

INTERNATIONAL MEETING ABOUT THE ANALYSIS OF THE LEGISLATION AND LEGAL PRACTICE ON WORK-RELATED BULLYING

In Donostia - Saint Sebastian, September 2nd and 3th 2010

ORGANIZER OF THE MEETING: THE BASQUE OBSERVATORY ON MOBBING (BULLYING)

The Basque Observatory on Bullying was created in 2003 in Bilbao, promoted by the Basque Council of Advocacy and is composed of lawyers from different backgrounds (judges, prosecutors, advocates and labor inspectors) and other experts in this subject (Work Doctors, Psychologists, Forensic Doctors, etc.).

Till now its activities have taken the form of different seminars and conferences and the elaboration of books on mobbing at work by all the members.

THE CONTENTS OF THE MEETING

The Meeting is going to treat on legislation and legal practice on work-related bullying or harassment relying on the participation legal experts and also experts from other fields (psychology, medicine, sociology, etc.).

The content of the Seminar will be based on four sessions or workshops whose content will consist of the following:

1. The legal treatment of the concept of work-related bullying.

Analysis of the common and differential features of the concept in various legal systems: the intention of the assailant, the reiteration of the behavior, the worker's dignity, the ill-health of the worker, the abuse of management power by the assailant, etc.

2. The legal treatment of the prevention actions for bullying

This may be through the execution of the policies on occupational health and safety legislation to prevent the psychosocial risks or within the labor law policies to establish codes of behavior or employers statements.

We will cover the role of support, surveillance and enforcement which corresponds to the labor public administrations and more specifically to the Labor Inspectorate.

3. The legal and judicial treatment of the intervention on bullying behaviors.

The internal treatment within companies using procedures for complaints or investigating ill-health situations and the support of the public administrations or collective bargaining to set these procedures for small and medium size companies.

What should be the penal treatment of bullying behaviors before the courts and administrative punishment procedures, and what should be the treatment on civil procedures before the courts or arbitrage tribunals.

4. The legal and social treatment to protect the bullying victims and other people affected by these behaviors.

We are analyzing the rehabilitation process in the workplaces with the intervention of the work doctors, health and safety services and the enforcement role of the Labor Inspectors.

The protection from the Social Security System, the social benefits for temporary or permanent disability derived from work-related bullying behaviors.

And lastly, we look at what would be the support of the social institutions to solve familiar problems for affected people

DATES AND PLACES TO ORGANIZE THE SEMINAR

The dates of the Meeting will be **Thursday 2nd and Friday 3th in September 2010**

On Thursday morning there will be two workshop activities held and on Friday morning we will hold the other two. At the end of the Seminar there will be a summary session held by the organizers. Thursday evening would be devoted to leisure activities for the participants.

The place hold the Seminar will be the Miramar Palace of Saint Sebastian within the Summer Courses of the Basque Country University.

Coordination of the Seminar

Juan Ignacio Marcos. Coordinator of the Basque Observatory on Bullying. E-mail: observatoriomobbing@marcosabog.jazztel.es

Manuel Velázquez. Chief of the Labor Inspectorate in Biscay. E-mail: mvelazquezf@mtin.es

Scientist Director:

Cristóbal Molina Navarrete. Professor of Labor Law and Social Security in the University of Jaén. E-mail: cmolina@ujaen.es

CALENDAR

1. Selection of Speakers

The organizers will select the presenters of each of the four sessions of the workshop before 31 January 2010. There will be 16 speakers from very varied backgrounds, four in each session. In each session there will be as speaker at least one member of the Basque Observatory of Bullying.

The speakers will be paid for the travel and accommodation and receive a stipend for his presentation.

2. Selection of Guests

The Basque Observatory will invite all their members to participate in the Meeting and also to significant experts who have conducted studies and experiences on bullying at work.

Persons invited should make at least a brief presentation of their views on any of the sessions. This presentation will be included in the documentation of the Meeting and would be likely to be presented during the sessions.

The guests will be paid the travel and accommodation during the Meeting.

3. Participation of other people

Other people interested in attending the seminar may do so upon payment of the tuition for the Basque Country University Summer Courses.

4. Writing of abstracts

Each participant should prepare an abstract of his/her report for the workshop. That abstract should be sent to the organizers before the 15th of June 2010.

The participants would get to know the abstracts before June 30th 2010.

5. Discussing the reports in the Seminar in September 2010

In the Seminar, each participant will explain his/her report in 10 minutes. The Coordinators of every workshop will run the discussions and previously they will be able to make comments to the participants about the content and the order of their interventions.

6. Presentation of the final reports

After the Seminar, each participant should present his/her final report with content not more than 10 sheets before the 30th of November 2010.

7. Making a book with the reports

Before the 30th of April 2011

OTHER ISSUES

- Work Languages: Spanish and English. French will be available for Speakers
- Contribution of the University of the Basque Country: General Services (management, certificates, press and catering)

PROGRAMME

PRIMERA SESIÓN: EL CONCEPTO LEGAL DE ACOSO MORAL

FIRST SESSION: LEGAL CONCEPT OF HARASSMENT

MODERADOR/CHAIRMAN:

- **Cristóbal Molina Navarrete**

Profesor de Derecho del Trabajo y Seguridad Social en la Universidad de Jaén

Professor of Labour and Social Security Law in the University of Jaén

E-mail: cmolina@ujaen.es

PONENTES/SPEAKERS:

- **Julia Gitahy de Paixão**

Investigadora en la Universidad de Ottawa / Researcher in the University of

Ottawa. E-mail: jupaixao@gmail.com

- **Jordi Escartín Solanelles**

Profesor de Psicología en la Universidad de Barcelona / Professor of Psychology

in the University of Barcelona. E-mail: jordiescartin@ub.edu

- **Gianni Loy**

Profesor de derecho del Trabajo de la Universidad de Cagliari (Italia) / Professor
of Labour Law in the University of Cagliari (Italy)- E-mail: Gloy@unica.it

- **Luis Lafont Nicuesa**

Fiscal del Tribunal Superior de Justicia del País Vasco / Public Prosecutor of the
High Court of Justice of the Basque Country. E-mail: lafon.l@AJU.ej-gv.es

SEGUNDA SESIÓN: LA PREVENCIÓN DEL ACOSO MORAL

SECOND SESSION: PREVENTION OF HARASSMENT

MODERADOR / CHAIRMAN

- **Manuel Velázquez Fernández**

Jefe de la Inspección de Trabajo y Seguridad Social – Bilbao / Chief of the Labour and Social Security Inspectorate – Bilbao. E-mail: mvelazquezf@mtin.es

PONENTES / SPEAKERS:

- **Eusebio Rial González**

Jefe del Observatorio de Riesgos de la Agencia Europea de Seguridad y Salud en el Trabajo / Head of the European Risk Observatory European Agency for Safety and Health at Work (EU-OSHA) – Bilbao. E-mail: rial@osha.europa.eu

- **Annik Apall Austad**

Inspectora de Trabajo en Noruega/ Labour Inspector in Norway. E-mail: annik.austad@arbeidstilsynet.no

- **Cristina Mangarelli**

Abogada y Profesora de Derecho del Trabajo y de la Seguridad Social de la Universidad de la República (Montevideo, Uruguay) / Lawyer and Professor of Labour and Social Security Law in the University of the Republic (Montevideo, Uruguay). E mail: mangarelli@adinet.com.uy

- **David Walters**

Profesor de Ambiente laboral. Escuela de Ciencias Sociales. Universidad de Cardiff / Professor of Work Environment, Cardiff University, School of Social Sciences. E- mail waltersd@Cardiff.ac.uk

TERCERA SESIÓN / THIRD SESSION

LA INTERVENCIÓN LEGAL Y JUDICIAL ANTE LOS SUPUESTOS DE ACOSO MORAL O MOBBING

THE LEGAL AND JUDICIAL TREATMENT OF THE INTERVENTION ON BULLYING BEHAVIORS

MODERADOR /CHAIRMAN

- **Domingo Arizmendi Barnes**

Decano del Colegio de Abogado de Gipuzkoa / Dean of Scholarly Society of Lawyers of Gipuzkoa. E-mail: domingo.arizmendi@cuatrecasas.com

PONENTES / SPEAKERS

- **Helge Hoel**

Profesor de la Universidad de Manchester / Senior Lecturer University of Manchester. E-mail: helge.hoel@mbs.ac.uk

- **Diego López Fernández**

Dirección de Trabajo, Gobierno de Chile. Profesor de Derecho del Trabajo de la Universidad Antonio Hurtado. E-mail: dlopez@uahurtado.cl

- **Jorge Couto de Carvalho**

Abogado/ Lawyer Rio de Janeiro. [E-mail: jorgejr@coutodecarvalho.adv.br](mailto:jorgejr@coutodecarvalho.adv.br)

- **Ada García**

Socióloga- Directora de CAP-SCIENCES HUMAINES / Sociologist- Director of CAP-SCIENCES HUMAINES / E-mail: ada.garcia@gsw.ucl.ac.be

- **Juan Ignacio Marcos**

Abogado, Coordinador del Observatorio Vasco sobre el Mobbing. - Lawyer, Coordinator of the Basque Observatory on Bullying, Bilbao. E-MAIL: observatoriomobbing@marcosabog.jazztel.es

CUARTA SESIÓN/ FOURTH SESSION

EL TRATAMIENTO LEGAL Y SOCIAL QUE DEBE DARSE A LA PROTECCIÓN DE LAS VÍCTIMAS DE MOBBING Y A LAS PERSONAS AFECTADAS POR ESTAS CONDUCTAS THE LEGAL AND SOCIAL TREATMENT TO PROTECT THE BULLYING VICTIMS AND OTHER PEOPLE AFFECTED BY THESE BEHAVIORS

MODERADORA / CHAIRWOMAN

Itziar Fernández Mendizabal

Abogada, Gobierno Vasco. Lawyer, Basque Government E-mail: itz-fernandez@ej-gv.es

PONENTES/ SPEAKERS

- **Katherine Lippel**

Directora de Investigación de Canadá en Derecho de la Seguridad y Salud en el Trabajo. Facultad de Derecho. Universidad de Ottawa / Canada Research Chair on Occupational Health and Safety Law. Law Faculty. University of Ottawa. E-mail: klippel@uottawa.ca

- **Ikerne Meso Llamosas**

Letrada de la Seguridad Social. Profesora de derecho del Trabajo y Seguridad Social de la Universidad del País Vasco / Social Security Lawyer. Bilbao, Professor of Labour and Social Security Law in the University of Basque Country. E-Mail: miren-ikerne.meso@inss.seg-social.es

- **Domenico Taddeo**

Médico del Trabajo. Unidad de Salud de Pisa (Italia) Director de la Autoridad Pública de Inspección de Seguridad y Salud en el Trabajo / Work Doctor – Health Unit Administration of Pisa (Tuscany) Italy Director of Public authority of Labour Inspection about health and safety. E-mail: d.taddeo@usl5.toscana.it

- **Marina Parés Soliva**

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