

## Opinion on MSD : An impulse for new initiatives from the European Commission

In May 2001, the Advisory Committee on Safety, Hygiene and Health Protection at Work adopted an opinion on Musculoskeletal Disorders (MSD) calling for Commission initiatives on MSD prevention. Regulatory and non-regulatory measures will be envisaged to increase the level of primary MSD prevention at workplaces in Europe. This was the outcome of more than 5 years' campaigning by European trade unions to put MSD on the European agenda.

### What the opinion says

Basically, the MSD opinion falls into four parts. An introduction, presenting statistics, Community legislation and MSD-related standards, conclusions on the main factors holding back the introduction of prevention measures in European undertakings, basic elements on prevention policy, and concrete recommendations to the Commission. There is no specific reference to or focus on SMEs, because MSD is seen as a universal problem in all workplaces, irrespective of size.

There is a general recognition by all stakeholders that MSD constitutes a serious health & safety problem for Europe, which is not being effectively addressed by prevention.

The **main factors** accepted as hindering prevention of MSD in Europe are failings in existing legislation, lack of comprehensive knowledge at enterprise level, and difficulties in drawing up effective prevention plans. Although general and specific legislative provisions covering some MSD do exist, coverage of upper limb disorders falls short of what is needed. Also lack of specific information and training is recognized as obstacle to awareness in workplaces across Europe.

The **prevention policy** suggested includes basic requirements like a two-step risk assessment for all MSD risks including work organization risks, a participatory and multidisciplinary approach, implementation of corrective measures, giving consideration to MSD when purchasing new work equipment or making changes to work organization, information and training. The need for better diagnostic criteria, particularly for early symptoms in health surveillance, is also made clear.

The **recommendations** referred to a further regulatory initiative targeted on preventing upper limb disorders after analysing the scope and coverage of existing directives and having taken into account the findings of the recent report on *Work-related neck*

*and upper limb musculoskeletal disorders*<sup>1</sup>. Framing sector-specific, non-binding guidelines is also thought an important way of raising awareness among all partners in Europe. Both regulatory and voluntary initiatives should take the suggested prevention approach into account.

### Achievements and future actions

Perhaps the Opinion's main achievement is to open up the possibility of future European legislation to cover upper limb disorder risks. That need was made clear by the Bilbao Agency's recent European survey on Neck and Upper Limb Disorders and the Nordic report<sup>2</sup> to be published this summer on evaluation of physical workload standards and guidelines. The latter concludes that all member states would benefit from a European Directive on repetitive work.

The ESC Opinion *Towards a Community strategy for health and safety at work*<sup>3</sup> adopted on 11 July also stresses the need for new European legislation on repetitive and monotonous work. Besides, the opinion adopted by the Advisory Committee for Safety & Health recognizes the organizational origin of MSD risks and the need for corrective measures on existing patterns of organization or to consider MSD when making changes to organizational structures.

Finally the importance of MSD management is emphasized, especially the need to improve diagnostic tools for early symptoms detection.

There are two areas for future policy action on MSD initiatives at EU level - the European Commission and European Parliament. The Belgian Presidency of the EU which took over in July has made the improvement of working conditions a priority of its social policy agenda. Follow-up initiatives on the recent Opinion on MSD should be incorporated in the program. The European Parliament can play a key role by pressing the Commission for action on the matter. The EP has so far been attentive to MSD issues. In response to the ETUC campaign, in March 1998, the European Parliament held a hearing on MSD, to which the TUTB was invited to give submissions.

Various interest groups were represented, namely workers, employers, experts and victims giving evidence based on their experience. All were agreed that MSDs are a major issue in Europe and that preventive action should be taken.

Trade unions have by now developed the basic framework for legislative initiatives to cover the risks

<sup>1</sup> Peter Buckle and Jason Devereux, *Work-related neck and upper limb musculoskeletal disorders*, European Agency for Safety and Health at Work, Bilbao, 2000.

<sup>2</sup> Nils Fallentin, Eira Viikari-Juntura, Morten Waersted, Asa Kilbom, "Evaluation of physical workload standards/ Guidelines from a Nordic perspective" to be published in August in the *Scandinavian Journal of Work, Environment & Health*.

<sup>3</sup> *Opinion of the Economic and Social Committee on Request by the European Commission for the Committee to draw up an exploratory opinion in anticipation of the Commission Communication on health and safety at work*, 11 July 2001 (SOC/065), available on : <http://www.etuc.org/tutb/uk/pdf/opinion-esc-msd.pdf>

of work-related upper limb disorders. In 1993, a proposal for a European Directive on Work Related Upper Limb Disorders was framed and submitted to the European Commission by Britain's GMB union in collaboration with union experts and academics.

A panel of experts will be set up in the future to further work up legislative proposals to be put to the European Commission.

While the many years' groundwork put in has created conditions more conducive to new initiatives for improved MSD prevention than in previous years, trade unions still have many battles to fight to get better legislation on the home straight. ■

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(Doc. 0983/1/01) available on TUTB web site :  
[www.etuc.org/tutb/uk/pdf/opinion-acsh-msd.pdf](http://www.etuc.org/tutb/uk/pdf/opinion-acsh-msd.pdf)

More information on European trade union campaign on the Internet :  
[www.etuc.org/tutb/uk/msd.html](http://www.etuc.org/tutb/uk/msd.html)  
*Europe under strain : A European Trade Union campaign on prevention of MSD at workplaces*,  
Marc Sapir and Theoni Koukoulaki.

## The rise and fall of the OSHA Ergonomic standard

While the adoption of the Ad hoc Group Opinion seems to have opened the door to future legislation to improve prevention of musculoskeletal disorders in Europe, any similar prospects in the US look blocked for the immediate future, at least. Ten years of hard work by the Occupational Safety and Health Administration (OSHA) and AFL-CIO culminating in last November's standard laying down ergonomic requirements to prevent MSD was brought to nothing when Congress repealed the standard, getting President Bush's final endorsement barely 4 months later.

The OSHA's ergonomics program standard was issued on 14 November 2000, coming into effect on 16 January 2001. Congress acted under authority of the Congressional Review Act of 1996 to repeal the standard. As a result, employers and workers are not bound by its requirements.

On 6 March 2001, the United States Senate passed a resolution of disapproval (S.J. Res. 6) of the Ergonomics Program Standard under the Congressional Review Act. The House of Representatives then passed S.J. Res. 6 on 7 March 2001. President Bush signed the resolution into law as Public Law 107-5 on 20 March 2001. Accordingly, OSHA has removed the standard from the Code of Federal Regulations.

The AFL-CIO has responded by tallying the number of workers who have sustained an injury from an ergonomic hazard since 20 March, when the repeal of the standard was signed. The count - based on the Labor Departments' Bureau of Labor Statistics - has already topped 785,000 workplace ergonomic injuries.

Trade unions and activists are now looking at other ways of protecting exposed workers from ergonomic risks. Possibilities include calling for state or local government standards and including ergonomic protection in collective bargaining. At federal level, several members of the Congress have committed themselves to producing a new standard more "acceptable" to the national association of manufacturers. Any new standard that were to be issued would clearly have fewer teeth than the one repealed.

The Department of Labor recently announced three public forums in July to "discuss possible approaches to addressing ergonomic hazards in the workplace". The forums will address issues like the origins of ergonomic injuries, how to distinguish between injuries caused by work or non-work related activities, and cost effective types of government involvement. These questions have been asked and answered with scientific evidence from NIOSH and National Academy of Science reports. In conclusion, the debate is now back where it started some years ago with public hearing testimonies.

For further information contact :  
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<http://www.osha-slc.gov/ergonomics-standard/index.html>

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