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The Advisory Committee on Safety and Health at Work

Draft Opinion

Towards better health and safety in the workplace - Opinion on Future Priorities of EU OSH Policy

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The Advisory Committee on Safety and Health at Work

Taking into account:

- The Communication from the Commission “Establishing a European Pillar of Social Rights” COM(2017) 250 and the Commission Recommendation C(2017) 2600;
- The Communication from the Commission “EU Strategic Framework on Health and Safety at Work 2014-2020” COM (2014) 332;
- The Communication from the Commission “Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy” COM(2017) 12;
- The Council Conclusions on Safety and Health at Work adopted under the Latvian and Luxembourgish Presidencies (Council Conclusions 7013/15 of 9 March 2015 and 12670/15 of 5 October 2015);

- The European Parliament resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe (2013/2112/INI);
- The European Parliament resolution of 25 November 2015 on the EU Strategic Framework on Health and Safety at Work 2014-2020;
- The opinions adopted by the ACSH on the Communication from the Commission “Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy (Doc. 7755/17) and on the Modernisation of Six OSH Directives to Ensure Healthier and Safer Work for All (Doc. 1718/2017);
- The opinions adopted by the Advisory Committee on the 1st, 2nd and 3rd Workshops on National OSH Strategies (Doc. 2491/08, Doc. 2029/09, and Doc. Doc.1808/16) and the results of the 4th Workshop in 2018 (EU OSHA website);
- The ACSH Action Programme 2015-2020 (Doc. 677/2015 as revised by Doc. 794/17);
- The 2018 EU-OSHA Report on “National Strategies in the field of Occupation Health and Safety in the EU” (<https://osha.europa.eu/en/safety-and-health-legislation/osh-strategies>);
- The Commission service internal Working Document “Stocktaking – EU OSH policy progress and ongoing work” (November 2018).

ADOPTS THE FOLLOWING OPINION:

Background

EU initiatives in the area of occupational safety and health (OSH) are currently ruled by two Commission framework policy documents: the 2014 Communication “EU Strategic Framework on Health and Safety at Work 2014-2020” and the 2017 Communication “Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy”.

Following discussion and relevant decisions taken within the Bureau of the ACSH and the WP “Strategy”, the Commission presented, at the meeting of the WP “Strategy” of 21 November 2018, the service internal working document “Stocktaking – EU OSH policy progress and ongoing work”.

The ACSH welcomes the presentation of this document, which provides a clear overview of the main outcomes resulting so far from the implementation of the two above mentioned Commission Communications.

Pointing to the evolving political scenario and the important institutional events planned for 2019, in particular the election of a new European Parliament in May and the appointment of a new Commission, the ACSH intends to seize the opportunity of this opinion to contribute pro-actively to the discussion of possible future priorities for the development of the EU policy in the area of OSH.

The general context

In line with the conclusions of the Communications from 2014 and 2017, the ACSH reiterates the importance of investing in OSH as a fundamental tool to improve not only job quality and workers' safety and health, but also competitiveness and productivity of the EU and Member States economy. Effective policies in this area can also contribute to the sustainability of social protection systems.

The results of the ex-post evaluation of the EU OSH *acquis* have confirmed the importance of the EU legislative framework to ensure workers' rights to a high level of protection at the workplace and to establish an equal level playing field for companies in the EU. The ACSH agrees with the conclusions of this evaluation, which refer to the existing legislation as generally effective and fit-for-purpose, while pointing to the need of reviewing, where appropriate, objectives, priorities and working methods to adapt the EU legislative and policy framework to changing patterns of work, and new and emerging risks.

Technical and organisational changes in the world of work, associated with social and economic upheavals like demographic change, the need to adapt the workplace to an ageing workforce, and the advanced globalisation require a pro-active attitude in designing, developing and implementing OSH policies at both EU and national level.

In this regard, the adoption of a strategic approach to OSH policy has played a pivotal role in the way Member States have defined objectives and priorities of their action in the area of OSH. As long-term frameworks for action, national OSH strategies have proved to be fit for purpose in analysing, anticipating and tackling OSH problems and trends in an increasingly changing world of work.

In this process, an important role has been played by the EU OSH Strategic Framework of 2014, which identified the further consolidation of national OSH strategies as one of its priorities. Meanwhile 26 MS have adopted or renewed their national strategies or comparable multiannual programmes as a result of the implementation of the EU Strategic Framework.

Priorities for the future

- **Promote new and improved national OSH strategies**

The experience of the last decade shows that the promotion of structured national policies in the area of OSH is a fundamental tool to ensure consistency of the EU action and effectiveness of Member States' OSH policy. The adoption of a strategic approach has proved successful in this respect and deserves to be further developed, based on new Commission's framework policy initiatives, including an EU OSH strategy, and with the full involvement and support of the ACSH. Members

States should take account of previous experiences in order to continuously improve their national OSH strategies.

2. Social partner involvement

The ACSH reiterates the important role of the social partners in the development, implementation and evaluation of OSH policy and strategic matters at all levels. The cooperation with the social partners at EU and national level, e.g. for the development of strategies and policies, for the updating of guidelines or rules and the adaptation as appropriate of the current OSH legislation to changing work places and work environment, is crucial.

3. Supporting implementation particularly in Micro Enterprises and SMEs

Efforts to ensure better implementation of OSH provisions need to be continued and reinforced with particular regard to Micro Enterprises and SMEs, bearing in mind that they represent 99% of all companies in the EU, employing 2/3 of the EU workforce. According to estimates from the 2016 SESAME project by EU-OSHA (quoted in COM(2017) 12), only 69% of microenterprises perform regular OSH risk assessment in the EU.

SMEs and Micro Enterprises should therefore continue to be in focus when developing guidance, also addressing sub-contracting as appropriate. Furthermore there is a strong need for making it easier for Micro Enterprises and SME's to receive guidance, help and counseling, e.g. by trained OSH professionals, inspectors and safety representatives according to national practices. The ACSH reiterates the importance of spreading best practices and sharing successful experiences by means of the EU-OSHA network and the role of e-tools such as OiRA for carrying out risk assessment.

Administrative burden has been detected and proven in the REFIT analysis of OSH legislation. The Commission should encourage Member States to develop further initiatives in this area.

4. Enforcement

Facilitating enforcement of OSH legislation by Member States is a priority of the current EU OSH policy and should continue to be high on the agenda of any future EU OSH framework initiative. It is vital that Member States ensure adequate monitoring and enforcement on the ground.

The effective equivalent enforcement of OSH legislation in all Member States is essential not only to fulfil the obligations imposed by Article 4 of the Framework Directive but also to ensure that the provisions of the Directives are uniformly applied guaranteeing the same level of minimum protection for workers throughout the European Union and a level playing field for companies. In this regard, the role of SLIC in assisting the Commission in promoting better coordination of Member States' enforcement policies, in particular through the establishment of common

principles for inspection, campaigns and programmes of exchange/training of labour inspectors, needs to be reinforced and properly sustained through adequate resources at national and EU level. Efforts to ensure compliance should be further enhanced with particular focus on SMEs and micro-enterprises.

5. New patterns of work

The ACSH considers that efforts to anticipate changes in the world of work and to identify their potential impact on workers' safety and health need to be continued, in particular as regards the impact of new and growing forms of employment (e.g. self-employed, platform economy, job sharing, ICT-based mobile work) and new technologies (e.g. automation, digitalisation, robotics) and that further initiatives at the European level should be considered. In this regard, the role of EU-OSHA in the identification and analysis of new risks and new opportunities need to be further developed.

On the other hand, the internationalization and globalization of work creates a new paradigm where companies are operating increasingly in global markets i.e. in third countries (e.g. platforms offering work in the EU but based and managed outside of the EU). In this regards, a discussion on possible actions could be considered as well as working in cooperation with involved institutions, e.g. ILO.

6. Improving prevention of work-related diseases

The ACSH welcomes the results of the initiatives carried out by the Commission, in the framework of the implementation of the 2017 COM, to amend the Carcinogens and Mutagens Directive (CMD). It reiterates the importance of occupational exposure limit values to be set for new substances or to be revised as appropriate for existing ones, and invites the Commission to further develop its initiatives in this area based on scientific evidence until a substantial and an appropriate protection level has been established creating an European level playing field.

The ACSH reminds that exposure of workers to ergonomic and psychosocial risks is one of the major OSH concerns Member States are confronted with today. Workers' exposure to these risk factors can lead to long-term serious deterioration of mental and physical health, with major costs for workers, business and society. Furthermore psychosocial and ergonomic risks often lead to high levels of sick leave and turnover. Affected workers will also be less productive. It is therefore appropriate that consistent EU initiatives underpin Member States initiatives with a view to developing and promoting the use of all existing resources in the area of legislation, research, awareness-raising, exchange of good practice and benchmarking to tackle these problems.

7. Improve statistical data collection and OSH evidence base

The ACSH welcomes the results of the EU OSH Information System's construction phase and invites the Commission and EU-OSHA to finalise this project, with a view to developing a more systematic approach to the definition and monitoring of policy priorities in the area of EU OSH policy, based on solid evidence base.

The ACSH invites the Commission (Eurostat) to finalise its pilot data collection on recognised occupational diseases in order to explore the possibility of improved EODS statistics for the future.

As regards accidents at work statistics, the ACSH solicits Eurostat to reach conclusions from its current overview of national practices and international literature on methodologies for under-reporting adjustments with a view to providing reliable tools for data comparison in the area of national statistics on accidents at work.

Recommendations

The ACSH recommends the Commission to assume the leadership in the prioritization of future OSH topics taking into account all relevant ACSH opinions and the results of the ex-post evaluation. The Commission and the Member States should pursue a pro-active OSH policy supported by the social partners.

The ACSH recommends the Commission to develop and adopt a new EU strategic framework on Occupational Health and Safety following the current strategic framework (2014-2020). A new strategic framework should include the above mentioned future priorities and build on the positive results of the current and former EU strategies on OSH. The new strategic framework should be developed in cooperation with the ACSH.