

A case for an EU directive addressing work-related psychological risks: an eastern European perspective

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Policy recommendations

- Work-related psychological risks (PSR) pose an ever-growing problem for modern labour. Awareness of the problem and approaches to its legal regulation vary across the EU. Many central and eastern European states still lag behind in addressing the problem in their national legislation.
- With a view to adapting working conditions and work organisation to address and manage psychological risks in central and eastern Europe effectively it needs to be incorporated into risk assessment and management measures, along with implementation of collective preventive measures. It is thus crucial to strengthen national regulatory frameworks with regard to psychological risks and to enhance sector-specific activities, joint actions of social partners and active campaigning by national trade unions.
- The EU Occupational Safety and Health Framework directive does not cover psychological risks explicitly, while the implementation of non-binding framework agreements on work-related stress (2004) and on harassment and violence at work (2007), as well as other soft instruments are not sufficient to influence central and eastern European legislation. The regulatory framework at the EU level should therefore be reinforced to better prevent and deal with work-related psychological risks.
- To tackle the issue effectively, the adoption of a new binding instrument at the EU level is essential. Developed with the involvement of the social partners, it would set minimum standards on psychological risks. An EU directive specifically addressing work-related psychological risks would bring about legislative changes in the Member States where they are needed most and gradually ensure an equal minimum level of protection for workers across the EU.

Introduction

Today's world of work involves more and more psychosocial risks, for a variety of reasons. These include new technologies that are changing the nature and pace of work (Aldasoro et al. 2021), work overload and time pressure, shifting working hours with demands for availability 24/7 (Chia et al. 2019), job insecurity and discrimination, as well as new or exacerbated psychosocial challenges to workers' well-being as a result of the Covid-19 crisis.

Across the EU, the existence of psychological risks at work is a long-standing and problematic issue. This is also the case when it comes to the central and eastern European states,¹ where, despite increasing work-related psychological risks, awareness of the issue, its legal regulation and its management are seriously lacking.

Before the collapse of communism central and eastern European countries had quite a different tradition of work from their Western neighbours. In the socialist system the aim was to provide jobs for all, and both women and men worked full time on an equal basis until their retirement (Wallace and Pichler 2007). Wages were generally low, but compensated by various social benefits. The trade unions' role was merely formal as they were affiliated with the national communist party and did not represent workers' interests in the familiar way.

Since the beginning of 1990s, many central and eastern European countries have experienced rapid structural and occupational changes, which have occurred more quickly than in advanced economies. This has posed severe challenges for workers, enterprises and policymakers (Lewandowski 2017: 351).

Although central and eastern European economies were on the periphery long before their economic and political transformation, the rapid increase in unemployment, privatisation, economic insecurity and the burgeoning informal economy plunged workers into a more risky and uncertain labour environment, directly or potentially affecting their mental health and emotional well-being. Moreover, high rates of work-related accidents, poor OSH management at enterprises, weak labour inspection and trade unions, along with inefficient social dialogue became long-term attributes of the world of work in these states.

While the data on working conditions across central and eastern Europe indicates a significant presence of psychological risks at work in different industries (EU-OSHA 2019), this issue is neither regulated by national legislation, nor adequately addressed at the enterprise level. In addition, researchers, policymakers and trade unions often neglect psychological-risk regulation in these countries.

1. According to the OECD definition, central and eastern European states include Albania, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, the Slovak Republic, Slovenia, and Estonia, Latvia and Lithuania. For the purpose of this paper the reference to central and eastern European states is limited to the EU Member States.

Labour in central and eastern Europe: common features

Although the level of development varies across central and eastern Europe, labour in these countries can be characterised by a number of distinctive features, some of which may lead directly to increased psychological risks at work:

- *Long working hours and low wages.* Both women and men in eastern and central Europe work longer hours for less pay than their counterparts in Western Europe. It is reported, for example, that around 13 per cent of women and 19 per cent of men work 41–50 hours per week (compared with 7 per cent and 15 per cent, respectively, for female and male workers in Western Europe) (Artazcoz et al. 2018).
- *High job insecurity.* Workers in central and eastern Europe report feeling more insecure than those in Western Europe. Unemployment, including long-term, is more often experienced by women than men. In addition, female workers in the region are to a greater extent affected by hidden unemployment and involvement in the informal economy. The prevalence of job insecurity is high in Hungary, the Czech Republic and Poland (László et al. 2010).
- *Little job satisfaction, lack of work autonomy and poor career development opportunities.* Generally, job satisfaction in central and eastern Europe appears to be lower than in Western Europe. Workers seem to be more satisfied when the quality of their work life is high while working in a non-competitive but cooperative work environment (Borooah 2009).
- *Work intensity and time pressure.* These factors have increased in post-communist countries, resulting from the introduction of market-oriented productivity measures.
- *Dangerous and unhealthy working conditions.* Some research reveals that Eastern European workers are much more likely to work in dangerous and unhealthy conditions than workers in Western Europe (Wallace and Pichler 2007).
- *Informal economy.* Across central and eastern Europe, nearly 19 million workers are directly involved in informal work, about 25.7 per cent (including agriculture). According to the ILO, 28.1 per cent of men and 23.0 per cent of women are informally employed in central and eastern Europe. Out of the 19 million workers in informal employment in the region, over 7.7 million are women and they are reported more often to be in vulnerable situations. Particularly affected countries are Poland, Bulgaria and Hungary (ILO 2018).
- *Gender pay gap.* Women in general earn 9 to 24 per cent less than men in central and eastern Europe, with the widest gender pay gaps in Latvia (women earn 22.3 per cent less than men), Estonia (21.1 per cent), Hungary (17.2 per cent), and the Czech Republic (16.4 per cent) (Eurostat 2020). Although such wage differences can result in stress

and adverse health effect there is generally little awareness of the issue in the region.

- *Discrimination at work.* Gender segregation in employment still prevails in most of central and eastern Europe, while low-paid positions in the public sector, health care, education and services are often female-dominated. Migrants and ethnic minorities are often discriminated against. In Hungary, for instance, 21 per cent of migrants are reported to be victims of discrimination (21 per cent) when looking for a job or directly in the workplace (Blaksó and Fazekas 2016). Female domestic migrant workers are particularly vulnerable, often enduring unpaid overtime work, unacceptable working conditions, harassment, psychological or even physical violence. Furthermore, the current legal framework in most of central and eastern Europe does not provide for the protection of migrant domestic workers' rights.
- *Poor work–family balance* may result in poor physical and mental health, psychological distress and life dissatisfaction. In central and eastern Europe, both working men (23.8 per cent) and women (27 per cent) report higher poor self-reported health compared with Nordic (around 19 per cent of men and women) or Western European states (20 per cent of women and 19 per cent of men). Only 11 per cent of workers in central and eastern Europe have flexible working arrangements (Mensah and Adjei 2020).

Trends concerning the inclusion of psychological risks in the national OSH framework

Framework Directive 89/391/EEC on measures to improve safety and health at work, obliges employers to preventively ensure workers' safety and health at work and to establish health and safety procedures and systems. The Directive does not explicitly include the terms 'psychological risk' or 'work-related stress', however, thus causing a lack of clarity and misinterpretation when it comes to implementing the Directive across different EU Member States (Leka et al. 2015).

Initiatives to address the issue of psychological risks in the Framework agreements on work-related stress (2004) and on harassment and violence at work (2007), as well as other 'soft law' policies at the EU level seem to have had some positive effects on the legislation of some central and eastern European countries. Hence, in the Czech Republic amendments were made to the new Labour Code, according to which employers are obliged to create safe working conditions and to adopt measures for assessing, preventing, and eliminating risks (Law no. 262/0226 Coll. of 21 April 2006). Provisions implementing the Framework Agreement are also reflected in the Labour Codes of Slovakia (Law 311/2001), Hungary (Health and Safety at Work Act, CLXI of 2007) and – to some extent – Poland.

Nonetheless, because of the common features of work organisation and general situation on the labour market, along with the role of statutory regulation in central and eastern Europe, the implementation of 'soft' policies

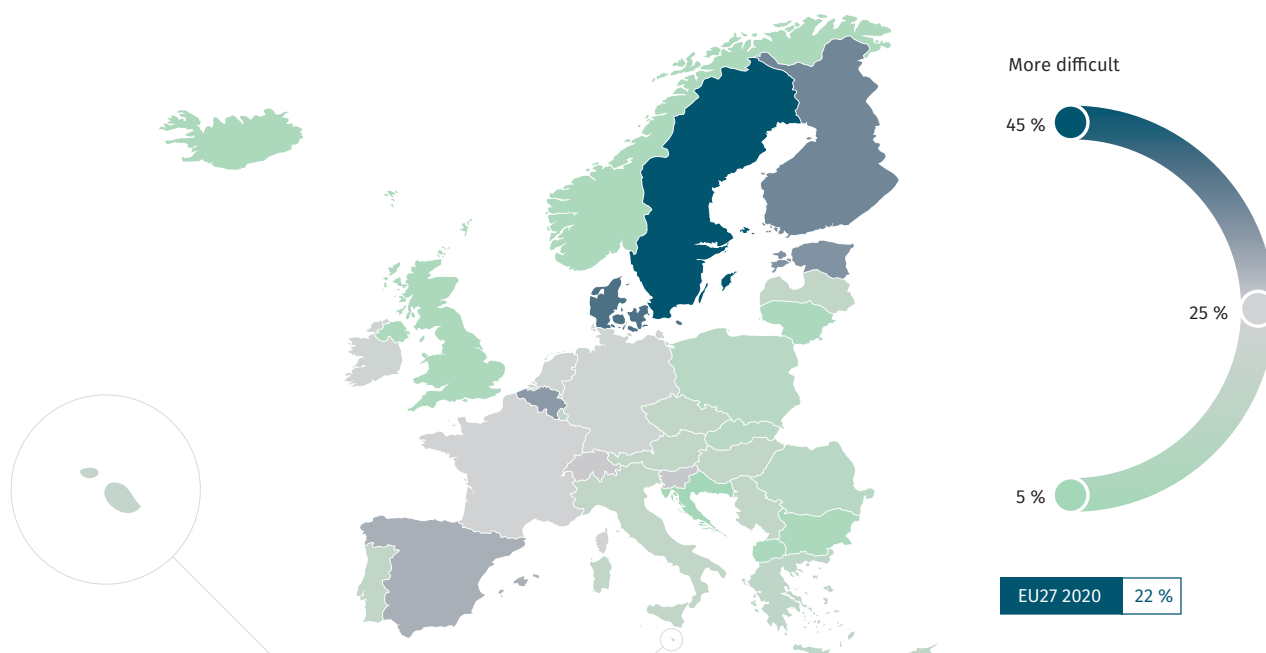
has not proven to be effective. Moreover, there is an evident failure to address psychological risks at enterprise level across the region.

In fact, nearly 80 per cent of establishments in the EU identify at least one psychosocial risk factor as being present in their workplaces. Among such establishments, 21 per cent perceive such factors to be more difficult to handle than other risks, for example, in Sweden (43 per cent of establishments), Denmark (38 per cent) and Finland (34 per cent). Only 6 per cent of establishments in Croatia and 7 per cent in Bulgaria, however, consider psychosocial risks at work to be more challenging than other risks (EU-OSHA 2019: 8).

These findings rather indicate a lack of awareness and differences in perception of psychological risks across central and eastern Europe, not the absence of the problem. It appears that legislative regulation of psychological risks is simply not seen as a priority, while there are many other pressing issues at workplaces in the majority of countries in the region. The problem is acknowledged by, for example, the Scandinavian states, Belgium, the Netherlands and Germany, which try to manage it and find ways to regulate it (Figure 1).

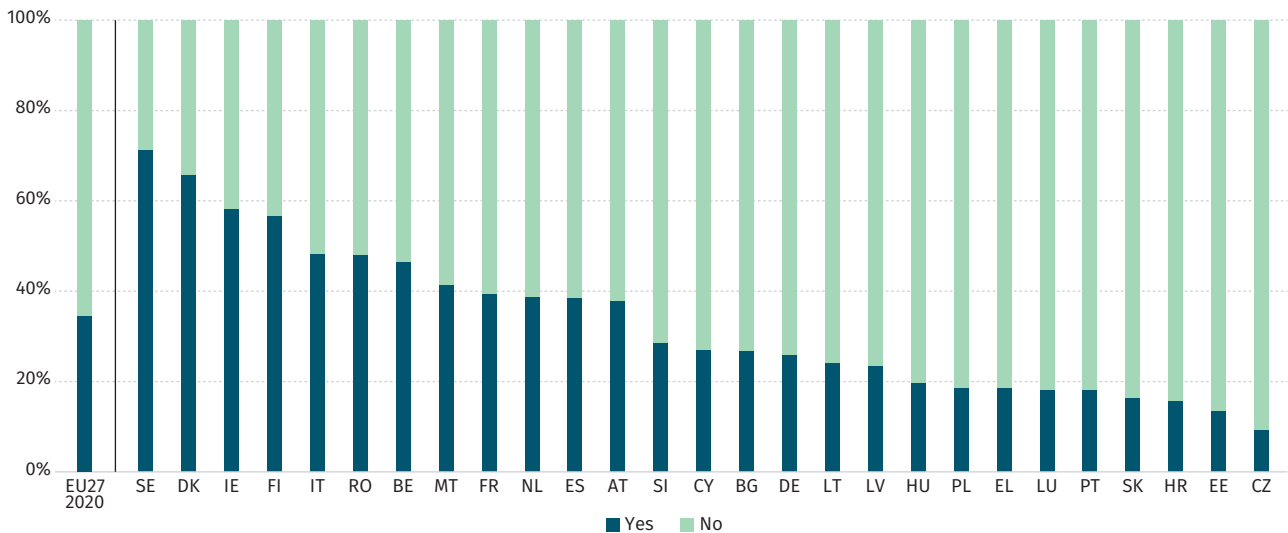
Moreover, there is a prevailing perception of psychological risks in central and eastern Europe as an individual issue pertaining to workers' personal resilience, not a collective one, related to poor work organisation and OSH management. Only a small proportion of enterprises in central and eastern Europe have an action plan to prevent psychological risks at work: 9.3 per cent in the Czech Republic, 13.5 per cent in Estonia and 16.4 per cent in Slovakia compared with 71.3 per cent in Sweden, 65.8 per cent in Denmark and 56.6 per cent in Finland (Figure 2).

Figure 1 Management of psychological risks at workplaces across the EU



Note: The data are for workplaces in all 33 countries that report the presence of at least one psychosocial risk factor, from ESENER 2019. Source: Adapted from EU-OSHA Third European Survey of Enterprises on New and Emerging Risks (ESENER 3), 2019.

Figure 2 Action plans to prevent psychological risks at work across the EU



Source: Adapted from EU-OSHA Third European Survey of Enterprises on New and Emerging Risks (ESENER 3) 2019.

There are almost no procedures to deal with cases of bullying and harassment at enterprises (for example, in Hungary 89.3 per cent of establishments do not have such procedures, in Estonia 78.3 per cent and in Bulgaria 75.1 per cent). The figures are also low as regards procedures for dealing with threats, abuse or assault at work in the majority of central and eastern European enterprises.

To address psychological risks effectively in domestic legislation in the region, it is vital to emphasise the regulations on working conditions, particularly targeting the content (for example, work environment and equipment, workload and task design) and context (organisational culture, decision-making latitude and career development) of work.

A collective approach to regulation of psychological risks is also essential, because interventions aimed solely at the individual have not proven to be effective for either employees or employers in the long run. The focus has to be on collective risk assessment and psychological-risk management measures, as in the case of other OSH risks. Changes in OSH national legal frameworks are of vital importance here, along with strengthening sector-specific activities, local workplace regulations, joint actions of social partners and active campaigns.

Towards efficient regulation of psychological risks in central and eastern Europe: an EU directive needed

Past and current labour trends in central and eastern Europe clearly require a new regulatory approach and efficient enforcement mechanisms when it comes to tackling work-related psychological risks. There is a crucial need to raise awareness at national level and to engage social partners in a dialogue to address this long-ignored issue.

There is a general lack of clarity concerning work-related psychological risks across the EU Member States. One significant problem is the shift of regulatory focus to mental health issues, not those resulting from working conditions. This ignores the fundamental distinction between -existing mental health problems and those directly related to exposure to psychological risks at work (Scandella 2017).

The distinction between psychological risks and occupational safety and health is not reasonable, because ignoring work-related psychological risks at the regulatory and enterprise levels may have long-term health consequences for workers' mental health, but can also increase the possibility of work-related injuries and illnesses (for example, occupational accidents because of fatigue or stress). Moreover, the constant presence of psychological risks at work leads to increased costs for enterprises resulting from work-related depression, burn-out and other risks faced by employees.

Around 89 per cent of employers assert that the main reason they manage occupational safety and health is that it is covered by legislation (EU-OSHA 2019). While Scandinavian countries and the Netherlands have adopted a comprehensive set of regulations covering work-related psychological risks, other EU Member States have adopted legislation covering only some related issues (such as work-related stress, harassment and bullying). Most central and eastern European countries have only limited or no regulation on psychological risks at domestic level, however.

Furthermore, the lack of a common legislative framework on psychological-risk evaluation and management in Europe and different levels of advancement of OSH culture impact the effectiveness of labour inspection. In most central and eastern European countries, labour inspectorates deal solely with OSH issues at work, without covering psychological risks. Nor do they normally focus on prevention of such risks.

Moreover, the Framework Agreements on work-related stress and on harassment and violence at work appear to contain fairly general formulations, thus giving free rein to different interpretations of these instruments by Member States. Such non-binding agreements seem unable to produce the necessary effects in protecting workers from psychological risks in the long term, especially in states in which the issue is not prioritised, and whose governments do not face external pressure to attain a certain level of provision.

In addition, the EU Strategic Framework on Health and Safety at Work of 2014, while noting the prevalence of stress among European workers, does not further elaborate on measures for the prevention of or dealing with psychological risks. Similarly, the Communication on Safer and Healthier Work for All of 2017 acknowledges that stress causes reduced performance at work and can lead to five times more accidents. With regard to psychological risks, however, it states that in order 'to improve workers protection in practice, it is necessary to raise employers' awareness and provide them with further guides and tools.' Such measures, however, do not appear to be effective when tackling psychological risks at work (Scandella 2017), nor do they call for any specific legal regulations to be introduced by the Member States.

Conclusion

Hence, in the absence of national legislation explicitly regulating work-related psychological risks – along with weak trade unions, inefficient social dialogue and limited scope of labour inspection – the situation in central and eastern Europe is even more critical. It is not enough to address the issue using soft law instruments because their application is voluntary. Those states that suffer most from poor working conditions and the absence of regulations on psychological risks will not gain solely from the implementation of non-binding tools. Moreover, in countries with a low level OSH culture – which affects the majority of central and eastern European countries – the political will to implement non-binding agreements is generally low.

Changes must therefore be made in the legal frameworks of central and eastern European countries in which the issue of psychological risks is not addressed by national legislation. Given that the phenomenon of work-related psychological risks is becoming increasingly prevalent across the EU, there is little alternative to a specific directive.

While the provisions of the 1989 OSH Framework Directive do not explicitly relate to psychological risks, a binding directive at the EU level would pave the way for the gradual development and adoption of legislation on psychological risks by the EU Member States still lacking it.

An EU directive on psychological risks, and hence the obligation to transpose its provisions into national legislation, would have a positive impact on the regulation of work-related psychological risks in central and eastern Europe. The directive would prioritise psychological risks by putting them high on the agenda, embed such risks in OSH standards and help to close existing legislative gaps. Given that work-related psychological risks are a collective challenge and not an individual issue based on worker resilience, it is essential that the new binding instrument focus strongly on preventive measures at work, putting a collective regulation approach over an individual one.

By setting minimum standards on psychological risks at work, regardless of different national contexts, such a directive would stimulate policy changes, as well as encourage labour inspectorates to tackle such risks. The directive would also prompt trade union action in relation to psychological risks, while a binding regulation at EU level might be vital in enabling unions in central and eastern Europe to bypass opposition at the national level.

Finally, the directive will contribute to awareness-raising and the effectiveness of other EU policies addressing psychological risks. This would lead progressively to improvements in working conditions and ensure workers' well-being in the EU and in particular across central and eastern Europe.

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