Seems they didn’t hear you

Refit and trade union action
Europe and health and safety at work

• End of the ‘80’s, early ‘90: wave of EU directives on health and safety

• Needed for ‘open market’ reasons
  o To get rid of different national standards on health and safety, seen as an obstruction for open internal market
  o Compromise: European directives with minimal rules on health and safety on a high protection level to be transposed by all member states
  o Some direct European regulations (e.g. technical safety standards for machines; labeling of dangerous substances, ...)
  o > 50 health and safety directives and regulations since 1985
• Opposition to wave of EU rules slowly growing
  o Deregulation wave: risk evaluation as guiding principle instead of fixed H&S rules
  o Resistance of employers and governments to new rules
  o Demands for cost-benefits assessments of EU-regulation H&S
  o Difficulties for member states to keep the pace of transposing EU directives timely
  o End 90’s: EU-administration for Health and Safety Unit more than halved: transferred to public health issues (mad cow disease)
• **Growing EU scepticism**
  - Cry for subsidiarity
  - Brakes on new Eu rules
  - Employers: soft law, guides, good practices, everything but regulation
  - Regulation–fatigue (new) member states

• **More general move**
  - SMART regulation
  - Exceptions for SME’s
  - Reducing administrative burdens as way out of crisis

• **EU commission, 2007**
  - To reduce administrative burden by 25% by 2012
  - Expert commission Stoiber
  - Surveys questioning employers which legislation was hindering growth
  - Pseudo-scientific calculations of savings to be made by cutting eu legislation
• **Social legislation under pressure by smart regulation**
  - Belgium: revision of EU-accountancy rules and directives had immediate effects on information and consultation rights of workers
  - Increased sensitivity Belgian labour movement for “smart” regulation
  - Initiatives Belgian trade unions to Belgian politicians to oppose this deregulation

**2012: Problems in transposing EU sectoral agreements**

**Positive experiences so far with EU sectoral agreements on H&S issues**
  - e.g. agreement on avoiding needle prick accidents in health sector
  - Attractive mechanism for social partners to build EU-wide H&S standards for their branches
  - Legislative mechanism without involvement EU-parliament, sectoral agreement + qualified majority in Council
• **Difficulties in transposing hairdressers agreement in EU-directive**
  o Number of governments started lobbying to restrain Commission initiative for transposing agreement into directive: doubts raised on representativity social partners, on conformity with EU-law, ...
  o Common letter 9 governments to Commission
  o Netherlands: government coalition agreement holds paragraph on hairdressers agreement
  o Growing resistance: cfr campaign in British tabloids
  o Difficult position for EU-administration social dialogue, mission in art 154-155 TFEU

• **Weaker importance Health and Safety issues in internal EU policy**
  o EU-strategy health and safety at work 2007-2012: mid term review, doubts on results, doubts on new strategy, postponed, no new strategy, a “framework” to be decided?
  o EU Commission work programme 2013: no real social chapter
  o Weak position DG Employment in EU administration
Hair Hitlers

EU rules to ban hairdressers from wearing rings and heels

Cut it out... stylish but harmless

EXCLUSIVE By TOM HEWTON-DUNN, Political Editor Last Updated: 13th April 2012

Hairdressers could be banned from wearing high heels, jewellery and even watches under barmy new Brussels rules. They would have to don “suitable clothes” and face a strict limit on the number of hours they can work each day.
Refit communication Commission 2 October 2013

• Commission will not propose any new measures on Health and Safety during current mandate:
  o No extension directive with 17 new limit values on which employers-workers agreed (diesel exhaust fumes, vinylchloridemonomer, ceramic fibres)
  o No extension to reprotoxic substances and mutagens
  o No proceeding with directive on musculo skeletal disorders and work on screen displays
  o No proceedings with directive about environmental tobacco smoke on workplaces
Refit communication Commission 2 October 2013

• Announcement not to implement hairdressers agreement during this commission mandate
• Announcement to review existing H&S legislation following the ongoing evaluation of 24 directives (concluded in December 2013)
• Side effects of refusal for hairdressers agreement to other sectoral agreements: fishery sector transposed ILO Convention 188; inland navigation agreement
• “Top ten consultation” employers to be implemented contains EU-legislation in field of labour such as temporary agency work, consultation and information of workers, working time directive,…
• Also measures announced regarding environmental issues (waiste, soil, EMAS- certification); transport (rearview driving mirrors on older trucks), organic-agriculture,…
REFIT - Fit for growth – EU law becoming lighter, simpler and cheaper

Initiatives presented under Commission Regulatory Fitness and Performance Programme on 02/10/13

- animal health
- consumer product safety and market surveillance
- public procurement
- the Common Consolidated Corporate Tax base
- clinical trials with pharmaceuticals
- package travel, holidays and tours
- professional qualifications
- long-term investment funds
- recording equipment in road transport (tachograph)
- etc.

Pending Commission proposals awaiting adoption by the co-legislator

- information and consultation of workers
- business statistics
- company law
- introduction of a standard VAT declaration
- zootecnic measures
- trade regulations
- visa code
- Schengen border code
- etc.

Legislation the Commission considers for repeal or will not take forward

- occupational safety and health for hairdressers
- musculoskeletal disorders and screen displays
- environmental tobacco smoke
- clean and energy-efficient road transport vehicles
- soil directive
- access to justice in the environmental field
- statute of a European private company
- retrofitting of mirrors to heavy goods vehicles
- etc.

New initiatives for simplification and codification by the Commission

- chemicals not covered by REACH
- type approval of motor vehicles
- waste
- the general food law
- health and safety at work
- NATURA 2000
- Coherence of EU legislation in the financial sector
- Visa Information System
- Frontex
- etc.
Reactions ETUC, Uni Europe, Belgian trade unions

• Common letter Belgian trade unions to prime-minister Di Rupo
• Discussions in ETUC workers group Advisory Committee for Health and Safety at Work
• Poster campaign ETUC: #RethinkRefit
• Protest actions Uni-Europe: letters, mails,...
Hairdressers have the right to be protected from skin diseases, Mr Barroso!

Working rights are not red tape to be slashed, Mr Barroso!

Micro-enterprise workers deserve more than micro rights, Mr Stoiber!

Seconded workers deserve more than second-class rights, Mr Barroso!

Back injuries are a workplace issue - bring forward workplace protection, Mr Barroso!

Being properly consulted on restructuring in your workplace is not a luxury but a necessity, Mr Barroso!

100,000 die a year from work-related cancers: how many have to die before the EU will act, Mr Barroso?

Cut tax evasion not working mothers’ rights, Mr Van Rompuy!
Conclusion EU-summit 24-25 October 2013 on Refit ( + repeated Council conclusions 2-3/12/2013)

- (...) “need to ensure that EU regulation is transparent, simple and is achieved at minimum cost, while fostering competitiveness and job creation, and always taking into account proper protection of consumers, health, the environment and employees “
- (...) “welcomes the Commission’s Communication on REFIT "Results and Next Steps“
- “...urges the Commission and the legislator to rapidly implement the Refit programme, inter alia through simplification of existing EU-law, by withdrawing proposals that are no longer needed and by repealing legislation that is out of date “

- **Camerons’ media event during Eu Summit**
  - Presents British campaign “cut eu red tape for Eu legislation”
  - Drastic proposals from British employers to cut more Eu legislation
  - Media event starring Cameron (UK), Barroso, Letta (IT), Rutten (NL), Merkel (BRD), Katainen (FI), Reinfeldt (SE), Thorning-Schmidt (DK), Tusk (PL), Ansip (EE) with Cut EU legislation logo
Rethink refit

Seems they didn’t hear you

www.RethinkRefit.eu
• Di Rupo: public distance from this Cameron event
• France: made reservations in preparatory discussions top draft conclusions on Refit
• Debate in European Parliament:
  o Own initiative
  o Main work in Commission Juri related to annual report 2011 on better lawmaking 2011
  o Resolution amended to cover also Refit communication October 2013
  o Rapporteur Sajjad Karim, UK, Conservative Party
  o More than 70 amendments put to vote
  o Vote in Commission on 21\textsuperscript{st} of January 2014
  o Vote in plenary meeting EP 4\textsuperscript{th} of February 2014
Trade union campaign developed further

• Again on agenda ETUC executive committee on request
• December meeting ACHS workers group meeting
  o No general sense of urgency
  o Absence of important number of member states
  o Some colleagues prefer general political action instead of focalised action in Refit and H&S issues
  o Active support of Refit-campaign by limited number of members (Netherlands, Slovenia, ...)
  o Difficulties to mobilise affiliates for this theme
  o Some hope their national legislation will withstand EU deregulation, ignoring Refit also targeting “goldplating” practices by EU member states
Belgian Refit campaign

- Common letters by Belgian trade unions to all MEP’s and ministers concerned
- Requesting them to answer by January 15, on 6 precise questions:
  - Yes or no for hairdressers agreement
  - Yes or no for extending HS legislation on carcinogens
  - Yes or no to 17 new binding TLV’s for chemicals
  - Yes or no to maintain written risk evaluation
  - Yes or no to relax regulations on consultation of workers
  - What initiatives they plan to counter negative effects of Refit?
- Answers will be published in trade union newspapers
- Plan to repeat same questions to all candidates next elections
Refit campaign website: www.rethinkrefit.eu

- Transformed in a common website by the 3 Belgian trade union confederations
- Objectives:
  - To provide background information on Refit
  - To provide action materials, draft letters to politicians
  - Tool to address ready designed mails to MEP’s
  - Online petition: 4339 signatures so far
  - Postcard action: already some 10,000 delivered to Belgian MEP’s
- Replies by MEP’s and ministers on our mails and letters
- Netherlands, Sweden, Slovenia, Lithuania did similar campaign towards politicians, partly also in Italy, Czech Republic, ...
- Campaign UNI Europe
Refit in EU parlament

- Commissie Juri voted 21st of January on > 70 amendments (in 6 minutes 😊)
- Rejected most of trade-union friendly amendments
- 10 amendments mainly by S&D and Greens re-introduced for vote in plenary meeting
- Letter-campaign to MEP's by ACV-CSC, ABVV-FGTB, ETUC to support amendments
- Similar initiatives by other ETUC-affiliates: Sweden, Netherlands, Slovenia,...
Positive amendments adopted in plenary

“Stresses that evaluating the impact of new regulations on SMEs or large companies must not result in discrimination between workers on the basis of the size of their companies or erode workers’ fundamental rights, including the right to information and consultation, working conditions, wellbeing at work and rights to social security; nor must it hinder improvements to these rights or their safeguarding at the workplace in the face of existing and new risks connected with work;”

Adopted by 79% majority: S&D, Greens, PPE vs ALDE
Other amendments rejected:

Take action to reduce burdens identified by SMEs across Europe in the ‘Top 10’ consultation provided that Social Partners agree;

Rejected 58% / 42%: S&D + G vs PPE + ALDE+ECR majority

Criticises generally that in this respect the Commission identifies in its Communication "Regulatory Fitness and Performance (REFIT): Results and next steps" (COM(2013)685) EU-legislation on workers information and consultation rights as legislative candidates to unburden companies as well as the entire area of EU law concerning occupational health and safety as potentially redundant;

Rejected 55% / 42% by PPE+ALDE+ECR majority
Regrets that the European Commission listed as "red tape" the agreement in the hairdressing sector in its communication COM(2013)685, despite the joint request of the Social Partners according to Article 155 TFEU, and stresses that the REFIT agenda must not be an excuse for continued postponements of the legislative implementation of Social Partners' Agreements at EU level, which in turn undermines Health and Safety at Work;

Rejected 56% majority: PPE+ALDE+ECR
• **Stresses that evaluating the impact of new regulations on SMEs or on large companies must neither result in discrimination between workers on the basis of the size of the companies that employ them nor erode workers’ fundamental rights, including the right to information and consultation, or their working conditions, wellbeing at work and rights to social security, nor must it hinder improvements to these rights or their safeguarding at the workplace in the face of existing and new risks connected with work;**
• Welcomes, in this regard, the Commission communications on smart regulation and on EU regulatory fitness, as well as the Staff Working Document on the ‘Top 10 most burdensome legislative acts for SMEs’; considers that these documents represent credible advances in the better lawmaking agenda and reflect many of Parliament’s previous requests;

• Considers that these rhetorical advances should now be consolidated with concrete action; urges the Commission, therefore, to come forward with further concrete proposals to reduce the overall EU regulatory burden without undermining health and safety at work, and in particular to:
o **take action to reduce the burdens identified by SMEs across Europe in the ‘Top 10’ consultation as soon as possible**;

o *increase, where appropriate, the use of exemptions or lighter regimes for micro-enterprises and SMEs when proposing new legislation, and make EU public procurement rules more SME-friendly;*

o **rapidly implement the commitments set out in its Regulatory Fitness (REFIT) communication of 2 October 2013 (COM(2013)0685), and complete evaluations in key policy areas before the end of the current legislative term, including input from all levels of government in the principal sectors that are of concern to local and regional authorities;**
• Emphasises that improving health and safety at work and the information and consultation of workers are two important keys to strengthening productivity and competitiveness in the European economy; stresses that strong and stable regulation in those areas does not hamper, but rather contributes to growth.

• Understands ‘gold-plating’ to be the practice whereby Member States, in transposing EU directives into national law, go beyond the minimum requirements; reiterates its support for measures to tackle unnecessary gold-plating and therefore invites Member States to explain, in cases where gold-plating is undertaken, their reasons for doing so.
Announcement Viviane Reding during debate in European Parliament

“What does it imply in terms of concrete proposals? Among the measures listed in the REFIT Communication of last October, 21 proposals that will bring important simplifications are already with the core legislator. In addition, the Commission is proposing 23 new legislative initiatives to simplify laws and reduce regulatory burden, and 31 new evaluations to identify the precise measures to take. The Commission will also suggest the repeal of nine legislative acts that are no longer needed and refrain from proposing legislation in six areas during this mandate. Nearly 40 evaluations are already underway.
• European Parliament won’t deal with new proposals of directives during this mandate

• Elections 25th of May 2014

• End mandate Commission scheduled for 31st of October 2014
• UK elections  ≥ 7/5/2015
• Refit campaign to be continued:
  • Towards candidates european elections
  • 28th of April: International day victims of accidents at work
  • Information and sensibilisation of affiliates