

# Minimum health and safety requirements for the protection of mental health in the workplace

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The [original full study](#)<sup>1</sup> discusses psychosocial risks in the workplace and how these are mitigated by policies and legislation. The study presents an overview of the **scale and evolution of psychosocial risks** in EU Member States and provides an overview of the state of play with regards to **relevant legislation and initiatives at national level**, identifying examples of **good practice**. The study reflects on **minimum requirements for effective legislation** in this area and **how national and EU legislation can be coordinated**. The study draws on desk research, secondary data and case studies relating to five Member States (FI, DE, LT, ES, NL), as well as stakeholder interviews at the EU and Member State levels.

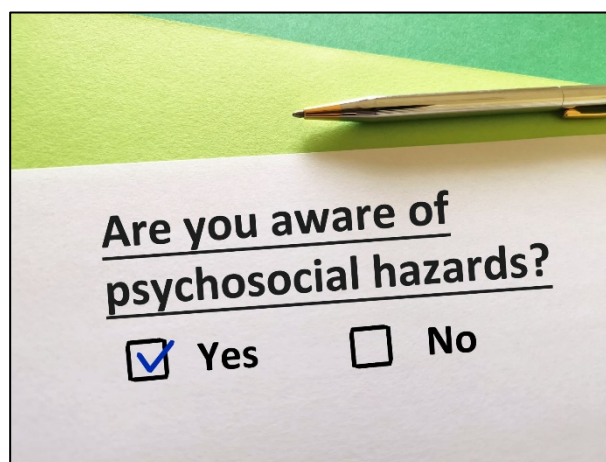
## Background

Psychosocial risks refer to aspects of work organisation that might lead to negative physical, psychological or social outcomes, for instance excessive workload and high work intensity, long working hours and lack of work-life balance, difficult interactions with clients or customers, a lack of support and exposure to harassment, violence and bullying at work. Psychosocial risks have been associated with a range of negative health outcomes for workers, both physical and mental. In terms of wider impacts, exposure to psychosocial risks in the workplace may reduce productivity and increase rates of absenteeism and presenteeism, with associated costs to employers and the wider economy.

## Key findings

Data from the European Labour Force Survey (EU-LFS) for 2020 shows that across the EU, almost half (45%) of workers report exposure to risk factors that can adversely affect mental well-being<sup>2</sup>. The most commonly reported risk factor as reported in EU-LFS data for 2020 (see figure below) is time pressure and work overload (reported by 20% of employees), followed by dealing with difficult customers (10%) and job insecurity (6%)<sup>3</sup>. Workers' exposure to psychosocial risks varies across Member States and across different areas of the labour market. Workers in precarious or non-standard forms of employment may be particularly vulnerable to psychosocial risks. New and emerging psychosocial risks have been associated with the shift to telework/hybrid work, as well as with digital technologies such as algorithmic management.

The EU legal framework developed over the past thirty years addresses different aspects of occupational safety and health at work and well-being in the workplace, most notably Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (the Framework Directive)<sup>4</sup>. However, EU legislation does not explicitly mention psychosocial risks.



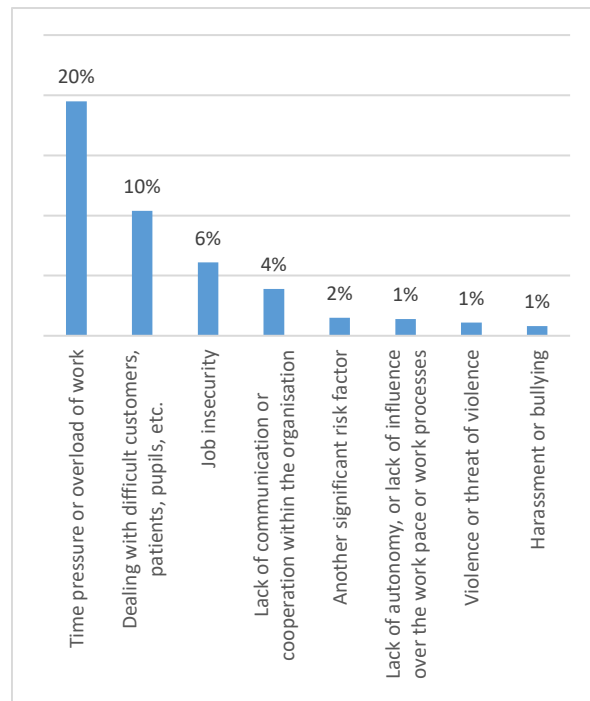
At the Member State level, there is considerable variation in how psychosocial risks have been addressed in national legislation and wider policies and initiatives. Some of the most valuable practices with regard to safeguarding workers' mental health among the Member States include:

- **The right to disconnect** has been enshrined in law in some Member States (ES, PT, FR, BE, EL, IT).
- **Recognition of burnout as an occupational disease** (DE, SE, NL).
- The provision of **clear guidelines and standards** for employers and inspectors on how to assess mental health risks in the workplace.

## Key recommendations

New EU legislation in this area could create greater uniformity across Member States, setting minimum standards and ensuring that legislation covers new and emerging psychosocial risks. The European Parliament has called on the Commission to introduce a **new Directive on psychosocial risks and well-being at work**, developed in consultation with social partners (European Parliament resolution 2022/C 347/10 of 10 March 2022)<sup>5</sup>. Based on the analysis conducted for this study, it is recommended that a new EU Directive should refer to psychosocial risks in concrete and specific terms, address psychosocial risks related to telework and the digitalisation of workplaces and recognise the right to disconnect. The legislation should be universally applicable to all workplaces, with accompanying guidance for employers in different sectors and enterprises of different sizes.

Employees reporting exposure to risk factors at work that can adversely affect mental well-being (EU average) in 2020



Source: Eurostat 2020 ([HSW\\_EXP3](#)).

- <sup>1</sup> Surname, Initial(s), 2021, *Minimum health and safety requirements for the protection of mental health in the workplace*, publication for the Committee on Employment and Social Affairs, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/740078/IPOL\\_STU\(2023\)740078\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/740078/IPOL_STU(2023)740078_EN.pdf).
- <sup>2</sup> Eurostat (EU-LFS), 2020, European Labour Force Survey (HSW\_EXP1). Available at: [https://ec.europa.eu/eurostat/databrowser/view/HSW\\_EXP1/default/table?lang=en&category=labour.employ.lfso.lfso\\_13.hsw\\_exp](https://ec.europa.eu/eurostat/databrowser/view/HSW_EXP1/default/table?lang=en&category=labour.employ.lfso.lfso_13.hsw_exp).
- <sup>3</sup> Eurostat (EU-LFS), 2020, European Labour Force Survey (HSW\_EXP3). Available at: [https://ec.europa.eu/eurostat/databrowser/view/HSW\\_EXP3/default/table?lang=en&category=labour.employ.lfso.lfso\\_13.hsw\\_exp](https://ec.europa.eu/eurostat/databrowser/view/HSW_EXP3/default/table?lang=en&category=labour.employ.lfso.lfso_13.hsw_exp).
- <sup>4</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31989L0391>.
- <sup>5</sup> European Parliament resolution of 10 March 2022 on a new EU strategic framework on labour and safety at work post-2020 (including better protection of workers from exposure to harmful substances, stress at work and repetitive motion injuries) (2021/2165(INI)). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022IP0068>.

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