



European Trade Union
Technical Bureau
for Health and Safety



**The European trade union movement and sustainable
development ahead of the Earth Summit –
a European strategy for quality employment and
the protection of the environment**

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Chemical risks

**Introductory paper
by LO, Denmark**

Trade union strategy for chemical hazards

Summary of Bullet points:

- ETUC seeks a further co-operation and co-ordination with consumer organisations in the area of chemical hazards. All our members are consumers – and most consumers are workers.
- ETUC calls for a careful co-ordination with the activities of ICFTU on chemical hazards with a special emphasis on 3rd world issues and the north-south dialogue.
- ETUC calls for good governance in all countries to ensure that the safety of workers, of the public and of the environment is a major concern for all countries.
- ETUC encourages all affiliated organisations to engage them selves in the standardisation work taking place in their own national standardisation organisations, and to provide resources for direct trade union involvement in international standardisation and in organisations like WTO, WHO, UN and WSSD.
- ETUC calls for further legislation in the European Nation on chemical hazards and a more vigorous approach to control of compliance with the all ready existing legislation
- ETUC calls for the development of databases on chemicals and of possibilities of substitution. This is a task for the European Unions common research centres. ETUC ask for a further allocation of resources to this purpose. These databases should be accessible for the public.
- ETUC calls for national OHS legislation to recognise the principles of substitution, of workers rights to information, and of the employer's responsibility for a safe and healthy work environment.
- ETUC calls for a ban of substances with a known harmful effect on workers, consumers and the environment where substitution is possible without a disproportional loss of welfare.
- ETUC calls for the principle of life cycle assessments as described in the ISO 14040 series of international standards to be applied to all decisions concerning chemicals in the European Union.
- ETUC calls for all assessments to include both negative (costs) and positive (benefits) effect from production, Use, transport and disposal of the given substance.
- ETUC calls for an open and transparent regulatory process with a clear distinction between the scientific and the political process. The political process shall be open for

the public in accordance with the Aarhus-convention. ETUC calls for a similar convention for workers right to information and consultation in connection with OHS aspects of chemicals.

- ETUC supports the use of the precautionary principle in case where there is a scientifically based suspicion of severe and/or irreversible effects on workers, consumers or the environment. In such cases regulatory actions should be taken before there is a strong proof of the harmful effects.
- ETUC calls for a further development of OHS management standards in an open, democratic and transparent process with involvement of all major stakeholders. ETUC calls for the European union to finance non-business participation in the international standardisation process.
- The European trade Unions call for increased resources for evaluation and regulation concerning the use and the production of chemicals in Europe
- ETUC support the concept of a product oriented environmental strategy for the European union as long as OHS considerations is as important as considerations for consumers and for the environment.
- ETUC calls for sufficient involvement of the national authorities to ensure, that the producers comply with national and international legislation.
- ETUC calls for further development of methods for fair transition for workers faced with restructuring, job losses or major shifts in requirements for skills and qualifications.
- ETUC calls for all “standards” or “charters” for management systems, for good governance etc. to be developed in an open and transparent process where all major stakeholders can participate.
- ETUC calls for national and European legislation to ensure that workers are given sufficient information, training, education and empowerment to perform their work in a safe and healthy way

The role of trade unions

Trade Unions hold a unique role as stakeholders in the context of chemical hazards. Workers are exposed to man-made chemicals, both in the chemical industry as such (approx 3%) but also as downstream users of chemicals at work (97%) and in their daily life. Exposure can come directly from the use of "traditional" chemical products, by use of products with content of chemicals or by chemicals in the environment. This means that our strategy must consider three different approaches: Our members as producers, as users and as consumers of chemicals.

- ETUC seeks a further co-operation and co-ordination with consumer organisations in the area of chemical hazards. All our members are consumers – and most consumers are workers.

Integrated – but with a work place focus:

The ETUC strategy for chemical hazards focuses on exposure at work, but at the same time it recognises that harmful effects of exposure to chemicals are a combination of all the different exposures, often accumulated over a very long span of time. We must therefore take due care to ensure, that the solutions that we propose at the workplace do not create problems neither for other people in their pursuit of a good life for themselves and their children, nor for the environment. We must be very much aware of the latent or long-term effects of the chemicals, which we produce and use to day.

Transnational – but with respect for national and regional differences

The ETUC strategy also takes into account the great differences in living and working conditions for workers around the world. European workers must not endanger the possibilities of workers in 3rd world countries to fight poverty, hunger and illness. But at the same time the risk of "environmental dumping" should be eliminated. Countries should not be allowed to use insufficient environmental and OHS protection levels to attract direct foreign investments – and companies should not be allowed to exploit differences in national legislation in an irresponsible way.

- ETUC calls for a careful co-ordination with the activities of ICFTU on chemical hazards with a special emphasis on 3rd world issues and the north-south dialogue.

Chemicals are transnational. They are used in products sold in many countries. Emissions of toxic substances to water or air will cross national borders. All approvals or bans of any given substance must be made with this in mind. This calls for an international (or internationally harmonised, co-ordinated and accepted) regulatory framework. But national or regional (3rd world) interests should be respected at the same time. This is of high importance in the discussions of barriers to free trade, technology transfer etc in the WTO-context.

It is therefore important that trade unions play an active part in negotiations at international level in WTO, in the standardisation bodies, in WSSD on other relevant places. Trade

Unions must give this a high priority, and at the same time try to establish a fair access to these organisations in terms of (economic) resources.

- ETUC calls for good governance in all countries to ensure that the safety of workers, of the public and of the environment is a major concern for all countries.
- ETUC encourages all affiliated organisations to engage them selves in the standardisation work taking place in their own national standardisation organisations, and to provide resources for direct trade union involvement in international standardisation and in organisations like WTO, WHO, UN and WSSD.
- ETUC calls for further legislation in the European Nation on chemical hazards and a more vigorous approach to control of compliance with the all ready existing legislation

Based on regulation – and on work place decisions.

Users of chemicals in the workplace should have the right to choose the least harmful product able to perform a given task. It is the responsibility of the employer to make sure, that no chemicals with harmful effects are used in the workplace if there are possibilities of substitutions. Workers and their representatives should have access to all the employers' information concerning the harmful effects of the chemicals used in the workshop. Workers should be informed of the possibilities of substitution. All information should be given in the language of the workplace.

- ETUC calls for the development of databases on chemicals and of possibilities of substitution. This is a task for the European Unions common research centres. ETUC ask for a further allocation of resources to this purpose. These databases should be accessible for the public.
- ETUC calls for national OHS legislation to recognise the principles of substitution, of workers rights to information, and of the employer's responsibility for a safe and healthy work environment.

I: The regulatory framework

Existing chemicals – and new ones.

“The growing innovative powers of science seems to be outstripping its ability to predict the consequences of its applications, whilst the scale of human interventions in nature increases the chances that any hazardous impact may be serious and global.” (Late Lessons from early Warnings, European Environmental agency 2001).

All new chemicals must be subjected to a thorough analysis before they are approved for production and marketing.

For existing chemicals the picture is somewhat more complicated.

A number of chemicals are already known to have severe harmful effects on humans and on the environment. They must be out-phased (banned) as soon as less harmful alternatives are developed (substitution principle). Where substitution is all ready possible, the harmful substances can and shall be banned. This must apply to asbestos, to most organic solvents, to substances that is known to cause cancer, mutations or reproductory damages.

- ETUC calls for a ban of substances with a known harmful effect on workers, consumers and the environment where substitution is possible without a disproportional loss of welfare.

A very large number of chemicals are suspected of having possible harmful effects. They must be screened by various scientific methods, based on computer simulations, analogies with similar chemicals etc. Where the screening confirms the suspicion of harmful effects, the substitution principles should be applied.

Based on life cycle assessment:

Any strategy for dealing with chemical hazards must be based on a life cycle assessment. The harmful effects of a given substance must be evaluated in the production phase (including use of energy and other natural resources), as well as effects from the use (at work or in daily life), from the transport of the substance, and finally in the disposal or recycling of the substance. The effects of use of a given substance will always include some benefits – if not, nobody would buy or use the product.

- ETUC calls for the principle of life cycle assessments as described in the ISO 14040 series of international standards to be applied to all decisions concerning chemicals in the European Union.
- ETUC calls for all assessments to include both negative (costs) and positive (benefits) effect from production, Use, transport and disposal of the given substance.

Based on sound science and on political decisions:

The evaluation of a given substance must be based on an independent and fair analysis of all relevant information and documentation. The producer of a substance shall be required to provide all information asked for by the analyst. The evaluation must include harmful as well as positive effect.

But ultimately it is a political decision, whether the benefits outweigh the cost, so that the product should be produced and marketed. The same people who collect the benefits may not suffer cost. Cost and benefits will often be divided in terms of time, place and social conditions – there fore the need for political decision based on democratic and open processes.

Where sufficient information for a scientifically based risk assessment cannot be provided we must use the precautionary principle: effects that cannot be properly evaluated, that might be severe or might be irreversible MUST be avoided.

The assessment of the costs and benefits of a given substance shall be compared to the results of a similar assessment of alternatives in order to reach a qualified decision.

- ETUC calls for an open and transparent regulatory process with a clear distinction between the scientific and the political process. The political process shall be open for the public in accordance with the Aarhus-convention. ETUC calls for a similar convention for workers right to information and consultation in connection with OHS aspects of chemicals.
- ETUC supports the use of the precautionary principle in case where there is a scientifically based suspicion of severe and/or irreversible effects on workers, consumers or the environment. In such cases regulatory actions should be taken before there is a strong proof of the harmful effects.

An international framework.

The transnational nature of the production, use and emissions of chemicals calls for an international regulatory framework. The European Union is a natural forum for this task, as far as European workers are concerned. The European trade Unions call for increased resources for evaluation and regulation concerning the use and the production of chemicals in Europe. But the European regulation must be based on establishment of minimum rules at a high level of protection, where each member country is free to seek an even higher level of protection of workers, citizens and the environment.

In order to achieve this, the use of harmonised environmental and OHS standards (including management systems standards) must be improved.

- ETUC calls for a further development of OHS management standards in an open, democratic and transparent process with involvement of all major stakeholders. ETUC calls for the European union to finance non-business participation in the international standardisation process.
- The European trade Unions call for increased resources for evaluation and regulation concerning the use and the production of chemicals in Europe

A market-based framework.

This regulatory approach must be supplemented with a market-based, product-oriented policy where taxes and other financial measures are used to ensure that the market price of a given product reflects the actual environmental and health and safety cost of that product. This is an application of the “polluter pays” principle. But it shall be applied by international measures in order to minimise the distortion of competition and thereby the loss of jobs.

- ETUC support the concept of a product oriented environmental strategy for the European union as long as OHS considerations is as important as considerations for consumers and for the environment.

II: Conditions for use at the workplace

Trade Union members are exposed to chemicals both in the chemical industry, but also as “downstream users” of chemicals in other industries. The largest part of our members is downstream users.

The Chemicals industry

For workers in the chemicals industry as such, we call for a high level of safety in the production process. We encourage the use of modern management principles, such as certified management systems covering health, safety and the environment. Voluntary agreements such as “responsible care” must be encouraged. But such systems are not enough by themselves to ensure a production with a sufficient level of safety.

All such systems must be based on general requirements, that are developed in an open and transparent process, where all stakeholders (unions, business, environmental NGO’s and consumer interests) have a fair opportunity to take part.

Workers at the individual companies must be involved actively in the implementation of such management systems in the company. Workers must be involved at all stages, from the formulation of an environmental and health and safety policy at the company to the development of safe and efficient work methods and to the registration and evaluation of the company’s performance in this area.

The European trade unions call for sufficient involvement of the national authorities to ensure, that the producers comply with national and international legislation. There is a need for an improvement in the activities of national environmental and health and safety agencies in most member countries. Also the European Union must provide sufficient support in form of research and the sharing of best practises.

It must be realised that the transition to a sustainable chemical policy on an international level will result in a change of production processes and most probably a major restructuring of the chemicals industry. The necessary instruments of fair transition must be provided by companies, by national authorities and by the European Union in order to facilitate the change process for the workers in the chemicals industry.

- ETUC calls for sufficient involvement of the national authorities to ensure, that the producers comply with national and international legislation.
- ETUC calls for further development of methods for fair transition for workers faced with restructuring, job losses or major shifts in requirements for skills and qualifications.
- ETUC calls for all “standards” or “charters” for management systems, for good governance etc. to be developed in an open and transparent process where all major stakeholders can participate.

Downstream users

Most of our members are exposed to chemicals by the use of different products and substances in their daily work, where chemical are used for cleaning, lubricating, gluing, as solvents and in many other functions in industry, in agriculture or in the public or private service sector.

It is the responsibility of the employer (in co-operation with the employees) to ensure, that the risk for harmful exposure of the workers are as little as possible. The employer must make sure that the producer has given him all relevant information concerning the products to plan the work process with due concern for the workers health and safety.

Where a given process can be accomplished with a less harmful substance, this should always be done (the substitution principle).

Workers and their representatives should be informed of all relevant aspects of the use of chemicals in the production process, and they should be involved in the planning of the work process and in the choice of chemicals. The information given should be in the language used at the work place, and with due consideration for any workers with difficulties in reading written instructions.

All workers must be given the necessary training and education to use chemicals in a safe way. A mandatory work place assessment must take the use of chemicals into account, and must include plans for substitution where possible. Where substitution is not possible, the work place assessment must include plans for continuous reduction of the exposure of workers to harmful substances.

- ETUC calls for national and European legislation to ensure that workers are given sufficient information, training, education and empowerment to perform their work in a safe and healthy way

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