

Contracting Institute

European Trade Union (ETUI)
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CALL FOR EXPERTS

Mapping of national law and jurisprudence concerning work-related Psychosocial Risks.

Expertise required.

The ETUI is looking for experts with an academic background in law to conduct a short research project on psychosocial risks. The experts should have the necessary skills to conduct legal research based in a specific national legal system. The experts may also be doctoral or advanced Master level students in law.

Background

Work-related psychosocial risks (PSR) are increasing and impacting all sectors in all EU Member States. The effects of PSR can be long-lasting and have physical and psychological impacts on workers' lives (e.g., depression, musculoskeletal disorders, burn out, post-traumatic stress syndrome, etc.). According to Directive 89/391/EEC, employers are obliged to protect workers' health and safety in all aspects of work. Moreover, European social partners have adopted two framework agreements covering certain specific PSR: European framework agreement on Stress (2004) and on workplace bullying and violence at work (2007). Despite these common obligations, Member States do not share common standards and principles regarding PSR. On the contrary, legislation on PSR differs widely between Member States. Some Member States have no specific regulation on the issue at all, others have regulated parts of the problem, and yet others have a fairly sophisticated and complete regulatory system on the issue.

ETUI seeks to get a clear overview of the EU27 national legislation regulating PSR. We want to get insight in:

- the kind of regulation in place in the member states,
- the extent to which the general principles of prevention, as formulated in Directive 89/391/EEC, are applied in that regulation,
- as well as whether all PSR are being covered.
- ETUI is also interested to know whether cases of work-related PSR are being brought to the national courts, and if so, what kind of cases and what kind of courts (e.g., Employment Tribunal, Penal Courts, Civil Courts/Tort Law).

This mapping exercise concerning the EU27 national legal framework and jurisprudence on PSR will feed into the discussion on the potential adoption of an individual EU directive on PSR.

Task description

The object and purpose of the assignment is to collect information on national rules and jurisprudence on psychosocial risks. The ETUI seeks to obtain such information individually for each EU Member State in the form of a short country report of **3 to 5 pages (in English)**.

Each country report should answer the following questions:

- (1) **Legislation:** Does the Member State regulate specific obligations on Psychosocial Risks at work? Please specify what aspects of PSR are being regulated, in what (kind of) legal act(s,) and how.
Disclaimer: Legislation on Discrimination is excluded from this study.
- (2) **Personal scope of the Legislation:** In some countries (e.g., United-Kingdom and Germany), there are (legal) differences between: self-employed, workers and employees. If your country makes a similar distinction, do the rules on Psychosocial Risks make a distinction between employee and workers (or does it apply to both)? If there is a distinction, can you explain (briefly) the differences. Additionally, is there any exception of the scope of application of these legislation (e.g., domestic workers)?
- (3) **Collective Agreements:** Are there any collective agreements (sectorial, inter-sectorial or at company level) covering specifically PSR (or part of it)? If yes, please give an example and brief details for each level (inter-sectorial, sectorial, company level).
- (4) **Jurisprudence and case law:** Are work-related PSR-cases being brought to court in your country? If so, please specify what kind of cases, what kind of courts (labor court, civil court, criminal court, but also: levels of appeal).

Reports should be written in English. This work shall be completed no later than the **7th of September 2021**. For each national report, the ETUI will pay an all-inclusive fee of **EUR 500, -**. We especially encourage applicants from experts who **can cover multiple Member States**. Each country report should include clear reference to the sources throughout and should be **3-5 pages long**.

Award criteria

The contracts will be awarded taking into consideration expert skills and competences. We also welcome (and encourage) applications from Postgraduate (Master and PhD) students.

Once selected, experts would have to complete the Declaration on Honour (Annex 1).

Deadline for the application

Candidates can send enquiries and submit their application comprising a CV and a short statement (max 250 words) to Dr. Aude Cefaliello (acefaliello@etui.org) by the **28th of June 2021**.

Annex 1 - Declaration on Honour

I HEREBY CERTIFY, AS CANDIDATE/LEGAL REPRESENTATIVE OF THE CANDIDATE,

THAT THE CANDIDATE:

- is not bankrupt or being wound up, is not having his/her affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters or is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- has not been convicted of an offence concerning his/her professional conduct by a judgment which has the force of res judicata;
- is not guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- has fulfilled his/her obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which he/she is established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- has not been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- is not currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation;

Signature Date:

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THAT THE CANDIDATE /legal representative of the candidate:

- is not subject to any conflict of interest;
- that the candidate will inform the contracting authority, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest;

Signature Date:

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To the best of my knowledge, all information provided is true and accurate.

Signature Date:

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The ETUI reserves the right to check the information provided. Together with this form, duly signed, the candidate undertakes to send any additional document which the ETUI considers necessary to perform its checks.

By signing this form, the undersigned acknowledges that he/she accepts controls/audits from the European Commission under the same conditions as the ETUI.

Signature Date: