

## ETUC position on a new EU strategy on Occupational Safety and Health

Adopted at the Executive Committee Meeting of 22-23 October 2019

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### Background

According to the European Pillar of Social Rights, “workers have the right to a high level of protection of their health and safety at work”.<sup>1</sup> However, almost 8% of workers suffer from work-related ill-health. Every year there are over 3 million accidents at work in the EU, of which 4,000 are fatal; 120,000 people die of work-related cancer. Over a quarter of workers in Europe experience excessive work-related stress and 23% believe that their safety or their health is at risk because of their work. More action is needed to ensure safety and health of all workers in every workplace.

The EU strategic framework for health and safety at work 2014-2020<sup>2</sup> expires next year. The renewal of this framework must be an urgent priority for the incoming European Commission. The ETUC reiterates that not only is a new EU Occupational Safety and Health (OSH) strategy essential, but also that we stand ready to lead the discussion by outlining some of the priorities that the successor strategy should include. It is crucial to keep OSH in forefront of discussions within the European Parliament, Commission and Council; and to make sure that action is taken to improve OSH all over the EU.

The current strategic framework identifies three main challenges: (i) improving the implementation record of member states, in particular by enhancing the capacity of micro and small enterprises to put in place effective and efficient risk prevention measures; (ii) improving the prevention of work-related diseases by tackling existing, new and emerging risks, and; (iii) tackling demographic change. ETUC believes that these challenges remain relevant and that a new strategy should build on them, but also emphasize the gender and equality dimension of OSH and healthy ageing of workers. Furthermore, a new strategy needs to be more ambitious in calling for clear actions. Therefore, the successor of the current OSH strategic framework should be a strategy and not a strategic framework, thus giving more political weight to goals and actions proposed, and ensuring proper follow-up.

The ETUC also takes note of the recently adopted tripartite opinion of the Advisory Committee on Safety and Health at Work (ACSH). This prioritises the promotion of new and improved national OSH strategies; social partner involvement; support for implementation in small enterprises; enforcement; new work patterns; preventing work-related diseases and improving statistical data collection thereof; and OSH evidence base. The opinion recommends the Commission to adopt a new EU strategic framework on Occupational Safety and Health following the current strategic framework, developed in cooperation with the ACSH.

The ETUC calls for the European Parliament, Commission and Council to take the lead and be ambitious in the field of OSH. During the last mandate, important work has been done in relation to occupational cancers. However, there is a strong need to also focus on EU policies that aim at better prevention of other forms of occupational diseases, musculoskeletal disorders and psychosocial risks (stress prevention). There is also an urgent need to adapt current policies to the changing world of work, focusing on new ways of organising work.

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<sup>1</sup> Principle 10, European Pillar of Social Rights

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2014:332:FIN>

The ETUC and its affiliates take responsibility to contribute to the development, elaboration and implementation of these policies.

## **Priorities for a renewed EU OSH strategy**

The ETUC calls for the new strategy to include the following:

### **1. The promotion of new and improved national OSH strategies**

The ETUC notes that the current strategic framework has played a major role in member states, where all except one now have national strategies on OSH.

A new EU OSH strategy should contribute to making sure that member states continue to develop and improve their current national strategies. The strategies should be more ambitious, promote strategy-design in cooperation with social partners and be specific, focusing on implementing effective and binding measures.

To ensure this the Commission ought to require member states to report back on the targets set in the national strategies. European funding should be made available to support the implementation of these national strategies, provided social partners are involved.

The European Agency for Safety and Health at Work (EU-OSHA), which promotes risk prevention so as to improve working conditions in Europe, should continue to play a role in mapping and supporting national OSH strategies. The ETUC and its affiliates will use their prominent role in the governance of this agency to ensure it does so.

### **2. Social partner involvement**

Trade unions shall be involved in a meaningful manner at all levels in the design, implementation and evaluation of the EU OSH strategy. Strong social dialogue has been the hallmark of EU OSH policy development in recent years and this should be built upon by strengthening the effective dialogue mechanisms at both European and national level.

Furthermore, the strategy itself should stress the importance, and requirement, of social partner involvement in the formulation of all EU and national policies and in the measures taken at all levels.

The sectorial social dialogue committees play an important role in monitoring the implementation and enforcement of the existing OSH legislative framework as well as to promote new instruments to respond to the OSH challenges in different sectors. It is therefore important that the new strategy also recognizes and support the role of sectorial social dialogue in assessing and adapting the regulatory framework vis-à-vis the different sectorial needs.

### **3. Supporting implementation in micro, small and medium-sized enterprises and enlarging the scope of the EU OSH strategy to self-employed**

Research shows that an effective way of supporting small enterprises is by providing them with face-to-face advice. This is especially important in ensuring the same quality OSH standards for all workers, irrespective of the size of firm they work for. Self-employed workers should also fall under the scope of protection of OSH legislation and policies.

The European Commission should therefore take actions as advised in the SESAME study on OSH in micro and small enterprises, including funding a pilot project for regional trade union health and safety officers to cover multi-employer work sites and short-term working centres, such as construction sites.

ETUC is opposed to any concession for SMEs with the pretext of limitation of administrative burdens. Such concessions may be detrimental to the prevention of occupational accidents and diseases. Furthermore, ETUC opposes a new EU OSH strategy placing tasks upon the Commission that will effectively lower the level of protection of workers, e.g. as a part of the REFIT programme. On the contrary, the aim should be to increase the level of protection.

It is equally important that the strategy supports the implementation of OSH measures in larger enterprises, including multinational enterprises, and in the public sector. One example is the huge problems related to psychosocial risks and stress in the public sector, and the lack of effective measures taken.

The new strategy should also promote democracy at work in the field of health and safety, such as preventive measures by securing the active participation of workers. This includes supporting trade union workplace health and safety representatives and committees. Worker representatives for health and safety play a key role in providing effective prevention at corporate level. The European Commission should promote policies that improve the coverage and conditions of safety representatives throughout Europe.

#### **4. Enforcement**

Enforcement of EU OSH regulation is crucial to protect workers' lives and health and to guarantee that EU law related to OSH is applied throughout the EU, while giving member states the right to implement regulations that are more favourable for workers. At the same time, it is the responsibility of the member states to enforce EU OSH legislation; the European Commission should monitor the situation and act if there is not sufficient progress.

Labour inspectorates need more support. The frequency and quality of the inspections also need to be improved. Throughout Europe labour inspectorates are suffering a shortage of financial and human resources, which has been exacerbated by the application of EU and national austerity policies. In this regard, the EU should take ambitious steps to reach the ILO objective of minimum 1 health and safety inspector for every 10.000 workers. At the same time the work products of the Commission Senior Labour Inspectors' Committee (SLIC) should be disseminated in a more efficient and transparent way.

Further to this, the ETUC calls the Commission to increase efforts towards the implementation and monitoring of existing sectorial directives aimed at ensuring occupational safety and health and including those that are the result of European agreements between the employers and the trade unions based on article 155.2 of the Treaty.<sup>3</sup>

ETUC supports a new EU OSH strategy that relates to the new European Labour Authority (ELA). ELA could play a part in securing a level playing field; combatting social dumping based on the lowering of health and safety protections for workers of different EU member states; and developing training programmes for labour inspectorates. ELA should also protect mobile, migrant and seasonal workers, as due to language and other barriers they are more likely to have an accident at work. Many of them, particularly irregular migrants, are not adequately covered by social systems and data reporting.

Trade union workplace health and safety representatives and committees are key for proper workplace enforcement. When safety representatives are elected at a workplace, they should be assured that they inter alia can represent employees in dialogue with the

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<sup>3</sup> E.g. Council Directive 2010/32/EU implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU

employer; have enough time to do his/her duties; get proper training; can make investigations; and can issue provisional improvement notices.

The existing lack of harmonisation on the recognition of occupational diseases may lead to discrimination of some companies and workers in the EU, whose countries have either higher or lower recognition of occupational diseases. The new strategy should therefore create a European minimum list of occupational diseases with comparable recognition criteria across the EU which will also enhance prevention and will contribute to a higher return of investment in OSH.

## **5. New work patterns**

The transformative effect of new technologies, changing demographics, new ways of organising work, climate change and the shift towards the green economy is changing profoundly the world of work. The ETUC is concerned about the negative effects of digitalisation on OSH and workers, as new forms of work created by digitalisation (such as digital labour platforms) could fall outside the scope of OSH regulations, which were designed to protect workers in standard forms of employment. All workers in the EU should come under the protection of OSH legislation.

These changes are already bringing new and fast evolving challenges for the safety and health of workers such as increased workers monitoring, an assumption of 24/7 availability, more frequent job changes and the management of work and workers by algorithms. Those changes are often also the effect of labour market deregulation, e.g. subcontracting labour, atypical and bogus self-employment, which have negative impacts on working conditions and occupational health and safety. The new EU OSH strategy must therefore require the European Commission to explore what policies are needed and take the necessary steps to effectively protect workers, including an assessment of the consequences of the definitions of workers and employers in the EU OSH legislation, while maintaining the principle of “same OSH standards for all workers”.

To meet those challenges, the new strategy needs to reflect this changed reality and provide new solutions, such as advanced workplace risk assessments, also using the opportunities offered by digital technologies and promoting a proactive worker-centred approach in the planning and implementation of digitalisation strategies and a framework to clarify OSH liabilities and responsibilities in relation to new systems and new ways of working.

## **6. Preventing work-related diseases, accidents and harassment**

Work-related diseases are the biggest cause of work-related deaths and a major cause of sick leave and turnover. A new EU OSH strategy must therefore address the major causes of work-related diseases such as cancer, mutagens and reprotoxic substances, ergonomics and psychosocial risks, and it should be based on the principle of 'eliminate the hazard'.

The strategy should include a vision for zero work-related cancer. ETUC will continue to push for ambitious revisions of the Carcinogens and Mutagens Directive (CMD), having demanded the inclusion of 50 priority substances with binding occupational exposure limit values (BOELs) during the previous Commission. Only half of that was achieved. At the same time the setting of BOELs is only a start. Some of the limits are still far too high and needs to be lowered as soon as possible. It is also necessary that EU policies focus on the employers' obligations to keep exposure as low as technically possible.

It is important that the CMD scope is extended to reprotoxic substances in line with the joint declaration signed by the ETUC with employers in October 2018<sup>4</sup>. Furthermore - and without undermining the work towards a vision for zero work-related cancer - an EU-level methodology for adopting BOELs for carcinogens without thresholds should be sought, including determining what the acceptable lifetime extra cancer risk should be. Solar radiation, night work, air pollution and working with cytostatic agents can also cause cancer and therefore BOELs should also be established. There is also need for action on nanomaterials and endocrine disruptors, and for clear targets and enforcement strategies. Finally, an ambitious plan for preventing exposure to asbestos should be developed, including a revision of the EU Directive on Asbestos.

The strategy should address the situation of workers who return to work after sick leave. This period is very sensitive and the reintegration process is crucial for the future health of the worker, especially when the worker suffered from mental ill-health, trauma, chronic illness, disability or a severe accident. The strategy should promote occupational health services which enable workers who have a long-term illness, work-related or not, to maintain their employment in a good job and sustain their productivity. The Commission should develop an action plan or guidelines to improve the rehabilitation and the return-to-work process, including an analysis of the current state of play in the member states, identifying best practices and developing concrete tools and efficient measures.

The strategy needs to be ambitious when dealing with Musculoskeletal disorders (MSD). The legislative framework established by the EU to prevent this type of risk is insufficient; the work on revising the Display Screen Directive and the Workplace Directive has been slow. Therefore, the strategy should consider an initiative on physical risk factors dealing with the huge problems with MSDs and focusing on effective prevention at the workplace. ETUC will work for the need for a more comprehensive EU legislation on MSDs, so as to be included in the strategy, as well as for requirements that the member states include MSD in their national strategies. The strategy should emphasize the need for training and awareness-raising on MSDs of workers as well as the key role of health and safety representatives in this regard. A gender sensitive approach is particularly relevant in preventing MSDs and work-related cancer among women.

It is ETUC policy that Europe should have a dedicated Directive in the area of Psychosocial Risks (PSR) in the workplace. The experience of the patchy implementation of the 2004 autonomous framework agreement on work-related stress has demonstrated the need for legally binding requirements in the wider field of PSR. One quarter of Europeans suffer from work-related stress.

The strategy should call for research on the effects of the different guidelines, good practices and campaigns that has been the main part of the EU policies on psychosocial risks so far. One example is the guideline on PSR and MSDs that was developed by EU-OSHA and published in 2018. There is a strong need for sound knowledge on the effectiveness of these instruments.

The ILO has adopted a new Convention (C190) and Recommendation (R206) to stop violence and harassment in the world of work, in June 2019. A new strategy should promote the ratification and implementation of C190 and R206 by member states. The strategy should also include the requirement of adapting EU policies to the convention, e.g. EU legislation that deals with the employers' obligation to prevent work-related violence and harassment including a duty on employers to act to prevent third party violence and harassment (i.e. from customers and visitors).

Workers in Europe should never have to work in temperatures that place their health at risk. With the current weather trends, difficult conditions are likely to be more frequent

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<sup>4</sup> <https://www.etuc.org/en/pressrelease/chemical-industry-and-workers-call-european-commission-update-eu-rules-reprotoxic>

and more extreme. The strategy should therefore include a legislative instrument that recognises this increased risk and provides a framework for protecting workers.

Furthermore, the new strategy should highlight the problems with accidents at work. Every year in the EU, 4 000 workers are dying as a result of accidents at work. Even if accidents are not mentioned in the ACSH opinion on “future priorities”, the strategy should include a vision on zero fatal accidents. Such a vision could be followed-up by an indicator on fatal accidents in the Social Scoreboard. It is also pertinent to develop a unified definition of fatal accidents and to improve data collection.

## **7. Improving statistical data collection and OSH evidence base**

ETUC fully supports the collection of better statistics and evidence on OSH, stressing the importance on improving the validity of data on occupational diseases. To this end the protocol of reporting should be unified. Furthermore, ETUC calls on the member states to enhance exchanging information on work-related illnesses and infections. To make the issue of OSH better understood and transparent, the ACSH and the EU-OSHA have been developing an online tool, the OSH Barometer. It is aimed to provide comparable and reliable information and data on the status of OSH and its management at member states' levels. The OSH Barometer can be a useful tool in helping workers' representatives with knowledge on work accidents, health perceptions of workers, working conditions, workers' involvement and prevention at workplace level.

## **8. Strengthening international cooperation**

The EU has an important role to play on the global scene so as to reduce work accidents and occupational diseases. The new EU OSH strategy should therefore include a global strategy on OSH. To this end it is important that ILO Conventions on health and safety are recognised as fundamental Conventions.

The EU should promote, through the ILO, the levelling-up of rights on safety and health as a fundamental right at work for all workers, irrespective of their employment relationship or the kind of business model they work for (including digital platforms, e-commerce and crowd-work). Atypical workers are the most vulnerable to occupational safety and health risks and therefore they deserve special attention in the strategy. The EU should work together with the ILO on finding solutions to OSH problems related to work that is performed in the EU but based and managed outside the EU (e.g. platform work). The EU should support the inclusion of the rights to safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work, in accordance with the resolution on the ILO Centenary Declaration for the Future of Work adopted at the 108th session of the International Labour Conference. Specific support to accession and neighbourhood policy countries need to be put in place with the use of the knowledge and experiences of the EU member states' social partners.

## **9. Mainstreaming OSH**

ETUC calls on the European Commission to keep working on mainstreaming activities regarding OSH, involving the active participation of the ACSH.

The current EU strategic framework includes the following OSH areas: education, research, public health, environment, industrial policy and equality. The ETUC suggest adding public procurement to the list, so as to enhance policy development addressing the supply chain and the use of subcontracting.

Moreover, the new EU Directive on whistle-blower protection has a potentially important role to play as a tool to secure the wellbeing of workers, including in the context of OSH.

Mainstreaming OSH into education, plays a major role in creating a new OSH culture, which is central to effective prevention at the workplaces.

## **Implementation of the EU OSH strategy**

The Commission should ensure proper monitoring of the implementation of the new EU OSH strategy, involving all relevant stakeholders, including the social partners, e.g. through the ACSH.

There is a strong need of investment in occupational safety and health. OSH investment does not only improve people's lives but also has a positive effect on national economies. The productivity and performance of business is improved, and consequently it contributes to national competitiveness. Studies show that the employers' return of investment is doubled for every euro spent on occupational safety and health. Member states should be encouraged to use the European Social Fund (ESF) and other structural funds to improve and implement their national OSH strategies and policies, and to finance actions relating to OSH.

Investments in OSH should be analysed within the context of a discussion on job quality. Data from Eurofound demonstrate that casual employees have the lowest access to information about OSH risks. Furthermore, precarious types of employment as well as unemployment contribute to mental ill-health. Standard working conditions and gender equality provide the best prevention of psychosocial risks, thus leading to enhanced wellbeing and higher productivity. To this end, the ETUC welcomes the recent Eurofound study which suggests that: "when country-level factors of potential importance for the relationship between working conditions and workers' health and well-being are considered, analysis shows that higher union density, greater employment protection and more gender equality are associated with higher rewards, more work resources and less work extensity. Member States should, therefore, be encouraged to invest in initiatives that boost union density, employment protection and gender equality, and so contribute to a healthier workforce in the medium and long term."<sup>5</sup>

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<sup>5</sup> [Eurofound \(2019\), Working conditions and workers' health, Publications Office of the EU, p. 51.](#)