

The new structure and contents
of employers' juridical responsibility for
workers' safety in the
post-industrial system

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28th International Congress
on Occupational Health
Milan, June 11-16, 2006

The importance of interdisciplinary communication

the future of labour studies will be
more and more entrusted to the
capacity for building bridges:
not only between social sciences,
but also between them and
psychology, labour medicine, biology
and even neurosciences

The enlargement of the labour law application area

- subordination is no longer indispensable for the *organic integration* of a worker into the firm's organization
- subordination no longer coincides with worker's *weakness* (the self-employed too can be in a position of economic dependence)

Where labour law will apply in the XXI Century

- the new notion of worker in a position of **economic dependence** from the employer, based on the *duration* of the relationship and its *exclusiveness*

New contents of employer's responsibility

the responsibility
towards the post-industrial worker
is mainly focused
on the risk of an excess
of working stress for
his/her mental well-being

The enormous growth of differences in productivity between workers

the more different each personal
position is from the others,
the more difficult it is
for labour law and for unions
to exert a **control on the pressure**
to which workers are exposed

The sole effective limit to the pressure is the protection of the worker's health

- when the worker operates on immaterial goods the health at stake is mental health
- the working stress with which the mental equilibrium is compatible varies greatly from one person to another
- the employer will bear a responsibility for specific management training in this field

The problem of the causal link between the employer's behaviour and the onset of the mental disorder

- about 48% of people suffer from a mental disorder once in their lifetime
- most of them would have avoided the pathological episode if they hadn't met a stressor
- **how can the vulnerable worker be identified?**

The sub-threshold psychopathology

- the attention of the clinician is now focused on lifetime sub-threshold psychopathology
- this model can provide employers with **new tools for the prevention** of work-related mental disorders

A contradiction between two juridical principles

- the law forbids the employer to make any **enquiry** about the worker's personal medical history...
- ... but the prevention of mental disorders requires the employer to know the **worker's personal medical history**

A possible solution to the contradiction

combining the **right for the worker
not to disclose** clinical information
and the **opportunity for him/her
to communicate** it to the employer
at any time during the work relationship,
so **signalling a specific personal risk**

An easier communication between the employee and the management

- schemes for **managing depression in the work-place** launched in U.S. and U.K. large companies
- **to what extent is the large company obliged** to activate specific schemes in this field?

The variable content
of the employer's responsibility
for the prevention
of mental disorders



depending on firm's dimensions

Harassment: when the worker's harm is not a mishap

- a phenomenon presumably linked to the shift from industrial to post-industrial system
- it is often explainable as **a systemic phenomenon**

The vicious circle

slight inefficiency of a worker → most work is entrusted to the more efficient ones → he/she feels less expected at work → absenteeism → unreliability → further marginalization → protest → perception of the w. as a troublesome presence → quarrels about trivial matters → penalization in the distribution of instruments and spaces → reduction of application → efficiency gap increases → formal sanctions

Bossing and straining: two different causes of worker's harm

- in both cases the employer bears responsibility for the worker's harm, if it could be avoided with due diligence
- three possible factors that create a fertile terrain for harassment:
 - conformism in organizational culture
 - poor job design
 - authoritarianism or excessive *laissez faire*

A new chapter in the matter of health and safety in the work-places

effective prevention may need the activation inside the companies of

- * awareness campaigns
- * climate improvement and bridge-building measures
- * instruments of *intra moenia* mediation
- * specific figures in charge of such measures

A lot of ground
still needs to be covered