Trade unions and civil society for a strong and ambitious EU strategy for health and safety at work 2013-2020

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Conference report
european trade union institute
Introduction

ETUI Senior Researcher Aïda Ponce opened the conference by stating its aims as being to examine the current situation of health and safety at the European level and put different avenues on the table for an effective strategy.

Philippe Pochet, ETUI Director, started his introduction by thanking the EESC for hosting the conference. He went on to welcome the timeliness of the conference as an opportunity “to give meaning to our thoughts on the content and the dynamic of the future action plan.” He said he had three points to show where “health and safety fit in, or doesn’t fit in, in a wider agenda.”

“The narrative of the crisis has shifted from that of it being caused by inequalities and the financial system to a new narrative where the way out of it is going to involve a very significant social change.” “Never in 30 years of following European issues,” he said, “had he heard something as absurd as austerity will create growth. Repetition of a mantra will not change what any first year economics student knows: that if there’s no public spending and wages are frozen, then it’s going to be very difficult to eke out any growth unless we all start exporting Mercedes Benzes to China.”

He wondered if now “we are back in the USSR with a bunch of bureaucrats who have decided to take control of democracy.” The time has come, he said, “to ask wider questions about what is happening at the European level.”

“We have changed the meaning of words,” he pursued, “used in the European context their meaning is actually the opposite. The golden rule used to be that you can run a deficit if you are investing for future generations. Now it’s that no deficits are allowed. A contract used to be something between two people who are deemed as equal, even if that was a fiction. Now contracts are between donors and recipients who have no way as being seen as equals. It’s extremely disturbing to see the political direction in which we are being taken.”
“We are experiencing an unprecedented attack on unions,” he emphasised, “not only in Greece, but also Romania, Hungary, the Baltic states, Portugal, Ireland and Spain. Radical restructuring of social dialogue is underway in 18 countries in Europe,” he went on, citing the increasing asymmetry between employees and employers and dismantling of institutions for solidarity.

Finally, he turned to the subject of the conference: the type of regulation occurring at the EU level. “The Commission talks about ‘smart’ regulation, which actually means no regulation.” He contrasted this with a vision of Europe where its competitive advantage lay in “an advanced, high level of regulation enabling business to innovate and workers to enjoy better working conditions.” “Health and safety standards in particular,” he felt, “had insidiously become seen as a burden on business.” He concluded with the hope that the conference would demonstrate that such regulation “is good for business and important for industrial democracy.”

Georges Dassis, President of the Group II “Employees” of the EESC, responded to Philippe Pochet’s thanks by saying that it was only natural. His objective since being elected, he said, “was to make this house a real bridge between citizens and Europe. I saw it as a duty to offer trade unions its facilities.”

“One area in which we have made progress since the end of the 1970s is that of health and safety, but the crucial question is what kind of Europe are we going to have in 2020? If things continue the way they have, and personally I feel they will, then we will not have the Europe that we know today. It is sad to say, but the concerted efforts of men and women over the last 50 years or so to build solidarity between the peoples of Europe may fall away in just a few years. Austerity has become fashionable, but austerity is going to push over a hundred million Europeans into poverty. That’s not a solution, that’s a catastrophe. And those that think they will be protected, those people that think they are in a good situation, if they think they will continue to be in a good situation, well they’re wrong.”

He concluded by exhorting attendees “to do everything possible to make sure the process of European integration doesn’t fall apart, because otherwise all other efforts will be in vain.”

Panel 1: State of the art on the working conditions in the European Union

The first panel of the day was chaired by Laurent Vogel, Director of the ETUI’s Working Conditions, Health and Safety Department. In his opening remarks, he stressed the importance of maintaining the rights established over the past thirty years and how critical a European strategy is in support of national strategies. It is also needed for coherence, he went on, drawing attention to the fact that without better working conditions, an active ageing strategy makes no sense.
Not adopting a strategy, he said, would be tantamount to announcing that health and safety are a superfluous luxury. However, he suggested that by not going ahead with the elements of the debate already in its possession and announcing a further consultation, the European Commission is running away from its responsibilities.

He rejected the argument that a proper approach to regulation is prevented by the crisis: “the crisis was caused by a lack of regulation.” Social Europe needs to be seen as a building block, not a burden, he concluded, necessary for avoiding bad working conditions and business models that undermine the environment: health and safety are key to sustainable development.

The first speaker was Dr Christa Sedlatschek from the European Agency for Safety and Health at Work (EU-OSHA) with a presentation on the current state of occupational safety and health in Europe.

She looked first at the demographic shifts affecting the European workforce and then highlighted the gender dimension before looking at the way drivers for health and safety, for example the fulfilment of legal obligations or pressure from the labour inspectorate, or barriers to prevention such as lack of expertise or indifference, vary according to the size of business concerned.

Figures show conclusively that risk assessment is more likely if there is a health and safety representative – especially in small firms. Health and safety management is also more likely to be effective when employee representatives are given an appropriate context in which to work.

Half of EU-OSHA’s opinion poll respondents consider that number of people suffering from job-related stress will increase a lot, and nearly 30% think it will increase a little over the next five years. A total of 87% judge good health and safety practices important to help people work longer before they retire.

The Risk Observatory worries that some “old” risks remain a problem and may have impact in a new way and that health problems are having a huge impact on individuals and economic performance, notably through psychosocial issues and musculoskeletal disorders. It considers there is a need to tackle underlying issues and risk factors and is concerned about the interaction between hazards and causal factors to produce “combined factors.” A further concern is that the impact on specific groups may be hidden in overall data.

Turning to new and emerging risks, Dr Sedlatschek listed new hazards such as nanotechnologies, new forms of work organisation, for example mobile workers, new industry sectors and career paths and the heightened concern about managing chronic health issues in older workers.

She cited lack of awareness as the principal barrier to prevention while worker participation and management leadership are key success factors. OSHA sees a need for support for micro and small firms, more reliable, relevant and evidence-based information and new tools for those implementing prevention.
Trade unions and civil society for a strong and ambitious EU strategy for health and safety at work 2013-2020

She concluded that Europe is facing major changes and challenges and that there is significant variation in the situation between Member States.

**Agnès Parent-Thirion** then presented the view of the European Foundation for the Improvement of Living and Working Conditions, starting by reminding the conference that health and safety is a fundamental right enshrined in the European Charter.

Remarking that the 6th edition is currently being prepared, Parent-Thirion drew on the figures gleaned from 43,816 interviews in the 5th European working conditions survey of 34 countries to present graphs of various aspects.

Looking at trends over 20 years, on average, workers work less and fewer workers work long hours with a lower incidence of atypical working hours. Technology use is on the increase, but the level of cognitive demands has remained the same. However, exposure to physical risks remains high and exposure to psychosocial risks is probably on the increase.

The trends indicate that employment status is in evolution with frontiers between categories becoming less strict and that there is slow progress in reducing gender segregation, with women still bearing much of the burden of care activities. Sustainable work may be on the increase, but fewer people report a good or very good work life balance. Parent-Thirion cautioned that important differences are lost at the aggregate level with unfavourable working conditions tending to cluster disproportionately in some groups.

Looking at job quality, she asked how acceptable was it that one fifth of jobs remained ‘at risk’ and wondered whether it will be possible to meet the 2020 employment target given that the physical environment has hardly improved in spite of efforts and increasing work intensity leads to risk of high stress levels, which impacts ‘sustainability.’ In conclusion she called for a wider scope for OSH actions complemented by actions in support of job quality.

In response to questions about what the future may hold, Sedlatschek said that 60% of the agency’s network did not foresee a decrease in budget, but she was concerned for the 38% expecting cuts. She emphasised that without a community OSH strategy “we will be in trouble at national level. If there are no major goals, the danger is that Member States will stop their activities.”

Parent-Thirion felt that “it is true that it can be difficult to believe in a win-win situation, even if some countries had managed to put win-win policies in place. Above all, we must avoid the lose-lose.”

**Panel 2: Improving the structures of prevention**

The second panel of the afternoon was chaired by ETUI Senior Researcher **Viktor Kempa**. He pointed out that improvement in working conditions
is largely dependent on the Commission establishing clear health and safety priorities, before drawing attention to the infrastructure being on the defensive in the crisis. Instead health and safety representatives required greater support, while preventive services need to become multidisciplinary. Labour inspectorates, he said needed to be an enforcement body, not just an adviser or hunter of undocumented workers. Instead, he lamented, strong lobbying from certain quarters meant legislation was being blocked by the Commission.

First to present on the panel was David Walters from the Cardiff University School of Social Sciences, on the subject of safety representatives. He started by asserting there was little point going through the research, as the evidence is clear. “Reps,” he said, “facilitate better management practices leading to better OSH performance.”

It was clear that development since the 1970s of workplace representation on health and safety issues in the workplace has made a significant contribution to advances, he said before asking, “How can this be sustained?”

Walters remarked that he had found many examples of trade unionists being challenged by uncommitted management, but that the situation can be influenced through the presence of representation if backed by regulation and an inspectorate. This is reflected in the ESENER survey data he showed: the principle holds despite differences between countries and more or less regardless of workplace size, from psychosocial risk management to the spread in fatal accidents, which though not entirely consistent, is nevertheless an indicator.

He felt that the neo-liberal agenda of the EU has been rolled out over at least a couple of decades. “These elements,” he said “are part of a larger strategy of the EU and all lead to negative outcomes and undermining of health and safety.”

“It would seem fairly obvious to me,” he concluded, “that we need a strategy that acknowledges evidence and ensures that things that we know work are sustained, while explicitly acknowledging the effects of current situation.”

Next, Wim van Veelen, Health and Safety officer for the Federation of trade unions of the Netherlands (FNV), spoke on the importance of having a firm labour inspectorate. “160, 000 workers die every year in the EU because of unsafe practices,” he said, stressing that this “absurd figure drives FNV actions.”

Neglect of labour inspectorates weakens legislation and vice versa, he went on, “Good companies are not bothered by legal obligations, only bad ones.”

He described the action launched by the FNV alongside fellow trade union federations the CNV and MHP expressing fundamental criticism of compliance by the Netherlands Labour Inspectorate with ILO Conventions 81 and 129 on
Labour Inspection. The ILO has acknowledged receipt of the representation and informed the Government of the Netherlands. “The government is now in panic and does not know what to do,” he supposed.

While lamenting how the lack of resources for the inspectorate means workers are put off by having to listen to music over the phone for fifteen minutes, he insisted on the importance of making the distinction between an attack on labour inspectorate and on inspectors: “The latter are our natural allies.”

Indeed the communication from the federations highlights how having only 1 inspector for 40,000 workers generates a high pressure of work, which in turn results in insufficient time to maintain necessary levels of knowledge to keep up with technological and labour market developments: “What does the inspector really know about the dangers of nanoparticles, or psychosocial risks?” Inspectors find no natural moments for knowledge transfer among colleagues, feeling abandoned and like ‘lonely hunters.’

Van Veelen suspects government strategy is: “If you slowly withdraw the labour inspectorate, as workers find it hard to get hold of them, they will turn to them less.” He suggests that unions need to emphasise how necessary they are, both in practice and as a symbolic value like the police.

In conclusion, he calls for the next European strategy to set more measurable goals, together with binding timetables and a periodic evaluation and hopes to see the objective of one labour inspector per 10,000 workers, as recommended by the ILO, become binding.

The final speaker on the first day of the conference was Poul Monggaard, from UNI-Europa, on the European framework agreement on the protection of occupational health and safety in the hairdressing sector. He started by remarking that it had been possible to sign it “with mostly conservative governments.”

Setting the scene, he described the results of a Danish study of the prevalence of hand eczema and its career consequences: 42% of 5239 hairdressers have had hand eczema with an annual prevalence among current hairdressers running at 22.3%.

The agreement also seeks to tackle the issue of musculoskeletal disorders in the profession, risks of badly ventilated workspaces or slippery floors, the management of pregnant workers, and proper protection for workers well-being, both mentally and physically.

Some of the prescriptions could have appeared silly, notably as they were portrayed in an article in the UK’s Sun newspaper titled “Hair Hitlers.” However, the fact that on average hairdressers leave the profession after 8.4 years including 4 years of apprenticeship attests to the seriousness of the situation: many leave due to the impact of chemicals and muscular diseases. As Monggaard remarked, “Eczema is for life.”
He concluded by saying that reaching the agreement was “a tough battle, but having good people behind you in the trade unions is necessary to convince that this is a mature sector and establish the right to protect members.”

Floor discussion

Contributions from the floor confirmed some of the speakers’ points, notably regarding the lack of trust in labour inspectors among safety reps: “They either don’t come out or run away to avoid work.” Responding, David Walters underlined the enormous challenges for safety reps from the restructuring of work, that were difficult to address in traditional legal frameworks, seeing this as highly relevant to any new EU strategy: “The concept of the framework directive is based on debates in the 1980s, a previous era, and that needs to be addressed.”

Panel 3: The synergic dimensions of OSH strategy in the context of other EU policies

Chair Tony Musu, ETUI Senior Researcher, started the first panel of the second day by introducing Pierre Carlier, an occupational health physician at Mensura, to present preventive services in Belgium.

Having described the provisions governing preventive services, Carlier recounted how the number of service providers available to companies has undergone a dramatic reduction from around 70 in the early 90s to just 12 external prevention services today. What was initially a seductive idea to move away from traditional services has led to a situation where fierce competition with providers offering unreasonable conditions is leading to doctors abandoning the preventive for the curative sector.
This is exacerbated by contract conditions that encourage companies to renegotiate frequently, limiting the possibility of establishing multi-disciplinary preventive surveillance beyond annual checkups.

Carlier considers the method of calculating contributions should be replaced with a broader envelope and a comprehensive plan to provide a better balance between medical supervision and risk analysis. He thinks tasks should be reallocated to allow a better delegation to qualified assistants and increased presence at the workplace. He also seeks development of e-health in prevention services with a standardised platform to prevent data loss when during transfers from one service to another and generation of usable public data.

In sum, Carlier considers that greater flexibility is needed to allow prevention experts to establish a multidisciplinary approach within companies.

Next, Dolores Romano Mozo, an expert in chemical risks from Spain gave a presentation on workers' protection from endocrine disruptors (EDC). She started by briefly tracing the history of awareness among scientists of the effects of exposure to these chemicals on hormones from their first attempts to discover why different species were having problems.

As well as being carcinogenic, endocrine disruptors affect reproductive health in both men and women and can lead to neural diseases such as autism and attention deficit disorder. They are also linked to diabetes and obesity and multiple sclerosis.

Research shows very low exposure has effects as well as higher doses in the workplace. The dose response curve is not normal: exposed mice become thin on high doses and fat on low doses. This means there is no safe threshold. Workers in more than a hundred types of jobs face exposure: predominantly plant and process operators.

Sectors with elevated risk include agriculture, bars-gambling, automotive plastics manufacturing, food canning and metalworking. Women working in food-canning have a 5 times higher risk of breast cancer because of exposure to bisphenol A.

EDC have moved from being an environmental to a public health and now to an occupational health issue. They should be included in existing legislation such as REACH, but the Commission is also discussing a new strategy on EDC (the current one dates to the 90s) and needs to include workers’ protection.

Meanwhile, Romano Mozo concluded, it was necessary to be active in workplaces and make use of available tools such as the EDC database accessible via the ETUI.

Next, Giulio Andrea Tozzi, from the Occupational Health and Safety Prevention Unit in Genoa, Italy, spoke on standardisation. He started by insisting
that the concept of prevention, the integration of safety and the precautionary principle are the core of the European legislation and must be maintained.

He focused on the fact that among the three types of fundamental legislation, confronted with the voluntary standardisation new Regulation 1025/2012 - workers’ protection, goods and services - the latter risks posing the most problems.

The rise of protection by law must be a priority, notably on account of migrant workers, job latitude and the complexity of sub-contracting arrangements, and then the definition of worker under which different laws can apply at the same time or do not apply at all.

A high concern should nevertheless be focused on the new European strategy that seems based mainly on a voluntary standardisation approach.

Tozzi described CEN and CENELEC procedures for establishing both standards and harmonised standards, those requested by the European Commission “to provide solutions for compliance with a legal provision”, stressing the difficulty to guarantee the same participatory approach as for the directives, the lack of involvement of social partners, in primis the trade unions, and the consequent resistance of Member States and social partners to request this approach also in social legislation.

While European social legislation defines the minimal level for worker’s protection, to be improved by Member States, the product directives give, integrated by harmonised technical standards, the highest safe and healthy design for goods to permit their free circulation.

Bipartite European agreements integrate, sometimes, social legislation with technical standards, even if non harmonised, giving prescriptions on how to put in practice its general principles (Silica agreement, 2006/C 279/02, refers to several EN standards).

European social directives instead do not consider these technical rules. Nevertheless no legislative improvement is done either, and then a lack of protection and harmonisation may occur. The Commission choses to stop any change to the manual handling directive, careless that, for example, Italy included repetitive movements and the international ISO 11228-3 standard in the law and a harmonised EN 1005-5 standard for designing machinery introduces similar ergonomic indexes. Corporation automotive factories in different states make the most of this situation applying their own standards without any participatory scientific debate.

The gap between product standardisation and worker’s protection directives is illustrated by this cartoon by CEN where the products safety is put in evidence while their safe use and workers’ exposure doesn’t. Concerned that the national level often fails to raise minimal protections, while the European level fails to raise national ones, Tozzi hopes for greater social participation
in establishing standards, with harmonised ones becoming free in future to fill the gaps between social protection laws and standards. CEN/CENELEC should aim to set up a database of health and safety standards and the social directives indirectly concerned, while sector guides should be encouraged. Finally, he concluded, synergies between social and product legislation should be brought to the fore through sector surveys and give user feedback more preponderance in standards development.

The final presentation for the session was from Dr Rolf Packroff, Scientific Manager at BAUA, the German Federal Institute for Occupational Safety and Health, speaking about nanomaterials and other advanced materials.

He listed three major concerns:

– Nanomaterials are rather small and distribute more easily in the body than particles from corresponding bulk materials.

– Novel technological properties of nanomaterials have novel toxicological properties.

– Fibrous nanomaterials pose risks to human health similar to those from asbestos.

He described the problem with nanomaterials as not being small and isolated particles, but as having very large surfaces, which modifies their physical and chemical properties. They “don’t like to be alone,” he added and will cluster in the workplace air and do not de-agglomerate in the lung after inhalation.

Nanotoxicology allies chemical toxicology allied with particle toxicology and allows putting nanomaterials into three groups:

A: which release Granular Biopersistent Particles (GBP), small enough to be inhaled (alveolar) and insoluble in the body. Similar to other ultrafine powders and fumes, these can lead to inflammation and lung cancer despite having no substance specific toxicity.

B: which release fibrous dusts, which can also cause lung tissue inflammation and cancer. For instance, some rigid types of carbon nanotube fibres are similar to asbestos.

C: nanomaterials with a specific “chemical” toxicity, for example catalytic activity.

However, the newest nanomaterials are used at lab scale, which allows early detection of risks and at industrial scale “traditional” dust protection measures are also effective for nanomaterials. However, there is a puzzle regarding the dustiness of certain materials, which may impact the reliability of risk management, in cases where nano decreases tolerance for dust management systems.
There is a need, said Packroff, to develop a strategy to substitute high dustiness with low dustiness products, strengthen testing and information requirements on dustiness and biopersistence under REACH and prepare OSH guidelines based on the chemical agents directive. There is also a need for training, he concluded, “even scientists can be confused by nano and not realise they are handling chemicals.”

Floor discussion

Questions from the floor elicited responses from all the panellists.

First Pierre Carlier, replying to a query from a Danish metal worker union consultant about possible reactions from the Commission, said there had been none to his knowledge and restated his conviction that risk analysis was becoming increasingly important, though haphazard in large companies and unknown in small enterprises, leaving monitoring bereft of direction. He reiterated that the contribution system needed to change and that more focus on mental health was required. He agreed with a Belgian union representative that the commercialisation of preventive medicine had had a negative impact and that using mutual funds might be a better way of sharing the burden.

Andrea Tozzi agreed with a questioner that standards should be better applied at EU level: “European harmonisation of standards doesn’t exist as each country does what it can or what it wants.” In particular, he added, unions need to focus on services. He also admitted that, “Looking through the CEN website reveals gaps and holes.”

In response to a representative of the European environment bureau pointing out that the carcinogens and mutagens directive does not fully consider reproductive health, Dolores Romano, added that pregnant workers are protected from EDC exposure, but not after giving birth and still lactating.
Rolf Packroff responded to a question that the Commission recommendation is not to integrate the definition of nano in the core of REACH, but in an annex applied to OSH. He considered it very important to get more concrete, relevant and reliable information, as there is not much guidance in annexes. He also remarked that dustiness tests cost less than determining whether a material is nano or not. With regard to teratogenic chemicals the current EU regulation for protection of pregnant women may be not fully effective because of the usual delay in recognition of a pregnancy. “It’s a gap in the system,” he concluded.

ETUI Senior Researcher Fabienne Scandella took the chair for the second session on synergic dimensions. The first speaker, Florence Chappert from ANACT, the French National Agency for the Improvement of Working Conditions, spoke about gender equality, occupational health and working conditions in France.

Having situated the ANACT as being managed by a three-party board of employer organisations, employees unions and state representatives, she said that the gender approach was unknown in the organisation until 2008. It decided on a two-pronged approach: taking into account a gender sensitive approach in order to prevent occupational health problems on the one hand and, on the other, taking into account working conditions and occupational health in order to encourage gender equality.

It was found that some job strain factors were overlooked:

- Violence (possibly sexist) to which women are exposed in reception jobs.
- Management of schedules: opening hours incompatible with childcare.
- Women’s leadership: considered harsher than men’s.

Also found: an accident rate that was not explicable by the entry of women into the workforce. While the rate had decreased in traditional male sectors, it had risen strongly in mixed areas. Commuting accidents among women have also overtaken those among men, while declared occupational diseases have risen twice as fast among women to be in parity with those by men.

Studies and surveys, said Chappert, tend to analyse differences between women and men “everything else being equal” whereas the situations for women and men are in fact “everything else unequal” in the same companies:

- They don’t do the same jobs.
- They are not exposed to the same work and life time and schedules constraints.
- They are exposed to sometimes invisible risks or aggressions.
- They don’t have the same career path.
These factors were reflected in a case study of a printing business cited by Chappert. Gender aware analysis of health and safety issues was key to finding solutions.

Next Sarah Copsey, Project Manager at the European Agency for Safety and Health at Work (EU-OSHA) focused on improving workplace health and safety for all ages. “A longer working life means prolonged exposure to risk, while problems developed when young impede us when we get older,” she said, insisting that the strategy should bear this in mind.

Though workers in more manual occupations had lower expectations of being able to carry out their job at age 60, she said it was important to combat myths about the unsuitability of older workers to avoid discrimination. Better implementation of a comprehensive strategy would be the only way of reaching the 2020 goal of a 75% employment rate across the 20-64 age range.

She illustrated how it was not safe to stay in same posture for the whole of a working life. Ergonomic workstations give a perception of safety, but can be building up problems for later life. Also, drawing on the French case study presented by Florence Chappert, she underlined the importance of paying attention to gender in career paths to avoid women being stuck in jobs leading to MSD.

Small employers will need guidance in managing an older workforce. Some Member States are introducing initiatives to support SMEs, but “stakeholders in health and safety, public health, vocational training and employment need to work together when developing policies on ageing,” she said. Qualitative research involving employers, trade unions and workers was needed, she said, as well as more research into how the menopause affects older women.

The European year of active ageing allowed for development of tools, she said, but there is a real need for an effective health and safety strategy for an ageing workforce and for the issues to be mainstreamed into general human resources, she concluded, “if we want a better workplace for all.”

Last to present was Jan Popma, from the University of Amsterdam, on psychosocial risks. He quickly grabbed attention by declaring: “For some, it's really hell!” He insisted that: “emotional distress is not a personal problem, but a work problem.”

One of the main reasons for work related psychosocial problems is the rise in workload. Increasing work intensity has been a problem for decades now. If the rise has flattened out, Popma suggested, “it is because the ceiling has been reached.”

Various findings support correlation of high workload with burnout and depression and abundant evidence points to a link with cardiovascular disease. Some workers are driven to suicide, while the ‘Karoshi’ experience is no longer limited to Japanese workers: dying on the job has been reported in
Europe as well. Too high a work load leads to serious problems for employers too, notably absenteeism and drops in productivity.

Other, more recent forms of psychosocial overburdening, are job insecurity due to reorganisations as well as new forms of nomadic work. With respect to the latter, Popma referred to permanent connectivity and information overload that can lead to attention deficit disorders, making it difficult to focus, “or even ‘brain freeze’ when you can no longer process any information.” Frequent interruptions and the blurring of working and private time lead to permanent sub-acute stress. With respect to the psychosocial effects of permanent reorganisations, it is clear that job loss leads to depression and health problems. But also, when not fired during a restructuring, employees can suffer so called ‘survivor sickness’.

“Employers”, Popma insisted, “need to recognise this as not just an individual being unable to cope.” 28% of all workers report psychosocial risks affecting their mental well-being while 26% of those suffering depression attribute it to work. Stress and depression are the second most frequently reported occupational disease at a cost of at least €20 billion per year.

Given the significance of the problem, Popma suggested, the absence of legislation was odd. Also, he surmised that employers are currently trying to dodge the Working Time Directive. However, as yet there is little scientific evidence of whether or not this is the case. Research is needed, notably in the field of new ways of working, while employer neglect should be overcome through explicit reference in the legislation.

Many companies start at the end of the problem, the suffering employee, not the causes, he said. Employers should assess risks before introducing new organisational/technological forms and evaluate as soon as possible after introduction.

Ways of circumventing legislation need to be outlawed. Finally he concluded: “Though tort claims have little preventative impact, adequate compensation should go to those that have suffered.”

**Floor discussion**

In response to contributions from the floor, both Sarah Copsey and Florence Chappert returned to the French case study of a printing company. Copsey noted that the situation was multifactorial with a link to how decisions on human resources were being made, to the culture in the company towards managing their human resources: not just an issue of equipment design and workstation layout, but one needing to be looked at in a much broader context. Chappert added that the sales strategy was largely responsible: a vision at odds with the reality of the working situation.

Jan Popma returned to the difficulties of fighting psychosocial risks. He stressed that companies should conduct a full cost/benefit analysis before
cutting staff, taking into account the cost of absenteeism due to psychosocial side effects.

Also, employers should realise that the participation of workers is of itself a way of reducing psychosocial risk. Involvement of workers in assessing risk is very helpful, he said, because many problems are invisible to those not experiencing the suffering. Risk assessment should not be a toy for specialists, while the framework directive should include rules for engaging workers in risk assessment to help identify perception of risk from, for example, women and older workers and promote remedies more rapidly.

Final round table

Panel 4: State of preparation of the new strategy 2013-2020

Chair Wim van Veenen, from the FNV, opened the penultimate session dedicated to the state of preparation of the new strategy 2013-2020 and welcomed László Andor, Commissioner for Employment, Social Affairs and Inclusion.

The Commissioner started by thanking the organisers for inviting him and saying he intended “to clarify as far as possible European strategies for health and safety.”

“As you know,” he stated, “the Commission is finalising its evaluation of the EU Strategy on Health and Safety at work for 2007 to 2012. The results will serve as a basis for a public consultation on a possible new European Health and Safety Strategy.”

He next outlined how the “success of our health and safety policy can be measured by the reduction it has brought in the number of fatal and non-fatal
accidents at work and in the incidence of work-related illnesses.” However he went on to admit that “a greater effort is needed to improve the situation. And the social partners have a key role to play here.”

“Why couldn’t the Commission come up with a new strategy in a few weeks?”

Wim van Veelen

Having welcomed the contribution of the EU social partners in delivering “outstanding outcomes,” he listed various sectoral initiatives in which EU social dialogue has led to “around 80 texts on health and safety,” relating “in particular to ‘emerging risks’” and went on to draw attention to the hairdressing agreement and that covering inland waterways.

He devoted the next part of his speech to reviewing the 2002-2006 and 2007-2012 strategies before turning to what he sees “as the foremost justification for an EU occupational safety and health policy today — the fact that it can help us meet the main targets of our Europe 2020 Strategy for smart, sustainable and inclusive growth and jobs.” “That makes,” he insisted, “occupational safety and health a key factor for growth and for the creation of new and better jobs.”

“Good health is good business,” he continued, but “it is not just a question of reducing costs.”

He referred to the challenges of ageing, emerging risks, the recession MSD and psychosocial illnesses, and of implementing legislation, especially for SMEs.

The public consultation is intended to “identify future priorities,” he said, and listed those already under consideration: mental health issues, MSD and new risks, legislative implementation, and ageing at work.

“I know people feel that evaluating the 2007-2012 Strategy is a slow process,” he concluded, “But I would point out that the European Commission is strongly committed to improving working conditions, and it cannot act alone. We need the commitment and support of the stakeholders and especially of
the social partners. The success of our health and safety policy largely depends on how it is implemented and enforced at national and local level.”

Wim van Veelen asked Commissioner Andor the first question: “We’ve done our job as social partners for a new strategy.” As all the evidence was available, “why couldn’t the Commission come up with a new strategy in a few weeks?”

Andor replied that it would be “possible in a few weeks, but not this month or in the next months.” He insisted another consultation was needed first. He was among those, he said, who “had already signalled that it was important to move forward,” but “we need first of all a very systematic work on the focus and the content and also face the political discussions.”

“Occupational safety and health is a key factor for growth and for the creation of new and better jobs”

László Andor

The next questioner reiterated the query: “We’ve done in-depth interviews and polls of trends. What type of data do you expect to get that you don’t already have?”

Andor responded that “We have to put everything into...a context of a new strategy aligned with Europe 2020.” The data “has to be systematically integrated with what the Commission intends to do in the coming period.”

Andor was next asked, how the upcoming strategy will tackle brain diseases, especially depression. The Commissioner apologised that he was unable to go beyond what he had said in his speech.

The next questioner asked how he considered trade union criticism of simplification as undermining the objectives of existing regulation. How could he avoid the strategy being burdened by the ongoing discussion on smart regulation?
Andor said it was legitimate to look “at existing regulation to see if it is up to challenges of today,” while insisting that “what has been achieved should be preserved.” “The pressure,” he said, “was not simply for smarter regulation, but very often for repatriation of competences.” This meant it was less a question of adding new elements than defending what already exists. This is why cooperation should be “as concrete as possible to provide a better foundation for the future even if there are voices around for less red tape.”

Asked if there were a commitment of the present Commission to adopt a strategy before the end of its mandate, Andor responded that “it very much depends on content.” He said there was a “need to convince everyone of the importance or even the necessity of a new strategy.” He personally was committed, he said, but “it was not in the Commission’s work programme for this year.” However, “the door is obviously open,” he continued, “We have to work together through the consultation to deliver the right content and I believe this can succeed.”

Referring to the UK government’s current stance on health and safety, the next questioner asked how this deregulatory approach affects the new strategy.

Andor responded that “there is a certain rhetoric, coming not just from UK.” However “if you look at what is happening on the ground, the two are not necessarily consistent.” In certain areas, “the UK is working together with other countries, and, I would say, very constructively.” He said it is “an interesting political challenge,” but not necessarily determinant for the new strategy.

Panel 5: Roundtable

Following the departure of the Commissioner, Theoni Koukoulaki, from the Hellenic Institute for Occupational Health and Safety, who was chairing the Round Table session, started with her presentation “It’s time for a European OSH strategy 2013-2020.”

“We have heard,” she said, “that we have a radical change in social policy in Europe. Some rights are not guaranteed for the future and for some countries some rights are already history.”

“The main drive for us,” she said, “is the fulfilment of legislation. That is an argument against deregulation, or smart regulation, or I don’t know what new name they’re going to invent for that. The second drive is the request by employees for representatives for health and safety backed by strong trade unions.”

Referring back to issues raised and reflecting on the Commission request for priorities, she said, “We should put all topics on the agenda. We cannot choose one over the other.” Resuming the subjects covered, she insisted that they had to be taken into account in a strategy.
Turning to the second part of her presentation, on why OSH should be prioritised during an economic crisis, she drew particular attention to the fact that workers accept less favourable conditions out of fear of unemployment and that lower accident rates can be due to under-reporting, while increased working hours lead to higher numbers of fatal accidents.

Moving on to the reasons why a European strategy is necessary, she noted that beyond securing OSH benefits, it is a driver for development of national strategies and “has a symbolic value that cannot be undermined.” Not having a strategy signals to Member States that OSH is a low priority. In addition to the need to extend strategy goals to cover occupational diseases and emerging risks, OSH is a precondition for reaching the Europe 2020 target of 75% employment “although for the moment we have an increase in unemployment.”

In reference to the three pillars of smart, sustainable and inclusive, she said, “the notion of sustainability is an ecological one, but we cannot have inclusive if we increase health problems.” She quoted from P. Docherty in 2002:

Work intensity refers to the consumption of human resources in work organizations while the sustainable work systems concept presents a vision for the future competitive organizations in which human resources are regenerated and allowed to grow.

So an ambitious European strategy is necessary, she said, “but we have heard from the Commissioner that there is a need to have this public consultation.” “There is no reason to delay,” she concluded, “On the contrary there are too many reasons to press for a strategy that will reflect the challenges of our time.”

Mary Dorgan from the Irish Health and Safety Authority, explained the position of the Irish Presidency of the Council of the EU on the new strategy.

“It is important that it is called a strategy,” she said, “because that is what this type of leadership document should be.” “I don’t want to end up with a programme of priorities,” she insisted.

“It’s overwhelmingly relevant for Member States. They need to have leadership from a central EU strategy,” she said. Member States need a vision to build on with “ambitious targets and tone set by the EU with a high-level strategy statement.”

Asked specifically whether they would be pressing for a strategy during the Irish presidency, she stated that the timetable has slipped as the original expectation was that a new strategy would have already been in place for the Irish Presidency, following on from the last strategy which ended in 2012. However, “we will be finding opportunities to press for a new strategy.”

Next, Bernadette Ségol, General Secretary of the European Trade Union Confederation (ETUC), said that “the lack of clarity is due to the fact that
the Commissioner is in an awkward position in a Commission that doesn’t support him.”

“At the current time,” she continued, “we are in such an economic and social crisis that if the European Union does not give concrete indications of wanting to protect workers, confidence, which is already severely undermined, will disappear. In Greece and Spain, social tensions are being felt to a dramatic degree. So I would tell the Commissioner, that the first thing to do is to provide solutions in the domain of health and safety. If they can’t find answers for employment, there should be advances in health and safety to show that they are there to protect you.”

“We are in such an economic and social crisis that if the European Union does not give concrete indications of wanting to protect workers, confidence, which is already severely undermined, will disappear”

Bernadette Ségol

“Secondly I would tell him,” she continued, “that I have nothing against consultations, but we are in a system of representative democracy. That’s not only at regional, national and European levels, but also includes the social partners and unions.” “It’s not with a consultation open to all over the internet,” she continued, “that we will reinforce representative democracy or social dialogue.”

“So I would warn the Commissioner,” she went on, “you are on extremely fragile ground in terms of support from workers throughout the European Union. You need to quickly put what you preach into practice, in particular in what you are going to say about the social dimension of European policy.”

Questioned about the consultation, she returned to the importance of avoiding “just anybody saying anything.” Stressing the complexity of finding compromises within the structure of a trade union federation, she insisted that “it is the responsibility of the European Union and in particular of the Commissioner to take into consideration the opinions of the social partners
and the European Parliament.” “Personally,” she continued, “I think the consultation is just happening to gain time.”

Refusing the possibility of accepting worse working conditions in exchange for more employment, she insisted, “A job is supposed to give an individual the possibility of a decent life. A society that cannot guarantee the physical and mental safety of employees is not a sustainable society.” Ségol recalled that this was a point of agreement with the employers, before concluding, “Saying any job is better than none is opening the door to slavery.”

The first reaction of Rolf Gehring, from the European Federation of Building and Woodworkers (EFBWW), was that, despite being glad that the Commissioner had come, he would have expected that DG Employment would have been represented throughout such an important conference.

He asserted that DG Employment is on the defensive, that “in the core of important DGs, Employment hasn’t been playing a very important role since before the crisis.” In the previous strategy, there was a chapter on inserting health and safety aspects in other EU policies. “What we have seen since then is that DG Employment has been colonised by other DGs, by considerations of markets and economics.”

“We need a European strategy with ambitious goals and specific funding,” he said. The agency can only afford to do promotional activities, whereas what is needed is the possibility for health and safety to communicate with other subsystems of the European system such as pension schemes and research and development.

In response to the question of whether OSH legislation can be a burden for SMEs, Gehring felt strongly that position that the problem needs to be solved by specific advice, not different levels of protection for workers.

Unfair competition, he agreed, was also an issue for the construction industry. “The construction industry is a laboratory for forms of employment: black labour, illegal work, grey work, interim work, fixed term contracts.” The posting of workers directive, he continued, is especially relevant to the sector: “We are running a campaign against social dumping in terms of exploitation of migrant workers and posted workers.” It is necessary for the main contractor to be liable for the whole sub-contracting chain, he concluded, and a number of weak points regarding enforcement need to be dealt with.

Mario van Mierlo, representing Business Europe, started by echoing the Commissioner’s satisfaction with the reduction in accident rates.

“We can learn from each other in improving OSH,” he said. However he rejected the link made by the Commissioner between flexible work and deteriorating working conditions, whereby workers are pushed involuntarily into temporary and part-time work. “That’s not the case,” he said, “a flexible workforce is absolutely needed to overcome the economic crisis and keep unemployment down.”
Referring to his experience in the Netherlands, but imagining it is the case in other EU countries, he said: “It is essential to have vital unions, but vital reasonable unions.”

He reminded the conference that employers had voted in favour of a new strategy, but that the strategy of Business Europe is starting with the economic recovery of the EU. In all 27 EU countries, he said, health and safety is an important condition for productivity. But there must be a focus on priorities, as all goals cannot be achieved in just the few years until 2020.

Psychosocial issues are important, he agreed, “but we need to understand better what it means. Is it related to private or occupational life? Individual workers have their own responsibility, though trade unions can help them identify and address risks.

Richard Falbr, representing the European Parliament (Group of the Progressive Alliance of Socialists and Democrats) started by saying “First I must tell you that I’m an old trade unionist.”

Andor is a little bit better than Spidla, he went on, “At least he responds to invitations, but still nothing is done.” The DG Employment Commissioner is not taken seriously by the other Commissioners, he asserted, while, “as soon as something is mentioned, all the Member States start yelling about subsidiarity.” Expressing his disappointment, he lamented that the “Lisbon strategy ended as the Lisbon tragedy” and foresaw that the same will happen to the 2020 strategy regarding more and better jobs: “Promises, promises and nothing happens.”

The response of the trade unions, he suggested, should be through participation in the upcoming EU elections to bring as many trade unionists into the next parliament as possible.

“What are reasonable trade unions?” he wondered, “To say yes to everything the other side invents?”

“Less speeches and more concrete steps,” he continued, “In all the new Member States the labour inspectorate doesn’t exist.” “If the approach to social problems does not change the EU is going to lose the sympathy and support of all the people of all the Member States.”

The Parliament’s employment committee does its best, he said, but in plenary, “there are so many amendments, the original text practically disappears.”

He rejected the idea that regulation is a burden. “As soon as something is adopted, especially new Member States start to talk about comparative advantages: flat taxes, weak unions and low salaries.” He is puzzled why old Member States do not react to this. He thinks it is due to political correctness: “Something is adopted, then the rules are violated and nothing happens.”
“Social Europe is being dismantled step by step and the trade unions are taken as the last obstacle to install the rule of the invisible hand of the market,” he concluded.

**Gérard Dantin**, representing the EESC, said he was surprised about the Commissioner’s vagueness about the future and astonished that there is nothing about health and safety in the 2020 strategy which is already underway.

Also extraordinary, he found, was the absence of why the abandoned Lisbon strategy had failed. Some objectives had been carried over, for example the 3% for research target, without any modification of approach that could enable them to be achieved.

He felt that there are close links between the economic crisis and health and safety: “With little room for manoeuvre, employers are not going to be looking closely at working conditions and nor are employees going to make demands given their fears about unemployment.”

> “In times of crisis, many human rights can be threatened, but health and safety is a fundamental right and is not a luxury we can do without”

Gérard Dantin

A well-constituted EESC committee follows the 2020 strategy and can therefore see what is going on at both European and national levels: “From 2010, the question was no longer whether deficits had to be reduced, but how.” “This can only kill growth,” he says and fears an endless spiral of demand reduction through the choice of reducing budget deficits rather than employment deficits.

“We have proposed mobilising savings, major construction projects, Eurobonds, anything that can drive growth,” he concluded.

First in a final round of exchanges, Rolf Gehring pointed out that Internet consultations can level the playing field with business lobbies who have
people on the ground as well as offering an opportunity to bring Europe to our colleagues.

Bernadette Ségol replied that she was not against consulting people, especially if such a consultation can enable members to take a better part, but that for decision-making, democratic processes have to be respected.

Gérard Dantin agreed that the legitimacy of an internet consultation was in doubt.

Theoni Koukoulaki, beginning her concluding remarks queried: “Why is this procedure used now? It has never been used before. We have at least to be suspicious that this is used now to delay issues.” “Drafting a European strategy is not a statistical exercise,” she said, agreeing with Gérard Dantin that the legitimacy of an Internet consultation is in doubt.

“We may have some concerns about priorities,” she continued, “but we are committed to having a new strategy. Some of us are frustrated or disappointed by the vagueness of the European Commission, but I remember hearing the word possible.” She remarked that there was some contradiction in the Commissioner's speech: on the one hand willingness, but on the other no mention of timescale or framework.

A set of priorities is not enough: as Gérard Dantin remarked, promises were not delivered by the Lisbon strategy. “We don’t need wishful thinking, but concrete acts now,” she concluded, “In times of crisis, many human rights can be threatened, but health and safety is a fundamental right and is not a luxury we can do without. On the contrary, we can’t afford the luxury of waiting: it is now we need more than ever a concrete strategy aiming at prevention.”

“We all need to work in all our countries to bring about finally the adoption of a strategy, which is critically important to the domain of health and safety, but also beyond, to the very credibility of the European project”

Laurent Vogel
Laurent Vogel closed the conference on behalf of the ETUI, stating: “The presentations have shown we have enormous expectations for it, but we have not received a response to our question of when a European strategy might be adopted. We all need to work in all our countries to bring about finally the adoption of a strategy, which is critically important to the domain of health and safety, but also beyond, to the very credibility of the European project.”