

# Barroso's stance on OSH is "A real slap in the face for European workers!"

The European Trade Union Confederation's May 2011 Congress appointed a new political secretariat. Judith Kirton-Darling inherited the health and safety at work portfolio. Challenges abound as Europe's top leaders openly come out against health and safety legislation. A united union movement, mobilising the most neglected categories of workers, and strengthening alliances with outside players top the British policy secretary's priority list.

Interview (January 2012) by

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*Editor*

**Despite her youth, Judith Kirton-Darling already has over ten years of labour movement experience(s).**

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## "We've demonstrated that we can create cross-party alliances."

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European Commission President Barroso recently called for the 2013-2020 Community strategy on health and safety at the workplace to be postponed. What does the ETUC have to say about that?

**Judith Kirton-Darling** — We are extremely critical of the Commission. We are critical of the attempt to use the crisis as an opportunity to delay the new Community strategy which really should be being developed this year. We should be looking at the first proposal in the beginning of this year, to ensure that it could come into effect for 2013.

The idea that the crisis is an opportunity to delay European policy on health and safety is a real damning indictment of President Barroso, but also of the Commission's attitude towards the general social acquis. Because it's actually in the crisis that questions of health and safety become more important. The crisis has had an enormous impact on the health and safety of workers in Europe. If you look at workers who are facing threats to their jobs, increased stress at work related to their employment security, that's having a knock-on effect in terms of psycho-social health at work and all of the ramifications that that brings with it, leading to physical illness as well.

Before I was elected, I worked for the European Metalworkers' Federation. It was very clear that you had industries, for example the steel industry, where in the first part of the crisis a lot of temporary agency workers and fixed-term workers were sacked. And then, as production reached pre-crisis levels or nearly normal production levels, we didn't see the recruitment of people into the industry. So you had the same level of production but with a much smaller workforce, and the information that we were getting from plants was that people were on extremely tight rota schedules, that there was very little flexibility in the rota schedules, that if one person was sick, then you might have somebody who might have to work double shift to replace them, that people have been woken up in the middle of the night to come and replace other people who worked that shift.

**1.** The Advisory Committee on Safety and Health at Work is a tripartite body set up in 2003 by a Council Decision to streamline the consultation process in the field of safety and health at work. It is based in Luxembourg and so is known as the "Luxembourg Committee".

**2.** Based in Bilbao, the Occupational Safety and Health Agency (EU-OSHA) has the principal tasks of bringing together, and sharing, occupational safety and health information from EU Member States.

**3.** In March 2011, Professor Ragnar E. Löfstedt was asked by the British government to review health and safety legislation with a view to reducing the burden on business. His report was released in November 2011. Whilst concluding that there was no case for radically altering health and safety legislation, he did make a number of recommendations which propose changes to existing health and safety laws. Downloadable on <http://www.dwp.gov.uk/docs/lofstedt-report.pdf>

**4.** Access to Finance 2007 and 2010 (2011), *Statistical Bulletin*, Office for National Statistics. Downloadable on [http://www.ons.gov.uk/ons/dcp171778\\_235461.pdf](http://www.ons.gov.uk/ons/dcp171778_235461.pdf)

And for Barroso to say that health and safety isn't a priority at the moment is really a double slap in the face for working people in Europe. And it's because of that that the ETUC has reacted so strongly towards the Commission. We protested through every channel we had, through the Luxembourg Committee<sup>1</sup>, through our participation in the Bilbao agency.<sup>2</sup> We have argued strongly in the Bilbao agency that they shouldn't delay their strategy simply because the Commission is delaying the Community strategy. And towards Barroso and Employment Commissioner Andor we stressed that health and safety is a key priority at the moment and is essential to maintain worker support for the European project. Alongside that, what we were seeing is that Barroso isn't doing

that alone. We have seen that some employers and several governments are pushing for postponement.

This is particularly the UK government's case, where Prime Minister David Cameron said in January that he wanted to "kill off the health and safety culture for good" in the UK...

**JKD** — I think there is a full onslaught in the UK on health and safety rules. It's extremely ideological. It's not based on actual results from companies. For instance, the Löfstedt report<sup>3</sup> was published in the UK in November, and is much more balanced than the government is presenting it. The way the government presents it suggests that it recommends the roll-back of health and safety rules, because they are a burden on business, a millstone around the neck of any good and viable business. The Löfstedt report does not say that, on the contrary, it concludes that the rules are broadly right and that union safety reps should be supported, but it does open the way for dangerous loopholes for the self-employed. In October 2011, the results of a survey carried out by the Office for National Statistics showed that for companies in the UK regulation is actually far lower on the priority list in terms of concerns.<sup>4</sup> The highest concern is the macroeconomic context. But, it's very easy in the current situation where a government is enforcing unnecessary excessive austerity to deflect public attention onto a different issue. And in that way, it's purely ideological.

The idea that the health and safety legislation, that risk assessment at the workplace are somehow hindering the British economy is absolutely ridiculous. And it's that myth which has to be blown open. But it's true that the fact that the British government has taken this extremely ideological position, and that they are joined by other governments, means that we are now facing this threat through the EU Better Regulation agenda for further pressure on health and safety legislation.

On the 8<sup>th</sup> of December the European Council adopted a report from the Commission on the administrative burden on small and medium-sized companies. One of the recommendations in that report was to create a loophole for SMEs in terms of the Framework Directive and the obligation on risk assessment. This is a direct attack on a fundamental part of the European social acquis and that's not something that the ETUC or our affiliates are taking quietly. There is a lot of activity trying to ensure that the 1989 directive remains fully intact and the obligation on employers to undertake risk assessment is maintained as a universal principle and not subjected to loopholes.

It's clear that Barroso's "better regulation" ideology has had an impact on key initiatives for workers' health and safety, such as the revision of the Carcinogens Directive and the adoption of general legislation on musculoskeletal disorders. Is the definition of a new Community strategy something of real importance when you look at the poor outcomes of the 2007-2012 strategy?

**JKD** — The closing stage of the Community strategy has also been a period of delay, putting off key initiatives. Two of the main concerns for European workers – work-related cancers and musculoskeletal disorders – are two issues that the Commission has skirted. The only way that trade unions can keep pushing is by building consensus on those two issues and by not being distracted by other issues on the agenda. So, what we have seen is that there is now a lot of focus in the European Parliament and in the Commission on the Electromagnetic Fields Directive. It's a directive which is important but it affects relatively few workers. It's a sectoral directive which is specific to the healthcare sector, defence workers and so on, but has relatively limited effect in comparison to those big concerns about carcinogens and MSDs.

That's also an attempt to deflect attention and put pressure on a small directive and to put all of the focus on that rather than bringing forward the big questions. In the course of the last year, we worked extremely closely with the European Parliament to get a very strong statement in December through the Delli report<sup>5</sup> which stressed the failure of the current Community strategy and reiterated the need for actions on these two key areas. We've demonstrated that we can create cross-party alliances. We have to remember that while Mr Cameron and Mr Barroso may be extremely critical, health and safety is subject to qualified majority and to co-decision. So the view of the EP is extremely important.

On the other side, we have to use all of the channels available to us. At the national level, pushing social dialogue, pushing activities which raise the bar, meaning that European rules naturally rise. At European level, using the Luxembourg Committee as effectively as possible to have a strong common position among workers in Europe, to ensure that within the Luxembourg Committee, within national forums, we are constantly demanding the same things and in that way, there is strength in unity. The report that the Luxembourg Committee finalized at the end of last year in terms of the new Community strategy demonstrates that strength and unity.<sup>6</sup>

Politics is a fast moving business, and with a different constellation in the Council we could have a different situation. And we have key elections coming up. We have the French presidential election this year which we hope will produce a good result and will change the dynamics in the Council. We have the German election the following year. We

**5.** On 15 December 2011, the European Parliament adopted a resolution on the mid-term review of the European strategy 2007-2012 on health and safety at work. The resolution is based on a report by Karima Delli (Greens group). The text stresses the importance of a European health and safety strategy and sends a clear signal to the European Commission: Parliament intends to maintain and develop this component of European social policies.

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"The concerns that were put forward by the chemical industry before the adoption of REACH were over-exaggerated."

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need to make our own agenda in terms of health and safety to raise it up the political agenda and to ensure that it becomes a question in politics as well. By really taking very strong deregulatory positions Cameron and Barroso are potentially in a sense supporting the alliance-building of a more moderate and a more progressive position.

At the ETUC, as well as health and safety, you also have charge of environmental issues. How are you going to link these two things up?

**JKD** — It's the case in many Member States that the environmental and health and safety departments are relatively close in unions. In the ETUC, it was divided between two elected positions. There are obviously points where you have a potential for conflict as was the case when REACH was being negotiated. For me, and I think, for the new Secretariat, it made sense to bring those two together in the same position to ensure that one person is channelling that dialogue because it's only through a strong dialogue within the trade union movement that we can try to identify where there are real concerns in terms of the health and safety situation, where there are legitimate questions to answer in terms of the industrial situation, and trying to find a consensus and a compromise between those positions.

We have strong strategic cooperation in a variety of areas with environmental organizations through the Spring Alliance but also bilaterally. We have alliances and cooperation with different stakeholders – animal

protection, environmental, consumer – but also responsible business concerns. Those relationships have to be nurtured and it's through dialogue and regular contact that you can strengthen those alliances because those alliances are based on trust effectively. I would see part of my role as to strengthen them further and to try and see how we can also get environmental organizations to take on trade union and workers' concerns in the same way that I think the trade union movement has internalized environmental concerns.

Since January this year, the European trade union movement is represented within the European Chemical Agency by the European Chemical Workers' Federation. How will the ETUC ensure that the health of all workers, irrespective of their sector, will be defended within this body in charge of the implementation of the REACH regulation?

**JKD** — It's clear that in the period up to the adoption of REACH, there was a very strong and acrimonious difference of opinion between the ETUC and EMCEF on the impact of some of the core principles of the legislation. I think we should be clear that the trade unions were given a seat on the Board because it was recognised that the ETUC position had been based on workers' health and safety. The three positions on the ECHA Board are industry, workers and the environmental organisations. And that's essentially the three elements of the work of implementation of REACH. The concern is to push forward an industrial policy which is promoting

6. At its session on 1 December 2011, the Advisory Committee on Safety and Health at Work adopted an opinion on the future European Union strategy on safety and health at work. The opinion highlights the need for an approach geared more towards the defence of health rather than accident prevention alone.

ETUC Congress in Athens in May 2011, we have revived a group that met in the past, between the ETUC, the ETUI and EMCEF to ensure that we create a memorandum of understanding with the two organisations, to ensure that the representation on the Board is a representation of the general interest of European workers' as well as chemical workers' interests.

It's worth remembering that ECHA is not just the Board. ECHA is also the Risk Assessment Committee, it is the Economic and Social Evaluation Committee and so on. We have ETUC and EMCEF participation in those committees. What we are trying to do is really build a framework of trade union activities in ECHA based on a series of principles: the precautionary principle of "no data-no market", transparency of information on chemicals, substitution as a principle, the burden of proof, etc.

In the position adopted in December by the ETUC Executive Committee, your organisation emphasized the need to mobilize the most neglected categories of workers such as migrant, precarious and self-employed workers. How are you going to operate, given that most people in these categories are not unionized?

innovation, promoting a viable and lively chemical industry in Europe, whilst ensuring a high level of human and environmental protection. We can clearly demonstrate now that the concerns that were put forward by the chemical industry before the adoption of REACH that the regulation would kill the European chemical industry and would kill competitiveness were over-exaggerated. The chemical industry in Europe has continued to grow. It hasn't been negatively affected by REACH.

Moreover, health and safety concerns in REACH are clearly not related to workers in the chemical industry but for workers in every part of the value chain related to the chemical industry and chemical users.

It's a tribute to the ETUC's work that trade unions have a seat on the Board – a seat representing workers health and safety. When that seat was allocated, there was an agreement between EMCEF and the ETUC that after the first four year term of office, there would be a rotation and the next term of office would go to EMCEF. There's nothing new in this development. There is also the possibility to have an expert seat on the Board. Different stakeholders are using that possibility. We are looking at ways that that expert's seat supporting the Board member could be used effectively to ensure deeper cooperation between the ETUC and EMCEF.

However, we have a new leadership in EMCEF, together with the new leadership in the ETUC. It's a window of opportunity to create a new dynamic in the union discussion and in the structures we have on the trade union side around REACH. Since the

**JKD** – This is a real challenge, as any union rep will tell you. Addressing health inequalities in Europe effectively means addressing the quality of work and working conditions as part of a "Decent Work" agenda. Increasing labour market fragmentation demands different union strategies to reach workers, and it's my intention to identify more examples of different union activities achieving this. Targeting activities on the most precarious groups and sectors of the labour market is urgently needed. However fundamentally we need a European health and safety policy which ensures access to and represent of all workers, regardless of employment status or company size.

Good union health and safety activities can act as a recruiting sergeant for the union movement to reach those currently outside its scope. Safety reps and labour inspectors provide an entry point towards workers who aren't necessarily in a trade union but are concerned about their health and safety in the workplace. One of the key proposals in the ETUC resolution adopted last year was to strengthen the role of trade unions in health and safety policy and that's, if you like, extending the arm downwards to the workplace, so extending the union work in the workplace on health and safety, in order to reach those workers who are the most vulnerable.

There is also obviously a sectoral dimension to it. We have had a series of projects on-running with the ILO training centre in Turin on decent work and against precarious work in particular sectors, addressing health and safety is a crucial element here, ensuring

that it is part and parcel of our collective bargaining agenda. Part of the ETUC's priorities is to link far more strongly with the European federations to connect up what has been done by the ETUC and what has been done in the sectors in different industries to provide us with as many synergies between our workers as possible and so we have start up contacts with a number of industry trade union federations. Clearly the work of the ETUI in bringing together research and practice will be a key tool in our arsenal. ●

#### More information

For more on the ETUC and health and safety at work policy, see the ETUC resolution "Perspectives for a new European Health and Safety strategy (2013-2020)" adopted in December 2011. Downloadable on <http://www.etuc.org/a/9506>

## **Bio-express**

**1977** Born in Dar-es-Salaam, Tanzania

**1999** BA in Social and Political Studies (University of Sheffield)

**2001** MSc European Social Policy Analysis (University of Bath)

**2001-2003** European Trade Union Institute. Research Assistant to the Director

**2003-2007** UNI-Europa, Cross-sectoral policy officer

**2007-2008** Unite the Union (Amicus Section), European Officer

**2008-2011** European Metalworkers' Federation (EMF), Industrial Policy and Steel Sector Advisor

**May 2011** Elected Confederal Secretary of the European Trade Union Confederation (ETUC) at the Athens Congress