

**Nayla Glaise  
and Aude Cefaliello**

Interview

# The fight for a directive on psychosocial risks

The 'End Stress' campaign was launched in 2019 by trade union federation Eurocadres, with the support of the European Trade Union Confederation and European federations, to call for legislative action at the EU level to address the 'stress epidemic' sweeping Europe. The pandemic that followed soon after, with its pervasive impacts on people's working lives, only offered further grist for the mill. And in 2022, two European Parliament reports gave a boost to the campaign's demand by calling explicitly for the European Commission to propose a directive on the prevention of psychosocial risks.

*HesaMag* spoke to Eurocadres President Nayla Glaise and the ETUI's Aude Cefaliello, researcher in occupational health and safety, about why we need such a directive in the EU today.

**Interview by  
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## 'We want it to be focused on work organisation and not on mental, personal problems.'

⇒ **Nayla, why don't you kick us off by telling our readers a bit about the objectives of the 'End Stress' platform?**

**Nayla Glaise (NG)** — The 'End Stress' platform is a group of trade unions and NGOs that all want the same thing: an EU directive on psychosocial risks (PSR). In the beginning we were more focused on managers, because Eurocadres members are trade unions for professionals and managers, who have big issues with workload and pressure from CEOs. Four in five managers express concern about work-related stress, while 61% of female managers have sleeping problems.<sup>1</sup>

But now, if you go to our platform site [[endstress.eu](https://endstress.eu)], you will see a lot of trade union logos, and not all of them are organising professionals, many are organising blue-collar workers. I think the pandemic changed things. We can see now that many other workers are very much affected by stress – people working in the public sector, for example, in hospitals, on the frontline... Over half of all EU workers say these issues are a problem in their workplace.<sup>2</sup>

It's a very sensitive topic and not all organisations or associations deal with it in the same way that we do. We want it to be focused on work organisation and not on mental, personal problems. The most important thing for me is that when somebody asks to join this platform they understand that our aim is to work on a *collective* approach: the focus is on the organisation and not on the individual.

⇒ **'Stress' is a word that's thrown about a lot. I think everybody probably hears it in at least one conversation a day. But when we use the more technical term of 'psychosocial risks', we're talking very much about the risk factors in the workplace. Aude, can you explain a bit about how these risks are the source of work-related stress?**

**Aude Cefaliello (AC)** — Well there are different definitions of PSR but, long story short, it's about how the work is organised, and how this impacts the mental and physical health of workers. Here you have different examples: workload, role conflicts, lack of autonomy, injustice at work, etc. If this is not prevented adequately and we don't take the workers and their needs into consideration, this will lead to work-related stress, which is the result of a mismatch between the demands placed upon workers and the resources made available by the organisation to deal with them.

⇒ **And this is where legislation comes in?**

**AC** — When it comes to legislation, it's a question of having minimum requirements and obligations. This comes from the language of the Treaty on the Functioning of the European Union. According to Article 153, the EU can take action to improve the working environment to protect workers' health and safety – for example via the legal form of a directive, which will set minimum requirements.

'Minimum requirements' means that when Member States implement this at the national level, they can also go beyond these requirements, including in collective agreements. All we want here is a level playing field. What we currently have in the field of OSH are common obligations: to prevent risk and to consult workers and their representatives on all risks that workers are exposed to. But this is very general: so far, we have nothing specifically on PSR.

⇒ **And you are both arguing that the legislation we already have in the EU is not enough to deal effectively with PSR. Why is it not enough?**

**NG** — Well, first of all, it's not enough because in all of the [EU OSH] directives, there's no explicit mention of PSR. After we had the OSH Framework Directive in 1989, we had other directives on specific risks, but these mainly concern physical risks – risks that are thought to be easier to measure in terms of the level of exposure of workers to them. But none of them deal with the psychosocial dimension.

Secondly, it's not a national issue, it's a European issue. When we meet with our members, they all have the same problems. It doesn't exist as a problem specifically in one or two Member States, it's everywhere. So it should be dealt with at the European level.

Finally, the problem is that there is no instance of the principle of primary prevention – which means a focus on the work organisation – being explicitly and specifically dedicated to PSR in any EU legislation. So we don't anticipate things and thus limit exposure to health threats.

**AC** — To complete what Nayla has said: at present, in the EU OSH legal framework, there is no piece of legislation mentioning PSR. It appeared for the first time in the recent draft proposal for a directive on platform work, where it is specified that a platform has to assess PSR along with other risks, such as ergonomic hazards. But this proposal has not yet been adopted, we're not sure it will survive in its current form, and it's only for the platform economy. So the scope of application would be very narrow. However, it does mean that the European Commission is starting to acknowledge PSR.

1. <https://endstress.eu/our-sources>  
2. Idem.



↑ **Nayla Glaise, President of Eurocadres (on the left), and Aude Cefaliello, researcher at the ETUI.**

Photo: © Aymone Lamborelle, ETUI

What we have had are framework agreements [*concluded between the European social partners*] on work-related stress [2004] and workplace bullying [2007], but reports show that their implementation has been unequal across Europe. We can describe it as a ‘patchwork implementation’ (with many holes!).

The EU OSH legal framework includes a general principle of prevention applicable to all aspects of work. And in a lot of countries, because of this, prevention measures are actually implemented. The ESENER-3 survey [*Third European Survey of Enterprises on New and Emerging Risks*] conducted by EU-OSHA shows that, in general, OSH is fairly well assessed and prevented. Now, the Commission says that this obligation also applies to PSR, but the fact is,

we’re not seeing the same implementation when we talk about autonomy, bullying, workload... And this is all PSR.

➔ **But are there some good examples at the Member State level of relatively effective legislation on PSR?**

AC — Yes, but it differs according to the country. In Denmark, for example, there is the obligation to assess specific aspects – such as the nature and duration (short-term or long-term) of the exposure – and to have a prevention plan that takes these aspects into account. So, this is quite detailed. On overall primary prevention, Denmark and Sweden are very good, they are the best cases – but it doesn’t mean they have it all. I think Belgium, for instance, is better on

workplace bullying: they have the ‘person of trust’ system<sup>3</sup>, as well as official channels of complaint and protection for the employee.

Because there is nothing on PSR at the EU level, we can actually see how assessment and prevention depends on the national legislation. And we can also see that in countries where there is a really well-developed and thought-out legislation, there are more action plans in place to deal with stress and workload.

**3.** The appointment of a ‘confidential counsellor’ in the workplace who is easily accessible to workers and can even themselves be a member of staff.

➔ **So do you mean that evidence shows there is a higher rate of workplace action plans in countries where legislation is tighter around PSR specifically?**

**AC** — Yes, the percentage of workplaces that report having action plans on stress or workplace bullying is higher in countries where there is some legislation covering it, and in countries where there is nothing, surprise surprise, rates are very low. According to the ESENER survey, in many countries, employers report that the main incentive for them to address OSH is the legal requirement. So the right path is arguably to have an EU directive on PSR because if you have a directive, it is mandatory to implement it through national legislation, as we saw with the Framework Directive. There is not a single country that did not adjust their legislation following this Directive. So because we dared to take that path 30 years ago, we have seen a global improvement.

➔ **But what exactly could a directive do, concretely, to ensure better prevention of PSR?**

**NG** — It's time to think in terms of results and beyond purely theoretical approaches. This is how employers function when it comes to financial targets: they have goals that they have to reach. We all know nowadays that there needs to be a balance in companies between financial, environmental and social targets. Well these social targets need to include objectives to reduce work-related stress, through dialogue with employees but also with their representatives.

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*'At present, in the EU OSH legal framework there is no piece of legislation mentioning PSR.'*

The content of what to measure and how to measure it, this is up for discussion in the social dialogue with workers and trade unions. But an EU directive should establish the obligation to open these discussions and have these kinds of targets. This is why our aim is for any legislation to be results-oriented, it can't just be about intention. Employers already have an obligation to ensure the health and safety of their workers. But when it comes to PSR, we can see that they do not fulfil their obligations, which is why we need indicators to make sure that they do.

**AC** — The directive is supposed to set rules, but then leave space as regards what you do with it. So if you take an analogy with sports, you have rules on how you play a rugby game: who does what, what role each of them plays, the rules of play, etc. This is the same with a directive. It provides rules. Having rules for a game never dictates how the game is going to be played.

The key idea should be about how the collective work organisation creates PSR factors, whose consequences affect workers. A PSR directive should include clear definitions of PSR factors, with different examples, like 'what is an unhealthy workload?' And then it should outline a set of obligations for the employer: to assess PSR; to provide training for workers and management; to have a code of conduct, etc. And it should ensure that none of this is done without the approval of the health and safety representatives.

There should also be specific parts on work-related stress and workplace bullying, defining a set of obligations for these specific consequences of PSR – for example, having protective measures in place for workers to sound the alarm if they are a victim or witness of harassment. Workers should also have the right to compensation if they are a victim.

**4.** The presidency of the Council of the EU rotates among Member States every six months, who work together in groups of three to set a common agenda over an 18-month period. The current trio is made up of the presidencies of France, the Czech Republic and Sweden

➔ **What kind of obstacles are you facing in this campaign?**

**NG** — The first thing we need is a sign from the European Commission that they're ready to put something in place. We had a meeting with representatives of the French and Czech presidencies and were told it was not a priority for them. So this is why we are looking forward to the Swedish presidency.<sup>4</sup> Sweden considers itself to have very good legislation in this area, so this is an opportunity for us.

But the main obstacle, of course, are the employers who are lobbying against it. At every panel debate I just say to them: 'make your calculations'. Financially it's more beneficial to put these things in place. 60% of all lost working days can be attributed to work-related stress and PSR, with the costs of work-related depression estimated to be 617 billion euros a year. So even if we talk only about money, maybe legislation on PSR would cost a bit in the beginning for the employer, but it would benefit them in the end.

But when you talk about changing work organisation, many of them are just not ready, especially in companies where it's very hierarchal. It's so difficult to change mentalities and the workplace culture.

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*'When the law addresses an issue, it helps to kill the taboo around it.'*

➔ **One interesting thing is that PSR seems to keep appearing in different areas of EU law-making in recent times, but in piecemeal ways, whether it's through initiatives on the right to disconnect, telework, bullying, harassment, platform work, etc. What do you think is at the core of what seems to be a resistance to deal with PSR in a holistic way?**

**NG** — Why do they want to talk about the 'right to disconnect'? Because they don't want to touch the work organisation. The right to disconnect – the right to close work communication channels after working hours – already exists in all the legislations of Member States. But we know that if I have a lot of work I won't close my computer until after working hours. The problem lies in work organisation and workload, and this is what they don't want to discuss. This is why it's easier to take all these things apart rather than talk about primary prevention and risk factors.

**AC** — I agree. It's turning the problem into an individual and fragmented one. Even in the framework agreements, at no point is there mention of PSR, only 'work-related stress'. Workplace bullying is considered a problem of one worker harassing another. Right to disconnect is ostensibly just about the individual having the right to stop working. There is nothing about collective work organisation. But if we start to recognise that all of this is connected, that the way you organise work creates PSR factors that will impact the worker, which might then lead to individual situations of distress... Then this also opens the door to workers and workers' reps and trade unions having a word to say about how the work is organised, because then you have to consult them. This puts the worker at the centre of the workplace. We want this, but some people don't. This is why it's so important that we emphasise the bigger picture.

Maybe it's my lawyer side speaking, but I think having a directive can help to bring this issue into the daily conversation and normalise it. When the law addresses an issue, it helps to kill the taboo around it.

**NG** — We want people to be able to talk about PSR freely, especially at the workplace. In so many companies, people experience burnout and are absent for many months, and when they come back, they are ashamed, they feel guilty. This is why it's important that we talk about it more and say clearly to victims of burnout: 'it's not you, it's a work organisation problem'. ●

## The 'End Stress' five key pillars for a PSR directive

1. The participation of workers and workers' representatives in the conception and implementation of measures and continuous monitoring
2. Clarification on the obligation for employers to systematically assess and mitigate psychosocial risk factors
3. Obligation for employers to set social targets and objectives to reduce work-related stress in dialogue with employees
4. Access to training must be granted to all workers, with managerial staff receiving specialised training to help prevent psychosocial risks at work
5. A directive must guarantee no repercussions for employees who raise concerns regarding psychosocial risks in the workplace



### FURTHER READING

Cefaliello A. (2021) *Psychosocial risks in Europe: National examples as inspiration for a future directive*, Policy Brief 2021.16, ETUI. <https://www.etui.org/publications/psychosocial-risks-europe>

Yarmolyuk-Kröck K. (2022) *A case for an EU directive addressing work-related psychological risks: An eastern European perspective*, Policy Brief 2022.05, ETUI. <https://www.etui.org/publications/case-eu-directive-addressing-work-related-psychological-risks>