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PRIORITIES FOR THE FUTURE COMMUNITY STRATEGY ON HEALTH AND SAFETY AT WORK

1. General remarks

In the occupational health and safety area, a legislative framework covering all known risks and categories of workers is in place. The existing legislative framework is extremely complex, not always fully understood, in some instances too detailed and presents a particular challenge for SMEs. Throughout the EU, this has led to transposition and practical implementation problems.

UNICE therefore believes that there is an urgent need to focus the new Community strategy on health and safety on:

- making what exists work better rather than increasing complexity;
- achieving more simple, understandable and consistent EU occupational health and safety legislation;
- building on a variety of players and instruments, and particularly non-legislative measures and tools, to achieve a better understanding of requirements and support implementation of the acquis;
- considering routes other than the “classical route” of legislation to address occupational health and safety challenges, particularly in the light of multi-factorial and complex risks (e.g. MSD), whose occurrence is far from limited to the workplace;
- creating a wider prevention culture, by putting a stronger focus on education and training policies;
- demonstrating a true commitment to better regulation in the future in cases where new legislation is seen as the only possible and most adequate route to address an OSH challenge and justified by sound scientific evidence - this implies: conducting impact assessments worth their name, refraining from the adoption of very burdensome and detailed legislation and focusing on a framework-like and goal-based approach (which could well be supplemented by practical guidance for companies), thereby leaving companies more flexibility in choosing the appropriate means and methods to implement requirements.

2. Specific remarks

Better implementation of Community legislation on health and safety at work

With the legislative framework covering all known risks and categories of workers in place, it is crucial to give priority to better implementation of the existing acquis rather than focusing on new legislation. There is considerable potential to further reduce accidents at work and occupational diseases by concentrating efforts on making what exists work better.

At EU level, this could be achieved through:

- evaluation of implementation of existing directives, assessing costs and benefits and drawing lessons in terms of “what works and what doesn’t”;
- based on such a thorough evaluation and assessment, codification and genuine simplification of existing directives with a view to decreasing complexity (e.g. simplification of VDU directive in the light of technical progress, as provisions and precautions out-of-date; adaptation to technical progress of directives 92/85/EC on pregnant workers and 94/33/EC on young people at work, whose annexes are obsolete);
- provision of practical guidance for all existing legislative provisions, whereby considerable improvement of the practical value of such guides and their overall quality should remain a constant concern;
- development of other supportive tools (e. g. database for helping companies choose appropriate personal protective equipment);
- increasing coherence between OSH and other EU policies: it is important to ensure that EU rules on manufacturing and marketing of machinery, work equipment, chemicals (e.g. REACH), the labelling of dangerous substances (e.g. GHS), major risks (e.g. Seveso II), etc., are coherent with occupational health and safety requirements and do not create critical overlaps, confusion or legal uncertainties;
- continuing the development of harmonised statistics and improving the comparability of data without increasing administrative burdens on companies;
- encouraging benchmarking orientations among enforcement authorities throughout the EU;
- improving exchange of information between EU Committees dealing with OSH issues and fostering transparency.

Efforts to foster better implementation will however have only very little effect, if in the meantime the legislator continues to add to the complexity of the legislative framework. A true commitment by public authorities to “better regulation” is indispensable in the future. This means:

- Regulating only what and where really necessary. Any Commission decision to propose new specific legislation in the future must be based on a) a proper analysis of the implementation of the existing legal framework; b) a sound analysis of scientific evidence and c) a thorough assessment of economic and social costs and benefits in relation to the introduction of new legislation.
- Refraining from the adoption of very burdensome, complex and detailed legislation. Opportunities for better regulation have been missed through the adoption of the complex physical agents directives. Many of the requirements contained in the directives will prove partially impracticable on the ground.
- Recognising that not all health- and safety-related issues are most appropriately addressed through detailed provisions, but would benefit from a more framework-like and goal-oriented approach (e.g. to lay down general prevention principles or exposure limit values). This could provide for the necessary flexibility for development and innovation in both the monitoring and management of some health and safety aspects and facilitate practical application for SMEs.

At Member-State level, a focus could usefully be put on:

- increasing training offers targeting smaller and micro enterprises with a view to fostering in-house expertise and knowledge;
- making more easily understandable, practical and tailored information available to SMEs (particularly smaller and micro companies);
- systematically accompanying legislative provisions by practical guidance for organisations in the public and private sector, as the development of such instruments at European, national and sectoral levels is crucial in order to enable organisations to develop their own practical and effective solutions;
- providing for activity-based and sectoral guidance, to be drawn up by technical experts with concrete experience in health and safety management at corporate level and an understanding of workplace complexities;
- providing easier access for SMEs, and particularly smaller and micro companies to high quality and tailored support services and specialist advice at reasonable cost where required competences do not exist internally and recourse to external advice is needed;
- generally improving the availability, accessibility and quality of preventive services (whereby certification is not considered a promising route to success);
- fostering the information, educational and prevention-oriented role labour inspectorates should play alongside their purely enforcement-oriented role;
- achieving comparable capacities of enforcement authorities throughout the EU and developing common criteria for inspection with a view to ensuring a level playing field;
- remaining focused on a goal-based and framework-like approach when transposing EU directives and avoiding detailed prescriptions with a view to leaving flexibility for implementation.

Building on a variety of players and instruments

There is a general need to ensure an appropriate and better balance between legislative and other measures and for moving away from the belief that only legislation is a valid means for dealing with occupational health and safety. Instruments need to be determined in relation with the objectives that are to be achieved and the nature of the risk. In the light of the all-encompassing and complex legislative acquis on OSH, a stronger focus on non-legislative and innovative measures and tools is required.

“Out-of-the-box thinking” in terms of prevention and management of (new) risks is necessary, particularly in the light of multi-factorial and complex risks. It is necessary to allow flexible and adapted solutions at appropriate levels. Also, practical guidance can be a true alternative to legislation in some areas or a useful complement to framework-like/goal-based legislation.

Recognition must be given to the role of social partners. It is important to leave room for the social partners at the appropriate level to deal with issues they can usefully address.

The future OSH strategy should build on the existence of a variety of players and instruments, and leave the room for the development of levers of change (such as industry-driven programmes, social partner agreements, tripartite initiatives, economic incentives stimulating prevention, etc.).

Strengthening the prevention culture

UNICE considers that the development and strengthening of a preventive culture must be a central element of any strategy aiming at improving occupational safety and health. Fostering changes in behavioural patterns, decisive in achieving better OSH performance, cannot be achieved solely through legislation. A strategy to promote a preventive culture must address all parts of society, and go beyond the workplace and the working population. It should help create a general culture that values health and risk prevention.

Education and training policies, which are a Member-State responsibility, play an important role in strengthening the prevention culture. It is beneficial to start education valuing a general culture of health and risk prevention at an early age. It is moreover crucial that learning programmes for future workers and future managers adequately integrate aspects relating to safety and health and are up-to-date and correspond to workplace realities and challenges. Further progress with regard to Member States' education and training policies is needed and the Council might act as a catalyst by means of a recommendation.

Different public policies can help create a preventive culture, such as education and training and public health policies. At EU level, efforts should be stepped up to mainstream OSH in EU education and training policies and to provide for a stronger OSH focus within the next EU framework programme for research and technological development.

Moreover, the social partners at different levels through various social dialogue activities have contributed actively to promoting a preventive culture and will remain important players in this respect.

Other activities that can contribute to fostering a preventive culture are:

- promotion of the merits of a systematic approach to OSH management at the level of public and private organisations (while recognising that, in order to be effective, approaches need to be tailor-made, rather than based on standard models);
- awareness-raising activities targeting various audiences as well as the dissemination of good practices are activities that can usefully support the focus on prevention.

The European Agency for Safety and Health at Work has a crucial role to play in this respect.

Conclusion

UNICE calls on the Commission to focus its upcoming Community strategy on safety and health above-all on initiatives that foster better implementation of the current legislative framework rather than on new legislation. It is also important that, in order to be effective, the new strategy builds on a variety of instruments and players, makes full use of them, and focuses continuously on the creation of a true preventive culture.