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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft Council Conclusions on mental health and precarious work

Delegations will find attached a set of draft Council conclusions on "Mental health and precarious work" prepared by the Presidency.

This document will be presented to the members of the Social Questions Working Party on 3 July 2023.

Procedure

*Following the presentation of the draft Council conclusions on 3 July 2023, the Presidency hopes that an agreement on these Conclusions can be reached in two meetings. Delegations are therefore invited to make every effort to develop their positions in good time and send their written comments and drafting suggestions **by 20 July 2023**, with a view to holding a productive discussion at the next SQWP meeting devoted to these Conclusions. Written comments should be sent to the following email addresses:*

LIFE.social@consilium.europa.eu and epsco.UE2023ES@reper.maec.es

Mental health and precarious work**Draft Council Conclusions****ACKNOWLEDGING THAT:**

1. The Treaty on the Functioning of the European Union affirms the essential objective of constant improvements of the living and working conditions.
2. Articles 3 and 31 of the Charter of Fundamental Rights of the European Union stipulate, respectively, the right to both the physical and the mental integrity of the person, and the right to working conditions which respect workers' health, safety and dignity. Principle 10 of the European Pillar of Social Rights establishes that workers have the right to a high level of protection of their health and safety at work.
3. The European Union and the Member States are committed to the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda, including SDG 8 on Decent Work and Economic Growth, which sets as one of its targets to 'protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment'.
4. The European Union promotes the International Labour Organization (ILO) Centenary Declaration for the Future of Work and shares the ILO's values, principles and goals, to shape a fair, inclusive and secure future of work with full, productive and freely chosen employment and decent work for all.
5. Council Directive 89/391/EEC, known as the 'Framework Directive on occupational safety and health', provides that the employer must ensure the safety and health of workers in every aspect related to the work, including as regards psychosocial risks. The Union has also adopted several legal instruments aiming to protect workers from specific health and safety risks.

6. The EU Strategic Framework on Health and Safety at Work 2021-2027 calls for a focus on psychosocial risks at work and on mental health.
7. The Occupational Safety and Health Stocktaking Summit, which was held in Stockholm on 15-16 May 2023, concluded that psychosocial risks and mental health at work need intensified further consideration.
8. Following the announcement in the President's State of the Union address on 14 September 2022, the Commission adopted on 7 June 2023 its 'Communication on a comprehensive approach to mental health'. The Communication has a chapter dedicated to psychosocial risks at work.
9. The European Economic and Social Committee adopted an opinion on 'Precarious work and mental health' on 27 April 2023.

CONSIDERING THAT:

10. Mental health is a state of well-being in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community.
11. Mental health is a vital component of people's well-being, and poor mental health also has economic costs. The Health at a Glance Europe 2018 report highlighted that mental health problems affect approximately 84 million people across the EU, and the total costs of mental health problems are estimated at more than 4% of GDP (EUR 600 billion) in EU countries.
12. Mental health and work are closely interconnected: stress and psychosocial risks at work can impact mental health and, inversely, mental health is a precondition for work ability, competitiveness and productivity. For this reason, action can be taken by the different stakeholders in their respective roles to improve mental health at work.

13. The OSH Pulse: Occupational safety and health in post-pandemic workplaces Flash Eurobarometer shows that as a result of the COVID-19 pandemic, exposure to certain risk factors related to stress and mental disorders has increased¹.
14. Digitalisation, robotisation, and the use of artificial intelligence can prove beneficial in terms of better working conditions and increased productivity. However, they can also have a negative impact on working conditions, including the rise of more precarious jobs.
15. Precarious employment is employment that is ‘poorly paid, insecure, unprotected and that cannot support a household’². Precarious work relates to labour rights, work content, work organisation, working conditions, occupational safety and health (including psychosocial factors), and work relations.
16. Scientific evidence shows that precarious working conditions generate negative stress responses that can lead to disorders such as anxiety and depression.
17. Precarious employment and inadequate working conditions are rarely voluntarily chosen by workers but are often the only possible option for a part of the working population³.

¹ According to EU-OSHA data, 27 % of the European Union workforce claims that stress, depression and anxiety are problems caused or aggravated by work, and more than 4 out of 10 workers throughout the EU state that their work-related stress has increased as a result of the COVID-19 pandemic. In this context, 27 % of the EU workforce surveyed claims to have suffered from stress, depression and/or anxiety between April 2021 and April 2022. Source: https://osha.europa.eu/sites/default/files/Eurobarometer-OSH-in-post-pandemic-workplaces-summary_en.pdf

² <https://osha.europa.eu/en/tools-and-resources/eu-osha-thesaurus/term/62001d>

³ More than one fifth of part-time employment was taken up involuntarily in 2022. Involuntary part-time employment (as a share of the total part-time employment) stood at 20.8% in 2022. [Statistics | Eurostat \(europa.eu\)](#) As a share of total employees, involuntary temporary employment also stood at 4.3% in 2022. [Statistics | Eurostat \(europa.eu\)](#).

18. The prevalence of precarious work varies and has a different impact depending on variables such as sex, age, migrant status, social class, disability or other personal or social vulnerability. According to EU-OSHA data, a higher percentage of women report having mental health problems caused or worsened by work than men⁴. The impact of precarious work is greater in occupations such as social and domestic work, education and health, where women are particularly affected, but also in retail trade and hotels and restaurants, where women are more likely to suffer sexual harassment. On the other hand, men are particularly affected in construction, agriculture and transport, where they suffer from long working hours, intensive work, precarious employment, and often work in isolation. The prevalence of precarious work is also common in jobs affected by digitalisation (platform workers, parcel delivery workers, hauliers, etc.).
19. Existing studies and resources have not focused sufficiently on monitoring information on the quality of employment and its impact on health and quality of life. More statistics on the prevalence of mental health problems at work are needed.
20. The effective application and enforcement of existing EU and national legislation is essential to tackle psychosocial risks at work. Psychosocial risks are preventable if the employer adopts a systematic approach to risk prevention as set out in the legislation and targets it more specifically at precarious work.
21. More efforts should be made to ensure access to affordable mental healthcare and a sufficient workforce, including through the use of telemedicine and in cross-border settings.
22. This set of Conclusions builds on previous work and political commitments of the European Council, the Council, the European Parliament and the Commission and on work by other relevant stakeholders, including the documents listed in Annex I.

⁴ For example, 30% of the women surveyed claim to have suffered from work-related stress, depression or anxiety between April 2021 and April 2022, compared to 25% of men. Moreover, the pandemic increased caregiving responsibilities in combination with employment, thus generating twice the work. This had a disproportionate effect on women, with a negative impact on their mental health as people with caregiving responsibilities.

**THE COUNCIL INVITES THE MEMBER STATES, TAKING INTO ACCOUNT
NATIONAL CIRCUMSTANCES AND RESPECTING THE ROLE AND AUTONOMY OF
SOCIAL PARTNERS, TO:**

With the aim of further promoting the European Pillar of Social Rights and the implementation of its principles 5, 6 and 10, as well as of fostering the implementation of the ILO's proposals set out in the ILO Centenary Declaration for the Future of Work and in the Global Accelerator on Jobs and Social Protection:

23. STUDY in greater detail the legal and practical implications of new forms of work and work organisation, employers' networks and multi-party employment relationship such as temporary agency work or subcontracting.
24. PROMOTE quality employment policies to combat precariousness and address issues such as job insecurity, related, inter alia to certain types of employment contracts (such as involuntary fixed-term or part-time contracts), as well as inadequate wages and the difficulty of exercising labour rights.
25. FOSTER policies that provide workers and their representatives with tools for strengthening their role so as to favour social dialogue as a resource against precariousness.
26. ENSURE the effective application of existing EU and national legislation, to guarantee decent work and safeguard safety and health at work.
27. STRENGTHEN public systems aimed at safeguarding mental health at work, including through training and retaining the mental and occupational health workforce, and providing them with further resources, including human resources with higher qualifications.
28. SUPPORT research into mental health at work with a preventive approach, i.e. focusing on the impact of working conditions on mental health.

29. PROMOTE mental health surveillance systems in companies and strengthen their coordination with public health services, paying particular attention to female-dominated sectors associated with precarious working conditions and sectors providing essential services, including health professionals, teachers and farmers⁵.
30. STEP UP EFFORTS aimed at supporting the recruitment of workers with a mental illness or mental disorder and at promoting programmes for early intervention, work adaptation, and support for workers when they take leave for mental health issues and when they return to work, enabling the flexible and gradual reincorporation of these workers into the workforce, in line with their capacity to work.
31. ENCOURAGE companies and organisations to properly and effectively include the management of psychosocial risks in their occupational health and safety risk assessments and resulting actions.
32. PROVIDE self-employed persons and small and medium-sized enterprises with advisory and technical support relating to the specific challenges they face in managing the prevention of psychosocial risks.
33. PROMOTE training and awareness-raising initiatives and campaigns on mental health in the workplace and on the impact of precarious working conditions on mental health. Promote the inclusion of content related to psychosocial risks in training programmes for human resources professionals.
34. REINFORCE the oversight of the management of psychosocial risks in companies through the action of the labour inspectorates or other inspection bodies in the Member States, pursuant to their national practices.

⁵ An analysis of EWCS surveys across 1995-2015 suggests that there has been a general increase in workplace stressors (e.g., low level of control and rewards at work), with a particularly steep increase for people in lower-skilled occupations. Workers in precarious employment conditions, encompassing low quality employment, job insecurity, income inadequacy and in general a lack of appropriate protection in terms of safety and health at work are generally at a disproportionate risk of poor health outcomes.

35. PROMOTE the effective enforcement of workers' rights, notably national regulations in force in the area of working time, in the light of the Implementation Report and Interpretative Communication on Directive 2003/88/EC on working time adopted by the Commission on 15 and 24 March 2023, respectively.

THE COUNCIL INVITES THE EUROPEAN COMMISSION TO:

36. ENSURE that the mental health aspects of working time are taken into account in the monitoring of the implementation of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of working time.
37. REFLECT on an adequate policy for addressing psychosocial risks based on the legal obligations laid down in the Framework Directive 89/391/EEC, adapted to the new realities affecting the world of work and paying particular attention to their impact on workers' mental health.
38. CONSIDER the diversity of the European population when designing labour policy initiatives, so as to promote the proper protection of those groups whose mental health is potentially the most vulnerable, such as young people, older people, migrants, persons with disabilities, people with low levels of qualification, interns and trainees, among others.
39. CONSIDER the right to disconnect as a measure that contributes to prevent psychosocial risks, taking into account the ongoing negotiations by EU cross-industry social partners on telework and the right to disconnect.
40. FOSTER the coordination of the Member States' efforts in implementing national programmes on the management of psychosocial risks, development of tools and guidance, and improve the exchange of good practices with the support of the European Agency for Safety and Health at Work.
41. IDENTIFY, ANALYSE AND ASSESS the most prevalent forms of precarious employment through the systematic monitoring of precarious employment, and assess the effectiveness and equity of the policies and interventions implemented using statistics and data from Eurostat, EU-OSHA and Eurofound.

42. IMPROVE information systems on the prevalence of mental health problems in the workplace, compiling up-to-date information on labour conditions that have a negative impact on mental health, and their specific effects, broken down by gender and other pertinent factors, so as to enable monitoring of the implementation of policies that improve mental health.

THE COUNCIL INVITES THE SOCIAL PARTNERS, at EU and Member State levels, in accordance with national practices, while fully respecting their mandates and autonomy, to:

43. CONTINUE TO PARTICIPATE in social dialogue, at all levels, regarding the improvement of working conditions that negatively impact mental health, in particular those that are representative of precarious jobs.
44. CONTINUE TO RAISE AWARENESS in companies about the importance of managing psychosocial risks and the potential benefits of promoting mental health and well-being in the workplace.
45. ENCOURAGE companies to incorporate psychosocial risk factors effectively into their risk assessment and to monitor workers' mental health in order to identify and improve working conditions that are potentially damaging to health.
46. CONTINUE TO PROMOTE interventions in companies to promote psychosocial well-being, in particular organisational changes affecting working conditions, rather than interventions focused on specific individuals.
47. CONTINUE TO FOSTER proactive approaches to digitalisation and the use of ICT that has a positive impact on working conditions as regards the preventive management of psychosocial risks.
48. STRENGTHEN the role of social dialogue and collective bargaining in improving the prevention, identification and management of psychosocial risks and in combating psychological violence and harassment.
49. SUPPORT the inclusion of the gender perspective with respect to working conditions in all sectors, assessing the unequal impacts on mental health in men and women.

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