KAN: a German trade union voice in standards

Standards are developed by private standards organizations working very much to the agenda of manufacturers and much less in the interests of workers who use their products. Germany's Commission for Occupational Health and Safety and Standardization (KAN) has been trying for nearly 20 years to put this situation right. It upholds the interests of various stakeholders in health and safety at work, and so also gives the unions a voice.

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The ETUI is currently running a project to improve the safety of agricultural equipment with the European Federation of Agriculture Workers (EFFAT).
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1. The unions hold 5 of the 17 seats and the rotating two-year chair is held alternately by representatives of the employers, unions and the state
2. Hexavalent chromium can form during the process due from oxidation of trivalent chromium used in the tanning of leather.
3. *Safety of agricultural machinery*, KAN Report 41. Downloadable from www.kan.de > Publications> KAN reports.

The "new approach" brought in in the 1980s gave standardization bodies a more leading role in the safety of machinery in the European Union. This meant the health and safety at work stakeholders, especially the trade unions, had to make sure of their input into standards. Sticking to its long-established aim of widening access to standardization, Germany's DGB trade union confederation prompted the setting-up of KAN in 1994.

KAN – the Commission for Occupational Health and Safety and Standardization – brings together the German institutions responsible for safety and health at work (unions, employers, federal and Länder governments, social accident insurance organizations) and the Deutsches Institut für Normung (DIN, the German Institute for Standardization). For individuals to take part in standards bodies puts heavy demands on time and money, so a committee working with an effective secretariat offered an interesting alternative solution for the unions[1].

What sets KAN apart is having a liaisee for the unions and another for the employers. The "Workers' Bureau" supports the union members in KAN and is the information and advice point for unions, works councils and workers (in search of standards, information for workers on dangerous work equipment, etc.).

Sound standards as the basis for manufacturing safe work equipment make a vital contribution to preventive safety and the avoidance of many workplace accidents. But this requires the standard which is the essential basis for designing and manufacturing work equipment to allow for all the risks that may arise during future use. Products must, for example, be ergonomically designed or keep noise down to safe levels. Technical innovations (camera systems for vehicles with limited fields of view, for example) also need to be fed quickly into standards.

The unions used occupational disease and accident prevalence information to help improve products (and the related standards) in KAN, especially for machinery (noise, vibration, radiation); safety of rail vehicles; running boards for refuse trucks; the presence of carcinogenic hexavalent chromium in cement and leather shoes[2].

The "feedback method"

KAN has been collaborating for many years with the European Trade Union Institute (ETUI), the European Trade Union Confederation's (ETUC) research arm, in particular on implementing the "feedback method" to feed workplace users' experiences back to standards developers so that better health and safety can be designed into standards. So, it is not experts but users of selected dangerous machinery that are directly questioned and can propose improvements. It is a painstaking but supremely necessary job given that many standardization committees cannot possibly know what risks the products may pose in actual workplace use.

In Germany, the trade unions and social accident insurance institutions have worked with the KAN Workers' Bureau to improve the safety of self-propelled variable reach trucks (stability, improved visibility and ergonomics), forklifts (visibility, electronic stabilization systems, lowering the centre of gravity to the lowest point possible, and automatic speed limitation when cornering) and combine harvesters[3] (visibility, emergency stop, safety distances, access to moving parts, etc.).

The unions recently submitted two new projects to KAN, prompted by serious accidents resulting from poor machinery design.

One was on baling presses for waste paper following a worker being crushed to death by the press while trying to clear a paper jam. There was no safeguard when the press started up unexpectedly. The machine was not fitted with either a trip mechanism or emergency stop system. The investigation showed that there was no standard which set adequate safety requirements for this kind of equipment. KAN therefore developed a draft standard in collaboration with the German social accident insurance institution for the trade and distribution industry and submitted it to the European Committee for Standardization

(CEN) with the successful outcome that after five years of discussions, EN 16252 on baling presses was published in 2011.

The other was prompted by serious accidents to drivers of earthmoving machinery. One regular source of accidents on construction sites is drivers' inability to see people in their vehicle's blind spot. KAN therefore took up a building workers' union (IG BAU) initiative which petitioned the European and German parliaments for the EN 474 and ISO 5006 standards to be reviewed in order to design or fit out civil engineering plant so that the driver has a sufficient view of his machine surrounds (including through surveillance cameras).

The balers firms use to compact their waste cause serious, often fatal work accidents. A recent European standard should improve the safety of these machines.
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Beware "soft" standards

For German trade unions, technical standardization remains a priority with the focus on product – especially work equipment – safety. Standardization, however, increasingly deals with non-technical issues. These so-called "soft" topics often impinge on workplace health and safety and the unions therefore also need to be alert to them. They include OSH management systems, the service sector and corporate social responsibility.

Product standards play a clearly-defined key role: the very broadly worded protection objectives like the essential requirements for product safety are imposed by law in European Directives on the internal market (Articles 114 and 115 of the Treaty on the Functioning of the European Union, TFEU). The technical details are embodied in the European so-called "harmonized" standards.

By contrast, the "health and safety at work directives" under Article 153 TFEU make no provision for the minimum requirements to be embodied in standards. Implementing these directives is more a matter for national legislatures (as for workplace exposure limits or operator's obligations). This is why the union reps in KAN are at pains to see that (non-binding) standards are not at odds with (binding) health and safety at work regulations.

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Where services are concerned, it may not be easy to distinguish between the requirements that a product (or service) must meet in order to be placed on the EU market, and those affecting the individual service providers.

So it may happen that draft standards also address employment and occupational safety and health aspects. That requires a concentrated effort to ensure that the standards deal only with quality of service requirements, as indeed the EU Services Directive provides. By contrast, anything relating to the wearing of personal protective equipment falls under national health and safety at work requirements rather than standards.

The German trade unions consider OSH management systems as a useful way of mainstreaming workplace health and safety across all levels of the business organization, bringing it into general application in the firm's daily activities, thereby delivering better protection at work and reducing health risks at the workplace.

However, the German unions rejected an international standard on OSH management systems recently put forward by what one might be tempted to call the usual suspect – the British Standards Institution – for three reasons:

1. Germany regulates health and safety at work in detail by statute and regulation. To double-up (and possibly duplicate) these binding rules with a non-binding standard would create confusion;
2. Guidelines are equally unnecessary. ILO "Guidelines on occupational safety and health management systems" have existed since 2001, along with national guidelines derived from them and a welter of guidelines produced by the Länder and social accident insurance organizations;
3. As the ISO 9000 family of standards on "quality management" shows, management standards are just an opportunity for costly certifications that do not guarantee health and safety in company workplaces. Where health and safety at work are concerned, company outlays must really go into ensuring protection in the workplace, not buying certificates.

KAN can only go some way to compensating for the limited opportunities workers and unions have to participate in standards development. What it does do is to offer them the opportunity to consolidate their positions on standards and draft standards. Without that, their views would carry little weight, even if it could be expressed. When the centre of gravity of standardization shifts from EU to international level, this scope for action by stakeholders who are poorly represented in standards development gains added importance.

An institution like KAN shows the practical limits of national participation when the actual decisions on standardization are taken at European level. Where health and safety protection in standards is concerned, those most affected – i.e., the workers – must get preferential opportunities for participation and joint decision-making in European bodies.

The ETUI's European standardization network plays a key coordinating role here. Through it, national unions can argue their interests to the European standardization organizations. Under the DGB's leadership, German trade unionists and the KAN Workers' Bureau give their input to this standardization network. ●