

HesaMag

#26

Winter 2022 **Special report** Psychosocial risks: a mounting crisis ● **Europe** How can 2 trillion euros of public money be leveraged to help workers? ● **International** A decades-long legal struggle of Taiwanese electronics workers ● **From the unions** Keeping the labour movement alive in a time of war



etui.



ETUI publications

Work-related psychosocial risks in the healthcare and long-term care sectors. Sources, factors, and prevention measures
Introductory guide for trade unions
Barbara Helfferich and Paula Franklin
ETUI, Guide, 2022. Available in English, German, Spanish and Swedish

Psychosocial risks in the healthcare and long-term care sectors. Evidence review and trade union views
Clara Llorens Serrano, Claudia Narocki, Clara Gual, Barbara Helfferich and Paula Franklin
ETUI, Report 2022.04

A case for an EU directive addressing work-related psychological risks: an eastern European perspective
Kateryna Yarmolyuk-Kröck
ETUI, Policy Brief 2022.05

Psychosocial risks in Europe. National examples as inspiration for a future directive
Aude Cefaliello
ETUI, Policy Brief 2021.16

The ETUI's list of hazardous medicinal products (HMPs) including cytotoxics and based on the EU CLP classification system of Carcinogenic, Mutagenic and Reprotoxic (CMR) substances
Ian Lindsley and Tony Musu
ETUI, Report 2022.05



The ETUC's 'Zero Death at Work' manifesto

↳ The European Trade Union Confederation (ETUC) is calling on the EU, governments and employers to commit to the target of zero deaths at work by 2030.

This means an unprecedented effort to:

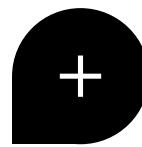
- Prevent workplace accidents and diseases, end exposure to dangerous substances, and ensure pandemic preparedness.
- Make the physical and mental health of workers the starting point when organising work and the workplace.

This will require action at EU, national, sectoral and company level, with legislative and other initiatives involving trade unions, including increased training, monitoring, prevention, protection, reporting, inspection, enforcement and penalties.

Launched in April 2022, the manifesto – now supported by nine national ministers, over 60 MEPs, union leaders, and OSH experts and institutions – demands that action to achieve zero deaths at work be taken by the next European Commission and Parliament following the 2024 elections. The manifesto and its signatories will be presented to EU leaders on 28 April 2023, Workers' Memorial Day.

www.etuc.org/en/publication/manifesto-zero-death-work

You can sign the petition on the site www.action-europe.org



HesaMag+

All our publications can be downloaded free of charge from www.etui.org

Editor:
Marian Schaapman, ETUI
Managing editor:
Bethany Staunton
(bstaunton@etui.org)
Coordinator of this issue:
Pierre Bérastégui
Editorial assistant:
Géraldine Hofmann,
(ghofmann@etui.org)
Translation:
The Peer Group
Circulation, subscription:
Géraldine Hofmann
Graphic design:
Coast, Brussels
Printed in Belgium
by Imprimeries Hayez

Follow: Twitter | Facebook | LinkedIn | YouTube | Instagram | Flickr
Subscribe to our newsletters: etui.news | etui.hesamail | etui.greennewdeal | Collective Bargaining newsletter
<https://www.etui.org/newsletters>

The health and safety magazine with a European view

HesaMag is a twice-yearly journal published by the European Trade Union Institute (ETUI).

The Working Conditions, Health and Safety Unit of the ETUI aims at promoting high standards of health and safety at the workplace throughout Europe. It provides support and expertise to the European Trade Union Confederation (ETUC) and the Workers' Group of the Advisory Committee on Safety and Health at Work. It is an associate member of the European Committee for Standardization (CEN). It runs networks of trade union experts on issues such as standardisation (machine safety and ergonomics) and chemicals.

Logo FSC

ETUI
Bd du Roi Albert II, 5
1210 Brussels

etui@etui.org
www.etui.org

ETUI, aisbl 0418.812.841



The ETUI is co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the ETUI. Neither the European Union nor the ETUI can be held responsible for them.



Contents

P-2 Editorial

Towards an OSH agenda
on climate change and the
green transition
Marian Schaapman

P-4 Europe

Interview with Oliver Roethig
How can 2 trillion euros
of public money be
leveraged to help workers?
Mehmet Koksall

P-7 International

A decades-long legal
struggle of Taiwanese
electronics workers
Paul Jobin

P-13 Special report

**Psychosocial risks:
a mounting crisis**

P-14 A psychosocial cacophony
Pierre Bérastégui

P-18 Interview with Nayla Glaise
and Aude Cefaliello
The fight for a directive
on psychosocial risks
Bethany Staunton

P-23 France Télécom: 'They
really threw a spanner in
the works'
Laurent Vogel

P-28 'You're not paid to think':
the hotel workers without
a voice
Berta Chulvi

P-33 'Bullshit jobs'
and the search for meaning
in work
Thomas Coutrot

P-36 Now hiring:
Chief Happiness Officer
Louise Phuyaud

P-39 Burnout: when can
we expect a formal
recognition?
Alain Bloëdt

P-42 The plight of university
researchers in Greece
Marie Geredakis

P-47 From the unions

Keeping the labour
movement alive
in a time of war
Bethany Staunton

P-50 History from below

Turin's tragedy:
the fight for justice for
ThyssenKrupp steel
workers
Angelo Ferracuti

P-54 Newsflash

P-56 Carte blanche

Covid: should we move
on without heeding the
lessons?
Laurent Vogel

P-57 Review

Severance: a dystopian
series ahead of its time
Pierre Bérastégui



HesaMag+

You can find all articles in
both French and English, as
well as some in their original
language, on our website:
www.etui.org

— Angelo Ferracuti's article
in Italian
— Berta Chulvi's article in
Spanish

📷 Cover photo:
Homeworking is just
one of the contexts
in which psychosocial
risks are being felt ever
more sharply.
Photo: © Martine Zunini



Towards an OSH agenda on climate change and the green transition

Marian Schaapman
ETUI

What does occupational health and safety (OSH) have to do with climate change? Much more than we might think at first sight.¹

The first and most obvious risk to workers is rising temperatures, which can cause heat stress, heat stroke and fatigue, resulting in a higher chance of accidents and heat-related deaths. But global warming can also have many indirect effects on human health. Air pollution can be intensified by higher temperatures, leading to various diseases and allergies. Higher ambient temperatures decrease chemical tolerance, by way of promoting absorption through the skin. Climate change affects levels of UV radiation, increasing the risk of eye damage, skin cancer and

disturbed immune function. It has also escalated the frequency and intensity of extreme weather events, leading to greater risk exposure in firefighting and clean-up activities, a higher amount of work-related deaths caused by lightning strike, and more general risks related to the disruption of infrastructure – not to mention the elevated mental stress caused by all of this. Finally, climate change can affect the occurrence of pathogens, allergens and moulds, leading to more infectious diseases and allergies.

Of course, certain categories of workers will be more affected than others – outdoor workers and emergency personnel will be particularly vulnerable to these forms of increased risk exposure.

The important question is how to give shape to the prevention of hazards. Here, we can take the hierarchy of prevention as the leading principle, even though prevention at source will often be difficult in the case of ‘natural phenomena’ like high temperatures and extreme weather events. Nevertheless, collective measures are often possible: for example, avoiding the hottest hours of the day and providing

1. Much of this editorial is based on the research found in: Paul A. Schulte and KeeYoung Chun, Climate change and Occupational Safety and Health: Establishing a Preliminary Framework, in *Journal of Occupational and Environmental Hygiene*, September 2009, pp. 542-554.

shade and sufficient drinking water. Another important element to consider is the agency of the workers themselves. For instance, it must be possible for workers – without any repercussions – to take breaks when the heat is becoming too much. The risks associated with emergency rescues and clean-ups are clearly more difficult to mitigate, but here too policies need to be put in place, including proper training and the provision of adequate personal protective equipment.

However, it's not just global warming creating new or intensified risks for workers when it comes to climate change. The 'green transition' that is taking place is not always necessarily a healthy and safe one. This transition will lead to changes in the industrial landscape, with certain industries disappearing and new ones appearing. Apart from the inevitable job insecurity and loss that accompanies this and which will cause stress and possibly a rise in cardiovascular diseases amongst workers, we must be alert to the workplace risks inherent in emerging industries. Take, for example, the renewable energy industry, where new technologies are being used in the construction, maintenance and demolition of wind turbines and solar energy materials; or the recycling industry, where exposure to lead and other metals have been reported, as well as ergonomic and biological hazards.

The green transition is also bringing about changes in existing industries which are not risk-free. A notable example is the wave of renovation being carried out on the building stock across Europe to improve energy efficiency. An eye must be kept on the risks to the construction workers who will make this 'renovation wave' happen, particularly regarding the removal of asbestos prior to insulation. Since the renovation wave is a very large-scale operation, it will come with a new wave of asbestos victims unless proper OSH prevention measures are taken to protect these workers. A second issue is that energy-efficient buildings (also called 'tight' buildings) create greater health hazards for their inhabitants than naturally ventilated buildings. The health of office workers is thus a factor to take into account when constructing energy-efficient offices.

As with climate change, none of these risks are new, but their prevalence and intensity may grow along with this industrial transformation. There is one important recipe to make the green transition a healthy one for workers: incorporate OSH from the start, meaning that OSH experts need to be involved in the transition process and that the necessary OSH parameters must be established.

All this is easier said than done. Climate change is upon us, and although we have been warned for decades, we are only partially prepared – this also goes for the OSH dimension. More research and immediate action are equally required. We need a better understanding of the various hazards to workers' health and of the effectiveness of potential measures, both in general as well as in specific at-risk sectors and professions. The OSH regulatory framework should be scrutinised with regard to the risks related to climate change. In particular, the European Commission should seriously assess – using the available scientific evidence – the question of how best to regulate the issue of increased ambient temperatures in order to protect workers. The ETUC is calling for adequate regulation at EU level, and one first question will be whether existing OSH directives offer room for the inclusion of this issue or whether a specific directive will be necessary.

It is high time for the OSH domain to bring some clarity to this issue of climate-related risks for workers: not only among ourselves, but also with a view to disseminating the message more broadly that the health and safety of workers must be an important priority both in adaptation policies and in the green transition agenda. ●



Oliver Roethig

How can 2 trillion euros of public money be leveraged to help workers?

Interview by
Mehmet Koksak
ETUI

‘Should your taxes go to employers who repress unions and avoid collective bargaining?’ asks Oliver Roethig, Regional Secretary of UNI Europa. ‘Or should they go to employers who pay their workers decently and respect democracy at work?’ This question is at the heart of the campaign launched this year by the seven million-member strong European service workers union to tighten the conditions around bidding for public contracts. Roethig, who has headed UNI Europa since 2011, also sits on the Executive Board of UNI Global Union, which represents 20 million workers worldwide and of which UNI Europa is the European regional organisation. *HesaMag* spoke to him in his Brussels office about UNI Europa’s strategy to use public procurement to level up the collective bargaining coverage in EU countries.

→ Can we start with a brief explanation of what UNI Europa’s campaign for greater EU regulation on public procurement is all about?

Oliver Roethig — Our campaign’s slogan is ‘no public contract without a collective agreement’. It is not actually about *more* regulation, we just want to have a simple change made to public procurement regulation at European level which would only allow public contracts to go to companies that have a collective agreement. That is really the key focus of this campaign. For us, collective bargaining must be one of the key criteria for companies to get access to public contracts.

We’ve already had some success with the inclusion of a clause in the Minimum Wage Directive (MWD) that was adopted by the European Parliament and the European Council in October 2022, which basically recognises the importance of collective bargaining for public procurement purposes. What we want now is a Public Procurement Directive that has a clear clause that makes it impossible to get a public contract without having a collective agreement in place – under current rules, this is actually impeded. For the Directive to be an engine of change, we need this revision.

→ According to the figures quoted by the European Commission, approximately 2 trillion euros is spent every year by over 250 000 public authorities on the purchase of services, works and supplies from private companies. This represents almost 15% of the European GDP. Considering the scale of this, are you not concerned that any changes you are proposing will impact the workers involved?

But that is the whole point. Public money should be spent to get better public services, not to contribute to decreasing wages or worsening working conditions. Currently, the authorities spend trillions through

'Collective bargaining must be one of the key criteria for companies to get access to public contracts.'

public tenders and we want this money to be used to help strengthen collective bargaining. [Under the new MWD] governments now have the target of reaching 80% collective bargaining coverage. If you invest 15% of your GDP via procurement, why wouldn't you leverage this to ensure that no public contracts are given where there is no collective agreement? Public procurement is no longer only about competition and accepting the lowest price. Today it is also about the general interest.

Studies have shown that where working conditions are taken into account in the choice of bidders in public procurement processes, there are less work-related accidents. And there are many examples where public contracts which were given based on the lowest price only led to companies saving on protective equipment for workers, with all due consequences.

➔ Can you give us some examples of how badly the current system works?

During the Covid-19 crisis, we had a dramatic situation in France where the lowest bidder got a public contract for the cleaning of hospitals, but the cleaners of this company didn't have proper brooms or mops and were supposed to clean highly contagious hospitals. In Denmark, the lowest bidder won a translation contract in public services but then retracted and so no translation was available. Another example was a public transport contract in Bratislava where, again, the cheapest bidder got it but then didn't find people to do the job for the wages they were offering. At some point, there was no public transport available in the city. So basically, public services can stop when you ignore working conditions. Another symbolically bad example is the new building built for the European Council in Brussels, where a lot of undocumented construction workers were used by the company which had been the lowest

bidder, and there was a lot of wage theft and exploitation. So even the EU needs guidance on socially responsible public procurement. All these examples show one thing: public procurement ignoring social issues leads to bad public services, labour exploitation and a state-sponsored race to the bottom. We need to turn that vicious cycle into a virtuous one.

➔ What is your strategy to get people behind this reform?

Last year we started an open letter which was signed by virtually all the services unions in Europe saying we want this change in EU law and we call on the Commission to start an initiative. We have also reached out to the European Parliament with our campaign and we already have over 150 MEPs that have signed up. And we don't only get support from progressive forces – we have also made inroads into the centre right, with members from the European People's Party coming forward.

When we are talking about public procurement, we are not only limiting ourselves to service contracts, it is also about construction contracts or contracts in the manufacturing industries. They're all part of the same issue. The European Federation of Building and Wood Workers (EFBWW), for instance, have a campaign running at the moment on the supply chain, which of course also links up to public procurement because they are aiming to get each worker in the supply chain covered by a collective agreement. Most of the European trade union federations are affected by the issue so we are working closely together with them and the European Trade Union Confederation on this. The German services union Ver.di, together with the DGB, organise training for public servants on how to apply 'social public procurement'. Germany is one of the countries where we see some real progress on this issue, with regional governments linking public procurement to collective bargaining.



↳ Oliver Roethig,
Regional Secretary of UNI
Europa.
Photo: © Aymone Lamborelle,
ETUI

'There are many examples where public contracts which were given based on the lowest price only led to companies saving on protective equipment for workers, with all due consequences.'

➔ **Which regional governments?**

For example, the local authorities of Saarland and Berlin are frontrunners in ensuring that public contractors respect collectively agreed working conditions. And now the issue is also being taken up by the federal government. So what we are trying to do, with the help of our affiliates, is to get this issue into national political manifestos in the runup to elections. In a similar way we want the European political parties to include this demand of 'no public contract without a collective agreement' in their manifestos for the 2024 European elections.

➔ **If we apply a new rule that suppliers which do not meet the collective agreement condition can no longer be selected, does this mean that the price of services or goods will become more expensive for consumers?**

But what about the quality delivered for the consumers? Let me share a personal story with you: my mother was working in an office as a secretary, and the cleaning service was outsourced. She was complaining that the cleaners were not as good as the old employed cleaners. And I said to my mother 'just go and look at the contract of the new cleaners'. She looked at it and told me: 'Yes, it's clear that with the time allocated to them to perform the task, they cannot clean properly'.

Lowest-price tendering has many hidden costs, including the low quality of the services provided. If the only criterium is the price, many companies – good companies with unions and decent working conditions – don't even bother to submit an offer. The current rules give preference to the 'cowboy companies', and that's not acceptable.

➔ **Have you looked at how this issue is handled in other regions of the world?**

Yes, in the US they have a system called 'prevailing wages tendering', which basically means that for a tender you need to pay the average wage prevailing in the area. And the research is interesting. If you do a tender in the US with the prevailing wage clause, on average you will get more bids, so you have more companies that actually want to apply for the public contract. As I said, many good companies offering decent wages do not even bother submitting a bid if they know that the only criterium is price. For this reason, in many regions US legislators are trying to link procurement with collective agreement requirements.

Other research shows that those companies who were selected based on lowest price are also those who tend to violate labour laws much more often and provide a much lower quality of products and services.

➔ **What are the obstacles to the revision you want to the Public Procurement Directive?**

The European Commission is the first obstacle. Whenever we point to problems in public procurement, they repeat that it is up to the Member States and local authorities to take action. This attitude ignores the fact that it is the EU's own Public Procurement Directive that puts price above all other criteria. Our responsibility is to remind them that they need to take it seriously after having already agreed on clear political objectives to increase collective bargaining coverage.

There's currently an argument in the Commission saying: 'we want to use public procurement to organise an ecological transition'. But it is very important for trade unions to intervene here and say: 'you can't have an ecological transition if you don't have it in the social field as well'. The best example of this is the 'yellow vests' protests in France some years ago: they were not critical of the ecological transformations themselves but rather because they couldn't pay for it.

The evidence that the EU is an obstacle at the moment is shown by the fact that every time a country or a region does something to link public procurement and collective bargaining, they get into legal trouble or fear legal consequences. It is the case in Malta, for example, where companies who have collective agreements or recognised trade unions have a higher chance of getting a public contract. But now, a company that failed to get a contract because of this is challenging the policy in court based on EU regulation. They say they are being discriminated against. It is crazy that a public authority can define the colour of the shirts to be worn by workers under a public contract, but they can't say anything about fundamental rights such as collective bargaining. We need to use the enormous lever of public procurement to strengthen collective bargaining, and we need decisive political action on this very soon. ●

'The current rules give preference to the "cowboy companies", and that's not acceptable.'



A decades-long legal struggle of Taiwanese electronics workers

Taiwanese companies play a major role in the global electronics and semiconductor markets. At a time when China is stepping up its military pressure on Taiwan, many European industrialists are worried about this degree of dependence. There is less focus, however, on the social dynamism of this young democracy. In March 2022, after 18 years of judicial wrangling, the mainly female workforce at the Radio Corporation of America Taiwanese factories won a lawsuit for recognition of their occupational diseases as well as damages for the anxiety caused to them.

Paul Jobin

Associate Research Fellow, Institute of Sociology, Academia Sinica

In the late 1960s, the authoritarian government of Chiang Kai-shek invited the US firm Radio Corporation of America (RCA) to transfer part of its television manufacturing process to Taiwan. For the company, which had already invested in Mexico, the object of the exercise was to cut production costs and to benefit from a young, docile and well-trained workforce, mainly comprising women. As for the Taiwanese regime, its interest lay in technology transfer as a means of developing the country's industries.

Twenty years later, the gambit had paid off for both parties. The factories located on the island had yielded the anticipated profits and built the foundations of an electronics industry that continues to make the island's fortune. Today, the global dominance

of companies such as TSMC and UMC in the semiconductor market constitutes both a rich source of revenue and a geopolitical asset for Taiwan, faced as it is with the threat of a Chinese invasion.

But in 1992, when Taiwan was embarking on the road to democracy, RCA shut its factories on the island to transfer production to China, where wage levels were even lower. Two years later in Taiwan, around the site of the company's main factory at Taoyuan, near the capital Taipei, the soils and groundwater were found to be heavily polluted by toxic substances such as the solvent trichloroethylene. Shortly afterwards, the workers discovered that several of their number had been diagnosed with cancers.

A long battle for recognition

With the assistance of the Taiwan Association for Victims of Occupational Injuries (TAVOI), the mainly female RCA workers established that more than 1 500 people who had worked in the factory in the 1970s and 1980s had contracted a cancer, from which several hundred of them had already died. The Association also identified other health problems, particularly an abnormally high rate of miscarriages. Some former male employees of RCA Taiwan had also been diagnosed with cancers.

After deciding to start a class action, the first hurdle for the workers was the need to identify the numerous chemical substances to which they had been exposed. Any attempt

The first hurdle for the workers was the need to identify the numerous chemical substances to which they had been exposed.

↓ The plaintiffs' lawyer, Ellen Lee, explains to the judges of the Supreme Court the effects of contamination on DNA. Taipei, January 2022.
Illustration: Paul Jobin

to obtain recognition of the occupational origin of a disease by insurers within the various public and private insurance systems is always going to be difficult. Far from standing up for workers' health, the tendency in most proceedings is to seek to play down the inherent risks in workplaces, with company lawyers resorting to all sorts of fallacious arguments to exonerate their clients.

In the case of RCA, investigations were even further complicated by the fact that the company had not left any records, thanks to a mysterious fire that broke out in 1994. And to crown everything, the company had changed hands and names several times in the space of only a few years. In 1986, RCA was bought by the US group General Electric, which then offloaded it in 1988 to the French group Thomson-CSF, which is now Technicolor.

However, even if companies try to erase the memory of working conditions, the polluted soil provides a lasting legacy. The women and those assisting them – scientists, lawyers and campaigners – finally managed to identify the substances to which they had been exposed, using labour inspectorate reports and various documents that revealed the gravity of the subsoil pollution at the factory site. It also emerged that the management had not only been aware of the pollution but had also deliberately concealed the relevant information when the site was resold in 1992.

Thanks to this documentation, supplemented by the workers' testimonies and the assistance of experts, the counsels for the plaintiffs succeeded in identifying a total of 31 toxic substances that had been used in the RCA factories. Foremost among these





were organic solvents such as trichloroethylene and other carcinogens such as benzene. The investigations, moreover, showed that the workers were exposed to these substances with no more protection than ineffective paper masks in premises with very poor ventilation or even no protection at all and with no medical monitoring. The receptacles containing the substances were not labelled, and the air inside the premises was heavy with solvent and soldering fumes.

Even more damning, the investigations established that, in a bid to save money, the factory management had been pumping water from the polluted groundwater table to meet the workers' needs. Most of the women were accommodated on-site and were drinking this contaminated water and using it daily for food preparation and personal hygiene. Drillings were to show that this water contained concentrations of trichloroethylene more than a thousand times the permitted level for drinking water. The workers were thus being poisoned by having to handle solvents and other chemical substances as well as by drinking water contaminated by those same substances. The factory management, for their part, were supplied with bottled water.

How is causality demonstrated?

This case involves a wide range of chemical substances and diseases, including various forms of cancer. Apart from rare exceptions such as pleural mesothelioma, which results from exposure to asbestos, cancers are often caused by multiple factors. This means that, even if it can be demonstrated that the number of cancer cases among workers is higher than normal, victims will generally find it extremely difficult to prove conclusively that there is a causal link between their working conditions and their state of health. They are asked to do the impossible, namely to prove 'beyond reasonable doubt' that their disease was caused by a substance that was present in their working environment and not by other forms of exposure encountered in their private lives.

In a judgment delivered in April 2015, the court of first instance held that the burden of proof placed on victims could only result in a denial of justice. It would be enough, the court found, for the plaintiffs to demonstrate that, on the basis of existing medical knowledge, the decisions taken by their former employer, particularly the requirement for them to use organic

solvents without adequate protection, had served to increase the risks to their health. In its judgment, the court ruled that, in the light of the existing epidemiological and toxicological studies, it was reasonable to conclude that the plaintiffs' illnesses were linked to at least four of the toxic substances at issue. Encouraged by this decision, a second group of women, comprising some 1100 ex-workers, brought another lawsuit.

But some important issues were disregarded, compelling the first group to lodge an appeal. First of all, the court had not taken into account the aggravating effect of a toxic cocktail of more than 30 substances to which workers had been exposed, which had contributed to its rejection of the action brought by 70 plaintiffs. Moreover, the court ruled out liability of the parent company, the American General Electric Company.

Even more damning, the investigations established that, in a bid to save money, the factory management had been pumping water from the polluted groundwater table to meet the workers' needs.

The corporate veil

As was made evident in Italy in the proceedings against the asbestos giant Eternit¹, company bosses sometimes take refuge behind a corporate veil. A complex assemblage of shell companies and cross-shareholdings serves to camouflage the financial involvement of particular players without breaking the law and to forearm them against any subsequent accusation.

In the RCA case, between July 1998 and January 1999 the company and its parent companies had transferred 112 million euros to France and other countries in order to ensure its insolvency in the event of court proceedings. In its judgment, the court of first instance emphasised the need to prevent shareholders from evading their liability by abusing the company's status as a legal entity so as to create a situation in which its creditors were left with no means of recourse.

For this reason, along with RCA, the French Technicolor company was also found to be liable and ordered to pay. Misled by the defence, the court of first instance had exempted General Electric from that liability. The court of appeal, however, found that, while General Electric had not bought RCA until 1986, the former was none the less responsible for the liabilities incurred by RCA Taiwan since its creation in 1968. Lastly, RCA and its parent companies, General Electrics and Technicolor (alias Thomson Electronics), as well as Thomson Bermuda – a shell company in a tax haven – were all declared to be ‘jointly and severally liable’.

Statute of limitation

Another way for a company to evade its liability is to invoke the expiry of the limitation period between the outbreak of a disease and the judicial action. This manoeuvre is certainly a convenient option, because the symptoms of the diseases in question may not occur until 10, 20 or 30 years after exposure. In Italy, the defendant in the Eternit case was acquitted on those grounds in November 2014, when the Supreme Court in Rome ruled that the limitation period had begun on the date on which the factory had closed and not on the date on which the symptoms had appeared, as the court in Turin had ruled.

In the RCA case, by contrast, the court held that the limitation period of only two years could not begin until the time when the victims had been informed of their exposure to toxic substances and of the possible impact on their health, as well as of the right to seek compensation and the procedure to be followed.

The limitation period thus began when the experts testified to the court, providing victims for the first time with a scientific opinion on the possible link between their past employment and their present illnesses. Until then, ‘the plaintiffs had no way of knowing whether the unlawful acts committed by the defendant RCA constituted industrial damage to public health’*. This decision reset the clock by ruling that the statute of limitation must not be used as a stratagem to enable employers to evade liability.

This point is crucial because, in most of these cases, time is not on the victims' side – not only because the defendants are banking on the erosion, deliberate or otherwise, of evidence and the lapsing of the legal limitation periods, but also because the victims' life expectancy will be all the shorter if their exposure was prolonged and intense.

Long-term damage

The daily lives of the exposed workers are therefore plagued by uncertainty. Those who have not been stricken with cancer live in fear of its occurrence or of seeing their workmates die off one by one. They forever wonder who will be next. As for those who have already contracted cancer, they worry about their offspring. Some plaintiffs suffering from cervical or ovarian cancer have seen their daughters and even their granddaughters contract ovarian endometrioma, a disease which, if not fatal, is still very incapacitating.

In October 2017, Taipei High Court confirmed the rejection of the defence's reliance on the limitation period, and its judgment now recognised the liability of all defendants, including General Electric. More victims were recognised, and the amount of the compensation payments was slightly increased. Lastly, and very importantly, the judgment now took account of 31 chemical substances and of their health impact, but the companies lodged an appeal on points of law.

In August 2018, the Supreme Court of Taiwan confirmed the appellate judgment on the causal link between exposure to the toxic substances and the most serious conditions such as the cancers. The court also reaffirmed the liability of all the parent companies, even finding that, in the instant case, hiding behind a corporate veil was an ‘abuse of rights’. After 16 years of judicial wrangling, that first decision was very good news, but only for half of the plaintiffs, because the case was remanded back to the High Court for a ruling on the others, who had also been exposed to the toxic cocktail but had not, or at least not yet, contracted cancer or any other serious illness. In March 2020, the High Court ultimately rejected the claim of causality, and an appeal to the Supreme Court on points of law is pending once again.

¹ Read the article by Angelo Ferracuti, Journey to Casale Monferrato, the asbestos town, *HesaMag* No. 22, p. 48. <https://www.etui.org/publications/occupational-health-courts>



↑ The RCA workers rejoice at the announcement of the second Supreme Court decision, 11 March 2022.
Photo: © Chang Jung-Lung

In the meantime, in December 2019, the second group of some 1 100 plaintiffs won their case at first instance on the main points at issue, and the amount of compensation was further increased to an average of about 70 000 euros per plaintiff. In an unprecedented ruling, which took account of the potential genotoxic effects that can cause irreversible DNA damage, the court also recognised a right to damages for anxiety for those plaintiffs who have not, or not yet, contracted cancers or other serious illnesses.

Compensation for anxiety

On 11 March 2022, the Supreme Court ruled once again on the case of the workers who had not yet contracted cancer, but this time it approached the matter from an entirely different perspective. 'The right to health', the court held, 'protects not only the physical and psychological integrity of individuals but also encompasses their personal autonomy and dignity, the tranquillity of their mind or emotions and other factors affecting their mental health'*.

The court then made the point that the plaintiffs, like their workmates who were suffering from a cancer or other illness, had also been 'exposed to an environment contaminated by toxic chemical substances that exceeded the legal limit'* and that they therefore had every reason to fear comparable harm. 'That risk is felt psychologically and is reflected in negative emotions such as fear and anxiety.'* In other words, those workers were subject to anxiety that merited compensation.

Those who have not been stricken with cancer live in fear of its occurrence or of seeing their workmates die off one by one.

The Supreme Court preferred to remand the case back to the High Court to rule on the compensation, but its verdict augurs well for the final outcome of the whole proceedings, and it is to be hoped that the judgment will serve as a landmark for similar cases in other countries.

In the face of the highly complex challenge of establishing epidemiological and legal proof, the victims' commitment has sustained the struggle over a long period of time, involving a core group of plaintiffs in the preparatory meetings with lawyers, volunteer experts and the TAVOI activists. The plaintiffs have played a key role in collecting information and, where necessary, in easing tensions within their ranks, arising especially from slowness in the proceedings and in the payment of compensation. They have already used some of the financial compensation paid by the respondents to establish an aid fund for victims of similar disasters. ●

* Based on author's own French translation from the original Chinese.



Special report

Psychosocial risks: a mounting crisis

Special report coordinated by
Pierre Bérastégui and **Bethany Staunton**





‘If people are unhappy at work it’s because they’ve got problems in their personal lives.’ ‘Only people who are already fragile are affected by psychosocial risks, it’s got nothing to do with the company!’ ‘Ah, psychosocial risks, that’s about harassment right? We don’t have any of that!’ These are just a few of the deep-rooted stereotypes and misconceptions that are used as excuses not to take action against psychosocial risks. And yet these risks, which have numerous consequences for workers’ physical and mental health, are everywhere in our workplaces: social isolation, overwork, unfairness, lack of autonomy, job insecurity... The list goes on. In this special report, we aim to illustrate the scale of this issue through a range of different investigations, interviews and expert opinions.

Pierre Bérastégui opens the report with an analysis that highlights the heterogeneity of the discourse surrounding the prevention of psychosocial risks. Hot on his heels, Nayla Glaise and Aude Cefaliello discuss the need for a European directive to curb the stress epidemic that is hitting the world of work. Laurent Vogel reviews the emblematic France Télécom case in which there was a wave of suicides among the company’s employees in the late 2000s. Next, we dive into the Spanish hotel industry, with a study by Bertha Chulvi which brings to light especially difficult working conditions. Thomas Coutrot explores the multidimensional problem of the meaninglessness of work, which can cause harm in many different areas of activity. Louise Pluyaud profiles ‘chief happiness officers’, a new, fashionable profession of questionable value. Alain Bloëdt tackles the tricky subject of burnout and its recognition as an occupational disease. Lastly, Marie Geredakis presents us with an examination of the highly precarious situation of university researchers in Greece, victims of a system in which disputes are governed by the law of the jungle and cronyism.

If this report shows us anything, it is that psychosocial risks do not concern just one type of work, sector or class. If they are to be properly prevented, it is time to recognise their prevalence and multifariousness at every rung of the socio-professional ladder.

✎ Photo: © Tania Castro

A psychosocial cacophony

The past two years have thrown a spotlight onto psychosocial risks. As a significant topic of debate, this issue regularly makes the headlines of specialist magazines and even the mainstream press. However, the boundary between scientific fact and anecdote is not always clear-cut, with the public often being treated to a cacophonous blend of expert discourse and pseudoscience.

Pierre Bérastégui
ETUI

Companies in Europe are experiencing a significant increase in psychosocial risks (PSR), with many implications for the mental health of the workforce. The proportion of European workers exposed to PSR factors – such as job insecurity, lack of autonomy and time pressure – rose from 25% in 2007 to 45% in 2020.¹ At issue are the profound changes that the world of work has undergone over the past two decades. Information and communication technologies, artificial intelligence, collaborative robotics and the Internet of Things are just some of the many innovations impacting firms' management practices and business models. In response to the growing competitive pressures affecting businesses, the development of these technologies goes hand in hand with increased qualitative and quantitative demands. These days, it is all about producing more at a faster rate and for less cost.

These various driving forces of change are provoking a shift in the landscape of occupational risks: first of all towards the margins of the employed workforce through the development of outsourcing arrangements and precarious contracts, which provide less health and safety protection; then, towards new vulnerabilities in working conditions, through the hybridisation of flexible forms of organisation with renewed

forms of Taylorian practices (platform work being a prominent example); and, finally, in this age of digitisation and constrained autonomy, towards new occupational ills, such as the endemic rise of work-related stress and its associated conditions.

From the physical to the psychological, from the acute to the chronic

Between 2000 and 2016, deaths attributable to heart disease and stroke that were associated with exposure to long working hours increased globally by 41% and 19% respectively.² Work-related mental illnesses are also on the rise and still recognised to an insufficient degree in Europe. This is particularly the case with burnout, a syndrome that is by definition associated with work, but also concerns depressive disorders: recent estimates show that between 17% and 35% of cases of depression can be attributed to work factors.³ These figures imply an upward trend in PSR factors as well as their impact on the physical and mental health of workers.

The increasing impact of PSR goes hand in hand with the emergence of new disorders, or rather disorders that have only recently been identified and conceptualised.

Workaholism, 'compassion fatigue' and 'boreout' are just some of the psychological processes that are triggered in response to PSR factors, such as overworking, a lack of meaning found in one's work, or overexposure to situations demanding constant empathy. Like burnout, these disorders manifest themselves through exhaustion, which can have both somatic and psychiatric dimensions. Thus, when it comes to PSR, it is not so much isolated exposure to highly dangerous situations that jeopardises health and safety at work but rather a prolonged exposure to low-grade risk factors originating in the organisation of work.

1. EU Labour Force Survey (2020).
2. ILO (2021), WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000-2016.
3. Niedhammer et al. (2021) Update of the fractions of cardiovascular diseases and mental disorders attributable to psychosocial work factors in Europe, *Int Arch Occup Environ Health*.

The great conciliators

It has taken some time for lawmakers to focus their attention on PSR, and even now they have done so only to varying degrees in different EU countries. A number of Member States adopted measures some years ago whilst others started to focus on this only very recently. This legal pressure, together with the power relations between the social partners and the recent hypermediatisation of these risks have gradually allowed external consultants to claim a central position in this terrain. Over recent years, a real market has been developing in providing advice and expertise in PSR prevention. Training and consultancy firms have cornered a special section of the market for themselves, while others have included this area as part of their portfolio of services. On paper, their mission fits into a sustainability approach, reconciling business performance with the wellbeing of workers. In reality, however, the impartiality of these great conciliators should be questioned.

The application of the term ‘psychosocial risks’ to work situations is actually a relatively recent phenomenon. Although the risks themselves are not new, their scope in conceptual and terminology terms is still unclear and heterogeneous. There is thus a great diversity in the approaches, diagnostic tools and solutions that can be recommended in this regard. This diversity allows consultancy firms in risk prevention a degree of latitude in their methods, leading to multiple possible interpretations of the same phenomena. And yet, these firms are considered the ‘scientific’ guarantors of the prevention process, acting as arbitrator between management and employees in their conflicting interpretations of workplace issues. Sometimes a biased ‘expert’ appraisal

is given in favour of the client’s interests, with the consultant taking a person-centred and psychology-oriented approach.⁴ This is where we find ‘listening units’, stress management courses and other awareness-raising campaigns — measures which ignore analysis of the causal factors within the very organisation of the work. The collective issues are therefore concealed behind the individuality of the symptoms that they create, transforming organisational malfunctioning into personal weakness. Implicitly, the worker is identified not as the victim of a dysfunctional system of work, but rather as the dysfunctional element of a demanding system of work.

The illusion of good practice

Along with these developments have come new managerial practices, typically found in blogs, on professional social networks and in ‘mainstream’ management magazines. This literature, which is both accessible and appealing, favours anecdote and purely hypothetical arguments over rigour and scientific impartiality. For example, one study highlighted how the ‘evidence’ presented in *HR Magazine* stemmed from interviews in 78% of cases, and that only 4% of those interviewed were researchers. Furthermore, in the rare instances where data was presented, over half originated from consultancy firms, while academic research was referenced in only 3% of the articles containing data.

⁴ <https://hal.archives-ouvertes.fr/hal-00584404>

This would not pose a problem if these magazines were not regarded as management bibles. They preach ideas on methods for organising, optimising and assessing work, adapting working environments, motivating the workforce, and getting to grips with innovation and major changes in the digital world. Implemented by management gurus and other professionals, these ‘good practices’ reinforce and sustain each other to create a foundation upon which ever-more ‘innovative’ theories are developed. In this way, the *argumentum ad populum* principle contributes to the emergence of management ‘trends’ that are often disconnected from any scientific reality.

The most striking example of all is probably the open-plan workspace. Apart from its undeniable economic advantages for companies, this workspace model was sold on the promise that it would optimise teamwork and ‘collective intelligence’. Without physical boundaries between offices, interactions between staff members were expected to be more numerous, natural and spontaneous, and they would lead to increased productivity. This new thinking prompted many businesses to knock down the walls separating their offices. It was only a few years later — the time necessary for proper research to be carried out — that the return on investment was called into question: the savings made on office space are far from being enough to compensate for the inefficiencies created by this way of working. Meta-analyses highlight in particular a drop in productivity and job satisfaction and a rise in absences due to illness. More specifically, research has shown that open-plan working is no magic solution and does not lend itself to all kinds of work. However, as in the case of many ‘good practices’, open-plan working was implemented in many workplaces without questioning the reasons for its introduction, without taking account of its impact on health, and without paying much attention to workers’ aspirations. Following a fierce backlash, many of its proponents were prompted to return to the traditional office setup.

The proportion of European workers exposed to PSR factors rose from 25% in 2007 to 45% in 2020.

↴ The return on investment for the open-plan workspace has been called into question by research.

Photo: © Belga



The gap between research and practice

These results depict the broad gap separating the scientific and practitioner communities. One part of the problem lies in the fact that, all too often, academic research does not address the issues faced by businesses. And when it does, the results are not presented in a form that can be translated easily into practical measures. The void created by this gap – which is not limited to the topics of PSR and the organisation of work – is then often filled with the kind of pseudoscientific literature described above. It provides advice on the basis of mere hypotheses that are yet to be tested against the facts and, at best, case studies of organisations claiming to have succeeded where

others encountered problems. The established argument is based on the idea that these businesses are prosperous because they put in place certain practices. Consequently, in order to succeed, other businesses should imitate them. It goes without saying that this is not a valid conclusion, or at least a conclusion that has been put to the test. Although these kinds of articles build a logical and plausible explanation of the benefits purportedly observed, they very often fail to mention what has not been observed. The simple fact that, say, the five businesses whose employees are the most ‘fulfilled’ share a host of common practices does not mean that those practices are the cause of that fulfilment, nor that other businesses, where the employees are less fulfilled, do not share those same practices.

This illusion of causality can be found in the mainstream press on the topic of PSR. Even though many articles set out an intuitive and solid line of argument, almost none of them produce the slightest proof of the effectiveness of the practices mentioned. In fact, such articles try to summarise highly complex systems with the aid of heuristic methods, sophisms and other strategies to create meaning after the fact. The objective is to uncover universal truths, standardised solutions that can be transposed onto any occupational context. That philosophy is certainly very far removed from scientific doctrine, if not a total contradiction.

The myth of positive stress

The concept of 'positive stress' clearly illustrates this discrepancy. The concept's origin dates back to the 1930s and the work of endocrinologist Hans Selye. A pioneer of studies on stress, he proposed a new diagnostic concept to explain individual reactions to environmental upheaval: 'general adaptation syndrome'. Based on this model, Selye advocated the idea that the body reacts in the same way, metabolically and in terms of behaviour, irrespective of the nature of the trigger event — a reaction subsequently coined by him as 'stress'. Selye's theory was immediately challenged by the scientific community, which claimed that it could not be relied upon to explain why some stimuli were experienced in a positive way, such as sport. He countered that argument by introducing the concept of positive stress or 'eustress', as opposed to negative stress or 'distress'. The former would be the result of an exhilarating experience or a challenge to be met, while the latter was associated with the feeling of being overwhelmed by events. In his book *Stress Without Distress*, Selye would go as far as to say that stress is 'the salt of life', something inevitable that we would not wish to go without at the risk of making our lives bland.

The scientific community passed judgement on this concept a long time ago and consigned it to oblivion. From 1976 to 2020, only 276 scientific research papers were published on the concept of 'eustress', as opposed to over 200 000 publications on 'distress'.⁵ The latest literature review comments that, 'Based on the available body of evidence, we believe there is no such thing as eustress. The adaptation reaction is not good or bad, and its effect on longevity or performance depends on a plethora of other interactions of the body with the surrounding environment.'⁶ But has the scientific community been heard? Not really. A quick Google search gives an insight into the extent to which the concept of 'eustress' is still popular today. This is apparent from the countless blog posts and other articles extolling the virtues of this 'positive stress' and calling on workers to change their 'stress mindset' and 'learn to love stress'. Again and again, these attractive clichés conceal the insidious idea that the problem lies within the individual and not in their environment — a view that has been discredited by 40 years of scientific research.

Implicitly, the worker is identified not as the victim of a dysfunctional system of work, but rather as the dysfunctional element of a demanding system of work.

A need to get back to basics

In this landscape dominated by 'intuitive' literature and characterised by a certain conceptual vagueness, there is a need to get back to the basic principles of prevention. Ergonomics have, for a long time, shown that without worker participation nothing can be achieved. As workers have the most comprehensive knowledge of the tasks that they put into practice, they are also best placed to identify the problems and determine solutions. Therefore, instead of surrendering to the siren calls of 'good practice', tailored solutions need to be developed in collaboration with the actors at the shopfloor level. This means that the root causes of tensions experienced in the working environment must be discussed within the workplace's collective representation structures. The challenge is not only to remove the risk factors from the work environment but also to empower workers to initiate actions that are both effective and meaningful. In these circumstances, what research must provide for practice is a clear and effective conceptualised view of PSR factors, their causes and their consequences — a common approach that the actors on the ground can adopt in order to transform, collectively, the organisation of their work. It must be concluded, however, that we are still far from that ideal. In 2020, almost one in every two European businesses maintained that their workers had played no role in drawing up PSR prevention measures. Similarly, one business in five took the view that PSR are more difficult to manage than other risk factors.⁷

Between occasional true awareness and otherwise pretence, European employers are clearly still reluctant to address the problem head on. The popularity of window-dressing measures, which aim to give a psychological and individualised slant to preventive responses, is part of this balancing act. On the legislative side of things, initiatives are all too often devoid of structure and relate only to very specific aspects of the psychosocial environment, as demonstrated in the 'right to disconnect'. In light of the endemic rise in cases of stress in our workplaces, more ambitious objectives must be laid down as a matter of urgency in order to guarantee a socially responsible transition to a new world of work. For this, we must break with the current conceptual cacophony by improving both the dialogue between researchers and practitioners and the involvement of workers in the process of change. ●

5. Web of Science (accessed in February 2020).

6. Bioessays 42(7) doi: 10.1002/bies.201900238.

7. <https://osha.europa.eu/en/facts-and-figures/esener>

**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
Bethany Staunton**
ETUI

'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.¹

But now, if you go to our platform site [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.²

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’ system³, 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.

'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.⁴ 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.

'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>

France Télécom: 'They really threw a spanner in the works'

'At the end of the day, this suicides affair, it's awful – they really threw a spanner in the works.'¹ Didier Lombard never understood why he was in the dock. From 2005 to 2010, he was France Télécom's CEO. For him, it's still a success story. The staff and trade unions remember things differently: as a tragedy of dozens of suicides of people who had been crushed by management.

Laurent Vogel

ETUI

Diego Ravier

Photographer

On 30 September 2022, the Paris Court of Appeal delivered a long-awaited judgment, bringing to an end proceedings which had been brought against several managers of the former state-owned enterprise France Télécom. In the 2000s, these managers had embarked upon a restructuring plan aiming to shed 22 000 jobs – around one fifth of the total workforce. To avoid resorting to mass redundancies, management pursued a policy of pressurising and undermining staff, so as to bring about a large number of 'voluntary' resignations. Management's methods turned increasingly brutal: forced internal mobility, sidelining, new assignments unrelated to skills. For middle management, bonuses and promotions were linked to the numbers of staff members leaving.

From the moment the 'NExT' restructuring plan, aiming to transform France Télécom in the space of three years, was launched in 2006 alarm bells started ringing: psychosocial problems, stress, burn-out, etc. The first suicides were reported. Meanwhile, 13.7 billion worth of dividends were distributed between 2005 and 2009.

For management, the obsession with profitability drowned out the many grievances. A trade union centre to monitor stress and forced mobility was set up in June 2007. In 2008, it started logging the suicides that were continuing to happen among the company's staff.

As suicide numbers increased, the media took up the subject. On 14 July 2009, employee Michel Deparis killed himself in Marseilles, leaving behind a letter explicitly blaming France Télécom. This time, the feelings of distress gave way to staff mobilisation countrywide. There was concern at the Ministry of Labour. Sylvie Catala, who had been a labour inspector at France Télécom's headquarters since 2004, was instructed to investigate. She alerted management and the unions to the extent of the damage. Years later, the detailed report, which she completed in February 2010, influenced several court rulings. In December 2009, the SUD (Union syndicale Solidaires) trade union at the company filed a criminal complaint. The SUD PTT (Post, Telegraph and Telecommunications) trade union federation joined the proceedings as a civil party in March 2010,

gaining the opportunity to follow the course of the legal action 'from the inside'. The investigation, which took four years, consolidated all the cases relating to the France Télécom management.

The responsibility of strategic management

The most serious offences, such as manslaughter or causing danger to life, were disregarded, considerably reducing the range of penalties. In the end, it was concluded that there had been 'institutional psychological harassment' (*harcèlement moral*) and identified 39 cases: 19 suicides (see box), 12 attempted suicides, and eight individuals with symptoms of depression.

1. Didier Lombard uttered this sentence during the hearing of 6 May 2019 in the trial at first instance: '*Finalelement, cette histoire de suicides, c'est terrible, ils ont gâché la fête.*'



↑ **Yonnel Dervin, once a technician at France Télécom, attempted to end his life by stabbing himself during a meeting in 2009.**
Photo: © Diego Ravier

2. Scandella F. (2020) How France Télécom broke the law, *Hesamag* No. 21, pp. 47-50. <https://www.etui.org/publications/how-france-telecom-broke-law>.

To understand what went on at the trial and what was at stake: Beynel E. (coord.) (2020) *La raison des plus forts. Chroniques du procès France Télécom*, Ed. de l'Atelier.

Didier Lombard, the company's CEO from 2005 to 2010, was charged with psychological harassment on 4 July 2012, to be followed by his former right-hand man, Louis-Pierre Wenès, and the HR manager, Olivier Barberot. In 2014, four other executives of the company were charged with 'complicity in psychological harassment'. In addition to these seven individuals, France Télécom, which after privatisation became Orange, was charged as a legal entity.

The trial at first instance took place in a rather plain room in a brand new, functionally designed courthouse. The rigorous arrangement of chairs alone suggested that it was a criminal court and not a meeting room. There was a dais for the judges. To the left were the lawyers for the civil parties and a few folding chairs for their witnesses. The defendants and their lawyers had been allocated space to the right. They formed a

kind of bubble, in which they were united by the feeling that they were alien to the whole trial, which seemed to them to be turning the world order upside down. The public, seated facing the dais, looked on at this strange drama, in which the defendants chattered openly, communicated with the team of lawyers sitting behind them with vigorous gestures and, more often than not, displayed supreme boredom.

All the unions and various associations campaigning on occupational health had joined the proceedings as civil parties. In addition to the victims and dependants identified during the investigation phase, the SUD PTT union convinced 119 additional victims to join as civil parties at the time of the first hearing.

Starting on 6 May 2019, the trial went on for 41 days of hearings.² The judgment was delivered on 20 December 2019. Didier

Lombard, Louis-Pierre Wenès and Olivier Barberot were found guilty of psychological harassment. They were sentenced to one year in prison – the maximum penalty for this crime – with a suspended sentence of eight months and a fine of 15 000 euros. This sentence relates to their conduct during the period 2007-2008; they were discharged in respect of the period 2009-2010. The four people charged with complicity were sentenced to lesser penalties. France Télécom, now Orange, was ordered to pay the maximum penalty for a legal entity: a fine of 75 000 euros. The civil parties were awarded damages for emotional distress. The amounts varied between 10 000 and 45 000 euros. The unions and associations, for their part, received compensation of between 15 000 and 40 000 euros.

The symbolic reach of the judgment is vast, in so far as it establishes a prohibition. The essence of its more than 300 pages could be summarised in this passage: 'The means chosen to achieve the set objective of 22 000 redundancies were prohibited.' The reasoning at legal level is strict and takes account of input from human sciences. It brings the systemic aspect of the psychological harassment suffered by the employees of France Télécom to the fore. Didier Lombard and the other defendants repeated time and again that they had never heard of the victims before their suicides.

'The victims feel guilty. The guilty parties think they're innocent.'

They were seeking to shift the blame onto local managers, who had allegedly misinterpreted the central directives. The judgment, by contrast, found that there was causal continuity between the decisions of the management, its numerous communications to middle managers urging them to 'slim down' the organisation, and the implementation of institutional psychological harassment. The systematic refusal to take account of alarm signals is part of this.

The lost honour of a class

The individuals sentenced brought an appeal against the judgment. France Télécom, on the other hand, in a gesture of good will, acknowledged its culpability and set up a compensation fund over and above the damages awarded by the judgment.

The appeal took place from 11 May to 1 July 2022 in a completely different environment. The Court of Appeal sits in the venerable Palais de Justice on the Île de la Cité in Paris. The chambers are decorated with a wealth of wood panelling, paintings, golden cherubs and busts of illustrious judges. The court sits in a room crammed with artistic symbols celebrating the age-old domination of the elites. It is church, opera and *salon bourgeois* condensed into one. By pure coincidence, the trial on the Paris terrorist attacks of 13 November 2015 was going on before the Assize Court at the same time, in a specially adapted room. The Palais de Justice was completely cut off from the rest of the city by large police roadblocks.

Among the victims and trade unionists who had been carrying on this struggle for over 10 years, the appeal proceedings appeared superfluous. Everything had been painstakingly dissected during the

proceedings at first instance. Was it necessary to reopen the wounds? Were they going to have to endure the defendants' complacency all over again?

Olivier Barberot, the former HR manager, withdrew his appeal at the first hearing. Only one person, Nathalie Boulanger, the former Director of Territorial Actions, expressed regrets with some emotion. During the first trial, she often seemed to be absent. She was one of the few defendants to look around the chamber, whereas the rest of the management remained entirely closed in on themselves.

The defence of the six was unequivocal in its assessment that the trial was political in nature, seeking to provide unions with tools to combat harassment. It was the lost honour of a class that the defence sought to uphold. Jean Veil, Didier Lombard's lawyer, did not hesitate: 'If Didier Lombard is found guilty, no one will ever want to lead a big company again.'

The civil parties' unease was palpable from the outset. One of them, called to the witness stand, decided not to speak. She didn't understand the point of this repetition. Hadn't everything been said at first instance? In a report on the first hearing,³ Emmanuel Dockès says: 'Curiously, the victims seem to be more tense, more wounded than the defendants. [...] The lack of contrition on the part of the culprits, their denial of responsibility and the contempt that this signifies probably explains some of the tension the victims feel. [...] The victims feel guilty. The guilty parties think they're innocent.' This situation was exacerbated by the court's decision not to hear the testimony of the occupational health specialists who had been called upon at first instance. Their contributions had placed the events in a more general context of growing managerial violence.

3. The SUD PTT Federation asked a number of people from the world of research, the arts and literature to compile reports on the hearings both at first instance and at appeal. All these reports may be consulted at: <http://la-petite-boite-a-outils.org/category/proces-france-telecom>.

The catalogue of martyrs

Pascale Robert-Diard, a journalist for the daily newspaper *Le Monde*, outlined the list of suicides identified by the order for reference:

'Opening the 673 pages of the order for reference signed by the examining magistrate, Brigitte Jolivet, is, first of all, to be met with a litany of forenames and surnames like you see engraved on village war memorials.

'André Amelot, aged 54, hanged himself. Camille Bodivit, 48, threw himself off a bridge. Anne-Sophie Cassou, 42, consumed a cocktail of drugs and alcohol. Corinne Cleuziou, 45, hanged

herself. Michel Deparis, 50, left behind a letter: "I'm killing myself because of my work at France Télécom." Stéphane Dessoly, 32, hanged himself: "I'm taking my life because of my work at France Télécom and no other reason." Nicolas Grenoville, 28, hanged himself: "I cannot bear this job, and France Télécom couldn't care less." Brice Hodde, 54, hanged himself. Jean-Michel Laurent, 53, threw himself under a train. A few seconds earlier, he had been on the phone with a union representative. His last words were: "The train's coming." Rémy Louvrado, 56, set himself on fire outside one of the company's locations. Didier Martin, 48, hanged himself: "The trigger for all this comes from my work." Dominique Mennechez, 53, hanged himself. Stéphanie Moison, 32, threw herself out of a window at her workplace.

Annie Noret, 53, hanged herself. Robert Perrin, 51, turned his own gun on himself. Bernard Pillou, 51, threw himself off a viaduct. Jean-Marc Regnier, 48, shot himself. Patrick Rolland, 43, hanged himself. Jean-Paul Rouanet, 51, threw himself off a motorway bridge.'

* Robert-Diard P. (2019) Procès France Télécom: radiographie d'un système de harcèlement moral, *Le Monde*, 5 May 2019.

↴ **Gometz Le Chatel, Île-de-France. Bernard Pillou, technical manager, killed himself the day before his birthday by jumping from the Fauvettes Viaduct on 4 September 2008. Photos: © Diego Ravier**



↱ **Troyes railway. Jean-Michel Laurent, teleconsultant at the customer centre in Troyes, committed suicide by throwing himself under a train, 2 July 2008.**

↵ **Former offices of France Telecom in Paris. Stéphanie Moison, 32 years old, key accounts manager, died after jumping out of her office window on 11 September 2009.**



The trial continued until 1 July. The judgment was delivered on 30 September. The initial reaction by unions and victims was disappointment at the lighter sentences imposed on most of the defendants and the discharge of two of them. But was this the most important thing? That is open to doubt. In any case, the penalties were symbolic. It was clear that none of the defendants would end up in prison, not even for a single night. For Didier Lombard, there was not a huge difference between a sentence of one year in prison with eight months suspended and one year in prison with the whole term suspended.

On the other hand, if you read the 341-page judgment in full, there is no doubt as to the victory achieved through union action in terms of case law. Written in language that differs somewhat from that of the decision at first instance, the judgment confirms that the crime of psychological harassment can result from strategic decisions by central management. It states: 'Repeated actions can result from administrative or management methods, indeed from managerial organisation in the true sense, which did not necessarily have the initial aim of impairing working conditions, but which had the ultimate aim or effect in their implementation of impairing the individual and collective working conditions of employees.' Sylvie Topaloff, the lawyer for the SUD PTT Federation, highlights the innovative nature of the judgment. She considers that it 'demonstrates that resorting to criminal law can act as a deterrent. With this case law in place, it could have an effect at an earlier stage.'⁴

The fact remains that there is yet another phase to go through. The individuals sentenced at appeal have announced their intention to lodge an appeal to the Court of Cassation (the highest court in the French judiciary). The precise scope of the case law thus still remains to be seen.

Another indisputable benefit from the legal process as a whole is that it has broken a political taboo. The question of suicides caused by work has been opened up for public discussion in society. It would be impossible to summarise in a few lines all the publications in both social sciences and literature that addressed this issue as the trade union legal action progressed. Plays, films, TV and radio broadcasts have made the suicides a topic for discussion. One could say that the recognition that the organisation of work can lead to suicides caused a full-blown culture shock. The persistent work of a few dozen trade unionists has borne fruit. ●

The judgment confirms that the crime of psychological harassment can result from strategic decisions by central management.

Breaking the taboo

In the arts and social sciences alike, the critical issue of suicides at work are no longer invisible. The trade union campaign on the France Télécom affair has broken the taboo. Here are three of many examples.

The documentary *Souffrance au travail: On lâche rien!* (Suffering at work: We don't give up!) was made by Daniel Kupferstein, commissioned by the Association Suicide et Dépression Professionnels (Work-Related Suicide and Depression Association, ASD-Pro). The ASD-Pro, a civil party in the France Télécom trial, used the compensation money to make this film. The main theme is a 540-kilometre run organised by Angers firefighters in memory of their colleague, Lauriane Amaglio, who killed herself in April 2016 after she was told she was losing her job. It also deals with the story behind the suicide of an engineer at the European Space Agency (ESA) and the attempted suicide of a Foreign Ministry official posted to Benin, who was bullied for challenging corrupt practices. It is a first-rate film analysing the process of harassment. It also shows firefighters' collective mobilisation.

La raison des plus forts: Chroniques du procès France Télécom (The reason of the strongest: A chronicle of the France Télécom trial)* (Éditions de l'Atelier) is a collective work coordinated by Éric Beynel. It offers a systematic insight into the legal proceedings up to the judgment at first instance. It is an excellent layperson's guide, which also includes narratives written on the spot after each hearing by several dozen different people. This is a meeting of many different disciplines: from noir fiction to psychoanalysis via law and sociology.

Sandra Lucbert's essay, meanwhile, *Personne ne sort les fusils* (Nobody's getting out their guns) (Éditions du Seuil), sheds light on the same trial by dissecting managerial language. This is how she describes her project: 'In the France Télécom trial, the world being judged is our world. The world doing the judging is also ours. [...] The whole of our social machinery should be on trial, and it's impossible because we are inside it, it dictates our preconceptions.' Following in Proust's footsteps, she decides to dissect the world through prose and bring to light what people cannot see because it is omnipresent.

* There is a review of this book in *HesaMag* No. 22, p. 60: <https://www.etui.org/publications/occupational-health-courts>

4. De Gastines C. (2022) Le recours au pénal, une arme dissuasive, interview with Sylvie Topaloff, *Santé et Travail*. <https://www.sante-et-travail.fr/recours-penal-arme-dissuasive>



HesaMag+

*This article is available
in the original Spanish
at www.etui.org*

'You're not paid to think': the hotel workers without a voice

The lack of involvement of employees in decisions regarding how their own work is organised is a common problem in many sectors. Yet there are some particularly precarious jobs that combine to form an explosive mix of a heavy workload and zero capacity to influence. In the Spanish holiday resort town of Benidorm, hotel staff are facing such circumstances in their daily working life. In part due to their classification as 'manual workers', they are viewed as mere followers of orders, an attitude which exposes them to psychosocial risks that are seriously damaging to their health.

Berta Chulvi

Journalist

Tania Castro

Photographer

Benidorm is widely known in Europe as a tourist destination. Social media networks are crammed with tourists' photos of their holidays in the town, which is situated on Spain's Mediterranean coast. This part of the leisure sector is supported by an army of workers in the hospitality sector who are exposed every day to a serious psychosocial risk of high job strain. Clara Llorens Serrano,¹ a sociologist from the Trade Union Institute for Labour, Environment and Health (ISTAS) and a lecturer at the Autonomous University of Barcelona, explains that exposure to high job strain 'occurs when someone has more work than it is possible for them to do – in other words, the person faces high demands in terms of quantity, yet has little influence on job-related decision-making or, to put it another way, little or no control over their work'. This is the famous 'job demands-control model', developed in 1979 by US sociologist Robert Karasek to explain the effects of strain and autonomy at work on health.

Health risks derived from exposure to job strain are extensively documented in scientific research. Llorens has spent decades documenting and preventing psychosocial risks as a member of the team that developed the COPSOQ assessment and prevention method, and is well acquainted with its effects. 'Since the late 1970s,' she explains, 'we have had research that shows, among other things, that high workplace stress increases the risk of coronary heart disease by between 17 and 31%, the risk of a heart attack by between 22 and 58% and the risk of depression by 77%. In other words, this is a serious occupational and public health issue. In January 2022, figures showing the relationship between someone who has a demanding job over which they have little control and certain illnesses were published for the European Union. The findings show that 17% of depressive illnesses and 4% of cardiovascular diseases are related to high workplace stress.'²

1. 'Update of the fractions of cardiovascular diseases and mental disorders attributable to psychosocial work factors in Europe' <https://link.springer.com/article/10.1007/s00420-021-01737-4>
2. Clara Llorens Serrano is one of the authors of a report on psychosocial risks published by the ETUI in 2022 and available in English on www.etui.org: Llorens Serrano Cl., Narocki Cl., Gual Cl., Helfferich B. and Franklin P. (2022) *Psychosocial risks in the healthcare and long-term care sectors. Evidence review and trade union views*, ETUI, Report 2022.04.

The findings show that 17% of depressive illnesses and 4% of cardiovascular diseases are related to high workplace stress.

* The names have been changed.

↓ Hotel chambermaids are in a vulnerable position when it comes to customer complaints.
Photo: © Tania Castro

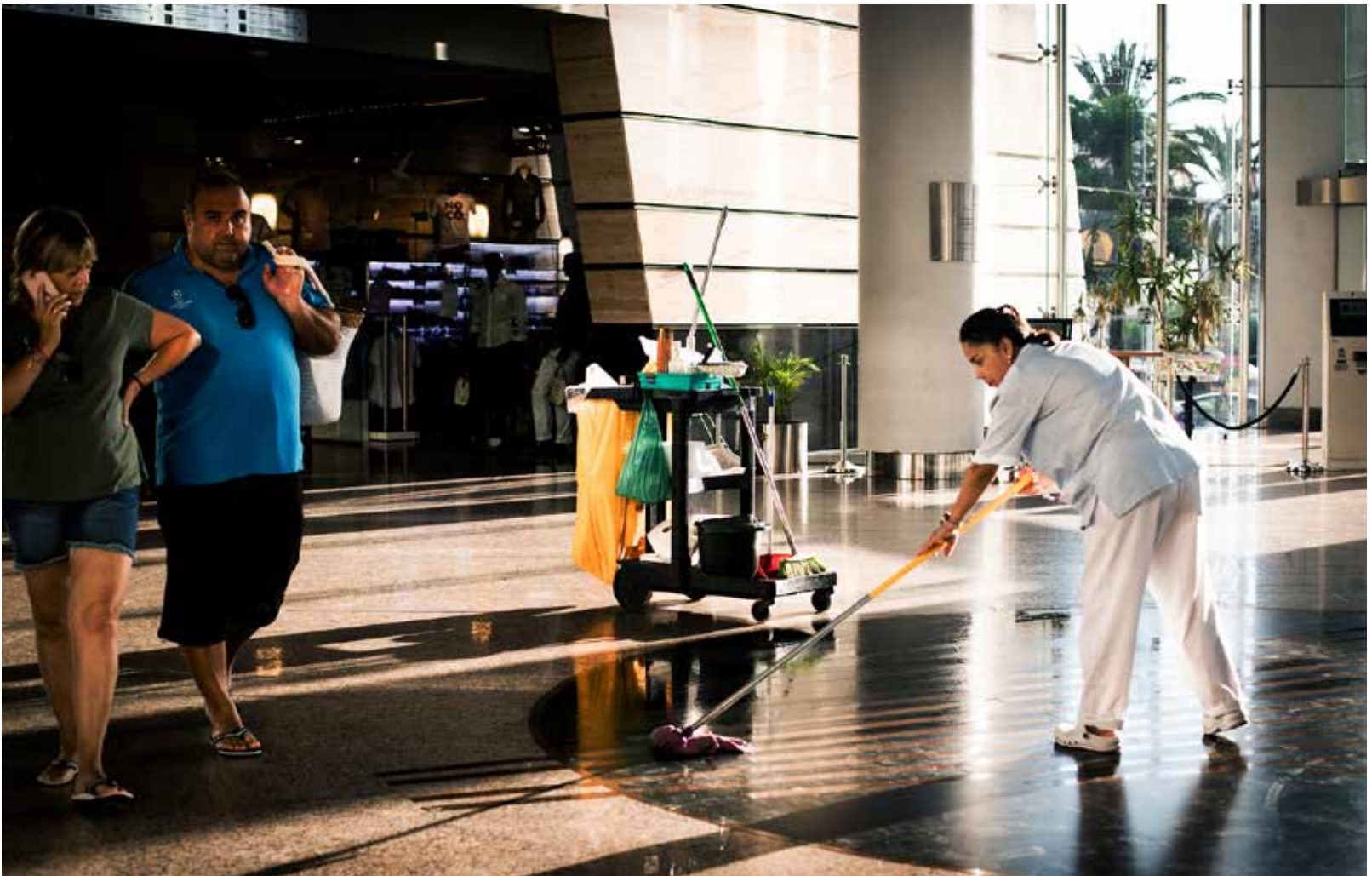
Excessive workload in the hotel industry

Working in highly stressful conditions is the daily reality for Aurora* who has more than 20 years' experience cleaning rooms in a large Benidorm hotel. Her contract is for five hours of work a day, six days a week. On 17 August 2022, the day she spoke to *HesaMag*, the work allocated to her included cleaning 23 double rooms, five of which required a special effort because they were 'changeovers', i.e. rooms where the guests were changing.

In the 2010s, Spanish female hotel cleaners, who dubbed themselves *Las Kellys*, began to organise and campaign against their excessive workload, attracting attention from the media and on social networks. In response to the campaign, in 2017 the Valencian Occupational Health and Safety Institute (INVASSAT) carried out an investigation into the circumstances of chambermaids in the Comunidad Valenciana, interviewing 1 639 chambermaids

in 192 hotels. The study estimated that the average time taken to clean a room was 29 minutes for a double 'changeover' room and 19 minutes for a double room with no changeover. Applying this calculation to Aurora's day (300 minutes), she should have been expected to clean five changeover rooms (145 minutes) and eight normal double rooms (152 minutes), but her list included 10 double rooms more than the number predicted by the average INVASSAT calculation.

Aurora's circumstances are not unusual: Merche* and Celia* report the same room-cleaning ratios. All three chambermaids stated that poor, top-down work organisation further complicated the job of cleaning, which was already very tough because of the speed at which it had to be done and the unnatural postures that had to be adopted to do it. Merche spelled it out: 'I'm 51 and I'm exhausted. The work rates are so tough that I'm dead on my feet when I get home. We're surviving on anti-inflammatories and anti-depressants.'



Lack of control

The INVASSAT study provided data that clearly show that the job of a hotel cleaner is very demanding in all areas of the sector where the workers have no power to influence things. According to the study, chambermaids are forced to adopt unnatural postures in 98% of jobs. In 80% of cases they felt they lacked control over timing in their working day, and considered the work rate being demanded of them disproportionate.

Creativity is one of our core characteristics as human beings. It is almost inevitable that, when we carry out a task, we come up with an idea to make improvements in terms of the time taken and quality of the result. The knowledge gained from experience is vividly encapsulated in the Spanish adage *quién la lleva, la entiende* – ‘walk a mile in my shoes’. But these women are deprived of any involvement because they are subject to a highly top-down, inefficient work organisation.

‘Co-ordinators who do a poor job make our jobs hell,’ says Aurora frankly. ‘You would expect that, when I go up to the floor of the hotel where my rooms are, all the bed linen would be in the office ready, but that’s not what happens. I have to do four trips to get it, and there’s just the one service lift for 18 floors. You’d assume that the hotel would do a stock take and there’d be no shortage of soap or towels, but here we are in high summer, and there’s not enough soap, towels or laundry bags. In a hotel, chambermaids come face to face with customers. How do you tell a guest in a four-star hotel that you’ve run out of laundry bags for the wardrobes?’

Merche says that when she’s made suggestions for changes to her supervisor the response has always been the same: ‘You’re not paid to think.’ ‘If they allowed you to have an opinion or make the odd suggestion...’ she explains. ‘But they don’t. Put something forward, and you get a rollicking because it’s not your job to tell your boss how to do theirs.’ Celia says that, after

20 years in the same hotel, she’s learned how to fake a smile and won’t let her bosses’ unfair treatment get to her. ‘If you tell them what’s not working, they do everything they can to get rid of you,’ she says. Celia has experienced bullying for not keeping quiet, and so to prevent a recurrence, she has wangled a place on the evening shift where she has greater autonomy because she’s practically on her own.

In large hotels, restaurant waiters are the male equivalents of chambermaids. The restaurant is usually a buffet which is often at maximum capacity. The waiters also lack control over their work and have to deal with the demands of exacting customers by themselves. Take Víctor* for example. He has 15 years’ experience working in catering and

↓ Benidorm attracts hundreds of thousands of tourists every year.
Photo: © Tania Castro



tells us that he's been asking the *maitre d'* at his restaurant for more glasses for at least two weeks: 'We need at least 85 more glasses. He doesn't even have to go and buy them: he's got them downstairs in the cellar, but unless he tells me to I can't go and get them. Every day, I find I'm having to serve a customer's cold drink in a hot glass that's just come out of the dishwasher. The customers complain, justifiably, and I wish the ground would swallow me up.' This experienced waiter has just been assigned the hotel owner's son as an assistant: 'I asked for help, and they gave me the owner's son. It would almost be better to be working on my own because I can't give him instructions and he doesn't help me. But hey, that's the way things work; I'd been asking them to buy wine-bottle openers for three weeks, and "the kid" managed to get them in just one day.'

In the line of fire of customer discontent

Websites such as TripAdvisor and Booking.com have increased the pressure on hotel staff considerably. Normally, only angry customers write reviews, and screenshots of complaints are forwarded on hotel staff WhatsApp groups by management, often crushing workers' self-esteem. Luisa opens her WhatsApp group and shows a screenshot forwarded by the housekeeper. It's a message from a customer who says that there was fluff under the bed and that the rooms hadn't been thoroughly cleaned. 'I'd like to be able to clean them thoroughly, but in 10 minutes it's just impossible,' she sighs, helplessly.

The effect of social networks also extends to the buffet-restaurant where Victor serves wine and cold drinks. 'Different types of customers come in to eat,' he

explains, 'Some are on an all-inclusive rate – they wear a wristband, and some have to pay for their drinks. When I tell a customer that they need to pay for drinks, they often get angry and there's a bit of a row. One time, the customer went to reception to complain and, to my huge surprise, came back into the restaurant clutching a piece of paper that said his drinks were included. I was incredulous and nervous because of the argument with the customer, who was now looking at me defiantly, but I knew I was in the right, so I phoned reception to find out what had happened, and the receptionist's reply floored me: "No, you were definitely correct, but they booked through Booking.com, and if I hadn't given in to him he'd have given us a bad review.'"

Chambermaids can be particularly vulnerable to customer complaints, as exemplified by a story Merche recounts: 'The hotel was providing accommodation to a basketball team, and the coach's laptop went missing. Who did they accuse? The chambermaid. Not only are we exploited, we're also viewed with suspicion. By a stroke of bad luck, the room had been cleaned by a new girl on trial. The customer got angry and accused us.' The receptionist and deputy housekeeper went to speak to the customer to try to get him to have a good look for the computer and talk to the team, all youngsters, to see if it was a prank. The hotel management dismissed the chambermaid with no explanation and reprimanded the deputy housekeeper for speaking to the customer. The receptionist wasn't punished, but the cleaner was, and she ended up leaving the hotel because she couldn't bear the humiliation. 'They assume we have no voice,' says Merche. 'And if we use it to try and sort an issue out they punish us.'

No acknowledgement of harm and no risk assessments

The chambermaids are being supported both by traditional trade unions and grassroots assembly-based organisations such as *Las Kellys*. Yolanda García, the spokesperson for Benidorm's *Las Kellys*, confirmed that the improvements promised by the government in recent years were not worth the paper they were written on: 'There's no glass ceiling for us, we just want to rise above the sticky floor,' she says. 'There's no chance anything will change, not even on really basic things like acknowledging harm. In August 2018, the central government and social actors agreed on the recognition of occupational diseases affecting chambermaids, but it came to nothing because Royal Decree 1299/2006, which sets out the table of occupational diseases, has not been amended. Insurance companies and the INSS [Spanish Social Security Institute] deny that the musculoskeletal problems we have, such as epicondylitis or "tennis elbow", are caused by our work.'

Patricia Carrillo, General Secretary of the CCOO's Service Federation in Alicante province where Benidorm is located, says that there are no risk assessments for psychosocial issues in the vast majority of hotels: 'They do nothing whatsoever for psychosocial risks. For example, in 2019, we lodged a complaint with the Labour Inspectorate because there was an overbearing video monitoring system, and the workers in one hotel felt the management was listening in on them round the clock. It was like Big Brother. Management began to reprimand women on the basis of the recordings, with no evidence, and we reported the situation to the Inspectorate. Turned out that the Inspectorate came to the conclusion that the video monitoring was over the top and said it would take formal action, but here we are in 2022, and nothing has changed.'

These women are deprived of any involvement because they are subject to a highly top-down, inefficient work organisation.



↑ In the big hotels, restaurant waiters are often the male counterparts of female chambermaids.

Photo: © Tania Castro

Screenshots of complaints are forwarded on hotel staff WhatsApp groups by management, often crushing workers' self-esteem.

The way work is organised is not set in stone

According to ISTAS sociologist Clara Llorens Serrano, the problem lies partly in permanent understaffing, a hallmark of business practices for workplace management in Spain for too long, with companies competing on labour costs in labour-intensive activities and thus generating an enormous workload; and partly in an archaic, authoritarian, Taylorist, non-participatory model of organising work that results in low levels of control. 'To the lack of staff we can add poor task planning with regard to quantity, quality and time, and inadequate technology and processes,' Llorens insists that work organisation is not set in stone: 'workers – women and men alike – have had the right to demand a change in business practices since 1996 when the Law on prevention of occupational risks was enacted, specifically under Article 15. The failure to act is unacceptable socially, because the bill

for more precarious working conditions, caused by businesses setting off on a race to the bottom and making short-term profits at the expense of working conditions that are damaging to the working population's health, is one that we'll pay for in declining health and greater GDP expenditure on the state health system.

'A healthier way of organising work is possible provided that we take on board the need to change working conditions and, often, increase staffing levels,' concludes Llorens. 'We are aware of success stories in tourism and other sectors, but two issues need to be taken on board from the outset: the participation of workers is essential, and so is improving working conditions in terms of staffing, contracts, the working day and wages. In most cases, reducing exposure to psychosocial risks involves allocating more resources and backing high-quality, sustainable business management, and not making easy money by damaging workers' health.' ●

'Bullshit jobs' and the search for meaning in work

In 2013, the innovative anarchist and anthropologist David Graeber introduced the evocative expression 'bullshit jobs' to describe what seemed to him to be an epidemic of pointless jobs. Soon enough the term went viral, rapidly spreading around the world. Graeber unearthed and opened up for debate a major phenomenon – the meaninglessness of work – but the theories and measures he proposed could now perhaps be improved upon.

Thomas Coutrot

Economist and statistician, co-author (with Coralie Perez) of *Restoring meaningfulness to work, a revolutionary aspiration*¹

In mid-summer 2013 David Graeber published a short essay entitled 'On the Phenomenon of Bullshit Jobs: A Work Rant' in the radical online magazine *Strike!*. He was instantly taken aback by the buzz it generated. The magazine received a deluge of first-hand accounts from workers describing how they had recognised themselves in Graeber's statements. Relying on those accounts and the theoretical tools of his original field of study, anthropology, Graeber delved deeper into these ideas, publishing a comprehensive work on the topic in 2018. His proposition was now well established: bullshit jobs were becoming increasingly pervasive as 'a form of paid employment that is so completely pointless, unnecessary, or pernicious that even the employee cannot justify its existence'². This in turn had a devastating impact on the mental health of workers. To illustrate the scale of this phenomenon, Graeber referred to a poll commissioned by the private research data and analytics group YouGov UK, which had concluded that 37% of the 840 respondents believed that their job did not 'make a meaningful contribution to the world'.

Where did this 'bullshitisation' of work come from?

Although David Graeber can be hugely credited with initiating an international debate on a hitherto relatively obscure subject, it is important to recognise that his explanation for this phenomenon is out of kilter with the main results emerging from the field of labour studies, not least in terms of the phenomenon's origin. In keeping with one of his previous books,³ he maintained that the proliferation of useless jobs had very little to do with any capitalist rationale. Instead, he ascribed its cause to the desire of senior staff to acquire status, and pointed to a quasi-feudal logic. As in the case of the lords and masters of old, what mattered to today's top executives was, he claimed, having a 'an entourage of followers that is both the visible measure of one's pomp and magnificence, and at the same time, a means of distributing political favor'⁴. In other words, the bosses were creating thousands of pointless jobs for the sole purpose of building themselves a court of deferential staff.

1. Coutrot T. and Perez C. (2022) *Redonner du sens au travail. Une aspiration révolutionnaire*, Seuil.
2. Graeber D. (2018) *Bullshit Jobs: A Theory*, Allen Lane, page 9-10.
3. Graeber D. (2015) *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy*, Melville House.
4. Graeber D. (2018) *Bullshit Jobs*, page 176-177.

5. *Conditions de travail et risques psychosociaux [Working conditions and psychosocial risks]* (2016) by Dares surveyed 24 000 workers and is representative of the entire working population in France.
6. These are the professions in which over 10% of the employees gave this answer.

Although that theory may effectively explain some circumstances, it overlooks the fact that managers are under the constant watchful eye of financial stakeholders. Through investment consultancy firms, these stakeholders look at the management ratios on a quarterly basis and exert pressure with a view to securing a permanent reduction in salary costs. This, the widespread development of management based on figures, undoubtedly provides the foundations for job ‘bullshitisation’. Specific management approaches (such as ‘lean management’ and ‘new public management’) aim to monitor work closely so that it meets the expectations of the financial stakeholders. On the one hand, these systems create many executive and managerial jobs which may seem pointless or tedious to their holders but which perform functions within this power mechanism (such as reporting, standardisation, monitoring of tasks, and process management). And on the other hand, employees subjected to these mechanisms see their work become governed by numerical targets and procedures that are completely disconnected from their actual job.

Job meaningfulness is not just about usefulness

The second limitation to Graeber’s analysis concerns the very nature of the phenomenon, which he restricts specifically to the idea of social usefulness: to his mind, a job which has meaning is synonymous with a job that benefits others. However, one major 2016 French survey on working conditions conducted by Dares⁵ offers findings that complicate the conclusions Graeber draws in his work. When asked, ‘In your work, how often do you feel that you are

doing something for the benefit of others?’, only 5% of those surveyed answered ‘never’. Moreover, the profiles most inclined to regard themselves as ‘useless’ differed completely from those who supplied testimonies to Graeber. These people are not, as stated in the book, computer scientists, telemarketers, lawyers, or human resources, marketing or finance managers; they are, in fact, mechanical workers, workers in processing or material handling, domestic workers, cashiers, etc.⁶ Not, therefore, overpaid idlers but holders of strenuous jobs that are often insecure and poorly paid. One might thus suggest that their relative feeling of uselessness (at least before the pandemic) to some extent reflects their social devaluation.

Of course, the testimonies cited by Graeber do not simply convey a feeling of uselessness. Often, they also express a profound boredom at work, or even a feeling of guilt in terms of the impact their work has on its recipients or on the environment. But the Dares survey also shows that, as with feelings of uselessness, boredom at work does not affect skilled workers only. That may seem like an obvious point, but it was not really apparent from the testimonies that Graeber received following publication of his essay.

The many dimensions of a complex phenomenon

In our collaborative work, Coralie Perez and I have suggested a conceptualisation of the meaningfulness of work that has three dimensions: social usefulness (*I believe I am doing work which meets genuine needs*); ethical consistency (*I can work without undermining my personal or professional values*); and the capacity for development (*I can learn and improve myself through my work*). By combining these three dimensions, we have demonstrated that, in France at least, loss of meaning plays a major role in the mental health of workers as well as in resignation decisions.

This conceptualisation has allowed us to carry out a more detailed classification of different professional groups. According to the 2016 Dares survey, factory workers (especially those in processing, mechanical and material-handling jobs) as well as commercial and sales employees find remarkably little meaning in their work. That sense of meaninglessness was echoed by banking and insurance clerks, as well as security personnel – all relatively low-skilled professions.

Is meaningful work then simply the privilege of those at the top of the social hierarchy? In fact, it’s more complicated than that. The workers with the highest score on the ‘meaning’ scale are (female) childcare workers and nursery assistants, and, more generally, care professionals (home helps, cleaners, doctors). This group also includes teachers, trainers, social workers and guidance counsellors. Thus, the act of working with the general public increases the worker’s sense of meaning by enhancing both the feeling of social usefulness and the capacity for development, even if this can create ethical conflicts.

In fact, the sense of finding meaning in one’s work can be found amongst profiles as varied as managers, employees with few qualifications, and workers in small firms. Public-sector workers or workers in associations are more likely to see their work as meaningful than private-sector employees, while women on average consider their work to be meaningful more than men do precisely because they are more likely to work in contact with the public.

Meanwhile, the presence of elected staff representatives, and in particular trade union representatives, has a marked influence on the perception of meaningful work. When there is a staff representative body installed in the establishment where they work, staff tend to be more critical of the quality or usefulness of their job, implying perhaps that the existence of collective representation stimulates critical awareness.

Employees see their work become governed by numerical targets and procedures that are completely disconnected from their actual job.

The impact of the health crisis

The Covid-19 pandemic to some extent altered our perceptions of meaningful work. According to the Tracov⁷ poll conducted by France's Ministry of Labour, 'frontline' health professionals and teachers experienced an increased sense of social usefulness, but also more ethical conflicts. Applauded by the population, they were required to work in conditions far more difficult than before the pandemic in public services that had been weakened by years of budget constraints. As for the 'second-line' workers (including home helps, cleaners, cashiers and security guards), who regarded themselves as serving little 'useful' purpose before the health crisis (with the exception of the home support workers), they now felt that their contribution was appreciated more. The same can be said for social mediation professionals (those employed in social work and guidance, as well as culture and sport initiatives), who needed to support people in difficult circumstances. Conversely, people working in the arts and entertainment industries, who were forced to shut down, lowered their assessment of their work's meaningfulness, in terms of both ethical consistency and social usefulness.

↓ The workers who are the most likely to consider themselves as 'useless' often occupy insecure and poorly paid jobs.
Photo: © Belga



Bullshit jobs are bad for your health

Graeber emphasised how harmful the feeling of uselessness and emptiness inherent in 'bullshit jobs' is to mental health. The data in this area is absolutely compelling: employees who experienced a significant deterioration in the sense of meaning they derived from their work between 2013 and 2016 were twice as likely to suffer from depression as a result.⁸ However, Graeber struggles to pinpoint the reasons for this, despite the ample availability of scientific literature dealing with ethical conflict and lack of appreciation in the workplace.⁹ Johannes Siegrist's 'Effort-Reward Imbalance' model, for example, throws a spotlight on the issue of lack of recognition. The Scandinavian questionnaire COPSOQ, a benchmark for assessing psychosocial risks, enquires into the 'meaningfulness of work' and the sense of 'doing something important in your work'. The 'work clinic' approach, advocated in particular by Yves Clot, establishes how 'prevented work', that is to say, work that is 'neither done nor to do', lies at the heart of ethical conflict and mental illness. Similarly, Christophe Dejours' theory on the 'psychodynamics of work', that we rely above all on others, illustrates how the development of mental health in the workplace hinges on both a 'usefulness judgment' made by hierarchical superiors or supposed beneficiaries, and on a 'beauty judgment' from peers who acknowledge namely one's respect of standard practices.

Graeber's lack of grounding in the discipline of labour studies in his exploration of the 'bullshit jobs' phenomenon can to some extent explain the limited scope of his proposed solutions, which can basically be summarised as the introduction of a basic income. Many labour specialists advocate rather as an 'anti-bullshit' strategy a complete shift in the social paradigm, centred around a democratisation of the organisation of work. Graeber's hope that the introduction of a basic income would allow us to cast bullshit jobs aside is a highly paradoxical proposal from an anarchist thinker who sought the wholesale dismantling of states – something he himself recognised. Even more paradoxical was his viewpoint that bullshit jobs were mainly the domain of highly qualified graduates. Even without looking through the eyes of an anarchist, it seems to make more sense to work towards rebuilding the power of workers over the conditions and purpose of their own work, with the assistance of trade unions and associations¹⁰, rather than wait for the state to release workers from the stranglehold of bullshit by introducing a generous and unconditional income. Democracy in the workplace is the best antidote to the 'bullshitisation' of jobs. ●

7. <https://dares.travail-emploi.gouv.fr/enquete-source/le-vecu-du-travail-et-du-chomage-pendant-la-crise-sanitaire-liee-au-covid-19-2021>
8. <https://dares.travail-emploi.gouv.fr/publication/quand-le-travail-perd-son-sens>
9. For example, he writes that the feelings experienced by telemarketing personnel, who are required to 'ambush' people, is complicated and, in fact, cannot properly be put into words.
10. As proposed by Philippe Davezies: Davezies Ph. (2014) *Individualisation of the work relationship: a challenge for trade unions*, Policy Brief 03.2014, ETUI.

Now hiring: Chief Happiness Officer

First appearing in the United States in the early 2000s, the job of 'Chief Happiness Officer' has in recent years begun to attract advocates in Europe. The task of these 'corporate happiness managers' is to introduce ways of making employees feel happier at the office. But can the happiness of the collective really depend on an individual? Read on for a portrait of a profession that, falling somewhere between marketing strategy and managerial innovation, isn't always all smiles.

Louise Pluyaud
Journalist

At Castelis, a French IT engineering company, Christelle Kirn, 32 years old, has the position of Chief Happiness Officer (CHO). The ultimate nanny, she takes care of her web-developer and project-manager colleagues, who spend their days in front of a screen. To 'improve their quality of life at the office', she has installed a table football set and a ping-pong table in the cafeteria. 'As long as the work gets done, there's no reason why they shouldn't have a game,' she says, smiling. 'It's mostly a matter of trust between them and management.' Christelle also watches over their health, with organic fruit and massage sessions. 'I brought in an osteopath to teach them the right way to sit at a screen, but other ideas are down to their initiative, like the siesta room and the vegetable garden on the terrace,' says this cheerful employee, who is also responsible for organising drinks and get-togethers designed to 'promote bonding'.

'The things I organise are also meant to increase employee loyalty,' acknowledges Christelle. And since her position was created in 2018, it indeed seems that staff turnover has dropped. In the current context of talent shortage, tech businesses have

to 'win candidates over', not only to lure them in but also to retain them. 'It's a kind of reversal of what you normally see in the world of work,' comments Stéphane Woelfel, co-manager at Castelis. Salaries are more or less the same for similar vacancies, so having a CHO on the staff can make all the difference.

Emergence of a new profession

The post of CHO first appeared in the United States in the early years of this century. It was the engineer Chade-Meng Tan, responsible for employees' personal development at Google, who invented the concept of 'happiness management'. Little by little, the position spilled over from Silicon Valley to be taken up by others.

Others like the American billionaire Tony Hsieh. His company, Zappos, sold shoes online, but he claimed he was 'delivering happiness' to customers. To do this, happiness had to be at the heart of his business strategy. 'So he swapped his CEO hat for a CHO one,' says Laurence Vanhée, one of the first happiness managers in Europe,

known for revolutionising the Belgian Ministry of Social Security between 2009 and 2013. Vanhée, who had vowed 'never to be unhappy at work again', was particularly impressed by Hsieh's ideas. In 2010, she changed the job title of HR Manager on her business card to that of CHO. 'At the time, there were only 12 of us in Europe, [including] a Brit who went around hospitals dressed as a clown and styled himself as a CHO, [and] an Austrian employed by Vienna City Council to make it the happiest town in the world.'

In Britain, the post of CHO enjoyed a media buzz when Prince Harry, King Charles III's second son, was recruited by a Silicon Valley start-up as an 'impact manager', often another term used to designate a CHO – others include 'Mr. Happiness', 'Feel-Good Manager' or 'Employee Experience

Behind a superficial smile, there is increasing bad feeling.

Manager'. 'This job is open to everyone,' says Sarah Metcalfe, Co-Leader at Woohoo Inc., one of the few companies that offer CHO training leading to a certificate in the United Kingdom, where the post is not yet common. In France too, the number of CHOs is still limited. There were only around 100 of them on LinkedIn in September 2022. The role of a CHO differs from one company to another and, along with this, the budget and the tools made available. Each of them has to come up with a recipe for happiness from the available ingredients. At Ubisoft France, 32-year-old Marie Simonian manages a team of 12 people. A graduate in hospitality management, she has an annual budget of around 1 million euros to 'make the place attractive'. Among other things, she has set up a gym and a concierge service that will 'clean your suit'. In another variant of the role, Rose*, a former employee of a start-up based in London, recalls that 'the CHO was a cheerful trainee, whose function was to spread her sunny disposition around. She brought round biscuits and didn't have an office.' It seems many CHOs link happiness with food, sometimes to the point of indigestion. When she was appointed, 27-year-old Rose embraced the hedonistic vision of her company, but very soon became disillusioned. The focus on wellbeing made her feel indebted. So, in the end, the biscuits put her off.

'Eating up their whole life'

This vagueness about what a CHO is helps to discredit the position. In France, its appearance at the start of the 2010s met with harsh criticism, including that it was the archetype of the 'bullshit job'¹. 'Candy is carrot version 2.0. A new kind of bait to create healthy motivation and a feel-good atmosphere (...). Even if it's bad for your teeth,' comments Mathilde Ramadier in her book *Bienvenue dans le Nouveau monde* (Welcome to the New World)². Recounting her experiences in American and German start-ups, Ramadier has a go at the corporate drinks gatherings where employees share photos of themselves smiling broadly on their social networks, turning themselves into a 'propaganda tool'. They stay on later at work... and woe betide anyone who turns down the invitation!

Tiffany* has experienced this kind of pressure full on. Every Monday, as an employee of a Parisian company specialising in reintegration into employment, she had to present her 'weather forecast' for the day. '[This was] a meeting at which our managers asked us to assess our mood on a scale

of 1 to 10. If you said 3, you were soon labelled as the moaner, the ungrateful one. People start turning their backs on you and you get blamed for spoiling the atmosphere.' Behind a superficial smile, there is increasing bad feeling. 'The company was growing, so the founders were asking us to be more flexible and 1 000% committed, like them. Except that, for your part, you're paid 10 times less and you don't have all the resources you need to work well.' Backed up by an independent occupational physician, Tiffany, along with some other employees, set up a working group to give voice to their troubles. 'Which the managers didn't like, because they had no control over it. As far as management were concerned, everything was fine, the targets were being met. They did appoint a CHO to "recreate a family spirit", but our claims were ignored.' For Tiffany, this was the last straw. She handed in her resignation – 'reluctantly, because I liked my job, and my colleagues had become friends.'

The idea of happiness at work has been around for a few decades. 'For more than a century, the dominant model was that of the bureaucratic business concern,' explains Thibaut Bardon, Academic Director at Audencia Business School. 'At the end of the 1970s, this centralised, hierarchical model met with criticism. That was when the idea emerged that a company can be a place of professional, but also personal, fulfilment.' It is often said that employees who feel fulfilled work better than others. But, according to Bardon, research on this subject is contradictory. 'It's hard to say for sure whether there is a positive link between employees' happiness and business performance.'

And the encroachment of working life into private life can be damaging. By trying to make their daily lives easier, CHOs make employees dependent on the company. 'They must be allowed the freedom to build their own happiness outside too,' stresses Bardon. 'If they get dismissed or fall ill, they lose something more important, because work has eaten up their whole life.'

The art of experiment

Should we get rid of CHOs? 'Appointing someone to improve people's wellbeing without asking why they need it or why they are suffering, including in terms of working conditions, is like putting a bandage on a wound without disinfecting it first,' says occupational psychologist Sabine Grégoire. 'Something is being suppressed that, to be healthy, should be expressed.' Some CHOs

If there is any obligation, it is the one that falls to every employer of ensuring the health and safety of employees.

* Name has been changed.

1. See Coutrot article, p. 37.

2. Translator's own translation.

deny this and see their job rather as field-work aiming to analyse and address the things in a company that are going wrong. And that takes time, as Anne Edvire can attest. Appointed in 2018 as the CHO in a French engineering school formed out of the merger of two institutions, it took this 50-something-year-old more than a year to 'get the teams to bond'. Before becoming a CHO, she had spent her career in Anglo-American companies, where the employees were offered 'ice-breakers' to lighten the atmosphere. One of the exercises was to 'make yourselves laugh by pulling faces at each other'. 'People in France were completely averse to them,' recalls Edvire, who soon gained the nickname 'the American' amongst the staff. The CHO ended up keeping a low profile and brought the employees' own recommendations to management to ease the tensions in the school.

If they are really to improve conditions in a company, CHOs should have a seat on the management committee, argues Laurence Vanhée. She introduced teleworking as soon as she arrived at Belgium's Social Security Ministry, well before the Covid pandemic. 'A liberation, because I had more than five hours' travel a day,' recalls her former colleague, Corinne Houbrech. 'My self-confidence increased because, in a one-on-one meeting, Laurence emphasised my qualities rather than my mistakes, unlike my previous manager.' She remembers a day when 'Laurence got annoyed when she received a breastfeeding break form on her desk. Actually, it was compulsory to give line management three weeks' notice of breastfeeding.' The CHO soon abolished this

Anger or resentment might be ‘negative’, but social change and the rejection of the existing order owe much to them.

aberration. ‘By reorganising the work we were able to save 12 million euros a month in rental and ancillary costs,’ says Vanhée proudly. ‘The resignation rate dropped by 75%, absenteeism by 26%, productivity increased by 20% and applications went up by 500%.’ Another outcome: ‘We logged zero strike days.’ Vanhée now heads up a consultancy on happiness at work. Her average fee starts at 3 500 euros a day.

A right to wellbeing at work

The Belgian General Federation of Labour (FGTB) admits that it has ‘never heard of the job of CHO’ but that it is ‘sceptical’ about this post, for which there is no formal training. In any case, not all firms have the resources or the will to procure the services of a happiness manager. ‘The employer

expects a contribution from the employee, not the employee’s happiness,’ stresses occupational psychologist Grégoire. If there is any obligation, it is the one that falls to every employer, that of ‘taking the necessary measures to ensure the safety and protect the physical and mental health of employees, as set out in the Labour Code in France’ – and, at the EU level, by the Framework Directive on Safety and Health at Work.

As Daphné Breton, occupational risks prevention officer, laments, ‘a lot of companies prefer to pay [for] the number of occupational accidents and illnesses that they log – because it’s simpler – rather than investing in improving working conditions and organisation.’ Nevertheless, in light of the undeniable rise of PSR in European workplaces³, ‘[E]mployers are finally opening their eyes to the consequences of a lack of prevention and detection,’ stresses Kevin

Flynn, Policy and Communications Advisor at Eurocadres, the union of professionals and managers. If there is a consensus on the subject among the various political parties, Flynn hopes the Commission will take action to strengthen European legislation on psychosocial risks.⁴

At Google, having a happiness manager did not prevent a wave of lay-offs. Deemed to be unfair, these dismissals instead triggered, in early 2011, the formation of the very first trade union at the company. Other unions have also sprung up in leading American private-sector firms in recent years, including Amazon and Apple. Meanwhile, in Europe, faced with inflation, labour movements claiming wage increases are multiplying: in Belgium, more than 70 000 workers took to the streets in June 2022, and in the United Kingdom mass strikes brought the country to a standstill in August. As the authors of *Manufacturing Happy Citizens* affirm, with all due respect to Mr. Happiness, feelings like anger or resentment might be ‘negative’, but social change and the rejection of the existing order owe much to them. ●

3. See Bérastégui article, p. 14.

4. See Staunton interview, p. 18.

↳ CHOs are responsible for spreading joy... up until the point of nausea.

Photo: © Belga



Burnout: when can we expect a formal recognition?

Although used in common parlance as a synonym for professional exhaustion, burnout still generally goes unrecognised as an occupational disease in Europe, with the exception of two countries. As the number of sufferers continues to grow year on year, when will this denial give way to allow for serious prevention?

Alain Bloëdt
ETUI

In January 2022, Stromae made a guest appearance on the 8 p.m. news programme broadcast by French channel TF1, which has one of the largest audiences across Europe's TV schedules. In the middle of the interview and to the surprise of viewers, the Belgian singer gave an impromptu rendition of an as yet unreleased track from his new album, singing its haunting refrain:

'Sometimes I've had suicidal thoughts,
And I'm not proud of it.
Sometimes you feel it'd be the only way
to silence them,
All these thoughts putting me through
hell.'
(*J'ai parfois eu des pensées suicidaires
Et j'en suis peu fier
On croit parfois que c'est la seule
manière de les faire taire
Ces pensées qui me font vivre un enfer.*)

Like many other global stars, such as Kanye West, Britney Spears, Justin Bieber, Rihanna or Angelina Jolie, Stromae suffered from burnout. His song is a testimony of the devastating impact of this illness which, on a

daily basis, causes employees to be excluded from their place of work for entire weeks, months or even years at a time. This song also highlights the fact that no occupation is spared, with elite sportspersons the most recent to fall victim to this phenomenon. Their predecessors may have spoken of 'mental fatigue' or a 'lack of form or fitness', but today's champion athletes are no longer ashamed to talk about their poor mental wellbeing, including tennis player Naomi Osaka, swimmer Michael Phelps, and gymnast Simone Biles who, as hot favourite to win the prestigious all-around competition at the most recent Olympic Games in Tokyo, in a surprise move announced her decision to withdraw from the event. Sobbing one minute and smiling the next, she explained that she had to do what was right for her and focus on her mental health.

However, burnout is not the preserve of celebrities. Although there is a dearth of relevant data at European level, the problem can no longer be overlooked, as everyone knows or has known of someone suffering from burnout. To understand the scale of the problem, you need only look at the study

conducted by Bright Link, which is a spin-off from the Catholic University of Louvain (Belgium) specialising in the prevention of burnout. Carried out on some 5 000 employees, the study revealed that 18% of those subjects were at risk of exhaustion. The cause of this was attributed to conflicting instructions and an excessive workload, which are two psychosocial risk factors.

The impact of stressors

If occupational risks are to be prevented, they must first be identified. Although this is no easy task, especially when workers themselves are in denial about those risks, scientists have today reached a consensus on the burnout phenomenon. It is regarded as a state of extreme exhaustion, at once psychological, cognitive and physical, that is related to work and in particular the worker's level of commitment. After all, burnout is often the result of overinvestment in work. Companies and organisations know that they can rely on these stalwart workers because they will find it hard

With the exception of Italy and Latvia, victims of burnout in Europe must prove the occupational origin of their illness if they are to claim compensation.

to say no to the excessive workload, and they want to 'do the right thing'. Ultimately, when experiencing a feeling of worthlessness and that their professional integrity has been brought into question, they will endure burnout like an agonising 'badge of honour', as Sabine Bataille, founder of the RPBO (Network of Post-Burnout Experts) and author of the book *Se reconstruire après un burn-out (Rebuilding your Life after a Burnout)*, explains.

Given that it is the consequence of an imbalance between job demands and the resources needed to deal with them, it is only natural that burnout should be recognised as an occupational disease. This was, in any case, the general conclusion implied by the global media in late May 2019 when they ran with the headline 'WHO recognises burnout as a disease'. At its annual meeting in Geneva, where it defines its strategy, the World Health Organisation (WHO) included burnout on its International Classification of Diseases (ICD) list – a global benchmark for health diagnosis. However, highlighting the confusion prevailing around burnout and its challenges, the WHO published a clarification less than 24 hours later: 'Burnout is included [...] as an occupational phenomenon. It is not classified as a medical condition.' End of debate? Not entirely, because the WHO in fact defines burnout as 'a syndrome conceptualised as resulting from chronic workplace

stress that has not been successfully managed'. The study on stress as a physiological process reveals that the human body is capable of managing pressure in the short term but struggles when confronted with prolonged or repeated exposure to stressors. According to Pierre Bérastégui, researcher at the European Trade Union Institute (ETUI), this highlights the importance of preventing psychosocial risks, since aspects of the work environment can act as stressors.

The burden of proof

With the exception of Italy and Latvia, victims of burnout in Europe must prove the occupational origin of their illness if they are to claim compensation. In France, for example, burnout sufferers are required to appear before the Committee for the Recognition of Occupational Diseases and have to demonstrate a permanent partial incapacity (at least 25%) to work, as well as the causality link between the work carried out and the symptoms experienced. The burden of proof may therefore lie with the worker, but the organisation of work – which comes under the employer's remit – is considered the main source of the burnout. However, few dare to venture down that road, because a procedure of that nature, which is lengthy and stressful, embroils victims in a situation from which they may quickly wish to extricate themselves.

Moreover, it is commonplace to read and hear accounts maintaining that the origins of burnout lie not only in the work environment but also in the personality of the victim. Although some individual factors admittedly exert a modest influence, all burnout victims will explain that the work environment bears a major and decisive responsibility in the onset of their illness. 'It isn't a private matter of the individual,' confirms Evangelia Demerouti, Professor at Eindhoven University of Technology and a leading expert in the field internationally. 'A private matter can make you less proactive, for example, but that does not mean that you are no longer capable of fulfilling your occupational obligations.' Far from a mere dip in performance, burnout is often experienced as a breakdown, a sudden meltdown plunging the worker into a deep depression.

The issue of accountability lies at the heart of the challenges associated with occupational risks. In his publication *Les risques professionnels. Peut-on soigner le travail? [Occupational Risks: Can we foster caring and supportive work arrangements?]*, Professor Arnaud Mias explains that when certain arduous jobs come under scrutiny, the tendency is to develop an individual approach and look to the individual person's lifestyle (diet, alcoholism, tobacco dependency, etc.). With musculoskeletal disorders, the general tendency is to focus on a person's physiological constitution, and thus the individual's genetic makeup. Similarly, psychosocial risks are 'psychologised away' so as to place the blame squarely with the individual. Under the guise of care for their wellbeing, employers sideline these workers, meaning that, ultimately, the work environment or organisation will not be called into question, and the business in those circumstances will have missed out on an opportunity to improve working conditions.

As a consequence of imbalance between job demands and resources, it is only natural that burnout should be recognised as an occupational disease.

↳ By speaking openly about their burnout, Stromae and other celebrities are helping us to better understand the ravages of this disease.
Photo: © Belga



The influence of managers

So how can the burnout epidemic affecting our workplaces be eradicated? Danish MEP Marianne Vind, who presented her report on health and safety at work to the European Parliament to the overwhelming approval of her colleagues across the political spectrum of the Strasbourg plenary, addressed that very question. Her argument is that, 'If you want to be a commercial diver, you need a licence. However, as regards managing teams and overseeing their well-being at work, no specific qualification is required. If we want to see off burnout for good, we need to train the managers.' Evangelia Demerouti is on the same page; she feels that 'promotion to a managerial position must automatically be accompanied by leadership training'.

Sociologist and author Sabine Bataille maintains that managers are now receiving training in her country, France, and even predicts that the victims of burnout in the future will be the managers. 'Suffering is happening at every level, not just at the lower levels but also among middle-level staff, among the managers.' She questions the role of the boardroom directors: 'As long

as they're making money, everything's fine, but whenever we see the growing individualism of careers, the 'quiet quitting', the lack of skills owing to the failure to anticipate technological development, we start to wonder what companies are waiting for with regard to taking better care of their employees... Especially when we know that one euro invested in preventing psychosocial risks would provide a return of four euros in the form of improved health and increased work productivity.'

Gaining momentum towards recognition

According to a study conducted by the European Agency for Safety and Health at Work (EU-OSHA), nine out of ten European employers cite legislative compliance as the main reason for taking care of occupational health and safety.¹ In the short and medium term, recognition of burnout as an occupational disease therefore seems to be the sole measure capable of protecting workers, strengthening prevention mechanisms in workplaces and bringing an end to an incredible waste in terms of skills and commitment.

This decision could take the form of a European directive on psychosocial risks.² In early September, in her lengthy State of

the Union address, European Commission President Ursula van der Leyen announced an initiative on mental health for 2023, stating that she had been significantly inspired by the outcome of the Conference on the Future of Europe. 'I don't know whether she [the Commission President] is seeking a solution, but it's good at least to be talking about it!' commented Marianne Vind with a hint of caution. Two weeks later on 28 September 2022, two of the largest international organisations, the WHO and the International Labour Organization (ILO), stated their respective positions on this very subject. 'It is time to focus on the harmful effect that work can have on our mental health,' stated WHO Director-General Dr Tedros Adhanom Ghebreyesus, seated alongside ILO Director-General Guy Ryder. This realisation may be late in coming, but Evangelia Demerouti also recognises it in company bosses who are struggling to recruit new talent. 'This ought to make employers take better care of their employees,' states the renowned expert. 'Especially as we all understand the impact that positive discussion and regular feedback have on commitment, performance and creativity. It is up to us scientists, politicians and trade unionists, to be clear in our solutions and adopt a positive narrative with a view to creating a protective social environment that will allow employees to excel and stay healthy.' ●

1. Irastorza X. (2019) *Third European survey of enterprises on new and emergent risks (ESENER-3)*, European Agency for Health and Safety at Work. <https://osha.europa.eu/en/publications/third-european-survey-enterprises-new-and-emerging-risks-esener-3/view>

2. See Bethany Staunton's interview in this edition, p. 18.

The plight of university researchers in Greece

Late pay or none at all, open-ended working hours, no social security, bullying... Greek doctoral students, casual lecturers and postdoc researchers talk about their working conditions and the failings of an unfair university system that negatively impacts their lives and damages their health.

Marie Geredakis
Journalist

In the bustling centre of Athens, I meet Irini Thanou, 32, who has been studying for a PhD in biology for four years. She is the chair of Greece's first national trade union of workers in research and higher education, which was founded on 15 May 2021. 'What we're asking for is for all workers in research to be salaried staff – with a collective bargaining agreement that covers all areas and levels of seniority for all posts (from doctoral students to technicians). Our ultimate ambition is to achieve the 'holy trinity': salaries, [set] working hours and social security contributions. None of them are in place today,' she summarises in a determined tone.

There is no stable funding system for research. More often than not, workers in this field and in higher education generally have short and precarious contracts, sometimes under a freelancer status, sometimes through a research grant that does not provide access to social rights (in relation to retirement or sickness). This is compounded by the fluid boundaries between private and professional life: their bosses have no compunction in increasing their demands, resulting in working days spilling over into evenings and weekends.

The poor working conditions and their serious consequences are apparent in all the testimonies we received. Speaking well away from their workplaces, close to their homes or in cafes, these women and men confided their stories to *HesaMag*, often under the cloak of anonymity.

Insecurities around pay and social protection

Since the economic crisis of 2008, successive cuts have been made to the Greek higher education budget. According to a 2016 report by an independent Greek agency (HQA), the public expenditure allocated to universities fell by 65% between 2008 and 2016. Although that trend has been reversed since 2018, Greece is still one of the European countries with the smallest higher education budgets. Often, the most difficult thing for researchers to achieve is steady funding. In the absence of earnings security, some of them are forced to take on several jobs in order just to live, sometimes to the point of exhaustion. Irini says, 'At first, I wasn't certain of getting funding for my thesis, so I started a second job

part-time. With no way of seeing what was likely to happen, the idea of giving up my part-time work caused me huge anxiety. I wondered what I'd be left with if the research didn't work out. I was working 12- to 13-hour days, plus weekends, until the psychologist told me I was burnt out.'

In Irini's view, the pandemic complicated the situation for grant-funded doctoral students. Maria* (36, a doctoral student in human sciences for six years) won a public grant, but, when it was stopped during the Covid-19 crisis, her hopes of finishing her thesis went up in smoke. Life stopped, the libraries were closed. After several attempts, Maria and other doctoral students were finally able to secure extensions to their thesis completion deadlines. Otherwise they would have had to pay back all of

Greece is still one of the European countries with the smallest higher education budgets.



↑ This graffiti at Athens Polytechnic is an invitation to the first general assembly of the trade union of workers in research and higher education.

Photo: © Marie Geredakis

* Names have been changed.

their grant money. This particular sword of Damocles is no longer hanging over her, but, since the first lockdown, Maria has had no means of funding her living costs. She says, 'I work all day long and sometimes have no money to go and have a beer with my friends. I don't have internet access or a car, I owe 500 euros on my water bill, another 500 euros on the electric, and I owe money to my psychologist, without whose help I wouldn't have been able to continue my thesis. Sometimes I go to my Mum's to eat. My boiler is broken, and as I have no money for repairs, I go to friends' houses to shower. I don't think I have anything like a decent life.'

To make up for the staff cuts made as a result of austerity policies, Greek universities have been resorting to short-term contractors since 2015. Giannis* (32, an IT doctoral student) is one of them. He has no grant and is paid as a freelancer, often for his involvement in European research projects. He recalls, 'For some unknown reason, the

authorities decided one of the projects was no longer European. This meant that overnight I had to pay VAT as a freelancer. At that point, I asked myself if my job had any point. The reality is that, when you embark on a project, you never know how much or when you'll actually be paid. The problem is that you don't have an employer who can explain what will happen. When you hit a problem, you get told that it's up to you to consult your accountant. So I hired an accountant. If for no other reason than to escape from all the administrative hassle, I will not be doing any postdoc work in Greece.' Lina* (28, a doctoral student in human sciences for two years) has not yet secured a grant. She has chosen to work in a research centre while taking on one teaching role in a public university and another in a private university. 'When you have to take on three jobs as I have, you obviously don't have any time left over to work on your thesis,' she says. Another important point is that the contracts she has either offer a salary but are short-term, or are for her to be a freelancer. 'As my social security cover stops when the contracts end, it's causing me a lot of stress and worry. If something happens to me between two academic years, i.e. between July and October, I won't be covered.'

Grants are often presented as attractive methods of remuneration because they are non-taxable. But this comes at the price of social security contributions. Manolis* (44, a postdoc researcher and lecturer in anthropology) has bitter experience of this: 'The years are slipping by, and it's as if I've never worked! I've chosen to keep my independent status active, and to pay my social security contributions myself in the hope that I can have a pension later. The law says that the university can recruit you either as a freelancer or as a salaried staff member for a set period. Usually the lecturer can choose. In reality, they usually suggest the more precarious status, and you either say yes or they move onto the next applicant.'

Working for the love of it

Often the women and men who choose to commit to research do it for love. They are often unfamiliar with their rights, and employers take advantage of their commitment to pile on extra work and extend their hours, spilling over into the researchers' personal lives.

Eleni* (28, a doctoral student in human sciences, freelancer in a research centre and university lecturer) says, ‘When it was suggested I go door-to-door for a research project to identify women who are victims of domestic violence, I made my apprehension known. No one was there to ensure our safety, or to establish that the violent partner wasn’t there. The plan scared me hugely. They told me it was a great opportunity and that, in order to become a researcher, you have to agree to all kinds of experiences. This just shows how research is regarded more as a hobby than a professional activity. As everyone thinks we are passionate, our superiors have no qualms saying: “How come you don’t have a bit of time available this

weekend?” And so I work a huge amount. I have to be available at any time, even if it’s the weekend, a bank holiday or the evening. I’m hardly ever available to see my friends and they also have to be free at the same time, otherwise I don’t see them.’

Ever since the right-wing government came to power in 2019, important reforms in higher education have been underway to open the universities up internationally and to public-private partnerships. Moreover, research has been removed from the remit of the Ministry of Education and placed with the Ministry of Development and Investment, highlighting the growing links between research and the race for patents and commercialisation. The commitment of researchers therefore becomes a cog in the greater machine of competition and minimisation of costs.

IT researcher Giannis* has paid the price: ‘For five months, I worked 12-hour days. In the week, at weekends and on bank holidays. That was during the second lockdown: I would get up, work, on and on. At the end of the day, I sometimes used whisky

to clear my head, and I’m not the sort who usually drinks. It was a way of getting to sleep so that I could get back to work the following morning. My supervisor was always pushing the limit. I’m not criticising him, it’s the whole system itself that’s the problem. He was keen to secure the funding because his career depends on the money he brings into the university. But the project was poorly designed from the start. There were too many aims and too little money. The work I did should have been done by two or three people. I finally halted the project to stop myself going mad.’

Professional commitment to the point of making oneself ill is something Athina Keramidioti knows all about (31, doctoral student in biology for five years). ‘I was living alone, isolated, in housing I didn’t like, and couldn’t afford to go away for a holiday or a long weekend. So I began to go round in circles, to fall back on work. Even when I was in hospital for some pre-operative tests, I went into work when I was supposed to stay in under observation. I just couldn’t bring myself to miss a single

↴ **Poster of the association of administrative staff at Athens Polytechnic: ‘Permanent and secure work for all with all the associated rights.’**
Photo: © Marie Geredakis





↗ Athina Keramidioti, PhD student in biology, suffers from work-related obsessive compulsive disorder. Photo: © Marie Geredakis

'I have to be available at any time, even if it's the weekend, a bank holiday or the evening.'

day of work. My parents stepped in, and I went to see a psychiatrist who diagnosed me with work-related obsessive compulsive disorder. He helped me enormously, as did the medication. Since then, I've stopped working at weekends, and my relationship with my supervisor has changed: I set some boundaries, and he accepted them.'

Loneliness in a system where nepotism rules

In the face of bullying and unfairness, several statements stress the profound loneliness of researchers who are victims of a system where disputes are governed by the law of the jungle and cronyism. They describe a hierarchy that sometimes uses its power to harm, and decry the absence of an established structure to settle differences and tackle their causes.

Like other students, Evengelitsa* (33, a doctoral student in sciences) chose to keep on a second professional activity in conjunction with her thesis in order to have some social security contributions and provide for her future. But her relationship with her supervisor rapidly deteriorated. 'As I had an outside income, he lost the power he had over me. He gradually became insulting and elusive. He refused to read some of my papers – papers that were required for me to complete my thesis. Today, he's doing all he can to prevent me from submitting it, claiming that my work isn't good enough. In view of the situation, I tried to alert the two other professors on the assessment panel. One of them sympathised, but when the panel held a video meeting, my supervisor prevented me from signing in. I've no idea what was said for around 15 minutes. When I was finally able to join the meeting, he insinuated that I wasn't doing any work. The worst thing

about it isn't the fact that I have issues with a particular individual, but that I'm powerless against the system. Everyone knows what's going on and no one dares stand up to him, just because he throws his weight around and I'm a lowly PhD student. Right now, in order to make any progress, I'm ready to commit "academic suicide" by officially requesting a change in the supervisor of my thesis, without having a name to put forward. The only alternative would be to stop completely and repay my entire grant.'

After years lecturing and conducting research, anthropology postdoc Manolis* also describes a Kafkaesque system where nepotism reigns and help is difficult to obtain. The precariousness that marked the beginning of his career only became more and more embedded. 'During my thesis, I was a postal worker and a barman. I was stressed out by the precariousness of my situation for around 10 years. Then I dedicated myself to academia and thought I'd found my place but I was trapped in a vicious circle, forever hoping for a permanent post. I told myself, "write an article, go to a seminar, get a grant, do some translations, agree to another course a long way away..." It was never-ending. I felt like if I didn't find a position it would be my fault.

↳ Irini Thanou, PhD
student in biology and
president of the new trade
union.
Photo: © Marie Geredakis

‘It dawned on me that I was setting myself up for long-term insecurity while tailor-made permanent posts were opening up for others. I realised that some academics found posts for their friends, for their own interests, or just to support them. I know professors who’ve secured permanent posts with a doctorate and just one published paper. I’ve written 15 articles, a book, two joint papers, I’ve done two postdocs, almost 10 years of lecturing, and I still can’t get anything. If I can’t get a job in my area of expertise, I’ll do something else, because I’ve realised that the system damages you.’

Regarded as permanent students

‘It’s generally accepted here that you do your doctorate for you, you’re not really a worker. Whereas, in reality, you’re writing a paper, conducting experiments, performing a productive activity,’ says Irini, chair of the new trade union.

It’s a bitter pill to swallow: the lack of social recognition only adds to the other difficulties encountered, or rather it explains the precariousness and loneliness people experience. Human sciences doctoral student Maria* states, for example, that she received no financial assistance during the lockdowns, despite the fact that her grant funding stopped. ‘The state and society do not give us a fair hearing. I’ve had no help in the past two years when I had no income, unlike people in other professions. I can’t even claim unemployment benefit.’

Other people’s opinions carry weight too. How can you find your place in society and retain your self-confidence when your work is not valued? For Athina Keramidioti (31, a doctoral student in biology for five years), the problem is universal. ‘Some people in my circle think I’m a burden on my family and that I contribute nothing specific to society because the research I do isn’t applied research. What I do is fundamental research to expand the knowledge base.’

Many researchers face an uncertain future: should they try to continue in research, work for a foreign company, find a stable job in public administration – or just go and sell ice cream? Despite everything, there is one common thread: ‘The Greek university system does not help you build a life for yourself,’ says Athina, with some advice for prospective researchers: ‘Think hard before you take it up.’

In view of these systemic shortcomings, the new trade union intends to press for rights and restore hope. Chair Irini Thanou is confident: ‘Trade unions in other countries, the United States for example, are growing a lot at the moment.’ The trade union’s strategy is to make public all the shortcomings (payment delays, the lack of maternity leave for freelancers, bullying, etc.) and to gain media coverage to show researchers that they are not alone. And to carry on doing so until they are successful in setting precedents. ●



In the face of bullying and unfairness, several statements stress the profound loneliness of researchers who are victims of a system where disputes are governed by the law of the jungle and cronyism.



From the unions

Keeping the labour movement alive in a time of war

Bethany Staunton
ETUI



← Municipal workers remove debris outside a local railway administration headquarters damaged in shelling in Donetsk, Russian-controlled Ukraine. Photo: © Belga

Against the backdrop of the Russian invasion, Ukrainian trade unions face unprecedented challenges in protecting workers and fighting for their rights. With the country's infrastructure and enterprises under attack and often destroyed, workers displaced from their homes and even their regions, and millions of jobs lost, the need for humanitarian assistance has become increasingly acute. On top of all this, the country has seen a wave of 'reforms' to its labour legislation which trade unions across the world have decried for their regressive nature. But how can such political attacks be truly challenged in a context of martial law?

Three union activists describe the issues they have to deal with in their everyday work in extreme circumstances.

George Sandul

Labour lawyer and director of the Ukrainian NGO Labor Initiatives, which provides legal assistance to trade unions

Adapting to new roles in a humanitarian crisis

At the beginning of the war we established a kind of informal network of NGOs and active unions, and under this umbrella we try to attract humanitarian aid and deliver it wherever it is needed. We call it a trade union lifeline. We serve as a kind of hub for unions. We have drinking water, diapers, everything people need. Sometimes we need to [do something] like unload a train. I wasn't trained for this in my legal studies! But you need to adapt when the time comes.

Our office in Donetsk Oblast, which is about 50 kilometres from the frontline, has completely switched to humanitarian assistance. We're doing this together with the Independent Trade Union of Ukrainian Miners that is very active in these regions. People are really desperate there – the prices are two times higher than in Kyiv because there are no shipments of food. But when there is a strong community that is fuelled by this union spirit, we have a local democracy that may save us, literally.

We can see this in other cities too. In some villages around Kyiv people who were active union leaders become local councillors. And these communities survived the best during the Battle for Kyiv. Unions are vital for these inter-human connections to survive, not only during peaceful times but also in wartime. They are probably the most active part of civil society providing basic stuff for people.

A raft of controversial legislation

Except in some areas, humanitarian aid efforts remain just one part of our activity. Our primary mission is to provide free legal advice to union members and ordinary people, and this didn't vanish when the war started. Probably there is even more demand now because people's workplaces are ruined. Unfortunately, we don't have the capacity to solve all problems but we're trying to identify some strategic cases which we can bring to the policy level. On paper we basically have one of the best labour codes in Europe [dating from 1971], if we're speaking about protection for workers, but since the beginning of the war we have faced really regressive labour reforms.

Some lobby groups began pushing again for law drafts that had not been popular before the war. For example, we have now adopted the Law 5371, which is probably the worst labour law that has been submitted to Parliament in the last 31 years of independence, because it basically deprives a lot of people of their labour rights. This law states that the main basis of regulation of labour relationships for small and medium enterprises (SMEs) is the individual labour contract. And you can basically put anything in this contract, such as additional grounds for dismissal. It doesn't cancel collective bargaining, but it makes it much harder to conduct because people will be afraid that their individual contract will be terminated. And in Ukraine, SMEs are 250 persons, so it's a very big threshold.

Then, in July, Parliament adopted one of the most controversial laws. Before, if you were serving in the military because you had been conscripted, you received the average wage of your civil job. But the law they passed cancelled this obligation of the employer and it has caused outrage in the military community.

Everybody understands that the labour sphere drastically changed [with the outbreak of the war]. Some enterprises have been destroyed. But we emphasised from the beginning that these wartime labour reforms leave a lot of place for abuse.

Conflicting interests

Article 296 of the 2014 EU-Ukraine Association Agreement states that neither of the parties should reduce ecological and labour protection for the purpose of attracting foreign direct investment or intensifying trade. But all these new laws were justified by the argument that they will attract new investment or intensify trade. We made the point that this goes against our European ambitions. It goes against the European Social Charter and also against ILO conventions. Law 5371 was heavily criticised by the local ILO office. It was the first time in my memory that the ILO was so serious in criticising a draft law. So these contradictions are obvious and it may cause problems with our EU candidate status. For example, the draft reconstruction plan for Ukraine after the war that was published in summer 2022 literally said that the Ukrainian state should step away from the social dialogue process, leaving only employers and employees to negotiate.

As unions we are trying to emphasise these issues because we need to think beyond the war and ask ourselves: who will want to work here?

Vasyl Andreyev

President of the Construction Workers' Union of Ukraine (PROFBUD) and Vice President of the Federation of Trade Unions of Ukraine (FPU)

Keeping track of disappearing members

Our membership has dropped by 66% since January 2022. There are multiple reasons for this. For example, we know many are currently in a complicated situation at the moment and not paying their fees due to their own personal necessities: to relocate, to survive, and so on. We also had quite a big membership in the east, where workers can be less than 10 kilometres from the frontline.

And then, many women, who make up more than 40% of our membership – not just those working with their hands but also those who are in white-collar jobs, such as engineers – are still located outside of Ukraine (although many have already returned). Nevertheless, we are trying to maintain contact with them and even sometimes run legal cases on their behalf, such as the cases of non-paid salaries, which became very common following the outbreak of the war.

Another issue is that at least half of the construction sector has stopped. The government says that the number of informal workers in the Ukrainian construction sector is 25%, but our figures show that in fact only 20% of the workforce is *formal*. Since the beginning of the war, most have been without any kind of employment. Maybe 15 000 to 50 000 of those are now in military service, which is relatively well paid. I would say that it pays at least 30-50% higher than the average construction worker's income. But others are just trying to find any job they can.

Ukrainian and EU OSH law: downward harmonisation?

The new Law 5371 is a purely discriminatory regulation. There was almost no coverage of its initial proposal in our media – maybe an hour of commentary and that was it. But it will impact over 10 million employees in our country. Our union obtained the official statistics that 94% of businesses in Ukraine employ less than 200 people.

When it comes to health and safety legislation, things are more complex. Our government began trying to change the health and safety law in December 2018. Trade unions were not

100% happy about it, but it was at least going along with the strategy to approximate Ukrainian law to European law. However, this is a deregulation government. Their strategy is to deregulate the system, but they claim that the changes they are making are in accordance with both the 1989 OSH Framework Directive and the 2014 EU-Ukraine Association Agreement.

But in fact we are seeing a significant worsening of working conditions. Let's take, for example, the possibility for a worker to stop work because they consider it too dangerous. Ukrainian law gives the worker this right (although this is a rare occurrence) and the right to use their trade union representative to explain to the employer that the conditions should be changed. But the EU regulation is more narrow.

Labour inspectorates stripped of their power

Labour inspection in Ukraine has not seen a normal level of activity since the Covid restrictions in 2020, and the situation became even worse after the war started. In 2008, some of our politicians considered the idea of limiting the powers of labour inspectors, who were very often seen as corrupt civil servants because they had quite broad powers to stop production. So this began to happen incrementally to greater or lesser extents over the years. But since the war, labour inspectors have effectively been almost banned from entering any enterprises and from carrying out spot checks. So they lost the core of their everyday work. It's as if a journalist were not allowed to carry out interviews.

Furthermore, criminal investigation of an occupational accident is only possible following the issuing of an order from the labour inspectorate. But as they don't have the right to enter an enterprise, then they can't issue an order. And that means that prosecutors don't have any material upon which to base their investigation. So many legal experts right now are saying that this is a big gap: a good gap for employers, a bad one for employees.

The ILO office in Ukraine is very involved in the development of the new health and safety law. But since the beginning of the war, employers have categorically said that they will not be participating in negotiations. And our government is saying that if employers are not part of the process, they will perhaps stop it. So right now we are in a very interesting situation where the old system is suspended, and the new system doesn't yet exist.

Olesia Briazgunova

International secretary of the Confederation of Free Trade Unions of Ukraine (KPVU)

Limits on protest in wartime

At this moment in time, we understand that we need to help our economy. A lot of enterprises were looted or destroyed by Russian missiles. So the situation is complicated, and we try to find solutions that will help both employers and employees, who are suffering a lot. But at the same time, there are attempts to liberalise our labour legislation. Furthermore, according to current law, we can't protest during wartime. And of course, we want to avoid this action because we need unity inside the country. The first aim is to survive and to win this war. It's also dangerous to bring people together nowadays, because the whole territory of Ukraine is under constant threat.

So we try to use all mechanisms of social dialogue. Our chairperson is a Member of Parliament (MP) and he successfully convinced MPs not to adopt some draft laws that would have worsened the situation with labour rights even more. But these attempts to liberalise the legislation are continuing. We hope that the integration process into the EU will help us to defend workers' rights, because it means Ukraine would have to take responsibility for the implementation of EU directives.

Life and work in the occupied territories

Some of our members living in the occupied territories have had to live in their cars because they lost their homes. It was a tragedy for them but they work to deliver some humanitarian aid for their families and friends. In these territories, some enterprises were relocated to the west, but it doesn't amount to the number of workplaces we lost. Mariupol, for example, was totally destroyed. It was an industrial city with stable workplaces and now employing people is a big problem. There were not only enterprises, but also port workers, workers in social services, and so on. It was a really beautiful city.

In the town of Trostyanets in the Sumy Oblast, which was temporarily occupied and then liberated, there are some transnational companies. People asked the occupiers not to destroy their enterprises. They appreciated the work they had and the negotiations with employers were quite good, who invested in the city, for example in hospitals. So the living

standards in the city were good. But the occupiers destroyed these enterprises just to destroy the economy and people lost their jobs.

And we understand employers: if your enterprise was destroyed, how can you pay wages? It's a complicated situation. This is why we need investment. But no one will invest in a country with a war and Russia understands that.

New roles thrust upon workers

We have train drivers in our Free Trade Union of Railway Workers who are risking their lives because they are transporting cargo, which can no longer be done by plane. They are really heroes – especially during the first months of full-scale invasion, when they worked overtime to evacuate people, particularly women with children, calming them down because they were in a state of stress. A majority of these workers are actually women. One train was struck by missiles and a female conductor was killed. Our union members were also in this train. It was really hard for them, as they were friends with this woman.

Some railway workers have not been drafted to serve in the army because they are workers of important infrastructure, and they need to stay at their workplaces. But some people voluntarily join the army, including a lot of trade union members. And they also need our help. In general, our trade union movement is a peaceful one that tries to find peaceful solutions to work conflicts. Servicemen and servicewomen were ordinary workers before 24 February. They did not want to kill or to fight. They had peaceful lives and plans. But we have to fight because it's the only way to survive. And that's why our trade union has also helped members in the military service, buying them bullet-proof vests and helmets, or delivering medicines to our healthcare workers on the frontlines.

With this additional direction of humanitarian aid and assistance to civilians, our members now work a second, or even a third shift: they are workers, trade union activists, and now also volunteers. We work a lot these days. We work without weekends. And with all the air raid sirens, it's hard psychologically to work. I think that we have a problem of burnout in the trade union movement. We cannot just have a rest where we can avoid reading the news or thinking about the war, because the war is everywhere. It's really a hard situation with occupational health conditions. According to our official data, 156 people were killed at their workplaces due to the war, in particular shelling. What can a labour inspectorate do about missiles?



History from below



HesaMag+

*This article is available
in the original Italian at
www.etui.org*

Turin's tragedy: the fight for justice for ThyssenKrupp steel workers

In the early hours of 6 December 2007, a fire broke out in the Turin steel factory of German multinational ThyssenKrupp, causing the deaths of seven workers: the most serious workplace accident in Italian history. Those involved in this tragic incident speak out about their experience and the trial that followed.

Angelo Ferracuti
Writer

On Corso Regina Margherita, beside a long thoroughfare at the western edge of Turin, half-hidden among the vegetation and behind the barred gates, you can just about see the buildings of the 'Germans' factory'. Crumbling walls, dirty windows, rust, leaves; the luxuriant, neglected vegetation of weeds and oak trees covers the derelict, unattended buildings that I can discern in the distance. The wording 'THYSSENKRUPP Acciai Speciali Terni S.p.a.', is still visible on the black metal letterbox attached to the entrance gate, while alongside, on the grass flanking the wire fencing, someone has set up an old pallet with clothing and threadbare fabric, where maybe homeless people have slept the night. On the forecourt, two old high-powered cars have been abandoned, and on the nearby road, vehicles continually flash past like lightning, blindly overtaking each other on the two traffic lanes. Here, where I am looking through the worn mesh of the fencing, in section 5 (stainless steel annealing and pickling), shortly after midnight on

6 December 2007 the plant was restarted after a maintenance shutdown. The belt scraped in an abnormal way against the metal structure, producing sparks and then a fire, caused by paper soaked in oil that had leaked from the worn circuits of a piece of equipment that was already being dismantled. The flames burned a pipe in the hydraulic system, from which oil sprayed out at high pressure, catching fire and creating an inferno of 10-metre-high flames that engulfed the bodies of seven workers. Giuseppe Demasi, Angelo Laurino, Roberto Scola, Rosario Rodinò, Rocco Marzo, Bruno Santino and Antonio Schiavone died of their burns from the blaze; only Antonio Boccuzzi survived.

As soon as the fire broke out, Piero Barbetta, another worker, rang 118 to call for help. On the tape, you can hear the full, terrible drama of the tragedy in his voice: 'I'm ringing from ThyssenKrupp. Listen, three or four guys have been burned.' The voice at the other end of the line replies: 'What's your firm?' They ask him what state the victims

are in. 'They aren't completely burned, they're moving, we've tried to put out the flames,' replies the caller agitatedly, his voice breaking up. In the background, you can hear a man crying: 'Help...' And Barbetta is talking to someone there with him: 'Sit them down, sit them there... No, noooooooo.' You can hear one of the men with serious burns shouting out: 'I don't want to die, I don't want to die!' Some of them died on the day of the accident, others in the days that followed, a long drawn-out death for those of them with 80-90% burns. It went on for weeks: the last to die was 26-year-old Giuseppe Demasi – after four operations, his heart gave out on 30 December.

Holding those responsible to account

Six months earlier, the unions had signed an agreement with ThyssenKrupp, Europe's biggest steel company, on the closure of the plant. Fausto Durante, then the national leader of the Fiom (Federation of

Metalworkers) for the steel sector, remembers what he calls the 'ice-cold gaze' of CEO Harald Espenhahn during the negotiations, the 'glacial', authoritarian attitude of someone who had already decided on the factory's fate. 'We reached a German-style agreement, very favourable to the workers, with relocation to the Terni plant, travel expenses, big incentives,' he says. 'The company had started dismantling the plant, but in the meantime production was still going on intensively and in ever more insecure safety conditions. The more the place was dismantled, the more the attention of top management waned. And, on top of that, there was the problem of human resources that had switched to other companies; with staff numbers falling, there were people working there for 12 hours. This combination of neglected plant, reduced safety levels and workers doing unsustainable hours led to Italy's worst steel industry tragedy ever.' The line must never stop, the furnace must never go out, and, under the national contract, if no one arrived to take over, the worker had to stay until the end of the following shift.

The victims' relatives would like this phantom factory that I'm standing in front of to be demolished, because, in their view, it offends the memory of the victims. But as a former industrial area the land would first have to be remediated. Fifteen years on, they are still waiting for justice. The proceedings came to an end on 13 May 2016 when the Supreme Court of Cassation upheld the convictions of the first-instance trial of 15 April 2011 (which had already been reaffirmed on appeal in 2013) for the six managers of the German company for the crimes of multiple manslaughter, negligent arson and wilful failure to take precautions to prevent workplace accidents. Former CEO Espenhahn had his sentence reduced from ten years to nine years and eight months (he had initially been sentenced in 2011 to 16 and a half years), while Marco Pucci and Gerald Priegnitz were given six years and ten months, Daniele Moroni seven years and six months, Raffaele Salerno seven years and two months, and Cosimo Cafueri six years and eight months. Furthermore, it was found that there was

no case of murder, as had originally been laid against the former CEO by public prosecutor Raffaele Guariniello.

The main charge was that Espenhahn had deliberately chosen to postpone the work on safety assurance at the Turin plant to a date after the planned date for closure and transfer of the machinery to Terni, thus taking on the risk of any fatal accidents. However, under the agreements between Italy and Germany on criminal matters, the two German managers were able to serve the sentence in their country of birth for the maximum period laid down by their

↓ The coffin of 26-year-old Giuseppe Demasi, the last victim of the accident, carried at his funeral in Turin on 3 January 2007.
Photo: © Belga



penal code. And, in June 2020, the Essen public prosecutor authorised a day-release scheme, meaning that they are now free to go out and work during the day but spend the night in a cell. Espenhahn was seen out of prison and jogging near his home, not far from Essen, on an Italian television programme, *'Le iene'* ('The hyenas'). He is now waiting for the German Constitutional Court to give a ruling on the appeal he lodged, claiming infringement of the right of defence, with the possibility that the Court would find against him and impose full imprisonment in the true sense. Such a result is what had been hoped for by Martin Schulz, the President of the European Parliament, who, on 30 August 2013, during a visit to the ThyssenKrupp factory in Duisburg, expressed himself in no uncertain terms: 'I know all about the very serious accident in Turin. There can be no ambitious European industrial policy without standards. We are uncompromising when it comes to workers' safety. The people responsible for tragedies like this must pay.'

The promise of a historic verdict

The Deputy Public Prosecutor, Raffaele Guariniello, who carried out the preliminary investigations, the indictment and the prosecution's closing arguments during the trials, has a clear memory of that time. 'It was three months of intensive work, that's how long the preliminary investigations took, day and night. Forty thousand pages of documents, more than 100 witnesses heard.

'The company had started dismantling the plant, but in the meantime production was still going on intensively and in ever more insecure safety conditions.'

The ThyssenKrupp case avoided a time bar for the very reason that the investigations took less than three months, and not because the prosecutors were better than the others, but because they belonged to a group of judges that had been specialising in occupational safety for years,' he maintains. This is why the investigations focused not only on the criminal liability of the individuals accused, but also on the company's liability. 'Never before had a prison term of nine

↳ Antonio Boccuzzi, the only worker to have survived the fire.
Photo: © Angelo Ferracuti



years and eight months been handed down to senior management for an accident at work. But, when this went to trial, there was widespread disbelief. One professor wrote in a newspaper about the risk of "extreme pursuit of justice for its own sake", saying "with judgments like this, the industrial system could be placed in jeopardy and foreign entrepreneurs deterred".

Indeed, one month after the first judgment – in May 2011 – the ThyssenKrupp CEO was greeted on arrival at the Confindustria conference in Bergamo with a spontaneous roar of applause in solidarity, and around the same time the then president of the employers' association, Emma Marcegaglia, made a chillingly cynical statement: 'This is a first for Europe. If something of

Labour) offices in via Pedrotti. 'It reminded me of applause elsewhere,' he said in an interview with the daily *La Repubblica*, 'the applause we heard on the day of the funerals, when the coffins were brought out onto the square in front of Turin Cathedral and people hailed my workmates as heroes. And then the applause on the evening of the judgment.'

Young workers in difficult times

Beside Boccuzzi is Giorgio Airaud, a long-standing trade unionist and, at the time of the events, the secretary of the metalworkers' union, the FIOM. Now, sitting in front of me in the meeting room on the fifth floor, they talk about the climate in those years. 'It was a difficult time. But then the city has never really recovered from the industrial decline of the early 1980s,' says Airaud with harsh but carefully chosen words. 'It's a downward slope. The idea that, along with social insecurity, industrial decline also brings a risk to life is contemptuous. I remember a meeting at the end of July when a delegate from the FIM-CISL (Italian Metal-Mechanical Federation) said to me: "You see these arms, trade unionist? Just get me the money to buy an Audi A4, I'll find another job." We were trying to persuade the workers to relocate, but lots of them wanted to make money. They had more of a consumer, market-oriented mindset.' It was a new working class: backpacks had replaced the old Fiat workers' duffle bags, people weren't working to start a family any more, to get a mortgage to buy a house; now they were workers that he describes as part of the consumer culture.



✎ Giorgio Airudo,
regional secretary of the
Fiom CGIL in Turin.
Photo: © Angelo Ferracuti

‘This is what I live with – I can’t watch films where people get burned, because I’ve seen them in real life.’

‘In a very short space of time, one generation had given way to the next. I was 34 the year the accident happened, and I was one of the oldest,’ comments Boccuzzi. ‘Three of the young men who died were 26. There was a completely different way of looking at the workplace.’ They called it the ‘boys’ factory’: of the 180 workers still employed there, 90% were under 30. The Turin plant was to close six months later, but in the meantime management stopped investing in maintenance: ‘On the contrary, they had an incentive to save on costs,’ Airaud points out. ‘At the same time, because some machinery had been closed down at Terni, they needed to produce more, but on plant that was no longer being maintained or updated, with a fire-fighting system that no longer met the standards. And then there was also a great deal of willingness on the part of the workers, who, with the spectre of closure and the uncertain future, were prepared to do more overtime shifts, as long as they could take more money home.’

Specifically on line 5, a document found in the CEO’s briefcase stated that cleaning and maintenance work was to be carried out only after the machinery had left Turin and been taken to Terni, and not before. ‘The original charge of second-degree murder at the start of the trial and the 16-and-a-half-year sentence for Espenhahn was significant,’ says Boccuzzi. Airaud adds: ‘Guariniello was farsighted. To be able to say that it was murder, that would have been a new frontier in workers’ protection; to maintain that managerial policy also has an impact on health protection to the point of being able to prevent or cause people’s deaths. It’s even logical, but to be able to write it into law would have been a major step.’ After so many years, he says that he has a sense of ‘moral guilt’. ‘I wonder whether I could have done something more and better,’ he says gravely. ‘As a trade unionist, when someone dies at a workplace where the union is present, when they die in a massacre – yes, a massacre, because it wasn’t an accident – in

a company that was closing, where there was an agreement, a process... I wonder whether I should have insisted at that meeting on getting it closed down earlier.’

Antonio Boccuzzi tells me about feelings of guilt too, lowering his voice. ‘They always stay with you,’ he confesses, emotionally, ‘when you’re the only one left alive, but also because of not managing to avoid the tragedy that night, even if I’m certain I couldn’t have done anything more. And then I had a role to play too, because I was a trade unionist...’ He can never shake off the memory, even though so many years have passed. At first, he used to spend his days by the Thyssen tree, then he used to go to the cemetery. ‘There was a tree in front of our factory that had become a symbol,’ he explains. ‘The people of Turin came to pay their respects to the guys who had died in the blaze. They brought wreaths, flowers, people had hung their photos there, that’s what it was like at first.’ He says that, in the houses of his dead workmates, their mothers had turned the walls ‘into shrines’, where they had hung the photos of their boys; among the grief-stricken family members, some fell ill, some even died. ‘There are some things I find hard to face up to. For me, fire has become something that makes me uneasy. Even a film where there’s an explosion reminds me of that night straight away. I see the battered bodies, grotesquely, with 90% burns, still walking. This is what I live with – I can’t watch films where people get burned, because I’ve seen them in real life,’ he says, ‘I really saw those people, really saw them, it was no fake.’ ●



Newsflash

European alert for defective 3M asbestos masks

In summer 2022, the ETUC passed on a French-initiated alert to all its European affiliates regarding defective Proflow asbestos masks manufactured by the US corporation 3M. These protective masks are the most widely used masks on asbestos removal sites throughout Europe. For the motor pulsing air through the mask's filter system to function properly, legislation requires an airflow of 160 litres per minute, otherwise workers are not effectively protected against inhaling asbestos fibres.

According to *Libération*, the French newspaper that exposed the affair, malfunctions of these powered air respirators were first reported to 3M management in May 2018 by one of its employees, who then turned whistleblower. She reported that '90 of 100 Proflow masks received have a problem with insufficient airflow' and 'that there is no alarm when the airflow drops below 160 l/min'.

Following an investigation, the Direction Générale du Travail (DGT) – the French supervisory authority with jurisdiction over personal protective equipment – published a notice in October 2021 stating that 3M had since modified the usage instructions for Proflow asbestos masks and had been fitting them with a low airflow indicator since July 2020. However, many questions remain unanswered: What happened to the Proflow asbestos masks without the airflow indicator? Are they still in use?



90 of 100
Proflow masks had an airflow problem

ECHA under fire over glyphosate

In a new opinion, the Committee for Risk Assessment (RAC) of the European Chemicals Agency (ECHA) once again concluded that classifying glyphosate as a carcinogen is not justified.

It upheld the current classification of the world's top-selling herbicide as causing serious eye damage and being toxic to aquatic life. But in its opinion, the available scientific evidence does not meet the criteria for classifying glyphosate as a carcinogen, mutagen or reprotoxic substance. This opinion thus paves the way for an extension of the authorisation of Bayer's number-one herbicide. Had the ECHA classified this active substance as a suspected carcinogen, its use would have been automatically banned in accordance with the exclusion criteria defined in the EU Regulation on Plant Protection Products.

Long-awaited, the ECHA's opinion triggered a flood of criticism from European trade unions and other civil society organisations. A joint statement signed by the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) and numerous NGOs refers to it as 'a denial of science and disrespect of EU law'. According to EFFAT, in order to reach its conclusion the ECHA had to dismiss (or ignore) a large body of supporting evidence from a variety of new and already existing peer-reviewed publications that point to the classification of glyphosate as a suspected human carcinogen.



187
Member States expected to realise fundamental rights

Authorisation extended for Bayer's number 1 herbicide



OSH recognised as ILO fundamental principle and right

On 10 June 2022, the delegates attending the International Labour Conference adopted a resolution to add the principle of a safe and healthy working environment to the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work. This makes it the fifth category of the Declaration, completing the existing four categories: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour, and the elimination of discrimination in respect of employment and occupation.

Contrary to conventions – which must be ratified by individual ILO Member States in order to be applicable – all 187 Member States are expected to respect, promote and realise fundamental principles and rights. Up to now, the ILO has promoted the right to decent, safe and health working conditions through the adoption of conventions and resolutions.

Ahead of the adoption, ILO Director-General Guy Ryder declared: 'By elevating OSH to a fundamental right, the International Labour Conference would express its determination that health and safety at the workplace offers significant human and economic benefits, supports inclusive economic growth, and is crucial to a human-centred recovery and the future of work'.

2002 Telework Agreement to be updated



Right to disconnect included in European Social Partners' Work Programme

On 28 June 2022, the European Social Partners signed a joint 2022-2024 Work Programme that includes negotiations on legally binding measures to regulate telework and institute the right to disconnect. Signed in the presence of European Commission Executive Vice-President Valdis Dombrovskis, the Work Programme consists of a broad range of cooperation areas: green transition, youth employment, work-related privacy and surveillance, skill-matching and capacity-building, as well as telework and the right to disconnect.

The Social Partners agreed to negotiate an update of the 2002 Autonomous Agreement on Telework, a set of non-binding recommendations that have long been considered outdated. The new agreement will be implemented in the form of a European directive that introduces the right to disconnect, in line with previous recommendations of the European Parliament made in early 2021.

The need for legally binding measures is reflected in the fact that, even if workers are not officially obliged to respond to their emails during their free time, they might feel pressured to do so anyway. 'For some workplaces, that can sometimes mean that you cannot even be contacted,' ETUC General Secretary Esther Lynch told EU news site EURACTIV, arguing that this might be the only way to alleviate the stress and pressure to exceed working hours.

Raising awareness about hazardous medicinal products

Two and a half years ahead of the European Commission, the ETUI published a list of 121 hazardous medicinal products commonly used in the healthcare sector that can cause cancer or reproductive disorders in professionals who are exposed to them on a daily basis. The formalisation of this list is particularly important as staff are poorly informed about the risks involved. Occupational exposure to these hazardous medicinal products can lead to various health issues such as respiratory problems, hair loss, loss of taste or various types of infection.

The adoption of EU Directive 2022/431 – an amendment to the Carcinogens and Mutagens Directive (CMD) – requires the Commission to draw up its own list of hazardous medicinal products by 5 April 2025. At a time when cancer has become the leading cause of work-related deaths in the EU, with more than 100 000 deaths each year, and when hospital staff such as nurses are already on the frontline of exposure, the ETUI questions this abnormally long timeline. 'These dangerous drugs could be identified now in order to avoid the occupational cancers they cause,' said Tony Musu, ETUI senior researcher.

'The battle we have been waging for several years at European level for the inclusion of dangerous medicines in the CMD aims to raise awareness among health professionals of the risks of work-related cancers, but also to harmonise and strengthen their prevention.'

Read the ETUI report at : www.etui.org/publications/etuis-list-hazardous-medicinal-products-hmps



121 hazardous medicinal products identified

2.7 million accidents at work in 2020



Fatal accidents at work on the rise in 12 Member States

New data on work-related accidents released by the EU statistics agency Eurostat suggest that the long-term trend toward safer workplaces is levelling off and may soon reach a plateau. Despite the global economy slowing down during the Covid-19 pandemic, fatal accidents at work rose in 12 Member States in 2020. There were 2.7 million accidents at work in Europe, of which 3,355 were fatal.

The rise in fatal accidents was the most notable in Italy, which recorded the largest death toll of all Member States, with an additional 285 deaths compared to the previous year. At the other end of the spectrum, France recorded the greatest decrease, with 262 fewer deaths compared to the previous year. However, this large reduction has to be put in perspective with regard to the sharp increase that occurred during the preceding period, making this more or less a return to the less-than-ideal average.

A forecast analysis conducted by the ETUI shows that fatal accidents at work will not completely disappear until 2062 in the EU27 if change continues at the same pace as during the last decade. The forecast is even grimmer when running individual analyses by country: fatal accidents at work would never end in France, Spain and Hungary.

The ETUC launched its Zero Death at Work campaign in spring 2022, which challenges politicians at the EU and national levels to take the actions needed to eradicate these avoidable tragedies.



Covid: should we move on without heeding the lessons?

Laurent Vogel

In November 2022, the daily death rate from Covid-19 in Europe amounted to about one fatality per million inhabitants. In the world as a whole, about 1 500 people are dying of the virus every day, compared with 14 000 at the peak of the pandemic in January 2021. It should be noted that these figures relate only to deaths certified as resulting directly from Covid.

Except in China (at least until the protests of November 2022), most restrictions have been lifted. We are therefore in a situation of 'living with the virus'. Very few countries have defined sufficiently precise rules for preventing the dreadful ravages of a pandemic. It is as if the virus were regarded as a closed chapter. We know, however, that Covid-19 is not about to disappear and that the environmental crisis will bring new pandemics.

Living with the virus implies working with the virus. In this respect, it is particularly reckless in terms of occupational health and safety to seek to move on without heeding the lessons of the pandemic. The crisis has revealed numerous structural flaws in the organisation of disease prevention, and without structural responses the same obstacles will lead to the same disasters in the event of new and more dangerous waves of Covid-19 or of new pandemics.

Some workers find themselves excluded from the scope of prevention rules. This applies especially to illegal immigrants, who have been in the most vulnerable situation here in Europe. Throughout the pandemic, they have continued working, often performing essential activities with high levels of exposure. Apart from a few exceptions, such as Portugal, Member States have made

it easier for them to be employed but have not regularised their situation.

In other forms of insecure employment as well, part of the labour force is denied access to effective disease prevention. This has been observed in the case of seasonal agricultural workers with temporary residence permits. It is largely the case for platform workers, even though in a limited number of countries (particularly France and Spain) a judicial strategy has been used to redefine their status as employees or (as in the United Kingdom) to extend the scope of occupational health and safety rules.

Another example is that of domestic workers, who are excluded from the scope of European occupational health and safety legislation. Some countries, such as Belgium, continue to disregard them in the relevant national legislation. In Germany, the use of insecure employment to cut costs in slaughterhouses became a health hazard when, during the acute stage of the pandemic, these places were a major source of virus transmission, both within workforces and from workers to their friends and families. However, in one of the rare instances in which the practical experience of Covid-19 has been translated into an actual reform, a new law was adopted to prohibit the use of temporary agency workers in slaughterhouses.¹

Part of the labour force is excluded from any form of representation in health and safety matters. According to a survey conducted by Eurofound, this is the case for one of every four workers in Europe.² In companies with fewer than 10 employees, only 48% of workers have access to any representative body to enforce their health and safety rights. If prevention plans are to take account of

actual working conditions and be more than just a litany of general public health rules, representative bodies must have adequate resources and be able to exercise control over working conditions. The link between the right to leave the premises in the event of serious and imminent danger and the existence of collective representation plays a vital role, creating the balance of power that is needed for better injury and disease prevention.

During the Covid-19 crisis, many debates focused on the absence of democracy in the workplace.³ Some have extended this issue to include the general operation of companies, particularly as regards decision-making about what they produce and how their work process is organised. It may be surmised that the number of people who have not returned to work in many sectors, such as hospitals, hospitality and teaching, reflects a perception of the low quality of their jobs – all the more reason to put workplace democracy at the heart of political debates.

Lastly, it has become evident that while European rules on the protection of workers against biological agents set out sound general principles, they are not fit for purpose in a pandemic situation. Those rules were conceived on the basis of activities in which a known biological risk is inherent to a particular type of work – healthcare, animal husbandry, laboratory research, etc. There is a need for permanently applicable rules governing air quality. Also essential are preparedness plans integrated into a planned prevention process based on risk assessment and worker participation. Finally, there is a need to ensure that the European system for classifying biological agents by the level of danger they pose meets the legislative criteria of the applicable directive and is made far more responsive than hitherto.⁴

1. Read 'Change a long time coming for subcontracted slaughterhouse workers', in *HesaMag* No. 23, p. 14, at <https://www.etui.org/publications/workers-food-chain>.

2. *Working conditions in the time of Covid-19: Implications for the future*, Eurofound, 2022.

3. Information on the ETUC *More Democracy at Work* campaign is available at <https://www.etuc.org/en/more-democracy-work>.

4. For more information, see the special report in *HesaMag* No. 24 entitled *Workplaces in a pandemic* at <https://www.etui.org/publications/workplaces-pandemic>.



Review



***Severance* is an American sci-fi TV series created by Dan Erickson and directed by Ben Stiller and Aoife McArdle. The series aired on Apple TV+ in 2022.**

***Severance*: a dystopian series ahead of its time**

Pierre Bérastégui
ETUI

Severance presents a portrait of Lumon Industries, a biotech corporation with a global workforce of more than 100 000 employees. The series follows the day-to-day activity of a small team of workers responsible for 'macrodata refinement', a task as obscure to the employees themselves as it is to viewers. Seated in front of computers straight out of the 1980s, their work consists in identifying numbers from vast tables without really knowing what those numbers represent. *Severance* is a veritable ode to the 'bullshit jobs' so dear to David Graeber¹, those pointless occupations that amount to manipulating numbers and symbols. 'Like, do we even know what we're supposedly 'cleaning'?', asks Helly, the newest recruit to the team, in the second episode.

The horror of *Severance*, however, does not end with the vacuity of the tasks that are being performed; it also stems from what the Lumon employees have had to sacrifice in order to do that work. To join the Macrodata Refinement team, staff need to undergo 'severance' – a surgical procedure that divides their memories into two entities. The first is the 'innie' and does not become active until the employee has entered the company premises. The second, the 'outie', consists of the employee's original memory and takes over again following the end of the working day. These two memories are completely severed, in the sense that the *outie* knows nothing about his or her work, and the *innie* has no idea what he or she is outside the workplace. *Severance* thus creates a docile and industrious workforce that lives – literally – for work alone, a nod to workaholicism. 'Quitting would effectively end your life. I mean, in so much as you've come to know it,' is the ironic remark made by long-time employee Mark to his new colleague Helly.

The corporate culture is dominated by the philosophy and writings of its late founder, an immutable collection of dogmatic and moral precepts. A veritable bible for Lumon staff, these principles emphasise social skills and the idea of the company as a large family. But the reality behind these clichés is one of strict and punitive governance. 'The surest way to tame a prisoner is to let him believe he's free,' the head honcho of the 'severed' floor fires at her henchman, neither of whom have undergone severance. With inflexible rules and severe penalties, Lumon manages to control its employees' every move, though without ever telling them the purpose of their work. That is precisely the paradox presented to the viewer – why on earth are such efforts made to control employees whose work seems so pointless?

Outside the walls of its premises, Lumon Industries' practices are a subject of controversy. Activists and journalists are trying to expose the truth about severance and condemn what they regard as a form of slavery. The *innie* is, in a sense, held hostage by his or her *outie*. Every time an *innie* begins a new working day, it is because their *outie* has taken the decision to make them do so. It is a kind of forced outsourcing in which people's jobs are subcontracted to an alternative version of themselves.

Severance thus thrusts us into the intricacies of that horribly fascinating idea of a perfect work-life disconnect. This right to disconnect 2.0 enables Lumon to assert its control over its employees by hermetically sealing off each of these two spheres and so stifling any possibility of protest. By pushing the idea to its extreme, the series prompts viewers to ask questions about the limits of work-life separation: is it really possible to disconnect psychologically from an alienating job and its torments? What the series tells us, in fact, is that the only way to escape the drudgery of work is to engage a slave to do it on our behalf.

While the series is clearly dystopian, it remains nevertheless a reflection, in caricature, of the darker side of the new working world – or rather what it could become. The practices of worker surveillance and control are pushed to their potential limits, yet complicated by the suggestion of a greater (apparent) autonomy in these new forms of work. We also find acerbic criticism – and a dash of cynicism – being levelled at bureaucracy and the proliferation of pointless jobs, at 'happiness management'², and at other managerial smokescreens that aim to separate the image of a product from the reality of its manufacture in the eyes of consumers. In short, this is a series in tune with our times, a series that asks questions of viewers but does not resort to offering facile answers.

1. See the article by Thomas Coutrot in this issue.
2. See the article by Louise Pluyaud in this issue.



Orders and subscriptions

HesaMag will be sent free of charge twice a year through the post to persons requesting it via <https://crm.etui.org/node/186>. You can find all our previous issues on www.etui.org where they can be ordered or downloaded for free.

HesaMail, the ETUI's electronic newsletter on health and safety at work

If you would like to receive a monthly summary of occupational health and safety news, subscribe for free to HesaMail, the ETUI's bilingual electronic newsletter (in English and French). You simply need to fill out the online form at <https://www.etui.org/newsletters>.

GDPR: The ETUI respects your privacy. See our website for more information.