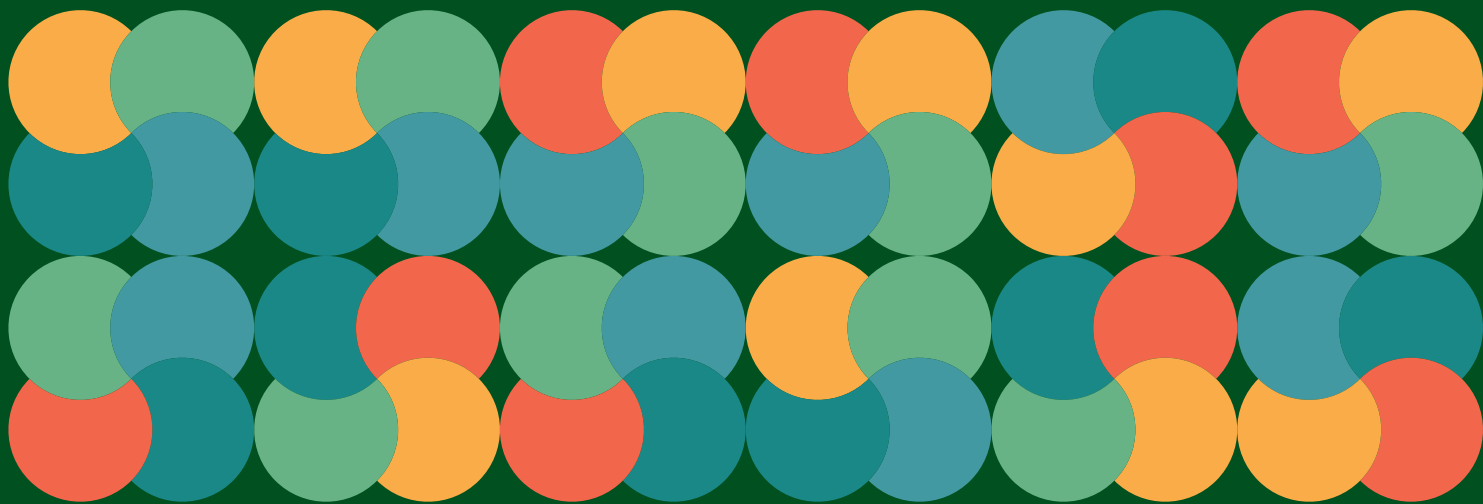


EU Dialogue,
Local Solutions

Final Report



Joint project by the European
social partners in local and regional
government



with the financial support of the European Commission

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Introduction

Violence at work, gender inequality and the treatment of migrants regularly grab headlines. Yet less attention falls on local governments, who do much of the work in communities to tackle these issues, whilst also facing the specific challenges presented by how inequality, violence and migration affect their own workforces.

For fifteen years, representatives of workers and employees in European local and regional governments have come together to find solutions to the problems facing local administrations. Over that time, the Council of European Municipalities and Regions (CEMR), representing employers, and the European Federation of Public Service Unions (EPSU) have negotiated a number of agreements to improve the working lives of employees in local government and deliver better public services to citizens. Agreements on third-party violence and harassment, migration and gender equality rank highly on their list of achievements.

To mark a decade and a half of the social dialogue committee and to raise grassroots awareness about the resources provided by European dialogue, the two social partners launched a project to promote their work in three key areas: third-party violence and harassment at work, gender equality, and migration. Social partners from three countries organized thematic seminars to deal with each of these areas: Sweden for gender equality, France for third-party violence and Spain for the inclusion of migrants.

Before the three thematic events were held, a kick-start webinar gave an initial outline of the work being undertaken in each country, as well as broader context for each of the issues. The webinar included interventions from the European Commission and academics as well as from employers and trade unions. A recording and a full report of the webinar are available on the EPSU website.¹

The three sections of this report describe the key issues identified before and during each one of the thematic seminars and complement these with experience and examples shared by the participants. Together, this collection of best practice and experience in implementing the goals of the European social dialogue at local level outlines where progress has been made and where more attention from European social partners could be useful.



Thematic Seminar on Gender Equality

Gender equality was one of the first challenges jointly addressed by the newly formed European social dialogue committee for local and regional government. It is therefore only right that, as part of the project to celebrate and evaluate the work of the last fifteen years, that gender equality be one of the three issues discussed. To this end, social partners from Sweden introduced the topic as part of the 'Kick-Off Webinar' held online in December 2020.² The issue was then analysed in greater depth in an online meeting in June 2021, where Swedish social partners presented their national actions to tackle inequalities between men and women in their workplaces.

This section outlines some of the current situation of gender inequality in European workplaces and what action social partners in local and regional government have taken. It draws on preparatory research for the seminar and national case studies and Sweden, and elsewhere, presented during the seminar.

Gender Pay Gap

In 2005, the cross-sectoral social partners agreed a framework of actions to tackle gender inequality at work in Europe.³ Sixteen years on, the four areas of action it identifies – addressing gender roles, promoting women in decision-making, supporting work-life balance and tackling the gender pay gap – remain as pertinent in debates about gender equality as they were then.

Some progress has been made: the gender pay gap in the EU-27 grew following the crisis but has fallen year-on-year since 2012.⁴ However, progress is slow, with the ETUC estimating that, at the current rate of decline, the EU gender pay gap will not close until 2104, unless more action is taken.⁵ Whilst the gender pay gap is generally smaller in the public sector, austerity measures imposed during the economic crisis had a greater impact, meaning that the gap only began to narrow again in 2016, and then at a much slower rate than in the wider economy.⁶

The European Commission, for its part, has proposed a directive on gender pay transparency which would introduce binding pay transparency measures, ban employers from asking about job applicants' previous pay and give an enhanced role of workers' representatives.⁷

Work-Life Balance

Improving work-life balance is essential to foster a more equitable division of household work and childcare between men and women, and improving women's access to quality employment. The European Union has sought to address the issue through the Directive on work-life balance for parents,⁸ which the Commission characterises as a key deliverable of the European Pillar of Social Rights.⁹ Whilst the 10 days of parental leave for secondary parents, carers' leave and the extension of the right to request flexible working are steps forward, strengthening of these minimums usually falls to social partners.¹⁰ One recent example is France, where legislation has recently been implemented which doubled the number of paternity leave days from 14 to 28,¹¹ after a long period of engagement on the issue from sectoral and cross-sectoral social partners.¹²



Strengthening Social Dialogue

Throughout Europe, there exists ‘a strong correlation between robust social dialogue, better gender equality and good work–life balance,’ as detailed by the recent *Rebalance* report.¹³ It further underlines the importance of social dialogue and social-partner capacity at different levels to enact measures that strengthen gender equality. And whilst collective bargaining remains a competence for national social partners, European social partners do play a role in fostering an enabling environment for social dialogue that leads to effective national collective bargaining. This is important because the gender pay gap tends to be lower where a national or sectoral pay agreement is in place, as opposed to no agreement.¹⁴

Despite the lower coverage of low-paid, female-dominated professionals in sectoral collective bargaining in many countries, there are moves to redress this balance through social partnership. In Ireland, for example, the government has recently proposed a tripartite body to set wages in childcare to compensate for the lack of sectoral bargaining in that sector. This will provide a space for unions and employers’ associations to ‘engage in negotiations on [...] which could ultimately establish long-awaited binding rates of pay and conditions for the sector’.¹⁵

CEMR has made repeated calls for action at European level and elaborated a detailed action plan,¹⁶ as well as encouraging national employers to sign up to a series of principles and policy approaches through a European Charter for Equality between Men and Women.¹⁷ Having signed the charter, many municipalities and regions have then gone on to implement gender equality action plans, for example in France.¹⁸

The inclusion of gender equality in the present project, and particularly the analysis of the interplay between CEMR and EPSU’s guidelines and national and local initiatives, can be seen as a positive response to these calls from both employers and unions.

CEMR/EPSU Gender Equality Guidelines

Building on the abovementioned cross-sectoral action plan, and the work of unions and employers’ organisations, the social partners in local and regional government agreed their first guidelines on gender equality in 2007.

They outlined a dual strategy of action to address gender equalities in the sector:

- **Positive action:** ‘specific policies to address gender inequalities and promote equal opportunities’
- **Gender mainstreaming:** ‘active steps are taken to have gender equality incorporated into all areas of policy, in all areas of activity and at all levels’.¹⁹

This approach advocates for both specific measures to redress gender imbalances as well as the inclusion of gender as an issue into every area of an organisation’s work.

A key component for implementing the guidelines on the ground was through gender equality action plans, which in some countries are mandated by law. However, even where this is the case, these action plans were often not implemented in practice.²⁰ To address this issue,



European social partners agreed on joint guidelines for the format and methodology of action plans. The guidelines also provide a comprehensive equality checklist to evaluate the steps to take within a workplace.

The guidelines, updated in 2017,²¹ emphasised the importance of collecting quality data and then addressing the areas of inequality between men and women highlighted by such an evaluation. They also strengthened the guidance for follow-up and assessing the implementation of action plans.

The View from European Social Partners

For CEMR and EPSU, gender equality has always been a priority for the sectoral social dialogue committee for local and regional governments. Despite many professions in the sector being dominated by women workers, a disproportionate number of men occupy higher paid roles. This inequality aggravates the gender pay gap and makes the sector less attractive to work in.

The EU legislative framework has evolved significantly since the guidelines were first agreed in 2007, not least with the adoption of the work-life balance directive and the recent proposals on pay transparency. However, the core of the guidelines is detailed advice on introducing and enacting a gender equality action plan. This was highly innovative for many countries in 2007, and remains an effective tool for addressing gender inequalities with LRG workplaces.

Gender Equality in Swedish Local and Regional Government

Gender equality is both 'a fundamental constitutional norm' in Sweden and has been recognised and pursued a policy priority since the 1970s. Gender mainstreaming, one of the key planks of the CEMR-EPSU gender equality guidelines, has been central to gender equality policy since 1994.²² The unadjusted gender pay gap in Sweden for the whole economy was 11.8% in 2019 and is declining.²³ In 2018, the pay gap in the public sector was lower than in the economy as a whole and lower than the EU average, at 9.2%, dropping to 5.2% in 'public administration'.²⁴ However, this still means that men earn significantly more than women, even in those areas which have made the greatest progress. Furthermore, women have less opportunities than men when it comes to power and influence on the labour market, a significantly larger proportion of women than men work part-time, and women take 72% of the parental leave within couples. As elsewhere, women are still responsible for the vast majority of the unpaid domestic and care work and the rate of sickness absence is twice that of men's. The labour market is strongly segregated with respect to gender and female-dominated professions have fewer career paths. More than half of women workers under the age of 35 has been subjected to sexual harassment in the last two years.

Social partners in local and regional government in Sweden have long been taking steps to address these ongoing issues.²⁵ As well as collaborating with the country's gender equality agency on gender mainstreaming and other initiatives,²⁶ social partners have sought innovative



solutions to some of the specific causes of persistent gender inequality in the Swedish labour market. One such initiative is increasing 'wage spread' in female-dominated professions.

What is wage spread and why does it matter?

Wage spread is the difference in pay within an occupational group, for example a sanitation worker, care assistant or administrative role. Having a broad wage spread, with increments in pay as a worker gains more skills and experience, is important because it allows workers to follow a life-long career, benefit from remaining in a profession, and have skills and seniority reflected in their pay packet. Differentials must be objectively justified on the basis of criteria established between unions and employers in the workplace. This could take the form of a collective agreements, job or role descriptions, salary scales, or several of these.

For Swedish social partners, the idea is that a workers' career development, training, skills, length of service and seniority be reflected in their remuneration. The aim of increasing the wage spread is to create (average) increases in pay levels and build incentives for professional development, whilst recognising skills and experience and promoting retention.

This is the norm in male-dominated jobs. However, in professions with a high percentage of women workers, pay tends to remain static and does not reflect skills acquired on the job.

For example, there is a 30% difference in lifetime salary between a professional nurse and a civil engineer, despite both professions requiring similar levels of education. In female-dominated professions, a worker close to retirement can expect to earn around 35% more than a new starter. In traditionally male jobs, this gap is close to 100%.

This inequality discourages women from working, as they have lower prospects and pay than a male partner, and so are more likely to leave or reduce work in order to care for children or elderly relatives. It is also unfair. Roles dominated by women are tough and highly skilled and should be recognised as such, just as with roles that tend to be done by men.

While the term 'wage spread' seems to be most widely used in Sweden, the logic of increasing career opportunities, and recognising these through pay differentials, is more common. In the UK, for example, the 2018-2020 agreement between social partners in local government restructured the pay scale in order to ensure that gaps between different pay points were equal and that job-evaluated pay differentials were maintained. This was necessary because of the success in implementing a living wage in local authorities. However, lifting pay at the bottom distorted pay differentials that were meant to reflect skills, training and seniority, and caused many grades to 'bunch' near the bottom. The new pay scale sets the living wage at the minimum and introduces an equalised pay structure that recognises job-evaluated differentials,



in effect creating greater 'wage spread' whilst lifting pay. As a result, the gender pay gap has narrowed from 5.3% to 2.7%.²⁷

The Full Time Journey

Increasing hourly pay is essential, but gender inequality in the workplace can also be tackled by encouraging full-time work and reversing the long-standing divide that sees women working fewer hours than men, often to their detriment. Working part-time means women earn less money, end up with lower pensions, and miss out on training and promotions. To tackle this problem, SALAR and Kommunal have been running a project called 'The Full-Time Journey', aimed at making full-time work the norm in the Swedish care and welfare sector.²⁸

Successful Long-Term Cooperation between Swedish Social Partners

The Full-Time Journey is a joint project between the Swedish Association of Local Authorities and Regions (SALAR) and the trade union Kommunal. It began in 2016 and will run until 2024 with the aim of making full-time work the norm in local authorities. These workplaces have a predominantly female workforce. Normalizing full-time work then becomes about improving earnings for these women workers whilst professionalizing their roles, recognizing historically undervalued jobs, like elder care, nursing, childcare and administrative work, as skilled professions that merit stable, full-time employment.

The initiative has been a success with a 2% increase in full-time employment in Swedish local government over the first four years of the project. Care and nursing have seen an 8% rise. The second phase of the project was agreed in 2020 and will run until 2024. Both social partners recognize the importance of continuing this work, particularly as demand for health and care staff grows and long-time staff near retirement age.

The trend is already towards full-time work, which benefits employers, who cover more hours with less employees and lower training and recruitment costs, and workers, who receive higher pay, benefits and pensions. The Full-Time Journey has three objectives, to be implemented through an action plan from every municipality, county council and region:

- All employees who are newly hired must be employed full-time
- All part-time employees should be offered full-time work
- More of those who already have a full-time job, but for various reasons work part-time in the current situation, shall strive for full-time work

For the social partners, increasing full-time work is a gender equality issue: significantly more women work part-time and 4 out of 5 municipal employees are women. These workers often feel compelled to work part-time to be able to undertake unpaid domestic labour or childcare. If full-time work becomes the norm in local government, it should encourage a more



equal distribution of household work and childcare, allow women to earn a larger portion of household income and incentivise a more balanced use of parental leave.

The advantages of generalized full-time work for employees include higher pay, larger pension contributions leading to a more secure retirement, and greater opportunities at career development by gaining more skills and formal training. Full-time workers are also more likely to receive promotions.

For employers, full-time work saves costs in the long term whilst also improving services. The full-time journey is about securing the supply of skills by getting the most out of the trained staff they already have, helping to reduce training and recruitment costs and making more hours available for work. It provides a better experience for service users, too, because they are cared for by fewer individual and so enjoy greater consistency and stability.

Moving towards full-time work has presented challenges. There is increased need for on-site childcare in workplaces. Local authorities have been organizationally structured around part-time work. The change requires a shift in HR practices. The reliance, common in local government across Europe, on part-time, agency and temporary workers, has a cost, both in administering complex rosters and in recruiting and retaining staff. This cost has to be made visible in order to show employers the cost and organisational advantages of moving to full-time work. Previously, it was normal for new recruits to be asked how much they wished or were available to work. Full-time as the norm has been about changing workplace culture, as well as in practicalities.

Initial resistance from employees and employers involved in the project has fallen away quite quickly. Workers quickly see the advantages of the larger pay packet and understand the importance of the increased pension and social security coverage. Employers have noticed less working time lost to sick leave and lower costs on temporary and agency staff to cover holes in schedules.



Third-Party Violence and Harassment

In the second of the three thematic seminars organized as part of the project, European Dialogue, Local solutions, social partners joined French unions and employers, who hosted the event, to discuss third-party violence.

In 2010, social partners from local and regional government negotiated and approved a series of guidelines to tackle third-party violence across multiple sectors. The seminar sought to take stock of the issue, and analyze the impact of the guidelines, both as relates to local and regional government and in the context of an ongoing follow-up study being conducted within the multi-sectoral framework.

What is third-party violence?

Third-party violence means insults, threats and/or physical aggression at the workplace that is perpetrated by people who do not work there. This includes members of the public, customers, patients, family members and service users, among others. It is any type of physical, emotional or verbal violence committed at work by someone with whom the victim does not have a collegial relationship. The EU's Occupational Safety and Health Agency (EU OSHA) sets out a broad definition of third-party violence which includes face-to-face verbal abuse, physical attack and newer forms of harassment like cyber-bullying and the spreading of malicious content about a person online. During the seminar, **Malgorzata Milczarek**, from EU OSHA, highlighted the growth in online work due to covid-19 and public frustrations about restrictions of daily life due to the pandemic as growing risk factors. Data covering the period of the pandemic was not yet available, although this view was backed up by other anecdotal evidence from social partners.

The most recent available data shows that 57.4% of workers in the EU have to deal with difficult third parties at work and 4% of the working population have reported being the victims of actual physical violence.²⁹ Earlier studies point to a broader range of figures of how many workers may be affected, but all identify a growth in the phenomenon, although this could be partly due to better reporting.³⁰ There is general agreement that third-party violence particularly affects women, as they are disproportionately represented in public-facing roles. Jobs which involve contact with members of the public undergoing upsetting or stressful experiences, which include many roles in local and regional government, not only engender particular risks but are also dominated by women workers.

Third-party violence in local and regional government

According to EU OSHA, professions at particular risk include nurses and other healthcare workers, people working in service users' homes, such as homecare assistants, social workers and security guards.³¹ Workers in local and regional government commonly perform these types of roles. Furthermore, due to the stressful or upsetting contexts in which services are often delivered, such as safeguarding interventions involving vulnerable or young people, local taxation services and social care, the risk of third-party violence towards workers in local and regional government is particularly acute.³² Finally, because local government is close to



citizens and embedded in local communities, workers may live or work near to perpetrators and have to continue to interact with perpetrators in their daily lives. This poses the added risk of continued threats and violence outside of the workplace stemming from an initial incident at work.

Multi-sectoral guidelines

Poor recognition of the problem and longstanding underreporting of third-party violence has meant a lack of specific policy action in many countries to tackle third-party violence. In response, social partners from diverse sectors came together to tackle the issue at European level. Unions and employers from public services, commerce, security services, education and the hospital sector agreed a series of multi-sectoral guidelines to tackle third-party violence in 2010.³³ The European Federation of Public Services Unions (EPSU) and the Council of European Municipalities and Regions (CEMR), the social partners for local and regional government, both participated in the negotiations and signed on to the final text. The guidelines' stated aim was 'to ensure that each workplace has a results-oriented policy which addresses the issue of third-party violence' by providing 'practical steps that can be taken by employers, workers and their representatives/trade unions to reduce, prevent and mitigate problems'. Specifically, they called upon employers and unions to:

- develop clear policy frameworks for the prevention and management of harassment and violence by third parties, to be incorporated into their general health and safety policies
- take a 'holistic' approach to third-party violence by covering all aspects from awareness raising, prevention and training to methods of reporting, support for victims and evaluation and monitoring
- tailor the approach to third-party violence to each specific work environment
- design policies to tackle third-party violence on continued information and consultation with managers, workers and their representatives / trade unions, and on objective risk assessment and monitoring data
- improve training and information to workers, particularly as regards what constitutes third-party violence and what steps to take if exposed to it, and to managers, as regards how to support workers faced with third-party violence
- provide information to clients, customers, service users, members of the public, pupils, parents and/or patients outlining that harassment and violence towards employees will not be tolerated and that if appropriate legal action will be taken

Social partners continue the work faced with a rise in third-party violence

The guidelines were based on a survey of social partners undertaken in the preparatory phase of the negotiations. Three years later, a follow-up study was conducted,³⁴ which found several examples of how the guidelines had been implemented on the ground, not least in local governments in Denmark³⁵ and the Czech Republic.³⁶ However, despite these and other examples from various sectors, the report found a mixed picture. Some social partners broached the need for an EU agreement to tackle third-party violence, with others also advocating for greater integration of the issue into sectoral social dialogue committees' workplans and more European observation of the problem, potentially by the European Trade Union Institute.



With rates of third-party violence continuing to rise, particularly against women,³⁷ cross-sectoral discussions continue amongst European social partners. A project to assess the impact of the guidelines ten years on is currently underway. So far, a similarly mixed picture is being revealed, with greater awareness, particularly of work environment risks – such as lone working – and of the gendered aspect to third-party violence, but a lack of implementation and monitoring.³⁸ The issue is also gaining attention at a national level, for example in France (see below), and the UK.³⁹

Social partners in the participating sectors are currently running a project to analyse the impact of the guidelines in all sectors and identify further steps that need to be taken. **Jane Pillinger**, a global expert on gender equality and gender-based violence at work at the London School of Economics, is conducting the research for this multi sectoral project. She spoke at the seminar, outlining the ongoing survey being conducted to review the implementation of the guidelines in 10 countries, including France. One of the target professions is front desk administration in local and regional government.

ILO Convention 190

Pillinger highlighted the agreement of the International Labour Organisation's Convention 190 on violence and harassment at work as a big step forward in our understanding of third-party violence and gender, a topic which has received more attention since the guidelines were first adopted.⁴⁰ The convention, agreed by the ILO's general conference in 2019, makes specific reference to the issue of violence by third parties and calls on ILO member states to:

- Prohibit violence and harassment in law
- Improve enforcement and monitoring, specifically by resourcing labour inspectorates
- Educate and provide resources to raise awareness with the aim of preventing harassment and protecting vulnerable groups
- Support victims
- Apply sanctions to perpetrators

C190 takes a strong gender approach to violence at work, whilst recognising that work-related violence does not stop at the workplace. Furthermore, it deals directly with third-party violence and places obligations on employers to protect workers, for example by conducting risks assessments.

Unfortunately, only ten countries have so far ratified the convention. Only two EU member states, Greece and Italy, have completed the ratification process.⁴¹ However, the European Commission has recommended its ratification to all member states in the 2021-2027 Strategic Framework on Health and Safety at Work.⁴² Several governments are in the process of modifying national legislation on family and gender-based violence to be in line with C190's progressive approach.

France: a robust legislative framework with gaps in awareness and implementation

Among EU member states, France has one of the more developed legislative frameworks to tackle third party violence. The European multi-sectoral guidelines were transposed through a national agreement in 2010, shortly after their adoption at European level. In 2016, with



increasing awareness of the issue of third-party violence in public services,⁴³ the government modified the 1983 civil service law to introduce the concept of 'functional protection' to ensure a holistic protection of workers from third-party violence.

What is functional protection?

Functional protection means that the employer has a duty to defend any worker against verbal, physical, psychological abuse or insults to which they might be victim. It is an over-arching approach which includes prevention and awareness raising through to legal support for victims, up to and including the right for the public authority to become a civil party in any judicial proceedings against the perpetrator.

This doctrine of functional protection has been supplemented by a decree in March 2018 which made compulsory prior mediation (*Médiation Préalable Obligatoire*) obligatory in all litigation concerning the local and regional civil service, systematising employees' access to redress through formal channels.⁴⁴ Furthermore, Health, Safety and Conditions at Work Committees have a role to play both in individual cases and wider issues of policy and workplace culture. As it stands, these statutory bodies are consulted on instances of violence and harassment by third parties, but their opinions are not binding. Unions in France are looking at ways of strengthening the role of these committees, potentially by pushing for their opinions to carry more weight, particularly in any resultant legal processes.

However, despite this robust legal framework, many employers are still not aware of their responsibilities within the doctrine of functional protection. Other avenues are open to workers who do not receive the support to which they are legally entitled. For example, since 2018, a pilot including 40 *départements* has instituted Compulsory Prior Mediation for some instances of harassment. A constitutional body, the Defender of Rights, has also existed since 2011 and can be used in cases where authorities do not apply the mechanism of functional protection. Unfortunately, it remains underused.

Despite the patchy awareness of rights and responsibilities under functional protection, prevention initiatives now exist in many areas, including the *départements* of Ardèche, Drôme and Gers. Small municipalities, like the commune of Saint Laurent Nouan, in central France, are also making big strides by setting out clear protocols for what to do if a worker is threatened in person or over the phone.

One larger example is the region of Occitanie. It has developed a clear and systematic process for reporting all instances of third-party violence and set out clear policies for how they should be treated. The regional administration has communicated this to all employees, specifically underlining the broad definition of violence, including verbal abuse, intimidation and discrimination. A dedicated reporting mechanism is made available to workers and a specially trained 'cellule de signalement' (reporting unit) is charged with dealing with allegations and supporting victims.



Approaching Third-Party Violence as a Multi-Factorial Risk in La Gironde

The *département* of La Gironde has 7,000 workers on the ground in areas as diverse as parks and leisure, social work and road maintenance. Due to the frequent contact with members of the public, these workers are vulnerable to third-party violence. The Departmental Council's approach has been to approach TPV as a multi-factorial risk which calls upon practical steps to address all the factors which create or aggravate risks.

As such, offices visited by the public have been reorganised to be more welcoming, with comfortable seating, pleasant lighting and reading material. These preventative measures are accompanied by mitigations if an incident does arise. Rooms where private meetings are held have two exits to provide workers with escape routes. Employees are trained in de-escalation and follow a clear protocol in cases of TPV: de-escalate, escape, call for the police and emergency services.

In the aftermath of third-party violence, steps are taken within 48 hours to reduce the risk of developing PTSD through the provision of psychological support, mitigating the risk of trauma, stress, and loss of sleep as a result of the incident.

Complicating factors in third-party violence: covid-19 and new technologies

As already highlighted, third-party violence continues to rise and has a specific impact on women, and workers in local and regional governments. The global pandemic has also exacerbated third-party violence against some workers in the sector and changed the modalities of violence towards others. Due to the unprecedented nature of recent events, clear data remains lacking. What research exists, for example in the case of health workers,⁴⁵ points towards a worsening of third-party violence against those delivering essential services on the frontline. At the most extreme end, misinformation about vaccines has incited fire bombings against vaccine centres in France and Poland⁴⁶ and threats to healthcare workers, and even trade union officials, in some countries.⁴⁷

For other workers, the removal of physical contact with the public during lockdowns may have shielded them from the threat of physical violence but made psychological violence and verbal abuse more potent. Without being surrounded by the support networks of colleagues in a physical workspace, employees can find it difficult to report and get support after an incident. For others who have continued to work in direct contact with the public, the risks of covid-19 are joined by the risk of violence and harassment. Service users, patients and citizens can become more confrontational, in part due to the stresses of the pandemic and frustrations of isolation.

The impact of digital technologies on third-party harassment, despite ample anecdotal and media coverage, still receives little attention, at least in Europe. In the US, the consequences of reputational and psychological damage to workers are starting to be discussed.⁴⁸ This lack of a coordinated approach to online risks in Europe is not confined to the workplace, with some pointing to wider deficiencies in legislation to combat cyber bullying and stalking.⁴⁹ A deeper



understanding of how digital harassment by third-parties affects workers, particularly in light of the pandemic, and the increased reliance on digital tools to deliver public services is needed.

The seminar highlighted both how the adoption of remote working and digital tools has shifted third-party violence online, and how remote tools can be used to deal with the problem, to mixed effect.

In general, employers and unions agreed about the growth in online harassment and digital stalker of workers. Public facing workers already have a lowered tolerance to verbal and non-physical threats. This threshold of acceptance of harassment is higher still when threats are made online or over the phone. Workers often see harassment as part and parcel of the job and, in many roles, decide not to report them out of concern that the perpetrator may lose access to vital support, or simply because the worker does not think it is worth the time and effort. Participants in the seminar also highlighted how the growth in so-called 'civil-servant bashing' has led to an unhealthy high tolerance to aggression among public sector workers, as a society-wide narrative has taken hold that because they are paid from the public purse, they shouldn't complain and, instead, just get on with the job.

In the *département* of Drôme, one solution has been to place all the reporting tools in a single location online. Workers can now make HR and managers aware of instances of third-party violence quickly and easily, without having to find forms or identify the correct procedure. This, in turn, allows the *département* as an employer to fulfill its obligations under functional protection, as outlined above.

In the city of Toulouse, technologies like GPS and widespread use of mobile phones allows waste workers to be in constant communication with their depot, so if an incident of third-party violence arises, help can be delivered in real time, with the GPS coordinates shared with the police.

Other interventions, adapted to remote working, have been less clearly successful. Dedicated phonelines which connect workers to trained counsellors for psychological support have been a common strategy to help workers deal with third-party violence. Unions in the city of Lyon, where such a phoneline has been made available, are reticent about its effectiveness. The health and safety committee is currently reviewing whether it is worth maintaining. In Lyon, effective interventions are, nonetheless, desperately needed, with workers describing how the move to online services, couple with new policies that make all face-to-face interactions appointment online, have increased frustration amongst service users. This has led to an explosion in employees signed off work due to stress.

Elsewhere, however, the availability of dedicated counselling has had a positive impact. Unions representing workers in the City of Vienna, in Austria, spoke positively about the creation of a dedicated, in-house team of experts to treat the psychological effects of third-party violence. Likewise, Danish unions were positive about the psychological support provided in municipalities there but underlined the need for continued investment to deliver the service.



Migration and Inclusion

In 2014, CEMR and EPSU signed a set of joint guidelines on migration and strengthening anti-discrimination in local and regional government.⁵⁰ These had been negotiated over the previous months in the European Sectoral Social Dialogue Committee for Local and Regional Government.

Whilst migration is often thought of as an issue for central government, local and regional governments play an important role both as employers of migrants and as providers of services that promote inclusion into the receiving society.

The final seminar of the project brought together social partners to discuss the topic, in light of developments since the guidelines were first agreed in 2014.

Evolution of the guidelines

Both EPSU and CEMR, as well as their respective affiliates, had long dealt with the topic of migration, prior to the elaboration of the guidelines. In 2010 EPSU completed a survey of its members in local and regional government, which gave a detailed picture of:⁵¹

- Recruitment and involvement of migrants into unions
- Services provided by the union to migrants
- Inclusion of migration issues in collective bargaining and union policy
- Union members' role in providing services to migrants
- Campaigns on migrants' rights and improving services

In 2012, the two social partner organisations jointly published a report on migration and mobility within local and regional government within the framework of the 'Future of the Workplace' project. This joint work laid the foundation for the elaboration of the guidelines, agreed in 2014.

The guidelines were then updated in 2016 in response to the new inflows into Europe from the Middle East starting in 2015.⁵² This update also took account of follow up work conducted by both social partners. A seminar, held in Berlin in January 2016, collected experiences from local and regional governments across the continent, including Sweden, Germany and Greece.⁵³

The role of local and regional governments

Although immigration policy is usually the preserve of central government, local and regional governments play an often-overlooked part as both an important employer of migrants and a provider of services. These may be services specifically aimed at migrants, like language courses and assistance entering the labour market, or public services available to everyone but which are particularly important to migrants trying to build a new life, like public housing or childcare. Due to the proximity of local services to the population, LRGs are often the first point of contact for refugees and migrants. Services provided by LRGs can also help build community cohesion by bringing together people from different backgrounds into shared spaces, like schools, youth clubs, leisure centres and public housing. LRGs are



often tasked, statutorily or voluntarily, as providers of training and education for labour market integration, or wider civic inclusion (be that specifically aimed at migrants or at the population as a whole.)

However, underfunding and competition for scarce financial resources can sometimes mean local authorities have to manage resentment between those born in an area and those who have arrived more recently. Underfunding can also be a point of tension between LRGs – who experience its daily consequences and have to provide services in a tight financial environment – and national governments – often buffeted by political headwinds around migration.

As an employer, local authorities often deliver services delivered by a high number of migrant employees, particularly care. Even when these are not delivered in-house, local and regional governments also have a special responsibility as procurers to ensure inclusive and welcoming workplaces.

EPSU and CEMR's joint guidelines

The joint guidelines, both when adopted in 2014 and as updated in 2016, seek to maximise the benefits of migration to Europe's cities and regions, whilst recognising the key role that LRGs need to play in ensuring those benefits are fully realised.

The guidelines set out a series of actions to be taken by social partners, national and European, at EU, member-state and local level. These can be summarised as:

- Working to ensure respect for EU legislation and international agreements related to migration and for better adaptation of structural funds to enable LRGs to assist with inclusion
- Promoting inclusion for migrant workers, and wider issues of inclusion within the labour market and society, in local, national, and European social dialogue
- Monitoring the implementation of the guidelines, and the situation in general, through the Social Dialogue Committee
- Drawing attention to the link between good working conditions in LRGs and quality services to migrants, as well as to the need for more qualified personnel, linguistic and cultural mediation, etc.
- Reviewing recruitment practices and barriers to employment for migrants, including ensuring work environments are welcoming and affirming, through training and mediation
- Providing quality training to management and front-desk workers, and identifying and tackling discrimination in LRG workplaces
- Involving migrant workers through workplace consultation and participation
- Investigating ways that LRGs procurement policies can be harnessed to promote diversity and equality
- Including equality and diversity principles in partnership agreements with other municipalities
- Spearheading public and internal communication to counter prejudice and hostility
- Ensuring access to national funds to promote inclusion, where available



The inclusion of the topic of inclusion of migrants within the present project to mark 15 years of the Social Dialogue Committee in Local and Regional Government demonstrates both social partners' commitment to the monitoring and analysis described above.

The seminar, held online on 24th February 2022, provided an important opportunity for both employers and unions to gauge the ongoing usefulness of the guidelines and if they may need to be further revised or updated, as well as to share further examples of best practice.

European Seminar brings together experiences from Spain and Italy

The first presentation came from Cristián Castaño who is responsible for marine issues in the Spanish public service union, Federación de Servicios a la Ciudadanía de Comisiones Obreras (FSC-CC.OO). He is also a search-and-rescue worker at sea. He explained how sea rescue views the issue through a humanitarian lens: those that they rescue are in danger at sea and therefore there is an obligation to provide them with assistance. Whether these people are migrants is irrelevant in both legal and moral terms at the moment they need rescued. The obligation to provide assistance at sea is a long-standing judicial norm enshrined in international and maritime law. In Spain, the central government created a public company in 1993 to comply with its international search and rescue operations. This organism continues to cover the enormous area for which Spain has search and rescue responsibility around both peninsular and insular Spain.

Whilst recent increases in the number of people in situations of migration arriving by boat have led to more demand over some of the past years, there have also been years where the number of non-migrants is higher than migrants who need search and rescue services. Maritime search and rescue is a service provided to all who require it, regardless of origin or reason for getting into difficulties at sea. Despite this, and budgetary increases for the service in recent years, search and rescue workers will often have to rescue tens or even hundreds of people from extremely precarious boats with crews of only three. With one person needed to control the rescue craft, this leaves only two workers to get people safely out of the craft in difficulties and into the rescue boat. This already difficult task is made particularly dangerous when weather conditions are poor.

The next speaker was Zaida González, also from the Spanish public service union, Federación de Servicios a la Ciudadanía de Comisiones Obreras (FSC-CC.OO).⁵⁴ She is an educator working in a centre for young people who have migrated to Lanzarote, in the Canary Islands. She highlighted the chronic under-resourcing suffered both by those working at sea to rescue people and those working on land to welcome them, including in local government. This problem is aggravated by the fact that inclusion services are regularly subcontracted externally, with the private company who submits the lowest bid often winning the contract. Because of this race to the bottom, workers face low wages and intolerable working conditions, causing burnout amongst employees and high staff turnover. As workers get chewed up by the precarious work, the private companies hire less qualified people and further violate norms on working time, staff ratios and collective agreements, leading to deteriorations in the service and a devaluing of the professionalism of those working with migrants. This precarity also makes trade union organising extremely



difficult and discourages workers from reporting problems and irregularities when they encounter them.

In response to this dire situation, the union is fighting for a series of political, institutional and workplace improvements, many of which have a direct bearing on local governments. Importantly, it highlights the need for companies which respect the relevant collective bargaining agreement to be given priority in public procurement over those that don't. From a European perspective, it could be useful to provide more resources to how this aim can be achieved through EU public procurement rules. On the specific issue of unaccompanied minors, the union has called for a European network to track and support unaccompanied minors in situations of migration as they move around the continent, with the aim of preventing disappearances and exploitation. For both European social partners, this could be an important area of follow-up to the joint guidelines on migration, particularly in how it might support local and regional governments as providers of inclusion services and child protection.

Stefano Sabato, from the Italian public services union FP CGIL, explained the radical and regressive changes made to the Italian asylum system under the then-minister Matteo Salvini in 2018. The decree abolished humanitarian protection in Italy and massively cut funding to integration services. As well as the extremely damaging impact on migrants, these changes led to massive job losses: in 2017, the sector employed 36,000 workers, most of whom were under 35. This number has dropped significantly as a result of the changes.

With a new government, a new reform has sought to rectify some of the damage done by Salvini's anti-migration measures. It has reestablished the central role of local authorities in the reception and inclusion of migrants and reinstated international protection in Italy, and rights for those who apply for it. It has also bolstered services, such as interpretation, training and employment support, aimed at those who have already received refugee status.

Nonetheless, for the CGIL, the system still requires improvements. As it stands, many inclusion services are still being provided directly by central government. For the union, all inclusion services need to be integrated into the local welfare system, with local authorities best placed to deliver the most effective inclusion services for local needs.

Finally, Alba Iglesias and Patricia Serrano described how inclusion services are delivered in the Municipality of Fuenlabrada, in the metropolitan area of Madrid. Fuenlabrada is a diverse town with a high level of local activism and citizen engagement in politics, through a number of local associations.⁵⁵ In 2015, various local groups came together to form the *Mesa por la Convivencia* to promote intercultural policies in the town. The group has worked closely with the local authority to promote respect and tolerance between the different communities in the town and is now taking on a formal consultative role with the city council. One example of where this community-centered approach has been effective has been the municipality's 'anti-rumour' network, which seeks to identify and challenge falsehoods about migration and migrant communities which circulate in the area. It also trains professionals working with young people to challenge racism and xenophobia.⁵⁶ Whilst an important component of this is awareness raising through local advertising, the main thrust of the strategy is to provide tools for citizens to challenge falsehoods in one-on-one conversations with friends and family.



The local authority has also taken specific action to promote labour market inclusion. Through a project supported by the European Regional Development Fund, the municipality of Fuenlabrada established a consortium of employers, NGOs, training providers and religious organisations to improve employability of migrants and non-migrants in the town. The project offered 28 distinct training paths, in four rounds, to over 500 young people, putting them in direct contact with local employers, providing interviews skills and intercultural experience in small groups of 20. At the end of the project, 39% of participants had found work and over half of migrant participants reported feeling that the training had helped improve their socio-economic inclusion.

This project is an instructive case study of how local authorities provide added value for all communities they serve, as well as an example of effective deployment of European funds at local level. A possible next step for the European social partners could be to identify more such cases and investigate how social dialogue could be harnessed to further improve migrant inclusion on the ground.



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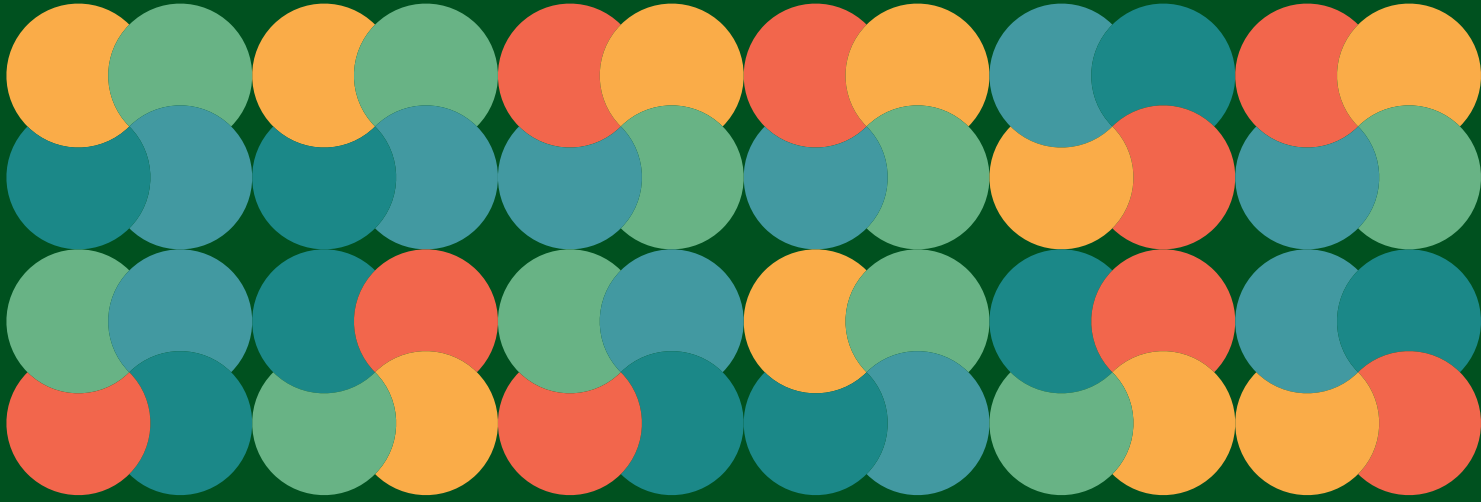
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with the financial support of the European Commission