Pour., 21 January 2025, No. 22-87.145 FS-B+R.

8 November 2012, No. 11-23.855). Before the labour court, the employer's inertia when faced with a situation of suffering at work was regarded as a violation of his obligation of safety, which allowed a judicial termination of the employment contract on the grounds of his faults, with the effect of a dismissal without real and serious cause. This applies when the employer does not resolve workplace conflicts or there is a climate of tension leading to a deterioration of health (Cass. Soc., 8 June 2017, No. 16-10.458; Cass. Soc., 21 June 2017, No. 15-24.272), as well as a situation of work-related stress due to the imposition of new responsibilities (Cass. Soc., 5 July 2017, No. 15-23.572). And finally, apart from bullying, several criminal charges may be brought before the criminal courts, against employers (private individual or representative of the legal entity), such as manslaughter (221-6 C pen), involuntary offence against the physical or moral integrity of persons (222-19 C pen) and endangering the lives of others (223-1 C pen). Nevertheless, such prosecutions are rare. In practice, criminal litigation is based primarily on the criminal charge of bullying.

3. Collective agreements

Examples of collective bargaining covering psychosocial risk factors, work-related stress and workplace bullying have been reported in both the private and public sectors.

With regard to psychosocial risks in the private sector, the framework agreement of 17 March 1975, on the improvement of working conditions (extended to all sectors in 1996) provides that: work standards must not lead to a rhythm of work, an increase in muscular or intellectual effort, or exposure to nervous tension that may result in a risk of excessive fatigue; workload must be compatible with employees' physical and mental health, and compliance with these requirements is a necessary condition for the development of employees' personalities. The establishment of work standards must consider an acceptable working pace, sufficient staffing levels and appropriate rest periods. Employees' intellectual and psychological needs must be met when it comes to the accomplishment of their work (Art. 4). Another example here is the National Intersectoral Agreement (NIA), concluded on 9 December 2020, to enhance prevention and a renewed offer in terms of occupational health and working conditions (applicable to all sectors since 13 April 2021). The main objective of the agreement is the primary stage in preventing occupational risks (Preamble). It defines the scope of occupational risks by including psychosocial risks (article 1.2.1.1) and reaffirms that the prevention of psychosocial risks involves, notably, the prevention of stress at work and the prevention of bullying and violence, and the psychosocial risks must be integrated into the evaluation of occupational risks and brought up in the occupational risk assessment.

A National Intersectoral Agreement on work-related stress was adopted on 2 July 2008 (extended to all sectors on 23 April 2009). This agreement described the state of stress and suggests the use of indicators to detect

work-related stress, including level of absenteeism, number of resignations, relational conflicts, occupational injuries, violence-related behaviours and visits to the occupational physician. The agreement also strongly supports the implementation of an operational framework to prevent work-related stress. The agreement focuses on the analysis of various factors such as work organisation and processes, working conditions and environment communications (such as incorrectly defined tasks, difficult interaction) and subjective factors (for example, emotional pressure). It specifies that, as soon as a work-related stress problem is identified, action must be undertaken to prevent and eliminate, or at least to reduce it. Some examples of corrective measures are given. The employer has the responsibility for determining appropriate measures and implementing them in connection with the workers or their representatives.

Another NIA was concluded on workplace bullying on 26 March 2010 (extended to all sectors 23 July 2010). Employers have an obligation to prohibit harassment and violence in the workplace and to implement preventive measures such as awareness-raising, improvement of work organisation and working conditions, and employees' right of expression. The employer must also take appropriate measures to identify, understand and treat workplace bullying and violence at work. The NIA also provides a framework for intervention to assure discretion in investigations, data anonymity, timely procedures, hearings with the relevant parties, treatment of false accusations, and the possibility of securing external expertise or mediation. These measures should be taken following consultation with workers or their representatives.

In the public sector, an agreement was concluded on 22 October 2013 on the prevention of psychosocial risks in the civil service, which takes these risks into account in prevention policies, as part of all occupational risks. In the guidelines of a national action plan, each public employer must perform an assessment of psychosocial risk factors, such as work intensity, emotional demands and lack of autonomy. The employer has to elaborate an action plan to address these risks with clear and specific objectives and establish a timeline for its implementation. This national agreement shall encompass several mechanisms to help with the evaluation and prevention of psychosocial risks (for example, methodological tools, training in the prevention of psychosocial risks, the role of management, the resources of workers' representatives and occupational health services).

11. Germany (DE)

1. Legislation

Occupational health and safety (OSH) legislation in Germany today has its foundations in the EU Directives on occupational safety and health. European Framework Directive 1989/391⁸⁵ on the introduction of measures to encourage improvements in the safety and health of workers at work requires employers to ensure safety and health in every work-related aspect and continuously to improve working conditions.⁸⁶ German OSH laws oblige employers to manage and improve employees' (*Beschäftigte*) safety and health.

German OSH usually has three levels: formal laws (*Gesetze*) are concluded by the national parliament (Bundestag). For example, the main law transposing the European Framework Directive, the Law on Occupational Safety and Health (*Arbeitsschutzgesetz* (ArbSchG)), was introduced in 1996.⁸⁷ The legal framework is completed by ordinances (*Verordnungen*) on specific risks or hazards in the workplace, issued by the federal government and drafted by the Ministry for Labour and Social Affairs (BMAS). Ordinances are usually accompanied by so-called technical rules on prevention, which serve as guidelines at company level. Technical rules are elaborated in collaboration with scientific experts, social partners and OSH practitioners and represent the state of the art of prevention.⁸⁸ Employers who follow the technical rules of prevention in their risk management benefit from a *prima facie* evidence in accident investigations.

The Law on Occupational Safety and Health did not include a general provision on the management of psychosocial risks. Only the ordinance on visual display units (*Bildschirmarbeitsplatzverordnung*) contained an explicit obligation. This situation led to an ongoing discussion on whether and how far psychosocial risks were to be included in workplace risk management. Finally in 2013, a clarification was made in the federal Law on Occupational Safety and Health. Psychosocial strain at work was introduced and explicitly mentioned as a possible source of workplace risk in §5 Abs. 3 No. 6 of the Law on Occupational Safety and Health (read: paragraph 5, subparagraph 3, no. 6), which must be included in risk assessments in every establishment. References to the prevention of psychosocial risks are found in existing

⁸⁵. Council of the European Union (1989) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31989L0391&from=EN>

⁸⁶. Brück C. (2012) OSH management: legal duties and compliance, OSH WIKI, 13.03.2012. https://oshwiki.eu/wiki/The_role_of_legislation_in_occupational_safety_and_health_management

⁸⁷. https://www.gesetze-im-internet.de/englisch_arbschg/englisch_arbschg.pdf

⁸⁸. <https://www.baua.de/DE/Angebote/Rechtstexte-und-Technische-Regeln/Technischer-Arbeitsschutz/Technischer-Arbeitsschutz.html>

ordinances on technical and physical risks,⁸⁹ but in contrast to other risks at work, no ordinance on psychosocial strain at work has yet been issued.

There has been no reported OSH legislation on work-related stress or workplace bullying. The General Law on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz – AGG*)⁹⁰ was passed in 2006 to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation. The Law covers direct discrimination, indirect discrimination, harassment (deemed to be discrimination when there is unwanted conduct in connection with any of the grounds referred to the law with the purpose or effect of violating the dignity of the person concerned and of creating an intimidating, hostile, degrading, humiliating or offensive environment), and sexual harassment.

2. Jurisprudence

The Federal Labour Court acknowledged workers' right to be protected against overstrain 30 years ago.⁹¹ However, not many decisions have been documented on the field of OSH and in particular on the prevention of psychosocial risks at work. In 2018, the Federal Labour Court recognised the co-decision rights of work councils in risk assessment of psychosocial risks at work. The co-decision right includes decisions on the instruments to be used in the risk assessment process.⁹² In 2004, the Federal Labour Court recognised the co-decision right of works councils in the risk assessment process in general.⁹³ Further recent judgments dealt with the obligation of the management to protect workers against mobbing (group bullying) in the workplace. In cases in which action is not taken against mobbing, workers can also be compensated financially.⁹⁴

3. Collective agreements

Collective agreements on psychosocial risks are not very common in Germany. Instead, the big trade unions have focused on political lobbying (see above, advocating for an anti-stress ordinance). However, certain aspects that may contribute to the prevention of psychosocial risks can be part of general collective agreements between the social partners. Most commonly, collective agreements include clauses on working time, shift work or work-life balance. However, single examples of agreements with a focus on OSH

89. See also: Brück C. and Gümbel M. (2019) Prevention of psychosocial risks in Germany: story of a late bloomer? Peer review on legislation and practical management of psychosocial risks at work, Peer Country Comments Paper – Germany, Stockholm 3-4.10.2019, European Commission.

90. https://www.gesetze-im-internet.de/englisch_agg/englisch_agg.html

91. BAG AP No. 15 on § 618 BGB.

92. BAG 1 ABR 6/18.

93. BAG 1 ABR 13/03 and BAG 1 ABR 4/03.

94. BAG NZA 2007, 1154 and BAG NZA 2008, 223.

can also be given. In particular, service trade union Ver.di addressed the topic of workload in the health sector in collective negotiations. Ver.di has also concluded ‘collective health agreements’ (*Gesundheitstarifverträge*) at company level (for example, IBM 2014 and Primark 2018). Such agreements included aspects of good leadership, flexible working arrangements and company/working culture in order to improve working conditions and job retention.⁹⁵

In companies, workplace risk assessment is part of the co-management system and works councils have the right of co-decision (§87 *Betriebsverfassungsgesetz* (BetrVG)). Co-decision rights in companies include such issues as working time, shift work, breaks, and OSH and risk assessment in general.

12. Greece (EL)

1. Legislation

The main legislative framework for occupational health and safety (OSH) matters in Greece is Law 3850/2010 codifying the provisions for health and safety of employees. The law contains the general principles of prevention, echoing Directive 89/391/EEC. It applies to employees, understood as any persons employed in any employment relationship, including trainees and apprentices, but excluding domestic workers. The employer is obliged to ensure workers’ health and safety in all aspects of work and to take measures to ensure the health and safety of third parties (employer’s liability principle, which could also cover self-employed persons who perform their work in an enterprise).

On psychosocial risks in particular, Art. 42 of Law 3850/2010 was amended in 2021 with Law 4808/2021 (Art. 7). This revision added new obligations for the employer: (i) to evaluate psychosocial risks, including the risk of violence and harassment, including sexual harassment, and to take measures for its prevention, control and restriction. It also amended Art. 42(e) as follows: ‘to draw up a programme of preventive action and improvement of working conditions at the enterprise’, adding the sentence ‘taking into consideration work organisation, social relationships, environmental and technological factors, as well as psychosocial factors’.⁹⁶

Regarding workplace bullying and violence at work, Law 4808/2021 transposed into national law ILO Convention No. 190. It creates ‘a coherent

⁹⁵. https://www.bund-verlag.de/aktuelles~20151112_gesundheits-tarifvertrag-bei-ibm~.html;
<https://handel.verdi.de/unternehmen/p-r/primark/++co++b6acd8ba-37f1-11e8-87e4-525400423e78>

⁹⁶. See explanatory report on Law 4808/2021, p. 153 (available in Greek at: https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=78e5874f-435d-499c-ad8c-ad3d0145d03e)

and modern framework for preventing, addressing and combating forms of violence and harassment, contributing to the creation of a respectful work environment, promoting and safeguarding the right of every person to a world of work free from violence and harassment' (Art 2 of Law 4808/2021). The provisions have broad personal scope and cover both employees and self-employed persons (Art. 3(1) Law 4808/2021). The responsibilities of occupational physicians are strengthened (Art. 8 of Law 4808/2021) and the obligations of employers to prevent and address violence and harassment at work are explicitly mentioned in Art. 5 of Law 4808/2021. Special provisions apply to companies with more than 20 employees: an obligation to adopt a policy on the prevention and elimination of violence and harassment at work (Art. 9, Law 4808/2021), and procedures for the management of internal complaints on incidents of violence and harassment should be adopted (Art. 10, Law 4808/2021). These procedures are subject to collective negotiations as part of the collective agreement or work rules, or they can be adopted by the employer on consultation with the employees' representatives or employees (Art. 11, Law 4808/2021).

These provisions supplement the existing provisions (Art. 5 of the Greek Constitution and Art. 57 of the Civil Code) which stipulate that employers must respect the personality of employees by not perpetrating physical or psychological violence against them and by taking the same care with regard to the actions of co-workers or third parties. Law 4443/2016 promotes the principle of equal treatment and prevention of acts of discrimination in employment.

However, Law 4808/2021 does not explicitly mention work-related stress.

2. Jurisprudence

Given that the relevant provisions were adopted only in 2021, a certain delay will be needed before its impact on jurisprudence becomes evident. The legal provisions on psychosocial risks can be enforced at a variety of levels. At the administrative level the Labour Inspectorate and the Greek Ombudsman play a decisive role. At the judicial level, the civil courts are competent to hear claims arising from the violation of obligations regarding psychosocial risks at work. Criminal courts are competent when the provisions of the Criminal Code apply in cases of sexual harassment.

Nevertheless, some examples of case law on workplace bullying have been reported prior to the adoption of Law 4808/2021. However, the amount of financial compensation awarded by the courts has been rather limited and not proportionate to the damage suffered by workers.⁹⁷ A similar pattern can be identified in which an employer engages in extreme behaviour leading to an

⁹⁷. Acharnes Court of peace judgment 482/2013, which awarded compensation for moral damages of only 1,000 euros.

employee's resignation and the termination of employment without payment of compensation. This situation intensified during the economic crisis, which exacerbated psychosocial risks at work. In one reported case, the employer denigrated an employee's personality by systematically disparaging her.⁹⁸ In another case, an employer's representative engaged in a systematic attempt to defame an employee's honour and reputation by calling him a thief, arbitrarily and without any evidence, and in front of third-party employees and non-employees of the company. This behaviour, which was outside the scope of his rights in terms of company management, offended the employee. Thus, it constitutes a detrimental alteration of the terms of the existing employment contract.⁹⁹

One decision by the Supreme Court that may be interpreted as covering psychosocial risks dealt with an occupational accident. The Supreme Court accepted that the accident was a direct result of the employee's working conditions, which were exceptionally difficult and unusual and had caused excessive strain on her body. She had complained about these conditions on several occasions, but to no avail. Her employer had put her under constant pressure to carry out all assigned tasks and to increase the volume of her work, making it humanly impossible for her to perform all her duties. She suffered a psychological breakdown because of the increase in workload, but also because of the lack of clear attribution of tasks and responsibilities (for example, the assignment of other work to a different employee), but also due to the employer's threatening and abusive behaviour, and the fear of losing her job and the wages she received from it if his threats were carried out. She was 50 years old and knew it would be difficult, if not impossible for her to find another job. As a result, she was not able to make a rational decision and developed self-destructive tendencies and self-harmed, which eventually led to the accident.¹⁰⁰

Currently, no jurisprudence has been reported that deals with or covers work-related stress.

3. Collective agreements

National general collective agreements are signed by the General Confederation of Workers of Greece and by employers' organisations. They determine the minimum non-wage working conditions applicable to workers throughout the country in the private sector, as well as employees with a private-law employment relationship in the public sector, public law legal persons and local authorities. Basic wages, basic salaries, basic daily wages, any kind of supplements thereto and generally any other wage conditions shall apply only to workers employed by employers of the contracting employers'

98. Supreme Court judgment 1303/2005.

99. Supreme Court judgment 1426/2004.

100. Supreme Court judgment 998/2012.

organisations and may not be less than the legal minimum wage and daily wage (Article 8(1) of Law 1876/1990). In addition, they contain important institutional (non-wage) regulations, which are compulsorily applicable to all private law contracts or employment relationships of employees of all specialities and categories, and they supplement the general conditions of work, regulated by the relevant laws, and guaranteed by the Greek Constitution. The normative terms of the collective agreement have direct and binding effect (Article 7(1) of Law 1876/1990). Collective agreements are concluded for a fixed or indefinite period. Any collective agreement that provides for a period of validity of more than one year shall be deemed to be of indefinite duration. The duration may not be less than one year (Article 9(1) of Law 1876/1990). Usually, national general collective agreements are renegotiated every year.

The EU framework agreement on work-related stress was incorporated in the National General Collective Employment Agreement (Εθνική Γενική Συλλογική Σύμβαση Εργασίας (EGSSE)) for 2008–2009, signed on 26 March 2008. The text of the framework agreement is annexed to the EGSSE and forms an integral part of it.

The EGSSE foresees the establishment of a working group for the elimination of violence and harassment at work in accordance with ILO Convention No. 190 and Recommendation 206. Article 8 of the EGSSE for 2021 provides that the parties thereto express their support for combating violence and sexual harassment in the workplace. They recognise that violence and sexual harassment are incompatible with the promotion of sustainable enterprises and have a negative impact on work organisation, labour relations, employee motivation, business reputation and productivity. In this context, the Parties support the ratification of International Labour Convention No. 190 and Recommendation 206 on violence and harassment.

13. Hungary (HU)

1. Legislation

The Occupational Health and Safety Act defines employers' duty to occupational health and safety (OSH). References to psychosocial risks were included during its review in 2007 to implement/transpose the European framework agreement on work-related stress.¹⁰¹ Hungarian law defines 'psychosocial risk' (PSR) as 'the totality of effects to which a worker may be exposed in the workplace (conflicts, work organisation, work schedule, employment insecurity) that affect their responses to such effects [*befolyásolják az e hatásokra adott válaszreakcióit*], or in consequence of which stress or occupational accidents may occur, and psychosomatic symptoms (relating to both mind and body) may develop'.¹⁰²

¹⁰¹. Act XCIII of 1993, amended by Act CLXI of 2007, effective from 1 January 2008.

¹⁰². Section 87 point 1/H of the OSH Act.

The general pre-existing OSH obligations of employers have been extended to cover psychosocial risks. Thus, employers must adopt a single and comprehensive prevention strategy and carry out a risk assessment, which includes psychosocial risk prevention following the revisions. Second, employers must strive to tackle risks or eliminate them at source and provide health education containing psychosocial risk-related materials for employees. Third, the OSH Act provides that the human factor shall be taken into consideration when setting up the workplace, selecting work equipment and procedures, with particular regard to reducing the amount of work time spent on monotonous or frequently repeated procedures and the detrimental effects of such, and to the scheduling of working time, to avoid any psychosocial stress that may result from work.¹⁰³ In addition, Decree No. 33/1998 (VI. 24) of the Ministry of Labour and Social Welfare lists psychosocial hazards which may have a negative impact on individuals. Examples include working under time pressure, doing monotonous or overly simple, repetitive work, activities that require a high level of attention, and working in an environment with too many stimuli.¹⁰⁴

Based on Article 7(1) of Act I of 2012 on the Labour Code, the abuse of rights is prohibited (abuse of rights occurs in particular when it is intended to prejudice the legitimate interests of others, restrict their opportunities to assert their interests, to harass, to suppress the expression of one's opinions, or may lead to such abuses). Furthermore, based on Article 51(4) of the Labour Code, employers must ensure that the requirements with regard to safe and healthy working conditions are met. According to Article 7(1) of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, the requirements of equal treatment are breached by harassment.

2. Jurisprudence

Given that employers have a duty to prevent psychosocial risks, a lawsuit could be brought against an employer in case of a breach. Mobbing and work-related stress are covered by the general term 'psychosocial risk'; no distinction is made in case law.

Given the existing regulations, however, especially those related to the burden of proof on employees, it is rather challenging to litigate psychosocial risk-related damages successfully. First, the mere fact that an employer has failed to conduct a risk assessment does not give rise to damage claims; employees can litigate claims related to psychosocial risks only if they have suffered damages, for example pecuniary damages related to detrimental effects on health (either somatic or psychosomatic) or non-pecuniary damages¹⁰⁵ related

103. Section 54 of the OSH Act.

104. Annex 8 of Decree No. 33/1998. (VI. 24.) of the Ministry of Labour and Social Welfare. Available in Hungarian at: <https://net.jogtar.hu/jogszabaly?docid=99800033.nm#>

105. Pecuniary claims often cover loss of income due to sick leave and medical costs.

to a violation of personal rights. Secondly, employers' liability for psychosocial risks is subject to expert opinion as it may come to light in the course of gathering evidence during the proceedings.¹⁰⁶ Experts have to examine the existence of psychosocial risks on an objective basis, including an inspection of job scope and working conditions. The expert must also establish a logical connection between psychosocial risks, workplace conditions and actual health impairment.¹⁰⁷ For example, in a case in which an employee had a psychological disorder that is arguably related to the conduct and behaviour of their manager, the expert's opinion stated that although the stress and the mental disorder were connected to the work environment, the employee's individual sensitivity may also have contributed to the development of their condition.¹⁰⁸ Thus, the court ruled that the employer was not liable as the circumstances were beyond their control.¹⁰⁹ In another case, the relevant expert noted that in his opinion the employee had had a certain psychological disorder before they were exposed to psychosocial hazards at their current workplace; thus again the employer was exempted from liability.¹¹⁰

Exposure to psychosocial hazards could lead to an employee immediately giving notice if resulting impact render the employment relationship impossible.¹¹¹ However, jurisprudence on that account is rather ambiguous. In one case, for example, the court decided that it was lawful for an employee to have terminated his employment relationship with immediate effect, as he had been frequently exposed to loud and heated quarrels in the workplace that had caused him stress. However, the court decided that claims of non-pecuniary damages for psychosocial risk-related stress were unfounded, as the employee had failed to provide sufficient evidence of how much his health had been affected by psychosocial risks.¹¹² On the other hand, in a similar case, the court found the employee's immediate *termination of their employment (resignation without notice)* unlawful. The employee argued that his supervisor frequently made degrading comments about his personality, telling co-workers that he was unreliable, causing him mental instability that required medical attention. After taking sick leave, he submitted his resignation. However, the expert opinion suggested that his mental disorder was in fact only partially related to psychosocial risks at the workplace; other factors, such as problems with his marriage and financial instability, also contributed to his medical condition. Thus, the court found

106. EBH 2014.M.16 (decision of the Kúria).

107. Mfv.10081/2017/5 (decision of the Kúria).

108. It is worth mentioning that in case of physical injuries, differences in individual bodily condition (such as weak bones) are usually not taken into consideration when deciding either about liability or the amount of damages; see MK 30 [interpretative statement of the Kúria on Section 174 of the Labour Code (these statements are interpretations of abstract norms and are not binding for lower courts)].

109. Mfv.10081/2017/5 (decision of the Kúria), Section 166 para (2) of the Labour Code.

110. P.22030/2016/27 (decision of the Labour Court in Kaposvár County).

111. Section 78 para (1) point b) of the Labour Code.

112. Mfv.10306/2015/1 (decision of the Kúria).

that the employee's resignation did not have a just cause and therefore was unlawful.¹¹³

3. Collective agreements

To date, no collective agreements have been concluded at any level focusing primarily on psychosocial risk factors, work-related stress and workplace bullying.¹¹⁴ Sectoral social dialogue has lacked vitality and has not become an important level of negotiation in Hungary, even though the European Union has made considerable efforts to strengthen it.¹¹⁵ Traditionally, the main level of bargaining is the enterprise¹¹⁶ and over 90% of collective agreements are concluded by individual employers.¹¹⁷ The number of collective agreements concluded has fallen significantly over the past decade.

14. Ireland (IE)

1. Legislation

Ireland has not enacted specific legislation on psychosocial risks. In 2005, an Expert Advisory Group on Workplace Bullying, set up by the Irish government to review the law on bullying, recommended that there should be a legal requirement on Irish employers to include bullying in their safety statements.¹¹⁸

The absence of a specific legislative provision on psychosocial risks does not mean that such risks are outside the reach of the Irish legal system, however. In Ireland, there are several pieces of legislation that have a bearing on psychosocial risks. Over the years, the provisions of these statutes have been invoked to address psychosocial risks and the related risks of workplace stress, workplace bullying and violence.

¹¹³. Mfv.10788/2011/4 (decision of the Kúria).

¹¹⁴. Information was drawn from the collective agreement database: <http://mkir.gov.hu/>.

¹¹⁵. Gyulavári T. (2017) Chasing the Holy Grail? Stumbling collective bargaining in Eastern Europe and the Hungarian Experiment, in Laulom S. (ed.) *Collective bargaining developments in times of crisis*, Wolters Kluwer.

¹¹⁶. Árendás Z. and Hungler S. (2019) The empty shell of social dialogue: a Hungarian case study, *Social Science Review (socio.hu)*, 7, 49–69. <https://doi.org/10.18030/socio.hu.2019en.49> <https://socio.hu/index.php/so/article/view/794>; Borbély S. and Neumann L. (2015) Similarities and diversity in the development of wages and collective bargaining in central and eastern European countries: a comparison of Hungary, Slovakia and the Czech Republic, in Van Gyes G. and Schulten T. (eds.) *Wage bargaining under the new European economic governance: alternative strategies for inclusive growth*, ETUI, 169–220. <https://www.etui.org/4GU>

¹¹⁷. National Labour Office database on collective agreements, http://mkir.gov.hu/lista2_1_3_1.php

¹¹⁸. 'Report of the Expert Advisory Group on workplace bullying', 2005.

The scope of the Safety, Health and Welfare at Work Act 2005 (the 2005 Act) is the general piece of legislation further implementing the EU Framework Directive. Section 8 of the Act provides that employers have a general duty to secure, as far as reasonably practicable, the safety, health and welfare of all employees working under a contract of employment. The interpretation section of the Act makes clear that health in the context of the Act includes both physical and mental health.

There is no mention of work-related stress. However, the employer has a statutory duty to assess the risks at work (section 19) and to keep a record of the measures taken to mitigate those risks (section 20). The Health and Safety Authority (HSA), a state agency established by the 2005 Act with responsibility for promoting health and safety, has taken the position that the duties under sections 19 and 20 apply to work-related stress.¹¹⁹

There is no dedicated legislation covering workplace bullying in Ireland. Some existing provisions might address it indirectly, allowing Irish courts to fill the statutory and legislative gap to (attempt to) protect workers from workplace bullying and associated mental ill-health. Section 8 (2) (b) of the Act stipulates that the employer's general duty under section 8 includes an obligation to manage and conduct work activities 'in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health and welfare at work of his or her employees at risk'. The expression 'improper conduct or behaviour' has been interpreted by the HSA as imposing a duty on employers to identify and prevent bullying at work and a corresponding obligation on employees to refrain from bullying behaviours.¹²⁰ Ireland's equality laws (Employment Equality Act and Equal Status Act) protect individuals from certain kinds of discrimination, harassment and sexual harassment. They aim to promote equal work opportunities, for example when applying for work, while in a job, going for a promotion or obtaining equal pay.

There is no express law in Ireland prohibiting violence in the workplace. The issue is addressed through existing criminal law statutes and the employer's duty of care under occupational health and safety legislation. The Non-Fatal Offences against the Person Act, 1997 stipulates that assault, which includes assault at work, is a criminal offence punishable by a fine or a term of imprisonment.¹²¹ As for health and safety law, according to the HSA, employers have a responsibility to assess the risk of violence in their workplace and to take measures to reduce the risk of harm to their employees, as far as is reasonably practicable. Employers must also notify the HSA of any accident in the workplace related to violence.

119. Health and Safety Authority, 'Work-related stress: a guide for employers', 2009.

120. Health and Safety Authority, 'Code of practice for employers and employees on the prevention and resolution of bullying at work', 2007, 1–2.

121. Non-Fatal Offences Against the Person Act, 1997, s 2-4.

2. Jurisprudence

There is no record of any case involving psychosocial risks in Ireland. This is because psychosocial risks are not recognised as a cause for action in Ireland. In a landmark case in 2004, the Irish High Court echoed the HSA's position of holding that the employer's duties under Irish health and safety legislation include an obligation to protect an employee from 'psychiatric injury induced by the stress and pressures of the employee's working conditions and workload'.¹²² Since *McGrath*, the Irish High Court and Supreme Court have heard other claims for compensation for psychiatric injuries triggered by overwork/underwork,¹²³ loss of role/status following reorganisation,¹²⁴ demotion/unfair treatment,¹²⁵ bullying/interpersonal difficulties at work,¹²⁶ and other workplace stressors.

The Irish courts have also held that the provisions of the 2005 Act impose 'a direct duty of care' on employers to take reasonable care to prevent their employees 'suffering mental injury in the workplace as a result of being bullied or harassed'.¹²⁷

3. Collective agreements

There are currently no legally enforceable collective agreements on psychosocial risks in Ireland. This is because the relevant legislation underpinning collective bargaining merely provides for negotiating collective agreements concerning wages, employment conditions and procedures for resolving disputes.¹²⁸ There is, however, a provision under the 2005 Act that empowers the HSA to work with the social partners to prepare codes of practice on matters relating to safety, health and welfare at work.¹²⁹ Irish codes of practice are not legally binding but they are admissible as evidence in civil proceedings before the courts or the WRC and in criminal proceedings under the 2005 Act.¹³⁰

In 2007, following a request of the Irish social partners (ICTU and IBEC), the Labour Relations Commission, the predecessor of the Workplace Relations Commission (WRC), developed a non-binding national multi-sectoral Guide on Work-related Stress.¹³¹ This guide implements the EU Framework

122. *McGrath v Trintech Technologies* [2004] IEHC 342; [2005] 4 IR 382; Per Laffoy J at paras 76.

123. See *Maher v Jabil* [2005] IEHC 130.

124. See *Pickering v Microsoft Ireland* [2006] 17 ELR 65.

125. *Berber v Dunnes Stores* [2006] IEHC 327; [2009] IESC 10.

126. *Glynn v The Minister for Justice and Law Reform* [2014] IEHC 133.

127. Per Herbert J, in *Sweeney v Ballinteer Community School* [2011] IEHC 131 at para 60.

128. See Part III of the Industrial Relations Act 1946 (now Part III of the Industrial Relations (Amendment) Act 2015).

129. See s 60 Safety, Health and Welfare at Work Act 2005.

130. See s 42 (4) of the Industrial Relations Act 1990 and s 61 of the 2005 Act.

131. Labour Relations Commission Guide on work-related stress, 2007.

agreement on work-related stress signed in 2004. This guide has been supplemented by a second guide produced by HSA emphasising that work-related stress is part of the risks that should be assessed and mitigated by the employer.

In 2021, the HSA and the WRC adopted a single Joint Code of Practice¹³² with the working definition of bullying suggested by the Task Force on Workplace Bullying, as follows: ‘Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work.’¹³³

15. Italy (IT)

1. Legislation

The Italian legal system lacks a legal definition of psychosocial risks, and the legislator has not fully delineated the various phenomena that may belong in this category. In fact, the expression is not used in the Consolidated Act on Health and Safety at Work, the main source of legislation on occupational safety and health, and there are only a few references to psychosocial factors in a chapter that contains sectoral regulations, added to Legislative Decree No. 81/2008 in 2014.¹³⁴ Indeed, Art. 28 of Legislative Decree No. 81/2008, which determines the coverage of risk assessment, directly mentions only two risks that can be included among psychosocial risks (namely work-related stress and the risks connected to the precarity of some types of contract). While labour law in Italy has traditionally covered employees, health and safety legislation – and specifically Legislative Decree No. 81/2008 – have a broader scope. OSH legislation, indeed, is not only applied to employees and employer-organised workers, as defined by Art. 2, paragraph 1 of Legislative Decree No. 81/2015,¹³⁵ as amended by Act No. 128/2020, converting Decree-Law No. 101/2020. According to the universalistic approach of Legislative Decree No. 81/2008, its provisions also cover so-called *parasubordinati* (employer-coordinated workers or ‘cococo’), but only if they work at the employer’s premises.¹³⁶ Moreover, a further extension of the application of Legislative Decree No. 81/2008 is provided by Chapter V-bis of Legislative

132. Health and Safety Authority and Workplace Relations Commission, ‘Codes of practice for employers and employees on the prevention and resolution of bullying at work’, 2021.

133. Labour Relations Commission, ‘Code of Practice Detailing Procedures for Addressing Bullying in the Workplace’ (Declaration) Order 2002, 1.

134. See Art. 286-quater, paragraph 1 and art. 286-quinqueis, paragraph 2, Legislative Decree No. 81/2008, which are applied to the hospital sector.

135. According to Art. 2, paragraph 1, Legislative Decree No. 81/2008, labour law for subordinate workers is applied to workers who are not employees if their work performance is organised (and not only coordinated) by the client.

136. See Art. 3, paragraph 7, Legislative Decree No. 81/2008.

Decree No. 81/2015, which provides a special regulation for (food delivery) platform workers.¹³⁷

According to Art. 2087 of the Civil Code, the employer has a duty to adopt any measure necessary to guarantee workers' physical integrity and moral personality. Recently, a specific reference to psychosocial risks was inserted in the Italian regulation on OSH thanks to Law No. 4/2021 that, ratifying ILO Convention No. 190 concerning the elimination of violence and harassment in the world of work, implies that the Italian legislator 'shall adopt laws and regulations requiring employers to take appropriate steps [...] to [...] (b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health'.¹³⁸

On 31 October 2025, the Italian Government released the Legislative Decree No. 159/2025, which introduced a number of novel provisions in the field of occupational health and safety. Among these, Art. 2, letter c) of Decree 159/2025 amends Article 15 "General preventive measures" of the Legislative Decree 81/2008 (the OSH framework Decree) by adding letter "z-bis: the planning of measures to prevent violent or harassing behaviours against workers" for all workers in all workplaces defined by Art. 62. This amendment has a direct impact on risk assessment and management, reinforcing the general obligation set forth in Art. 28 of Legislative Decree 81/08 and placing on employers an obligation to implement not only to mitigate traditional health and safety risks but also specific programs to combat incidents of violence and harassment and to prevent any form of discrimination in their workplaces.

2. Jurisprudence

For more than two decades psychosocial risks, broadly understood, have been gaining in importance in Italian case law. Case law on overwork and excessive workload (*superlavoro*) has been consolidated, connected to violations of the right to rest and then in its own right as damage to employees' health and safety.¹³⁹ In particular, employers have been deemed responsible for damages (in some cases even the death of an employee) when they did not adapt the organisation of work or the company's workforce to avoid overwork and excessive workload.¹⁴⁰ In many cases, the abovementioned psychosocial risk factors are considered inextricably linked to work-related stress, so that overwork and excessive workload are identified as elements in the evaluation of the sustainability of working conditions, together with other elements, such as very demanding business trips. It is worth noting that some decisions

¹³⁷. See Art. 47-septies, Legislative Decree No. 81/2015.

¹³⁸. Art. 9, paragraph 1, letter b), C190.

¹³⁹. See Cass. Lav. 1° agosto 1997, n. 8267 and Cass. Lav. 5 novembre 1999 n. 12339; more recently, Cass. Lav. 8 maggio 2014, n. 9945, Cass. Lav., 2 settembre 2015, n. 17438 and Cass. Lav. 8 giugno 2017, n. 14313.

¹⁴⁰. See Cass. Lav. 05 marzo 2018, n. 5066.

of employment tribunals, confirmed by the Court of Cassation, established the criminal involvement of employers who had not considered work-related stress in the adoption of preventive measures.¹⁴¹

The workplace bullying case law of the Court of Cassation, Employment Section, has recently subverted a previous trend¹⁴² and confirmed the compensability of professional sickness caused by mobbing.¹⁴³ The same Court has also repeatedly decided cases on employers' responsibilities and damages due to mobbing, both vertical and horizontal. It established that it falls under the prevention obligation pertaining to the protection of employees against mobbing by superiors and/or by colleagues of the same seniority.¹⁴⁴ As for decisions taken by criminal courts, mobbing, workplace bullying and violence are deemed criminal offences by the Court of Cassation, Criminal Section. According to the specific features of such behaviour, such conduct has been sanctioned, among other things, as stalking or persecutory acts,¹⁴⁵ private violence,¹⁴⁶ calumny and defamation¹⁴⁷ and family violence.¹⁴⁸

3. Collective agreements

Even if collective bargaining plays a limited role in psychosocial risks, it is still possible to identify a number of collective agreements that consider psychosocial risks in the broad sense.

At the inter-sectoral level, work-related stress and violence and harassment at work have been directly addressed by 'inter-confederal agreements' (inter-sectoral agreements stipulated by Italian trade union confederations and employers' associations). Both the *Accordo interconfederale per il recepimento dell'accordo quadro europeo sullo stress lavoro correlato* signed on 9 June 2008 by the main employers' associations and CGIL, CISL, UIL, and the *Accordo Quadro sulle molestie e la violenza nei luoghi di lavoro* signed on 25 January 2016 by Confindustria (the main employer association for the industrial sector) and CGIL, CISL, UIL implement the *Framework agreement on work-related stress* of 2004 and the *Framework agreement on harassment and violence at work* of 2007. The attention to other psychosocial risk factors is mainly indirect and mediated; these psychosocial risk factors are, for example, considered by the *Framework agreement on*

141. See Cass. pen., 8 marzo 2013, n. 11062, punishing an employer for the injury suffered by an employee due to repetitive work stress conditions that made him fall down the stairs.

142. The trend inaugurated by the Administrative High Court (Consiglio di Stato), which annulled the administrative interpretation (*supra* §1) which specified the coverage of mobbing by INAIL insurance.

143. Cass. Lav. 14 maggio 2020, n. 8948.

144. Recently, Cass. Lav. 20 gennaio 2020, n. 1109 and Cass. Lav. 04 dicembre 2020, n. 27913.

145. Cass. Pen. 14 settembre 2020, n. 31273.

146. Starting from Cass. Pen. 12 marzo 2001 n. 10090.

147. Cass. Pen. 15 aprile 2011, n. 15445.

148. Cass. Pen. 7 giugno 2018, n. 39920.

*work-related stress*¹⁴⁹ as an element to be taken into account in the evaluation of the possible emergence of stress. It is worth noting that both work-related stress and harassment and violence at work are directly mentioned in the latest inter-confederal agreement on OSH signed by Confindustria and CGIL, CISL and UIL in 2018.

At the sectoral level a number of collective agreements pay specific attention to one or more psychosocial risks. For example, a national collective agreement covering the ceramic sector (CCNL Confindustria Ceramica - FILCTEM CGIL, FEMCA CISL, UILTEC UIL) transposes the inter-sectoral agreement on harassment and violence at work.¹⁵⁰ As for cases in which collective agreements provide for specific measures, one might mention the national collective agreement for fruit and vegetable companies (CCNL Fruitimprese – FLAI CGIL, FISASCAT CISL, UILTUCS), which mention awareness-raising campaigns and training actions to prevent mobbing, as well as a commitment to improve health and safety protection, also with specific reference to work-related stress. Similarly, a national collective agreement for the highway sector (CCNL Federreti, Fise-ACAP - FILT CGIL, FIT CISL, UILTRASPORTI et al.) transposes the inter-sectoral agreement of the social partners in terms of awareness-raising and training, with the involvement of the sectoral bilateral body. Finally, there are a number of collective agreements that provide concrete measures. This is the case, for example, of a national collective agreement for the glass sector (CCNL Assovetro - FILCTEM-CGIL, FEMCA-CISL, UILTEC-UIL), which mentions the participation of workers' health and safety representatives in the management of work-related stress.

The Starhotels agreement of 2018 sets out a procedure for dealing with reports of violence or harassment (also when perpetrated by clients). The *Azienda ospedaliera universitaria Policlinico Paolo Giaccone* agreement of 2017 introduced a bilateral committee against mobbing, and a number of agreements provide for psychological helpdesks to deal with work-related stress.¹⁵¹

16. Latvia (LV)

1. Legislation

Latvia's Labour Protection Law (2001)¹⁵² transposed the 1989 EU Framework Directive on occupational safety and health (OSH). The Law includes references to psychological factors and psychological load, as

¹⁴⁹. See art. 4, paragraph 2, *Framework agreement on work-related stress*.

¹⁵⁰. *Inter alios*, see CCNL per imprese esercenti servizi postali in appalto FISE ASSOPOSTE - SLC CGIL, SLP CISL, UILPOSTE and CCNL Energia e Petrolio, Confindustria Energia - FILCTEM CGIL, FEMCA CISL, UILTEC UIL.

¹⁵¹. See, *inter alios*, the Ama agreement and the Feralpi Siderurgica agreement of 2017 and the Sinergie Molitorie agreement and the Ecornaturasi agreement of 2019.

¹⁵². Available at: <https://likumi.lv/ta/en/en/id/26020-labour-protection-law>

follows: ‘working environment – the workplace with its physical, chemical, psychological, biological, physiological and other factors to which an employee is subject when performing his or her work; special risks – working environment risks related to such an increased psychological or physical load or such increased risks to the safety and health of an employee that cannot be prevented or reduced to the permissible level by other labour protection measures, except by reducing the working hours during which the employee is exposed to such risk factors’ (Labour Protection Law, 2001). It also specifies that in the course of risk assessment the employer must consider that risks to employees’ health and safety are caused mainly by: ‘the effects of physical, chemical, psychological, biological, physiological and other working environment factors’ (Labour Protection Law, 2001). Annex 1 of Regulation No. 660 on Procedures for the Performance of Internal Supervision of the Work Environment (2007)¹⁵³ includes a risk assessment matrix covering the minimum of workplace risks that employers are expected to evaluate. Specifically, this includes the organisation of working time; the linking of work to be performed and additional effort; the nature and volume of work, which frequently is repetitive; insufficient possibilities for employees to participate in the planning of their work; work in which employees work alone or in isolation from others for protracted periods; increased responsibility in work; taking of important, responsible decisions; unfavourable, strained relations among employees; unfavourable, strained relations with employer; physical and sexual harassment.

Additionally, Annex 1 (part 5) of Regulation No. 219 on Procedures for the Carrying Out of Mandatory Health Examinations (2009)¹⁵⁴ prescribes the procedure by which mandatory health examinations shall be performed for employees who are exposed to harmful factors in the work environment. The regulation stipulates that workplaces in which employees are exposed to psycho-emotional work-environment risk factors must be inspected every three years. These psycho-emotional risk factors include night work, increased responsibility at work, frequent making of important decisions that can have a significant impact on human life, or the health or quality of life of many people, responsibility for major material values and other high psycho-emotional stress tasks at work, which can also include psycho-emotional overload.

2. Jurisprudence

Only one judgment in this domain has been reported in Latvia: the judgment made by the Department of Civil Cases in Latvia, 16 June 2021 in case No. C30445120. The claimant brought an action against the Kurzemes planning region for compensation, including compensation for non-pecuniary

¹⁵³. Available at: <https://likumi.lv/ta/en/en/id/164271-procedures-for-the-performance-of-internal-supervision-of-the-work-environment>

¹⁵⁴. Available at: <https://likumi.lv/ta/en/en/id/189070>

damages. The claimant was treated unequally and differently from colleagues, and was not provided fair, safe and healthy working conditions, as well as being the victim of bullying/mobbing and what amounted to psychological terror in the workplace. It follows from the foregoing that the employee (the claimant) who experienced psychological terror no longer wished to continue the employment relationship.

Existing legislation can be applied to address this situation, which the perpetrator of the bullying had an intolerable attitude/behaviour towards the victimnamely Section 7 of the Labour Code, guaranteeing the principle of equal rights, Section 29 of the Labour Code, the prohibition of different treatment, and Section 1635 of the Civil Code, protection of dignity. The plaintiff asked the court for compensation in the amount of two average monthly salaries in the Kurzeme planning region. The resolution of the court was to reject the employee's claim against the Kurzeme planning region for severance pay and moral indemnity damages.

3. Collective agreements

No collective agreements have been reported. It may be that this is because psychosocial risks are seen as too 'intangible'. Following implementation of the 2004 Framework Agreement on Work-related Stress, in 2006 the Latvian social partners adopted a declaration on cooperation that included a general recommendation to members, but the focus remained primarily on awareness-raising and complementary measures. Similarly, following implementation of the 2007 violence and harassment agreement, the Latvian cross-industry social partners LDDK and LBAS signed a joint declaration in 2008 implementing the European level agreement. After this agreement a number of initiatives were launched in support of national implementation, which focused on awareness-raising and complementary measures.

17. Lithuania (LT)

1. Legislation

Article 158 of the Labour Code (LC) states that every employee must be provided with appropriate, safe and healthy working conditions, as laid down in the Law on Safety and Health at Work (LSHW). Neither the Labour Code nor the Law mentions or defines the notion of psychosocial risks or its constituent factors. Instead, they are regulated by Order No A1-457/V-961 of the Ministry of Social Security and Labour and the Ministry of Health on Adoption of General Provisions on Occupational Risk Assessment¹⁵⁵ (Order No A1-457/V-961) and Order No V-699/A1 -241 of the Ministry of Health

¹⁵⁵. Order of the Minister of Social Security and Labour and Minister of Health of the Republic of Lithuania of the Republic of Lithuania on Adoption of General Provisions on Occupational Risk Assessment, No A1-457/V-961 (25 10 2012). <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.435935?jfwid=rivwzvpvg>

and Social Security and Labour on approval of guidelines for the study of psychosocial risks(Order No V-699/A1 -241).¹⁵⁶

Order No A1-457/V-961 provides that, among other factors, the risk factor may also be psychosocial (paragraph 3.10). This Order establishes the definition of ‘psychosocial factor’ as one that ‘causes mental stress to employees due to working conditions, work requirements, work organisation, work content, relations between employees or between the employer and the employee’ (paragraph 3.9).

Order No V-699/A1 -241 regulates in detail way how a study of psychosocial risks should be conducted. It requires assessment and evaluation of the following *psychosocial risks* related to (paragraph 3):

- 1) *a working environment that requires greater efforts to achieve the same result* (work with harmful and dangerous factors, work with personal protective equipment, etc.);
- 2) *work requirements*: workload (too high or too low), high work pace, mismatch between employees’ abilities and ability to perform tasks, unclear work tasks;
- 3) *organisation of work*: duration of working time and its distribution (night, shift work, overtime), type of employment contract (fixed-term, temporary), over- or under-control of work, peculiarities and remuneration;
- 4) *work content*: too much or too little influence on the part of the employee on the planning and execution of work, lack of decision-making freedom, too much information, a lot of responsibility, emotional tensions, low job satisfaction, monotonous work;
- 5) *employee relations and/or employer relations*: poor employee relations in the group, mismanagement or incorrect division of labour and tasks, unclear and/or constantly changing management position, etc., inability to improve qualifications, contribute to decision-making in the company, lack of feedback on work done, intimidation (mobbing/bullying) with violence, harassment.

Order No V-699/A1-241 requires taking the following actions when psychosocial risks have been identified (paragraph 5):

- 1) preparatory work to examine the required data available in the company;¹⁵⁷

156. Order of the Minister of Health and Social Security and Labour of the Republic of Lithuania on approval of guidelines for the study of psychosocial risks, No V-699/A1-241 (24 August 2005). <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.261219?jfwid=>

157. The following data should be examined: (a) on workplaces, technological processes, work and rest regime, work equipment used, known work environment risk factors; (b) on complaints and suggestions from employees and their representatives; (c) on staff turnover, number of days of employees’ incapacity for work, accidents at work; (d) on signs of stress at work; (e) on scientific research; (f) on good practices in foreign countries.

- 2) *finding out whether there is a problem with stress at work;*
- 3) identification of potential psychosocial risks;
- 4) making a list of workers who may be exposed to psychosocial risk factors. The employer shall approve planned measures to reduce and/or eliminate psychosocial risks only after approval by employee representatives. The data on the assessment of psychosocial risks and the planned measures to reduce and/or eliminate psychosocial risk shall be submitted to the employees and the employees' representatives of the safety and health committee (paragraphs 16 and 17 of the Order No V-699/A1 -241).

Article 30 of the Labour Code obliges the employer to create a work environment in which the employee or groups thereof will not be subject to hostile, unethical, demeaning, aggressive, insulting or offensive actions that encroach on the honour and dignity of individual employees or groups thereof or on the physical or psychological integrity of an individual, or which are aimed at intimidating, belittling or pushing an employee or groups thereof into a vulnerable or powerless situation (paragraph 1). The employer shall take all necessary measures to ensure the prevention of psychological violence in the work environment and to provide assistance to persons who have experienced psychological violence in the work environment (paragraph 2 of Art. 30). These legal provisions of the Labour Code are relatively new and came into force only on 1 July 2017. They are aimed in essence at protecting employees from workplace bullying, mobbing, harassment and other forms of psychological violence. However, the Labour Code does not provide legal definitions of these actions. The authors of the Code stated in the relevant commentary that the aim of Article 30 is to prohibit all possible unwanted behaviours in employment relationships, rather than to define them.¹⁵⁸

2. Jurisprudence

Case law/jurisprudence related to awards of damages. Circumstances pertaining to employees' right to non-pecuniary damages recognised in the case law include, among other things: psychological pressure on the employee to resign; damage to his/her reputation; unlawful dismissal on a highly compromising basis; severity of an employer's violation of employee rights; deterioration of family relations; health disorder caused by illegal action on part of employer, and so on.¹⁵⁹ Those criteria were taken into consideration in another court decision in which non-pecuniary damages of 800 euros were awarded to an unlawfully fired employee, where the employer had used psychological pressure and mobbing/bullying and damaged the employee's mental health.¹⁶⁰ The amount of non-pecuniary damages for psychological

¹⁵⁸. Davulis T. (2018) Darbo kodekso komentaras, Vilnius, Registrų centras, p. 123.

¹⁵⁹. Order of the Supreme Court of Lithuania in civil case No 3K-3-131-686/2017 (17 March 2017). <https://eteismai.lt/byla/111112527679974/3K-3-131-686/2017>

¹⁶⁰. Order of Šiauliai Regional Court in civil case No e2A-102-372/2021 (27 January 2021). www.teismupraktika.lt, kortelė: 1965349_RegNr_e2A-102-372/2021 <http://www.infolex.lt/tp/1965349>

aggression at work should take into consideration increasing criteria (that is, the degree of offensiveness of words and non-verbal conduct of the person responsible for the harm, the form of fault) and decreasing criteria (that is, initiated by the victim or sustained participation on the conflict).¹⁶¹

In another court decision/judgment, the court ruled that if an employee's absence from work was influenced by psychological pressure, it can be considered a valid reason to terminate the employment contract.¹⁶²

3. Collective agreements

Legal regulation of psychosocial risks, psychosocial stress, mobbing, bullying and other related issues is not well developed in collective agreements. Psychosocial risk-related provisions are laid down in a few agreements, but such provisions are brief or merely repeat those laid down in laws or ministerial orders (see below). Collective bargaining thus does not have any real effect on the protection of employees' rights. There are some collective agreements at sectoral level.

Sample provisions:

Joint agreement on harassment at work in the banking sector: Members of social partner organisations in the banking sector signed this binding agreement in 2013.

*Company-level collective agreement of the Lithuanian National Opera and Ballet Theatre:*¹⁶³ 'Employees have the right formally to notify the Director General indicating their identity (i.e. not anonymously) in relation to harassment and to receive a response within 20 working days' (point 90).

*Branch collective agreement on state border protection*¹⁶⁴ provides the following provisions: 'once every five years an anonymous survey of the managers' leadership is conducted' (point 31); 'a trade union may, upon receipt of substantiated complaints, make a reasoned proposal to the employer for a psychological climate test in a specific unit. Upon receipt of the findings of such an investigation, the employer, in consultation with the trade union, shall decide on the application of further measures' (point 62).

161. Order of Vilnius Regional Court in civil case No 2A-174-910/2021 (21 January 2021). www.teismupraktika.lt, kortelė: 1714554_RegNr_e2A-1350-910/2019, <http://www.infolex.lt/tp/1714554>

162. Order of Kaunas Regional Court in civil case No e2A-572-945/2021 (11 May 2021). www.teismupraktika.lt, kortelė: 1993869_RegNr_e2A-572-945/2021 <http://www.infolex.lt/tp/1993869>

163. Collective agreement of the Lithuanian National Opera and Ballet Theatre No PV3-354 (24 January 2019). <https://socmin.lrv.lt/uploads/socmin/documents/files/veikla/paslaugos/sutartys/kolektyvines/Operos%20teatr%20ks2019%2011%2020.pdf>

164. Branch Collective Agreement on State Border Protection No PV3-323 (11 July 2019). <https://socmin.lrv.lt/uploads/socmin/documents/files/veikla/paslaugos/sutartys/kolektyvines/valstyb%20sien%20apsaug%20tarnyb%20ks2019%2007%2011.pdf>

*National civil service national collective agreement of 2021*¹⁶⁵: ‘the parties agree to ensure the right of employees, civil servants and officials of the national civil service (Lithuanian Public Sector) to safe and healthy working conditions: to encourage institutions to operate in safe working conditions, free from psychological violence, harassment at work, to take appropriate measures and to provide adequate funding for the prevention of psychological violence at work’ (paragraph 9).

18. Luxembourg (LU)

1. Legislation

A general employer responsibility (OSH) is laid down in the Labour Code *to ensure and improve the protection of employees’ physical and mental health* (L.312-2 Code du Travail). No direct mention is made of psychosocial risk factors (such as workload, or psychosocial climate and environment). This implements the general principles of prevention enshrined in Directive 89/391/EEC.

According to a Grand Ducal Regulation of 4 November 1994, the employer must analyse the workplace and assess workers’ safety, notably in respect of potential risks to eyesight, physical problems and mental stress. The employer must take suitable measures to remedy any problems. Both work-related stress and workplace bullying/mobbing are mentioned in the law as mandatory and to be covered by national or inter-professional agreements. L. 165-1 (1) reads as follow:

Trade unions (...), may conclude national or inter-professional agreements on the following subjects:
national or inter-professional agreements on subjects on which said partners have agreed, which can include, in particular, the organisation and reduction of working time, continuing vocational training and issues of access and individual training leave, so-called atypical forms of work, implementing measures pertaining to non-discrimination, the measures to be taken against moral and sexual harassment in work, treatment of stress at work.

The relevant legislation frames a space in which these topics can be discussed, but leaves the details to social dialogue and jurisprudence.

On 9 March 2023, the Luxembourg Parliament adopted a law introducing a new legal framework into the Labour Code to deal with moral harassment in employment. The law entered into force on 9 April 2023. The law provides a

¹⁶⁵. Nacional Collective Agreement of 2021 (16 October 2020) No PV3-459. <https://socmin.lrv.lt/uploads/socmin/documents/files/veikla/paslaugos/sutartys/kolektyvines/nacional%20ks2020%2011%2009.pdf>

definition of moral harassment in the course of the employment relationship: ‘any conduct which, through its repetition or systematisation, undermines the dignity or psychological or physical integrity of a person constitutes moral harassment’. It also provides new obligations for employers, in particular, on the implementation of preventive measures and procedures to fight against moral harassment at work, a protection mechanism for employees and new tasks for staff representatives in the prevention of and fight against moral harassment.¹⁶⁶

2. Jurisprudence

Reported jurisprudence on work-related stress and workplace bullying. Even if the words ‘psychosocial risk factors’ are not mentioned, some of them – such as excessive workload or tensions at work – are taken into consideration to establish violations of measures taken to prevent of stress or mobbing/bullying. For example, one worker claimed to have suffered clinical depression following work overload, including many overtime hours she had to do to make up for a lack of staff.¹⁶⁷ The court, however, decided that the employer was not at fault with regard to the claimant’s depression, confirming the judgment of first instance. The claim was thus rejected. In another case, a worker had been fired/dismissed after a continued absence of six months. The worker proved that he suffered from ‘burnout’ syndrome, which was unforeseeable at the time of dismissal. The Court found that the tribunal’s reasoning related to the validity of the dismissal was justified and that the plea could not be upheld. All of the abovementioned judgments demonstrate that the burden of proof lies on the victims and that it is impossible to win such claims before a court.

On 19 May 2011, the Court of Appeal in the area of employment (No. 35596) rejected a claim for reparations on the basis of bullying. The Luxembourgish judges applied the definition of Directive 2000/78/CE establishing a general framework for equal treatment in employment and occupation as there is no general legislation in Luxembourg on bullying in the workplace. The act of bullying is characterised as an attack on physical or psychological dignity and verbal or physical violence, specifying that it must be made up of repetitive acts; an isolated act is not considered to constitute harassment. The burden of proof for moral harassment lies with the victim. In this case, the Luxembourgish court held that the required elements were not met. There have in fact been a lot of judgments on workplace bullying in Luxembourg. The analysis of such judgments made clear that demonstrating workplace bullying is very complex, which makes it very difficult for bullying victims to win an action before a court.

¹⁶⁶. <https://legilux.public.lu/eli/etat/leg/loi/2023/03/29/a187/jo>

¹⁶⁷. Court of Appeal in the area of labour law n° CAL-2018-00618.

3. Collective agreements

Psychosocial risks are explicitly mentioned in some collective agreements,¹⁶⁸ such as the Convention Collective des salaires des entreprises d'assurance of 2021 to 2023 between the trade unions ACA, ALEBA, LCGB and OGBL. Article 8 quarter reads as follow: 'The social partners are committed to the prevention of psychosocial risks and the quality of life at work in general. Companies, in collaboration with the staff delegation, are committed to the prevention of psychosocial risks in the medium and long term. To do this, they will set up structured projects allowing each employee to get involved in this process by proposing improvements in their work and having the opportunity to develop their personal resources to better prevent and deal with the risks identified.' Similarly, in another collective agreement, the prevention of psychosocial risks entails measures enabling employees to propose improvements of their working conditions.¹⁶⁹

On the topic of bullying and violence, the Grand Duchy of Luxembourg adopted a Grand Ducal Regulation and an inter-professional agreement. That being said, since 15 December 2009, a Grand Ducal Regulation has given full legal effect to the Convention of 25 June 2009 on harassment and violence at work, therefore making it applicable to all companies established in Luxembourg. The framework agreement of 25 June 2009 was signed between the Luxembourg social partners, namely UEL, OGB-L and LCGB. This agreement includes the directives set out in the European framework agreement whose main goal is to prevent situations of intimidation, harassment or physical violence at the workplace.¹⁷⁰

No collective agreements explicitly covering work-related stress have been reported. Nevertheless, an official report on work-related stress was published 8 October 2004, implementing the European Framework Agreement on work-related stress (adopted by the European social partners in 2004).

168. Another example is the collective agreement applicable to the insurance sector. See 'Collective Bargaining: Levels and Coverage' by Dr Franz Traxler of the University of Vienna, p. 70.

169. Art. 35, Collective agreement for bank employees between the members of the Luxembourg Bankers' Association and their employees.

170. <https://www.astf.lu/harcelement-moral?lang=en>

19. Malta (MT)

1. Legislation

Malta implemented Directive 89/391/EEC¹⁷¹ as part of its path towards full membership of the European Union. The Occupational Health and Safety Act (Cap. 424) represents the point of reference for psychosocial risk.¹⁷² There is, however, an immediate issue of how the concept of psychosocial risk is defined. It is recognised that the ‘Authority established by virtue of this Act shall be responsible for ensuring that the physical, psychological and social well-being of all workers in all workplaces is promoted and to ensure that they are safeguarded by whoever is obliged to do so’.¹⁷³

The Occupational Health and Safety Act tackles psychosocial risks at two levels. First, it lays down the legal basis for the Maltese Occupational Health and Safety Authority (MT-OSHA), and second, it imposes legal obligations on employers to ensure workers’ psychological well-being.¹⁷⁴ In particular, the Occupational Health and Safety Act imposes upon employers the duty to carry out a detailed evaluation of the risks related to a variety of perils that can endanger employees’ well-being.¹⁷⁵ Beyond that, psychosocial risks are not further detailed in national legislation.

There is no specific legislation on work-related stress or bullying at work. The Equal Treatment in Employment Regulations of 2004 (S.L.452.95)¹⁷⁶ put into effect the principle of equal treatment in relation to employment by laying down minimum requirements to combat discriminatory treatment on the grounds of religion or religious belief, disability, age, sex, sexual orientation, and racial or ethnic origin. Discriminatory treatment means any distinction, exclusion, restriction or difference in treatment, whether direct

171. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

172. Occupational Health and Safety Act (Cap. 424), Act XXVII of 2000, as amended by Act XXXII of 2007, Legal Notice 426 of 2007, Act X of 2013 and XXVII of 2019.

173. Paragraph 4(2), Occupational Health and Safety Act.

174. Paragraph 6(2), Occupational Health and Safety Act.

175. Ibid.: ‘2) The measures that need to be taken by an employer to prevent physical and psychological occupational ill-health, injury or death, shall be taken on the basis of the following general principles of prevention, that is (a) the avoidance of risk; (b) the identification of hazards associated with work; (c) the evaluation of those risks which cannot be avoided; (d) the control at source of those risks which cannot be avoided; (e) the taking of all the necessary measures to reduce risk as much as reasonably practicable, including the replacement of the hazardous by the non-hazardous or by the less hazardous; (f) giving collective protective measures priority over individual protective measures; (g) adapting the work to the worker, particularly in so far as the design of work places, the choice of work equipment and the choice of working and production methods are concerned, in particular with a view to alleviating monotonous work and work at a predetermined work-rate, and to reducing their effect on health; (h) by adapting to technical progress in the interest of occupational health and safety; and (i) by the development of a coherent overall prevention policy which covers technology, the organisation of work, working conditions, social relationships and the influence of factors related to the working environment.’

176. <https://legislation.mt/eli/sl/452.95/eng>

or indirect, and includes harassment and sexual harassment, as well as any less favourable treatment based on a person's rejection of or submission to such conduct.

2. Jurisprudence

Cases directly or indirectly related to psychosocial risks, stress and bullying might fall under the jurisdiction of the Court of Magistrates, the Civil Court or the Industrial Tribunal (where cases deal more precisely with claims between employers and employees). No cases related to psychosocial risks are known to have been brought before Maltese tribunals. There are a number of possible reasons for this. First, perceptions of risk in the workplace are linked mainly to physical risks.¹⁷⁷ The bulk of employees in Malta work in tourism or in the construction industry, where workplace-related risks are usually related to physical work. Also, the persistent problems related to the duration of civil proceedings in Malta might deter prospective claimants from bringing cases before a court. Unless a case is related to possible dismissal, it is unlikely that a claim related, for instance, to psychosocial risks would justify the effort in terms of time needed, as well as legal fees, and this can ultimately deter prospective applicants from taking action.

3. Collective agreements

Collective bargaining in Malta, although fairly well developed, does not involve large numbers of persons, as in other countries, not least because of Malta's small population. There are accordingly no known examples of collective agreements referring to psychosocial risk, unless the agreement on a Maltese Framework for the Control of Work Related Stress could be considered as such. The MT-OSHA published guidelines on a 'Maltese Framework for the Control of Work Related Stress' in 2013.¹⁷⁸ According to the University of Malta's Centre for Labour Studies, the document clearly represents a first attempt to raise awareness and equate psychosocial risks with the physical risks that seem to remain the primary focus of the MT-OSHA.¹⁷⁹ The guidelines come in the form of an agreement that was to be signed by the social partners and which, according to another government report, 'was endorsed by the social partners forming part of the OSHA's board

177. By way of an example, most of the guidelines issued by the MT-OSHA are related to physical risks. See the documentation available at <https://deputyprimeminister.gov.mt/en/ohsa/Pages/guidance-on-ohs.aspx>.

178. The document was previously available at MT- OSHA, 'Framework for the control of Work Related Stress' (2013) <http://ohsa.org.mt/Portals/o/Docs/Malta%20Social%20Partners.doc>, but that is no longer the case. It is, however, available by making an informal request to the Agency via their email address at ohsa@gov.mt.

179. Fiorini L. (2013) Occupational health and safety in Malta: standards and research, Biennial Report 2011-2012, Centre for Labour Studies. https://www.um.edu.mt/library/oar/bitstream/123456789/41535/1/Occupational_health_and_safety_in_Malta.pdf

and was welcomed by many employers'.¹⁸⁰ The agreement defines stress as 'a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with unreasonable requirements or expectations placed on them'.¹⁸¹ The social parties who signed the agreement agreed to promote a mixture of collective and individual measures on work-related stress, on advancing the need to develop company-specific work-related stress policies, and on disseminating information about work-related stress.¹⁸² The agreement on work-related stress seems to complement the introduction of the detailed interactive psychosocial risk assessment tool, which horizontally covers the various psychosocial risks that might arise at work, as already mentioned.¹⁸³ A policy model that requires companies to take action at the abovementioned levels is also provided.¹⁸⁴

20. Netherlands (NL)

1. Legislation

In the Netherlands, labour law requires employers to mitigate – as far as possible – any risks arising from work that is psychosocially demanding to the extent that it poses a risk to employees' mental well-being. For example, employers are required to conduct a risk assessment and to evaluate whether company policy minimises psychosocial risks and other risks relating to the working environment. As psychosocial risks are seen to be on the increase in the Netherlands, there has been a specific policy focus in this area. For example, in 1998, the Dutch Senate included an additional section on psychosocial risk in the Labour Code. This includes disproportionate workloads, bullying, aggression, violence, (sexual) harassment, intimidation, discrimination, work-related depression, burnout and post-traumatic stress disorder. The section requires employers to develop and implement a company policy that addresses psychosocial risks and aims to raise awareness among workers.¹⁸⁵

There is legislation on psychological risks in the Netherlands in the form of the Working Conditions Act (*de Arbowet*)¹⁸⁶ and the Working Conditions

180. Government of Malta (2020) Report on the European Social Charter (Revised) for the thematic group Health, Social Security & Social Protection (1 January 2016–31 December 2019), Council of Europe, p. 9. <https://rm.coe.int/rap-cha-mlt-14-2020/1680a110ba>

181. Framework for the control of Work Related Stress, op. cit., p. 1.

182. Ibid., pp. 1–2.

183. Ibid., p. 2, where the Agreement promotes risk assessment as an important measure to assess work-related stress.

184. Ibid., pp. 2–4.

185. EU-OSHA (2022) Managing psychosocial risks in European micro and small enterprises: qualitative evidence from the third European survey of enterprises on new and emerging risks (ESENER 2019), Publications Office of the European Union. <https://osha.europa.eu/en/publications/managing-psychosocial-risks-european-micro-and-smallenterprises-qualitative-evidence-third-european-survey-enterprises-new-and-emerging-risksesener-2019> <https://data.europa.eu/doi/10.2802/956032>

186. Arbeidsomstandighedenwet 1999.

Regulation¹⁸⁷ (*Arbeidsomstandighedenbesluit*).¹⁸⁸ The Act refers to ‘work-related psychosocial hazards (*psychosociale arbeidsbelasting*)’, which is explained in Article 1 as the factors that cause stress, including sexual intimidation, aggression and violence, bullying and workload in the employment situation. According to Article 3.2 of the Working Conditions Act, the employer shall operate a policy aimed at preventing work-related psychosocial risks, or limiting it if prevention is not possible, as part of general working conditions. The Working Conditions Regulation provides further elaboration. According to Article 2.15, if employees are or may be exposed to psychosocial hazards, there should be a risk assessment. Measures have to be determined and implemented in the plan of action based on this risk assessment in order to prevent psychosocial risks or – if this is not possible – to limit it. Furthermore, the article states that when there is a danger of exposure to psychosocial hazards, information should be provided to employees who carry out such work about the risks of such exposure to psychosocial hazards, as well as about measures aimed at preventing or mitigating these risks.

2. Jurisprudence

One case refers to psychosocial risks (workload), bullying and stress. The employee in question claimed that he suffered from depression and stress-related complaints caused by poor working conditions, including excessive work pressure, bullying and threats. The Hague court ruled that the employer only has a duty of care to prevent psychological complaints, such as recurrent depression in this case, if the risk of this was or should have been known to them.¹⁸⁹ The basic principle is that an employer may assume that an employee has normal psychological resistance. It may be a different matter if the employer knows that the employee in question is vulnerable. There must therefore be a risk that is known to the employer.¹⁹⁰ According to the court, in this case there was no high workload or such a rough corporate culture that an employee with normal psychological resistance would no longer have been able to function.¹⁹¹ The court stressed that there must be a causal relationship between heavy workload, working many hours, bullying, threats (as claimed by the plaintiff) and the damage suffered by the plaintiff. In the opinion of the court, it was up to the plaintiff to state concrete facts and circumstances that

187. *Arbeidsomstandighedenbesluit* 1997.

188. The Working Conditions Act is a so-called framework act. This means that it contains only general principles about companies’ occupational health and safety policy. The Working Conditions Regulation has more concrete rules and further elaborates on the principles provided in the Act.

189. This is also in line with the previous case law, for instance, *The appellant v Aannemers Inkoop Centrale A.I.C BV* (2009) ECLI:NL:GHARN:2009:BK7226

190. A different situation concerns when it was clear to the employer that the employee had (too) heavy workload but no action was taken. In such cases the court ruled that the employer was liable. See *Employee v NGO Rivas Zorggroep* (2009) ECLI:NL:GHSGR:2011:BU2798; *X v Beheer BV* (2009) ECLI:NL:GHSHE:2009:BK0617.

191. *Plaintiff v DESERT EAGLE V.O.F* (2017) ECLI:NL:RBDHA:2017:9803.

showed the extent to which his activities at the company contributed to his current depression. However, he failed to do so.

In a more recent case,¹⁹² the employee also failed to demonstrate that health issues were the result of working conditions. An Uber worker claimed she had experienced stress because of high work pressure. The employee never reported sick, however, and did not complain about the high workload. The judge ruled that the employee had insufficiently demonstrated that her complaints were the result of her work at Uber, and that these health complaints could have arisen from non-work-related circumstances.

3. Collective agreements

The collective agreement for hospitals 2019–2021 stated that in risk assessment and evaluation special attention should be paid to tackling workload, aggression, physical strain and violence.¹⁹³ The collective agreement on secondary vocational education in article 10 mentions that the employer has to ensure that there is a policy aimed at creating a healthy and safe working environment. This means that arrangements have to be made to prevent sexual harassment, racism and violence at work. The employer has to introduce a complaints procedure to deal with violence, among other things, at work.¹⁹⁴ The collective agreement on higher vocational education contains an article devoted to work-related psychosocial hazards (*psychosociale arbeidsbelasting*).¹⁹⁵ This states that the employer has to design the rules regarding aggression, violence and (sexual) harassment, discrimination and bullying. In relation to workload, the collective agreement highlights the need for a systematic approach.

21. Poland (PO)

1. Legislation

At present, ‘psychosocial factors’ are mentioned in Polish OSH legislation only very vaguely, in three normative acts. There is no definition of ‘psychosocial factors’ in the law. Reference to this concept can be found in ordinances from the Minister of Health, or in one regulation of the Minister of Internal Affairs and Administration. Management of psychosocial risks is governed by the 1997 Labour Code and the corresponding Ministerial Order issued by the Ministry of Family, Labour and Social Policy in September 1997. Some articles of the Labour Code – for example, 15, 78–86 and 129 – define and regulate several areas crucial for maintaining a healthy psychosocial environment, such as working conditions, time and wages. Several provisions revolve around the

192. *Plaintiff v Uber BV* (2020) ECLI:NL:RBAMS:2020:372.

193. CAO Ziekenhuizen 2019–2021.

194. CAO MBO 2020–2021.

195. CAO HBO, art. U-1.

issue of psychosocial health. For example, under Article 16, employers shall, according to their abilities, satisfy the social and cultural needs of employees. Moreover, the Labour Code prohibits mobbing/bullying and discrimination, stating that an employee who has experienced bullying has a right to claim damages and seek financial compensation from the employer.

The Labour Code contains detailed regulations on workplace bullying (mobbing), such as an obligation on employers to prevent it (Art. 94(3) (1)). But the law also provides a definition, namely, *actions or behaviours concerning an employee or directed against an employee, consisting in persistent and long-term harassment or intimidation, causing the employee to be undervalued in terms of professional usefulness, causing or intended to cause humiliation or ridicule of an employee, isolating an employee or eliminating an employee from his/her team of co-workers*. A worker who has been the victim of bullying can seek compensation for the harm they have suffered from the employer, especially if the employee's contract has been terminated as a result of bullying. An obligation to conduct an anti-mobbing policy has also been reported, for example, having a committee to consider any reports of suspected bullying.

There is no legislation on work-related stress.

2. Jurisprudence

There has been no reported jurisprudence/case-law on psychosocial risks and work-related stress. However, there have been examples of jurisprudence dealing with mobbing/bullying, in particular by the Supreme Court. Contrary to other Member States, the development of the jurisprudence had the effect of narrowing the scope of protection/the application of protective scope. For example, the determination of the occurrence of workplace bullying depends on the occurrence of a certain number of actions/behaviours. Even if an expert doctor is convinced that the development of a person's sickness is dictated by the work environment, it is not enough to recognise the existence of mobbing. The definition of mobbing under Art. 94 (3) § 2 of the Labour Code has not been linked to health effects. This occurs only at the claim stage. This means that the definition of mobbing is one thing and the possibility of seeking redress is another. It cannot be ruled out that mobbing will not lead to health impairment under the conditions of Art. 94(3) § 2 of the Labour Code. The right to benefit under Art. 933 § 3 of the Labour Code requires the cumulative fulfilment of two factors: the fulfilment of the prerequisites for mobbing, and the independent emergence of a health disorder.¹⁹⁶

In another case from the Supreme Court,¹⁹⁷ the determination of whether the employee was harassed and intimidated or whether these activities were

¹⁹⁶. III PK 112/ 19.

¹⁹⁷. III PK 134/ 19.

aimed at and could have or did lead to an underestimation of their professional suitability, humiliation, ridicule, isolation or elimination from the team of colleagues must be based on objective criteria. These criteria, in turn, result from a rational perception of reality, leading to a proper assessment of the intentions of the other person in specific social relationships. Mobbing can be considered only when similar situations are repeated many times, systematically, over a long period of time. In another judgment,¹⁹⁸ the amount of compensation due under Art. 943 § 4 of the Labour Code is therefore determined by the damage resulting from the termination of the employment by the employee (measured primarily by the value of the remuneration lost by the employee from the relevant place of work), but also by other damage suffered by the employee (for example, reduced chances of finding a job as a result of health disorders caused by mobbing).

3. Collective agreements

In Poland, the social partners adopted a joint declaration (2008) that covers some elements of the 2004 European Work-related Stress Agreement and made a commitment to rules of cooperation on how to proceed further. Social partners also adopted a joint declaration following the implementation of the 2007 European Agreement on Harassment and Violence at Work. Trade unions and the labour inspectorate have launched initiatives to improve awareness and knowledge. The social partners seem to disagree about whether the general provisions of occupational health and safety legislation are sufficient, and the implementation process was reviewed in 2011.¹⁹⁹ The number of collective agreements in Poland is small, and they rarely cover any innovative areas, such as reconciliation of work and private life, improving qualifications or managing psychosocial risks. The only example that has been reported covering psychosocial risks is the company agreement of the Philip Morris Corporation.

22. Portugal (PT)

1. Legislation

Employers' duties are laid down in Arts 127 and 129. The overall aim is to provide good physical and moral working conditions, to prevent accidents and occupational diseases and to inform employees about the prevention measures legally established in the field of safety and health.

¹⁹⁸. II PK 136/18.

¹⁹⁹. European Commission (2011) Report on the implementation of the European social partners: Framework Agreement on work-related stress, SEC(2011) 241 final, 24.02.2011. Available at: https://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2011/0241/COM_SEC%282011%290241_EN.pdf

With regard to ordinary legislation, Act No. 102/2009 of 10-09, which regulates the legal framework for promotion and prevention of safety and health at work, was the first text explicitly to use the term ‘psychosocial risks’ in national law. The document does not define this concept,²⁰⁰ although it does refer to psychosocial risks when listing employers’ obligations (Article 15 (2) f) and also when addressing conditional or prohibited activities (Article 48). Art. 15 (2) g) states that employers must ensure the conduct of business in conditions of safety and health for employees, observing, among other things, the following precautionary principle: *work should be adapted to the employee, especially in matters concerning workplace design and choice of work equipment, methods of work and production with a view to alleviating monotonous and repetitive work and reducing psychosocial risks.*

This highlights the fact that stress is recognised as a risk (or as a risk factor, to be more accurate) with regard to certain activities or conditions and thus is supposed to be prevented. Art. 224 (4) states with reference to night workers that they *‘should not work more than eight hours in a period of twenty-four hours in which [night workers ... perform] night work in any ... activities involving special risks or significant physical or mental stress’.*

The Labour Code also specifically regulates workplace bullying, herein described as moral harassment and sexual harassment. Both are regulated in Art. 29 and are subject to their own regime, which includes a possibility for employees to be compensated for any pecuniary and non-pecuniary damages suffered.²⁰¹ Besides that, such conduct may give rise to administrative and criminal liability. The exercise of disciplinary power by the employer becomes mandatory *‘whenever the employer becomes aware of alleged harassment at work’* (Art. 127 (1) l) of the Labour Code). It has also been clarified that harassment may constitute just cause for contract termination by the employee (Art. 394 (2) f)) if the employer is the perpetrator or if the harassment is conducted by the employer’s representative. This last part of the norm may be interpreted as including harassment carried out by a colleague (for example, an employer who becomes aware of harassment but

200. Nor is it defined in any guidelines, although the Labour Inspectorate (in Portuguese, *Autoridade para as Condições do Trabalho* – ACT) makes a lot of information available online and has conducted many campaigns over the years.

201. It should be noted that in the 2003 Labour Code harassment is related to discrimination and even foreseen in the same section of the Code. In the current Labour Code (2009) harassment is dealt with in its own right and is now found in a specific division of a broader section on equality and non-discrimination. In any case, the legislator extended the indemnity regime for anti-discrimination protection to encompass cases of harassment (Articles 28 and 29 (4)), enshrining discrimination as one form of harassment (Article 29 (2) CT). More doubtful is the extension of the compensation regime in this system (Article 25 (5)) to encompass non-discriminatory harassment. Cf. Ribeiro Costa A.C. (2019) *Reflexões sobre o ónus da prova e danos morais no tratamento jurídico do assédio em Portugal*, in UGT (2019) *Anuario Internacional sobre PRL e calidad de vida en el trabajo: la protección sancionadora frente al acoso moral en el trabajo. Nuevas perspectivas en un horizonte comparado*, Secretaría de Salud Laboral y Medio Ambiente, Unión General de Trabajadores, 121–147. Available at <https://www.ugt.es/sites/default/files/anuario-prl-2019-ugt.pdf>.

does nothing to stop it). This termination shall be preceded by the submission of a claim to the labour inspectorate. The rule is not clear on whether this is a requirement for legal termination of the contract. The Labour Code forbids disciplinary sanctions against the complainant or witnesses who might have initiated or contributed to a process of inquiry into harassment (Art. 29 (6)). One last point that should be mentioned concerns violence as a psychosocial risk. In the Labour Code, besides the reference to violence as a potential just cause for dismissal (Art. 351 (2), i)), we find a specific regime that protects employees from domestic violence.

Another important point introduced by the aforementioned act was the establishment of an obligation to conclude codes of conduct for the prevention and treatment of harassment at work, although only for employers with seven or more employees (Art. 127 (1) k)). The law does not, however, state what kind of provisions shall be defined.

2. Jurisprudence

Psychosocial risks in general are not mentioned in any court judgments.²⁰² However, stress, workplace bullying and violence are referred to in certain employment court cases. Some court rulings consider certain events that cause illness and psychological damage to be work-related accidents. In fact, in a ruling of the Porto Court of Appeal of 18 November 2002 (rapporteur: Pinto dos Santos)²⁰³ the fall of a worker at the hospital where he was admitted, as a result of bodily injuries suffered in an accident at work, was considered to be a 'remote consequence of the accident', establishing a causal link between the accident and the fall. There is also a link between 'occupational stress' and the advent of an occupational disease (the Court of Appeal of Lisbon of 10 October 2007 (rapporteur: Ferreira Marques)). The same court handed down a decision of 12 June 2019 reported by Sérgio Almeida in which it considered that the employee had failed to prove that the illness he suffered was a consequence of his working conditions and thus an occupational disease was not recognised even though he alleged severe depression as a result of workplace stress.

It is important to note that, although the courts have been somewhat reluctant to award compensation for damages resulting from situations of moral harassment under occupational contingency schemes²⁰⁴ they have been more receptive when it comes to compensation for injuries resulting from violence perpetrated by third parties (colleagues, employers or third parties

202. But in any case we should stress that we have no access to first instance case law for research purposes, so we do not know what is done at that level.

203. *Coletânea de Jurisprudência* (2002), V, XXVII, 221–223.

204. Cf. Ribeiro Costa A.C. (2017) Comments on mobbing and suicide at the workplace under Portuguese legal framework and case law: can damages be recovered under occupational contingency schemes?, in Lerouge L. (ed.) (2017) Psychosocial risks in labor and social security law: a comparative legal overview from Europe, North America, Australia and Japan, Springer, 329–344.

in the employment relationship), regardless of whether or not they are work-related.²⁰⁵ There have been convictions in criminal courts for the practice of stalking,²⁰⁶ ²⁰⁷ which may partly coincide with harassment or violence, but the court's decisions are not detailed enough to allow us to conclude whether the victim was an employee, and the stalker an employer or colleague.

3. Collective agreements

In Portugal, collective bargaining rarely addresses occupational safety and health, even though Article 492(2)(c) of the Labour Code suggests this. In fact, we generally see only reproduction of legal concepts and the content of legislation, which means that legal innovation is rare.

However, certain references are made to psychosocial risks in collective agreements at sectoral and national level, such as the collective agreement concluded between the *Associação Têxtil e Vestuário de Portugal (ATP)* and the *Federação dos Sindicatos dos Trabalhadores têxteis, lanifícios, vestuário, calçado e peles de Portugal (FESETE)*, published in the Labour and Employment Bulletin (*Boletim do Trabalho e do Emprego – BTE*), No. 3 of 22/01/2011, which provides, in clause 59 (2). d) and e), that '*the employer must ensure, on an ongoing and permanent basis, the exercise of workers' activity in safe and healthy conditions, taking into account the following general principles of prevention (...) d) Ensure, in the workplace, that exposures to chemical, physical and biological agents and psychosocial risks do not constitute a risk to workers' safety and health; e) Adaptation of work to the workers, especially with regard to workplace design, the choice of work equipment and methods of work and production, specifically for the purpose of alleviating monotonous and repetitive work and reducing psychosocial risks*'.²⁰⁸ Thus, collective bargaining treats psychosocial risks as

205. *Boletim do Ministério da Justiça* (1995), no. 444, 308; *Coletânea de Jurisprudência* (2012), II, XX, 261–264. Other examples: Court of Appeal of Porto, 08-07-2004, rapporteur: Domingos Morais; Court of Appeal of Guimarães, 12-07-2016, rapporteur: Alda Martins; Court of Appeal of Porto, 10-09-2018, rapporteur: Rita Romeira; Court of Appeal of Évora, 14-02-2019, rapporteur: Moisés Silva.

206. Art. 154-A of the Criminal Code: '*Anyone who repeatedly stalks or harasses another person, by any means, directly or indirectly, in an appropriate manner to provoke fear or disquiet or impair his freedom of determination, is punishable with up to 3 years imprisonment or penalty of fine, if a more serious penalty is not applicable by virtue of another legal provision.*'

207. For example, Court of Appeal of Lisbon, 09-07-2019, reported by Ricardo Cardoso; Court of Appeal of Oporto, 01-04-2020, reported by Paulo Costa; Court of Appeal of Évora, 05-11-2019, reported by João Amaro.

208. Other examples: the collective agreement concluded between the *Associação dos Industriais de Cordoaria e Redes (AICR)* and the *Federação dos Sindicatos dos Trabalhadores têxteis, lanifícios, vestuário, calçado e peles de Portugal (FESETE)*, published in BTE No. 8 of 28-02-2011, in clause 56 (2) d) and e), and the collective agreement concluded between the *Associação Portuguesa da Indústria de Ourivesaria - APIO* and the *Federação Intersindical das Indústrias Metalúrgicas, Químicas, Eléctricas, Farmacêutica, Celulose, Papel, Gráfica, Imprensa, Energia e Minas – FIEQUIMETAL* published in BTE No. 12 of 29-03-2021, in clause 74 (2) a).

hazards to be taken into consideration in prevention measures, but does not define or delimit the concept.

While the European framework agreements on stress and on violence and harassment have not been transposed into national legislation by collective bargaining, the law makes reference to both mental stress and harassment at work. In any case, specific provisions concerning stress and moral or sexual harassment can be found in some collective agreements²⁰⁹. For example, clause 19 (2) of the collective agreement (company level) concluded between the *Empresa Municipal de Águas e Resíduos de Portimão, EM, SA* and the *Sindicato Nacional dos Trabalhadores da Administração Local e Regional*, published in BTE No. 17 05/08/2015, states that ‘occupational health and safety services must ensure the realisation of the following activities (...) m) Without prejudice to other topics, with regard to programs referred to in the preceding paragraph, prevention of psychosocial risks in general and stress, harassment and violence at work in particular, as well as the prevention of work-related musculoskeletal injuries and consumption of alcohol and other psychoactive substances in a work context shall be addressed.’

In general, the abovementioned provisions merely define the concepts of moral or sexual harassment, and do not offer any innovations in relation to the relevant legal framework.

23. Romania (RO)

1. Legislation

In Romania, Law no. 319/2006 transposes the general principles of prevention and OSH obligations enshrined in Directive 89/391/EEC. This law does not explicitly address psychosocial risks, but it is complemented by Government Emergency Ordinance no. 137/2000, as amended by Law no. 167/2020, which provides that moral harassment at the workplace refers to any behaviour that, systematically, may harm the dignity, physical or mental integrity of an employee or group of employees, compromising their work or degrading the working environment. Within the meaning of this law, stress and physical exhaustion fall (explicitly) under the scope of moral harassment at the workplace. Regarding workplace bullying, according to Article 2 para 5.2, employees have the right to go about their work without harassment leading to moral injury. In the meantime, employers have an

²⁰⁹. For instance, clauses 16 of the collective agreement between *Sociedade de Panificação Sul do Tejo, L.da, e outras e a FESAHT*, published in BTE no. 7, of 22-02-2010, 13^a-F of the Collective Agreement between the *Liga Portuguesa de Futebol Profissional* and FESAHT, published in BTE no. 46 of 15-12-2010, 13-F of the Collective Agreement between the *Liga Portuguesa de Futebol Profissional* and FEPCEs, published in BTE no. 9, of 08-03-2011, among many others. More recently, the collective agreement concluded between many credit institutions and the *Federação dos Sindicatos Independentes da Banca – FSIB*, published in BTE no. 9 of 8-3-2021, at clause 19-A, also states the prohibition of harassment.

obligation not to dismiss or sanction an employee because they have been subjected to harassment or because they refuse to be subject to moral harassment at work.

When Art. 2 was revised in 2020, a new paragraph (5) was added: the employer is obliged to take all necessary measures to prevent and combat acts of moral harassment in the workplace, including by providing for disciplinary sanctions in the internal regulations for employees who commit acts or deeds of moral harassment in the workplace.

Harassment is defined in Law No. 53/2003, Art 5. as any type of behaviour, based on one of the criteria provided in paragraph 2, that has as its purpose or effect damage to a person's dignity and leads to the creation of an intimidating, hostile, degrading, humiliating or offensive environment. The criteria referred to in paragraph 2 are broader than what is provided in cases of discriminatory harassment (as in Directive 2006/54/EC) and are listed as follows: on the basis of race, nationality, ethnicity, colour, language, religion, social origin, genetic traits, sex, sexual orientation, age, disability, chronic non-communicable disease, HIV infection, political option, family situation or responsibility, membership or trade union activity, membership of a disadvantaged group. The revision of Government Ordinance no. 137/2000 in 2020 added a new paragraph to Art. 2 defining moral harassment (without any reference to discriminatory grounds) in the workplace as any conduct perpetrated against an employee by another employee who is his or her superior, by a subordinate and/or by a hierarchically comparable employee, in connection with their employment relationship, which has as its purpose or effect a deterioration of working conditions by infringing the rights or dignity of the employee, by affecting their physical or mental health or by compromising their professional future. Such behaviour may be manifested in any of the following forms: (a) hostile or unwanted conduct; (b) verbal comments; and (c) actions or gestures (including physical violence). Law no. 167/2020 adds a new paragraph to Art. 5 of Government Ordinance no. 137/2000 which establishes that any behaviour that may systematically harm the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading the working climate, represents moral harassment at work.

2. Jurisprudence

In the matter of psychosocial risks, such as workload, lack of support from management or tensions at work, jurisprudence has established the following: 'If the employer violates regulations on working time, rest time, overtime and night work, it shall be considered justified for the employee to refuse to perform additional, excessive tasks, in response to an abusive regime that endangers his health and safety at work. Any suspension and/or disciplinary dismissal shall be deemed illegal and unfounded, and must be annulled, with reinstatement of the employee and payment of any wages that

have not been paid.²¹⁰ This draws a direct link between work organisation and potential impact on workers' health and safety, while limiting the employer's prerogative (in the allocation of tasks and dismissal) and extending workers' rights (to refuse additional or excessive tasks).

However, judges have been more conservative/restrictive with regard to the allocation of moral compensation. Employees can be compensated only when conflicts at work lead to moral injury, and only if the employee did not remain passive but reacted actively (either by resistance, by legal defence or by expressly refusing to respond to certain demands on them). Additionally, protection against "personal psycho-behavioural censorship" does not exclude concurrent protection against workplace bullying, provided that the employer acted with the intention of overwhelming the employee so as to compel their resignation or dismissal. Furthermore, protection against psychological constraint does not exclude protection against workplace bullying, provided that the employer aimed to overwhelm the employee to push for their dismissal.²¹¹ Similarly, in the case of compensation for work-related stress, judges require that the employee 'prove that he [or she] was subjected to acts of intense psychological pressure, repeatedly, by the employer, over a long period of time'.²¹²

There are several labour court rulings on workplace bullying.²¹³ The court considers it to constitute mobbing/bullying if an employer runs systematic checks on an employee, by legal means, without reaching a concrete result or without communicating to the employee the result of the checks. This is likely to adversely affect the employee's psychological integrity and could make them think that their employment is continuously under threat.²¹⁴

3. Collective agreements

Although the 2011 Social Dialogue Act eliminated national agreements, the national intersectoral collective agreement concluded for 2007–2011 included clauses on the prevention and reduction of work-related stress in Article 37. These measures are of two kinds, dealing with the content of work and control over work performed.

210. Bucharest Court of Appeal, Civil Decision No. 221 of 13 January 2012.

211. Bucharest Court of Appeal, Section VII for cases regarding labour disputes and social insurance, Civil Decision No. 4130 of 12 October 2018.

212. Bucharest Court of Appeal, Section VII for cases regarding labour disputes and social insurance, Civil Decision No. 2365 of 23 April 2019.

213. Example: In the event that the employer's management tolerates a tense situation and publicly expresses a defamatory opinion about an employee, in the absence of a disciplinary investigation this shall be deemed to constitute a situation of moral harassment. Iași County - Civil Section I, Civil Sentence No. 780 of 25 April 2016.

214. Bucharest Court of Appeal, Section VII for cases regarding labour disputes and social insurance, Civil Decision No. 4023 of 24 September 2019.

The content or substance of the work or allocated tasks should take into consideration the number of working hours and the fit between the employee's skills/abilities and the job's requirements, and the working conditions must be ergonomically adapted to the employee. Additionally, employees should be informed and consulted to allow them to understand their responsibilities in accordance with the job description. Regarding control over the work performed, the employer should encourage the employees to use their abilities and take the initiative at work (autonomy in work organisation). Also, the employer shall establish a system of incentives to keep employees motivated to perform their tasks to the best of their capacities. Regarding management of activities in the workplace, time intervals and practical ways of informing employees regarding any changes that have occurred or are in the process of occurring, related to working conditions, should be agreed between the employer and the trade unions. Regarding labour relations, the Occupational Health and Safety Committee and the Joint Commission should take corrective measures based on information related to bad practices in the workplace. However, this agreement is no longer in force.

As already mentioned, the 2011 reform terminated the possibility of reaching or concluding national collective agreements.

More recent provisions on psychosocial risks can be found in the sectoral agreement of the health sector for 2019–2021. Annex 9 of this agreement provides a procedure to guarantee equal opportunities and prohibit discrimination. Art. 15-19 of this Annex regulates specific aspects of workplace mobbing/bullying. Mobbing/bullying is defined in Art. 15 of the Annex as any inappropriate behaviour that occurs over a period of time, which is repetitive or systematic and involves physical behaviour, verbal or written language, gestures or other intentional acts that could affect a person's personality, dignity or physical or psychological integrity. Other collective agreements concluded at the company and group levels include similar provisions.

For example, collective agreements concluded by Bucharest University of Economic Studies defines bullying in Article 3 para (5) as a chronic emotional conflict, which involves an employee who is attacked, stigmatised by colleagues or bosses in any way, either through jokes and rumours, intimidated, humiliated, discredited or isolated, receives more tasks than he or she can fulfil, is either ridiculed or wrongfully accused, and by one or more of these actions endangers his emotional state and professional life, and leads to a heightened state of stress, decreased self-esteem, anxiety, decreased work power, or causes behavioural disorders or alters their psycho-physiological balance.

24. Slovakia (SK)

1. Legislation

In Slovakia, the Labour Code, in Article 133 on standardisation, states that employees' physical and neuro-psychological capacities have to be taken into account when setting standards with regard to work volume and work pace. In addition, it states that such standards must be agreed before work is started and that this must be done by collective agreement or other consultation with employees' representatives. If parties fail to reach such an agreement, the labour inspectorate can be involved to take further steps and decisions. The Occupational Safety and Health Protection Act (No. 124/2006 Coll.) obliges the employer to ensure that workers' health is not threatened by, among other factors, psychological workload (Article 6). Article 21 highlights psychosocial risks to be taken into account by preventive and protective services hired by the employer. Article 7 of the Labour Inspection Act (Act No. 125/2006 Coll.) sets out that, among other aspects of mental workload and social measures, labour inspection activities shall include the supervision of company requirements to protect their workers.

Other legislation includes the Decree of the Ministry of Health (No. 542/2007 Coll.) on health protection against physical strain, psychological/mental workload and sensory load at work. It sets out a detailed framework for the management of work-related stress. Article 5 of the decree lists the risk factors that have to be taken into account by the employer when conducting a risk assessment with regard to mental workload. These include risks associated with work content, irregular working time and the working environment. The Decree also highlights the importance of taking into account subjective reactions to mental workload (mental overload, boredom and reduced ability to concentrate). Article 7 of the Decree defines the types of measures to be taken in order to prevent such risks. The measures, as well as the order in which they are described, respect the prevention principle of the Framework Directive, in other words first taking primary preventive measures such as technical and organisational changes.

Law No. 73/2017 of 16 August strengthens the legislative framework for the prevention of harassment, making the twelfth amendment to the Labour Code, approved in the annex to Law No. 7/2009 of 12 February, the sixth amendment to the General Law on Employment in Public Functions, approved in the annex to Law No. 35/2014 of 20 June, and the fifth amendment to the Labour Procedure Code, approved by Decree-Law No. 480/99 of November 1975. Finally, Law No. 83/2021 regarding the right to disconnect of 6 December 2021 includes a specific article, Article 169-A on the organisation, direction and control of work.

2. Jurisprudence

There have been no reported cases on psychosocial risk factors or work-related stress other than the one related to workplace bullying and harassment.

3. Collective agreements

In Slovakia, following consultations in the Economic and Social Council, legislation now has detailed provisions on the assessment of mental workload, and measures to manage this successfully. However, the relative weakness of social partner organisations and social dialogue structures were identified as factors contributing to the lack of implementing actions in relation to the 2004 and 2007 framework agreements.²¹⁵

25. Slovenia (SI)

1. Legislation

In Slovenia, psychosocial risks are tackled mainly in terms of detailed provisions to prevent workplace bullying and harassment. Some psychosocial risk factors are covered within this framework (for example, tensions among the workforce) but others – such as the content of work and work-related stress – are not explicitly covered.

The first piece of legislation applicable to work-related psychosocial risks is the Employment Relationships Act (hereafter ZDR-1)²¹⁶ that protects workers against workplace bullying (Art. 7). It defines harassment (including sexual and moral harassment) as any unwanted behaviour, relating to any personal circumstance, which harms or intends to harm the dignity of a person or which creates or intends to create an intimidating, hostile, humiliating or insulting workplace environment. A different definition is provided for workplace bullying, namely as any repeated or systematic blameworthy or obviously negative and insulting action or conduct directed against individual workers at the workplace or in relation to their work. According to this legislation, a worker should not be a target of adverse effects at the workplace if he or she exercises his or her right to be protected against workplace bullying. Art. 47 places upon the employer the obligation to maintain a workplace free from harassment or bullying from employer or co-workers.

A second piece of legislation applicable to work-related PSR is the Health and Safety at Work Act (hereafter ZVZD-1).²¹⁷ Article 24 provides that the employer has to implement measures to prevent workplace violence,

²¹⁵. Study on the implementation of the autonomous framework agreement on harassment and violence at work. Available at: <https://data.europa.eu/doi/10.2767/8998>

²¹⁶. Zakon o delovnih razmerjih – ZDR – 1.

²¹⁷. Zakon o varnosti in zdravju pri delu – ZVZD-1.

harassment, bullying and other forms of psychosocial risks that could have a negative impact on workers' health. Additionally, the employer must ensure that the organisation of work and working conditions minimises the risk of violence by third parties.

From a criminal law standpoint, the Criminal Code²¹⁸ defines workplace harassment as an act of sexual harassment, psychic harming, bullying or unequal treatment at the workplace or in relation to the workplace, which causes the victim humiliation or distress. The allocated sentence is up to two years' imprisonment. If the act committed caused a psychological, psychosomatic, or physical ailment or has diminished the victim's capacity to perform their work, the maximum sentence can be extended to up to a three-year prison sentence.

2. Jurisprudence

There have been no reported cases on psychosocial risk factors or work-related stress other than the one related to workplace bullying and harassment.

There is a Supreme Court decision on harassment and bullying of workers by a superior, co-worker or the employer himself, such as inappropriate verbal communication, not providing the employee with enough work with the intention of harassing the worker, prohibiting communication with the worker and so on. The Supreme Court's stance on employers' liability with regard to harassment and bullying in the workplace is that the employer is liable as soon as one of his employees is found to have engaged in actions that can be subsumed under harassment or bullying.²¹⁹

There are also some judgments dealing with workplace harassment issued by the Supreme Court's criminal law section. In one ruling, the Supreme Court explained that workplace harassment can be committed with several modes of unlawful behaviour, ranging from sexual assault, causing of psychological harm to unequal treatment.²²⁰

One particular Supreme Court decision is of particular importance as it structures the criminal and labour law aspects of psychosocial risks at the workplace and also defines the term 'psychological violence'.²²¹ As far as the criminal act of workplace harassment is concerned, the Court ruled that there is no need for intent to harm to be present on the side of the aggressor for his or her actions to be considered to fall under the criminal act of workplace harassment. If the act is found to constitute sexual harassment, psychological violence, bullying or unequal treatment, and the act causes humiliation or fear, the act falls under the Criminal Code and there is no need for the court

218. Kazenski zakonik – KZ-1.

219. Supreme Court ruling: Pdp 954/2018 (12.5.2020).

220. Supreme Court ruling: I Ips 22010/2015 (1.3.2018).

221. Supreme Court ruling: Pdp 571/2014 (17.5.2016).

to rule on intent. According to the Supreme Court, psychological violence should be defined as any action with which the perpetrator inflicts fear, humiliation, endangerment, a feeling of inadequacy or other mental distress on the victim.

3. Collective agreements

As in the case of the legislative level, no particular attention is being paid to questions of stress or tension at work or the impact of a lack of managerial support at the sectoral level. The agreements offer only general provisions, which focus mainly on bullying and violence. There are currently no inter-sectoral collective agreements in Slovenia. Agreements that cover individual sectors at national level do exist, but in general they do not contain detailed provisions on psychosocial risks. Only nine of the 31 collective agreements contain such articles, although none of them in much detail. Seven of these nine agreements contain the same article, to the effect that the employer must develop a safety-at-work policy that includes proper technology, workplace organisation and social relations management.²²² One of the seven agreements, in turn, contains an additional provision requiring that the employer implement measures to protect workers from violence, bullying or harassment in the workplace. The last sectoral collective agreement article of note comes from the collective agreement for the trade sector. It requires that employers and trade unions at company level inform each other, formulate suggestions and agree on measures to achieve effective protection from workplace violence, bullying, harassment and other forms of psychosocial risk. At the company level, one collective agreement states that the ‘employer is responsible for ensuring normal psychosocial working conditions, for preventing psychological, physical or sexual violence and for the protection of the victims of such actions. The employer must act in a preventive manner and inform the workers about their right to a dignified workplace, to privacy and to their personal integrity. Each co-worker, especially a superior, must respect the co-worker’s personality and dignity.’

26. Spain (ES)

1. Legislation

Spain has no legislation with general provisions that specifically address psychosocial risks at the workplace. The general legal framework is based on the Workers’ Statute (Law 2/2015, Article 4(2)(d)) and Law 31/1995 on prevention of occupational risks (LPRL Articles 14–20). The law is complemented by regulations on psychosocial risks. For example, Article 16

²²² See the respective collective agreements for: the textile, clothing and leather industry; the newspaper, publishing and bookselling sector; the cultural sector; persons employed in health care; the health-care and social protection sector; postal and courier services; and hospitality and tourism.

of Royal Decree 28/2020 of 22 September 2020 on remote work (Law 10/2021, 9 July on remote work)²²³, provides that:

The risk assessment and the planning of preventive activity for remote work must take into account the characteristic risks of this work modality, paying special attention to psychosocial, ergonomic, and organizational factors, as well as the accessibility of the effective working environment “(*La evaluación de riesgos y la planificación de la actividad preventiva del trabajo a distancia deberán tener en cuenta los riesgos característicos de esta modalidad de trabajo, poniendo especial atención en los factores psicosociales, ergonómicos y organizativos y de accesibilidad del entorno laboral efectivo. En particular, deberá tenerse en cuenta la distribución de la jornada, los tiempos de disponibilidad y la garantía de los descansos y desconexiones durante la jornada*)”

Additionally, the fundamental right to life, as laid down in Article 15 of the Spanish Constitution, has been interpreted by the courts as encompassing psychosocial risks at work (see section on jurisprudence). There are also administrative criteria that concern psychological risks in the workplace. Specifically, three (non-mandatory) technical guides for labour inspectorates have been approved, on harassment and violence at work,²²⁴ occupational risk of robbery²²⁵ (violence from a third party) and actions on psychosocial risks.²²⁶ Even though these administrative criteria are not primary law, they still provide a basis for labour inspectors inspecting workplaces. The labour inspectorate shall request the implementation of preventive measures by the public administration in the following cases: lack of psychosocial risk management, incomplete execution of psychosocial risk management, and failure to act in case of complaints from civil servants regarding psychosocial risks.

Spanish law does not provide specific provisions for harassment and violence at work. They may be considered criminal offences when they cause physical or psychological injuries (Articles 147, 173 and 184 of the Criminal Code).

2. Jurisprudence

To fill the legislative gap, two judgments of the Constitutional Tribunal (Judgments 62/2007 and 160/2007) have addressed psychosocial risks at work via an interpretation of Article 15 of the Constitution, concerning the fundamental right to life. Additionally, there have been several court cases related to workplace stress. They were based on the framework agreement on work-related stress negotiated in 2004 by the European social partners.

²²³. <https://www.boe.es/eli/es/l/2021/07/09/10/con>

²²⁴. Technical Criteria 69/2009 of the Spanish Labour Inspectorate.

²²⁵. Technical Criteria 87/2011 of the Spanish Labour Inspectorate.

²²⁶. Technical Criteria 104/2021 of the Spanish Labour Inspectorate.

According to case law²²⁷ if a risk of stress is identified, the employer should adopt preventive measures (to avoid, eliminate or reduce the risk). The company has a duty to act to ensure workers' safety and health, and a failure to act may result in its liability. The company is responsible for determining the appropriate measures. According to the law, the company may resort to the advice of a designated worker or prevention service if deemed necessary. Regardless of that, the adopted measures must be focused on solving the specific case and it is not considered appropriate to adopt general preventive measures (such as risk assessment) in specific situations, although they may be adopted when appropriate. These measures will be adopted with the participation and collaboration of workers and/or worker representatives. Although no court cases have been reported on workplace bullying, other authors have analysed cases of workplace bullying.²²⁸

3. Collective agreements

The lack of a legal framework related to psychosocial risks is reflected in collective agreements. Most of these include measures on workplace bullying, but only a few regulate psychosocial risks. The social partners implemented the Framework Agreement on Work-Related Stress through their national inter-confederal agreements (2005 and 2007), which were intended to guide collective bargaining at lower levels and made a substantial effort to raise awareness, as well as introducing some complementary measures.

There are few clauses on stress or psychosocial risks,²²⁹ but they can be found in sectoral collective agreements, including in those for perfumery,²³⁰ banking²³¹ and telemarketing.²³² Although scarce, agreements do exist that mention the choice of a method for evaluating psychosocial risks. One example is the *Convenio Colectivo de panadería y pastelería de la Comunidad Valenciana* (DO Comunitat Valenciana 13 March 2019), which, in its Article 42, recognised the problem of increasing work-related stress and proposed 'to promote, through the risk assessment and prevention plan, awareness and greater understanding of this matter to prevent, eliminate, and reduce psychosocial risks in the workplace'. It also cites various tools for carrying out psychosocial risk assessments. Annex I of the *Convenio Colectivo del Grupo Unidad Editorial* (BOE, 7 October 2017) establishes that the methods

227. See STSJ Madrid 5.10.2005 (R^o 2236/2005), SAN 14.5.2014 (number 0091/2014), STSJ Cantabria 20.3.2019 (R^o 0000061/2019) and STSJ Madrid 19.11.2019 (R^o 445/2019).

228. Reguera C. and García-Izquierdo A.L (2021) Women as victims of court rulings: consequences of workplace harassment in the hospitality industry in Spain (2000–2016), *Sustainability*, 13 (14), 7530.

229. UGT (2018) Guía: identificación y análisis de las cláusulas incluidas en la negociación colectiva en materia de riesgos psicosociales, Secretaría de Salud Laboral y Medio ambiente UGT-CEC, 21.

230. Convenio colectivo estatal de perfumería y afines. BOE 20 agosto 2019, number 199.

231. XXIV Convenio colectivo del sector de la banca. BOE 30 March 2021, number 76.

232. II Convenio colectivo de ámbito estatal del sector de contact center (antes telemarketing). BOE, number 165, 12 July 2017.

developed by the former National Security Institute and Hygiene at Work will be used to carry out psychosocial risk assessments. Another example of a provision dealing with psychosocial risk factors reads as follows:

For the purpose of carrying out the mandatory risk assessment and the resulting prevention plan, the following minimum list of risk factors to be considered in said assessment by companies in the sector is established: (...)

d) Psychosocial and organisational factors: work breaks; time between calls less than 23/35 seconds in automatic redialling positions; fatigue and negative effects associated with the physical and mental demands of the task; knowledge and clarity of work procedures and their supervision; knowledge and clarity of the guidelines to be followed in the management required by the customer; work schedules and shifts that negatively interfere with family life.²³³

A significant part of the relevant collective agreements focuses on moral harassment, establishing the meaning of such harassment, as well as specific measures in relation to employees.²³⁴ Workplace bullying seems to be the main concern at the workplace at both sectoral and company levels of collective bargaining.²³⁵ Collective agreements often provide a definition of workplace bullying, as follows:

any conduct having the purpose or objective of producing the effect or consequence of undermining the dignity of a person by creating an intimidating, humiliating, degrading, or offensive environment for the affected individual. [Such bullying comprises] repeated and repetitive behaviour that is capable of damaging the health of the harassed person.²³⁶

It also provides examples of the kind of behaviour that constitutes workplace bullying: failure to assign a task or assigning useless or degrading tasks with no productive value, isolation (by separating someone's work location and ignoring them), or giving a worker an excessive workload in a malicious manner.²³⁷ One collective agreement specifies that:

233. II Convenio colectivo de ámbito estatal del sector de contact center (formerly telemarketing). BOE, number 165, 12 July 2017. Article 58.

234. Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, number 208; X Convenio colectivo nacional para las industrias de pastas alimenticias. BOE 12 April 2021, number 87; Convenio colectivo del sector de grandes almacenes. BOE 11 June 2021, number 139.

235. IV Convenio colectivo del grupo VIPS. BOE 14 August 2020, number 219; III Convenio colectivo de Cimodin, SL. BOE 28 May 2021, number 127.

236. Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, number 208. 4.

237. Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, number 208. 4; X Convenio colectivo nacional para las industrias de pastas alimenticias. BOE 12 April 2021, number 87. Anexo II. Protocolo acoso sexual y acoso por razón de sexo

All of the above behaviours can occur between individuals of the same or different sex and in three ways:

- i. descending: when the harasser holds a higher position than the alleged victim.
- ii. horizontally: in cases where it occurs between people at the same hierarchical level.
- iii. ascending: when the harasser occupies a lower hierarchical position than that of the alleged victim of harassment.²³⁸

Additionally, some collective agreements establish the employer's duty to assess psychosocial risks as a preventive measure when moral harassment is identified in the company.²³⁹

27. Sweden (SE)

1. Legislation

In Sweden, the Work Environment Act (WEA) is the framework law providing measures related to the psychosocial work environment. This law is goal-oriented and is intended to be supplemented by regulations from the Swedish Work Environment Authority. In March 2016, regulation AFS 2015:4 on the Organizational and Social Work Environment (OSWE) came into force. The purpose of the regulation is to promote a good working environment and prevent the risk of ill health caused by organisational and social conditions in the working environment (§1 OSWE). The most important novelty in the regulation is the provision on the prevention of stress-related ill health. OSWE also contains rules on working hours and victimisation (bullying).

Although the term 'psychosocial risks' is not used, the regulation concerns precisely such issues. For example, section 4 OSWE provides the following definitions:

- Demands of the job: those aspects of the job that require repeated effort. Demands may include quantity of work, degree of difficulty, time limit, physical and social conditions. Demands may be cognitive, emotional or physical in nature.
- Victimisation: actions of an abusive nature aimed at one or more employees that may lead to ill health or to exclusion from the workplace community.
- Unhealthy workload: when job requirements exceed capacities on more than a temporary basis. This imbalance becomes unhealthy if it is prolonged and if opportunities for recovery are inadequate.

²³⁸. Protocolo para la prevención y actuación en los casos de acoso del Convenio colectivo estatal del sector de industrias cárnicas. BOE 28 August 2018, number 208. 4

²³⁹. X Convenio colectivo nacional para las industrias de pastas alimenticias. BOE 12 April 2021, number 87. Section 3. Harassment prevention measures.

- Organisational environment: terms and conditions for work that include: (i) management and governance; (ii) communication; (iii) participation, latitude to act; (iv) assignment of tasks; and (v) requirements, resources and responsibilities.
- Resources for the job: aspects of the job that help to: 1. achieve the objectives of the job, or 2. manage the demands of the job. Such resources may include: working methods and equipment, skills and staffing, reasonable and clear goals, feedback on work performed, opportunities for control at work, social support from managers and colleagues, and opportunities for recovery.
- Social work environment: terms and conditions for work that include social interaction, collaboration and social support from managers and colleagues

Systematic management of the work environment in relation to psychosocial risks

Sections 58 OSWE regulate various aspects of systematic management of the work environment. Section 5 covers the general rules of systematic work environment management in AFS 2001:1. Section 6 establishes that employers must ensure that managers and supervisors know how to prevent and manage unhealthy workloads, as well as victimisation. Employers should ensure that this knowledge can be applied in practice. Section 7 establishes that the employer shall have objectives for the organisational and social work environment. The objectives shall be such as promote health and increase the organisation's ability to prevent ill health. The employer shall give employees an opportunity to participate in the formulation of these objectives and ensure that they are aware of this opportunity. According to Section 8, the objectives shall be documented in writing in all organisations with at least 10 employees.

Workload

According to Section 9 OSWE, the employer shall see to it that the tasks and authority assigned to employees shall not give rise to unhealthy workloads. This means that the available resources shall be adapted to the demands of the job. According to the Work Environment Agency's general recommendations on Section 9, assignment of tasks shall take account of the quantity of work and the degree of difficulty, which need to be counterbalanced by the necessary resources. The employer should consider the indications of unhealthy workloads when assigning tasks. Unhealthy workloads can be prevented, for example, by reducing the workload, changing priorities, varying tasks, providing opportunities for rest and recovery, using different working methods, increasing staffing or providing knowledge. The employer should also make sure that the technology used is designed for and adapted to the work to be carried out. The employer's obligations to prevent unhealthy workloads cover both managers and supervisors, as well as other employees. It is important that the employer creates channels through which employees can notify the employer about onerous demands and inadequate resources. Leadership that promotes regular dialogue with employees will create an environment in which the symptoms of unhealthy workloads can be identified and imbalances corrected. Employers should investigate and correct any

workload-related risks as part of work environment management. Employers should avoid workloads that could result in illness or accident. Identifying the underlying causes of an excessive workload is essential in order to implement effective measures to remedy the situation.

According to Section 10 OSWE, the employer shall see to it that the employees know: (i) what tasks they are to perform; (ii) the results they are to achieve with their work; (iii) whether the work is to be performed in a specific way and, if so, how; (iv) which tasks are to be prioritised when the time available is insufficient for all tasks to be performed; and (v) to whom they can turn for help and support in carrying out the work. In addition, the employer shall ensure that employees know what authority they have in accordance with points 1–5. The general recommendations on Section 10 state that unnecessary demands and burdens on employees can be avoided by continuous review. It may be a good idea to communicate these points collectively to employees sharing responsibilities and tasks in order to promote collaboration. The employer should establish channels through which employees can inform them of any ambiguities on particular points. The employer should keep in mind that communication abilities may vary among employees. In cases in which support from colleagues is unavailable, the employer should ensure that a manager, supervisor or other designated person is available to provide help and support. Section 11 AFS 2015 states that the employer shall take measures to prevent ill health among employees who encounter tasks and situations that entail severe mental stress. According to the general recommendations, examples of tasks and situations at work that could be severely mentally stressful include dealing with people in difficult situations, being subjected to trauma, solving conflicts and making difficult decisions under pressure that include ethical dilemmas.

Working hours

According to Section 12 OSWE, the employer shall take any steps necessary to avoid scheduling working hours that may lead to ill health among employees.

The Work Environment Agency's general recommendations in relation to Section 12 state that the employer should consider the effects of the work schedule on employee health during the planning stage. Examples of work schedules that could pose a health risk include: (i) shift work; (ii) night work; (iii) split shifts; (iv) extensive overtime work; (v) long shifts; and (vi) extensive opportunities to work at different times and places, with expectations that they will be constantly reachable. The employer should particularly ensure that employees have the opportunity to rest and recover. The employer should also keep in mind that scheduling of working hours affects the risk of accidents.

Victimisation

Section 13 OSWE states that the employer shall make it clear that victimisation will not be tolerated at work. The employer shall take measures to eliminate conditions in the work environment that could give rise to victimisation. In the general recommendations the Work Environment Agency states that a

written policy may be useful for the purpose of clarification. Managers and supervisory staff have a special responsibility to prevent, notice and deal with victimisation. It is therefore important that they fulfil the knowledge requirements of Section 6. A joint initiative to address employee conduct and the manner in which employees treat one another may help to prevent victimisation. Examples of circumstances at work that are important to pay attention to include conflicts, workloads, allocation of work, conditions for collaboration, and reactions to change.

According to Section 14 OSWE, the employer shall see to it that procedures are in place to handle victimisation. The procedures should indicate: (i) who receives the information that victimisation is occurring; (ii) what happens to the information and what the recipient needs to do; and (iii) how and where victims can quickly receive help. The employer shall make the procedures known to all employees.

The general recommendations state that victimisation is usually reported to a manager when the person affected has not successfully resolved the situation. If the employee cannot turn to their immediate manager, they can turn to a manager higher up the management chain. Employees may also contact the health and safety representative. Rapid intervention may be necessary to assess the situation and prevent it from deteriorating, as well as to ensure that point 3 is addressed. The employer can assign the task of providing support and help to occupational health services or another specialist in the field. The Work Environment Authority's provisions on systematic work environment management state that if an employee suffers from work-related ill health or has an accident at work, or if a serious incident occurs at work, the employer should investigate the reasons in an effort to prevent ill health or accidents in the future. An inadequate investigation of victimisation may be harmful to both the work environment and employee health. The situation should therefore be investigated by someone who has adequate expertise, is able to act impartially and is trusted by the involved parties. The purpose of work environment legislation is to prevent ill health and accidents, but it does not regulate compensation or matters of liability. Legal assistance can be obtained from a trade union or legal counsel.

2. Jurisprudence

In Sweden, work environment cases are not tried in front of labour courts but before criminal or administrative courts.

Criminal courts

There is no case of an employer being convicted of a work environment offence (under the rules of the Swedish Criminal Code) related to psychosocial risks. In 2015 there was one case concerning criminal liability for two managers in social care in a small municipality in Sweden, who were charged with having caused a social worker's death by not acting to prevent

bullying.²⁴⁰ The managers were acquitted because of the uncertainty in the rules about bullying and negligence. Since then, no criminal cases concerning psychosocial risks have been tried before a court. Furthermore, no tort cases concerning compensation for injuries caused by psychosocial risks have been reported, because such injuries are covered by social security.

Administrative courts

The main avenue of enforcement in relation to the Swedish Work Environment Act is state supervision. The Swedish Work Environment Authority supervises the Act and the other regulations on the work environment. Before the OSA came into force, injunctions and prohibitions regarding the psychosocial work environment were unusual. Today, the legal situation has changed, and work environment inspectors today issue four times as many orders concerning the organisational and social work environment as before the regulations came into being. This is how the rules laid down in the OSWE are enforced, especially those that concern stress. The Work Environment Agency makes little use of the rules on working hours and victimisation (bullying). These orders and prohibitions can be appealed against in administrative court. To date, there have been no cases under the new rules about psychosocial risks (AFS 2015:4) in the higher levels of the Swedish administrative courts.

3. Collective agreements

In Sweden, occupational health and safety is regulated in the Work Environment Act. It is not possible to deviate from the Act by means of collective agreements. For many years now, indeed, there have been no general collective agreements on the work environment. There might be minor exceptions, but to my knowledge there are no collective agreements that take account of psychosocial risks in Sweden. The 'Swedish model' of labour law is heavily dependent on the social partners but work environment law is an exception, being based on older nineteenth-century factory legislation.

240. Hovrätten för Nedre Norrland, Case B 399-14, 2015-03-03.

Annex

Table of experts by country

Member states	Experts
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Belgium	Jan Bulens and Kelly Reyniers
Bulgaria	Dobrinka Boneva
Croatia	Sandra Laleta and Karla Kotoulovski
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Czechia	Martin Stefko
Denmark	Nicole Christiansen
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Finland	Maija Moiso, Petra Pynnönen and Marjo Ylhäinen
France	Jean Paul Dautel
Germany	Carsten Bruek
Greece	Effrosyni Bakittzi
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Ireland	Silvanus Tanifon
Italy	Emanuele Dagnino
Latvia	Ramune Guobaite
Lithuania	Irena Liepina
Luxembourg	Kim Faber
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