

The state of play.

Trends and needs in the accession countries

Introduction

Occupational health and safety (OHS) is declining throughout the European Union and in accession and candidate countries¹ as a result of factors that vary from country to country. The main contributors in current member States are new forms of employment relationship and changes in work organization. In the past, firms were responsible for the health and safety of their workers at work and broadly tended to live up to their obligations. Things began to change from the 1980s as a result of company restructuring. Firms were “chunked down” into smaller autonomous units, which were subcontracted by their owners. A long chain of subcontractors makes it easy to lose track of who is accountable. This eventually leads to poor OHS conditions, poor training and in many cases, to a lack of OHS awareness.

Viktor Kempa
TUTB Researcher, Brussels



Many economic and political changes have taken place in the new countries since 1989. These countries have gone from a planned economy to a market economy and almost all state enterprises have become private firms. The transfer of ownership was a rapid, often uncontrolled, process. Rampant corruption which went unpunished caused a loss of confidence in the system. Also, the transition period had a negative impact on GNP growth and living standards. Unemployment rose and the informal sector expanded substantially. The populace was left footing the bill for transition.

In most new countries, the new entrepreneurs had the capitalist mentality, but little experience of how to run a business, and OHS was totally disregarded. When profit is the overriding aim, OHS takes a back seat, and this was acknowledged by most governments. OHS was seen as a curb on business. Moreover, the previous rapid switch to a market economy, also described as “uncontrolled capitalism”, destroyed elements of the OHS system – like occupational health services – that had been working well.

The trend in the new countries mirrored that in the EU. The company base expanded significantly. For each existing enterprise, fifty new ones were created, averaging a 500% increase in the number of enterprises. This meant there were too few labour

inspectors to go round. Trade unions, as traditional defenders of OHS, lost power and influence as their memberships declined.

Trade union project on evaluation

The TUTB has been keeping the national confederations in the new countries briefed on developments in the EU since the early 90s. Their representatives were invited to take part as observers and/or participants in various training courses and working groups. At the beginning of 2000, the TUTB launched a project centered mainly around the writing of national reports as a means for national trade union confederations in the new countries to supply the TUTB with detailed information on developments in the field of OHS. Trade union priorities, like social dialogue, are also evaluated in these reports. So far, reports have come in from Estonia, Poland, the Czech Republic, Bulgaria, Slovakia and Romania. That on Lithuania is in preparation. Although the project has not yet been completed, the main trends that have emerged from the reports are as follows.

The overall picture is not very encouraging

Context diversity

Different historical, political and economic backgrounds are factors that shape the pace of changes: it is why some countries undergo rapid change, while others do not.

Some countries, too, have transposed EU legislation into their own systems without heed for their own laws. This has produced paper changes only, when EU legislation sets objectives to be met and evaluated by means of a follow-up. The gap between theory and practice remains enormous in many cases. Countries have been reporting full harmonization with EU legislation when their legal systems still permit dangerous working conditions. It is even common practice in some countries to encourage workers to accept such conditions by bonuses or other incentives.

Economic aspects

A country's economic situation determines the standard of its OHS. The job market is also an indication of the working conditions people have to endure – job insecurity is higher in the new countries than in the existing EU.

¹ Referred to as “the new countries” in this article.

The structure of the economy is also significant. The new countries have a much higher proportion of workers in sectors with a higher level of work-related risks. Agriculture is a case in point. More than 18% of the new countries' workforce is employed in agriculture, nearly four times that of EU countries (1). Its characteristics make it a very problematic sector in terms of work-related risks as well as the structure of its workforce. But so-called "traditional risks" such as noise, vibrations or manual handling are also common in other sectors which are the backbone of many economies in the new countries.

Rebuilding law and structures

Poor protection has in the past been a cause of accidents at the workplace, resulting in absenteeism and long-term illnesses which incur huge financial losses to enterprises and consequently to the state. The ILO estimates the work-related fatality rate as twice to three times higher in many new countries than in EU countries (2). Similarly the Commission Strategy on health and safety at work describes these situations as follows: "What is more, the new countries have an average frequency of occupational accidents which is well above the average for the EU, mainly because of their higher degree of specialization in sectors which are traditionally regarded as high-risk" (3).

Before EU legislation can be applied satisfactorily and the quality of work and OHS regulations monitored, the first and most important thing to do is to rebuild legislation and institutions. They form the framework within which OHS regulations can be successfully implemented under EU law. A preventive approach to OHS also requires a stable framework.

This procedure should have been completed over the past ten years, but has not been. Measures are now needed to see that deadlines can be met, and this process must be monitored step by step to see that they are.

Implementation

In most cases, the standard of harmonized legislation is unsatisfactory and its implementation is even worse. It is a long-term process which has to be monitored every step of the way, from a prevention approach to an evaluation of the quality of work. Trade unions have tended to be on the back foot during the transition period. Occupational health and safety remains sidetracked while other structural, financial and institutional issues have been given priority (4). It is clear that new, improved wide-ranging strategies are required in this field. Health and safety representatives should be given multilevel training. Implementation of effective tools and procedures would also enable trade unions to be actively involved.

Transposing and implementing : a heavy workload

Mountains of paperwork are being generated to implement and in some cases to adapt legislation

to fit in with existing legislation. Those involved are experiencing what is known as "harmonization fatigue" because of the time-frame. The changes had to be all completed within ten years. So, adaptation and implementation cannot be expected to be a total success right from the start. Some adjustments may be necessary at a later stage.

Social dialogue and poor communication

In most new countries, the historical background has had a big influence on the work hierarchy. The scope of the social dialogue was limited under the old regime, and also not of the same kind as that in EU countries.

The social dialogue has not been a priority in the new countries in the past decade, because employers have not tended to see it as relevant. Although there have been positive signs of change in recent years, governments must give their full backing to the implementation of procedures to foster a working social dialogue.

By and large, company infrastructures do not foster adequate communication between employers and employees. Employees tend not to discuss problems with their employer and put up with poor working conditions for fear of losing their job.

Improved communication helps to :

- Encourage an extensive social dialogue
- Promote better worker representation in OHS
- Work towards a better economy

Positive results will become noticeable when progress is achieved in these three spheres.

State viewpoint

The implementation of OHS standards is often a costly business. A country in financial straits tends not to see OHS as a priority. This is the case with the new countries, and even some "low-cost" measures may not be being implemented. Authoritarian regimes encourage passivity and a lack of accountability and responsibility. Changing mentalities is a gradual process because it is not easy to switch overnight from one system to another. But the process cannot operate on its own and must be supported by the state.

The old approach believed it was enough to comply with established legally-binding standards and regulations, whereas the European approach requires risk assessment and places more emphasis on individual involvement and responsibilities – meaning owners, management and all workers. This requires everyone to have an in-depth knowledge of procedures. From this viewpoint, relevant legislation in the new countries can be judged as being too weak or vague. Health and safety training for workers and their representatives is of the utmost importance.

Lack of coordination

In the past, authorities with responsibility for OHS in many countries have tended to operate independently without regard for what others are doing. This results in a lack of joined-up working on OHS. Labour inspectors have had to change their approach and work methodology in the last decade. More emphasis must be placed on the full application of OHS (e.g., technical, medical, etc.) including interaction between all work-related spheres. The OHS knowledge of labour inspectors also has to be developed and extended for them to fulfill their advisory role. Nevertheless, the recent reports indicate, that in this field, there is still much to do: "Another point to emerge was that some labour inspectors accept very serious risk situations or caution an employee in a risk situation directly" (5).

The appointment of a public body is vital from a coordination point of view. Its functions would be to oversee the application and coordination of :

- Legislation
- Social dialogue
- Phased-in measures
- Best practices which act as guidelines
- Economic incentives

In other words, a public body would build a partnership among all those involved in OHS.

Enterprise level and the role of employers

OHS is not a priority for companies for two reasons: firstly, they lack the funds to develop it, and secondly, many employers are unable to understand the complexity and the importance of adequate health and safety at the workplace.

Employers generally should be made to understand that failure to take preventive actions to improve OHS will incur them significantly higher insurance contributions, because most insurance funds are running a deficit as a result of high workplace accident and occupational disease rates.

How do employers assume greater responsibility for OHS, especially in countries where they used to act on behalf of the state and took no interest in employees' complaints ?

Change could be brought about through state health and safety authorities' enforcement action, and with help from employers' organizations and trade unions. Activities and training could motivate, as well as inform and educate them and eventually help them develop a sense of responsibility and accountability. Training is of the utmost importance in resolving key issues between employers and employees.

Danger of deregulation

Many employers are advocates of deregulation in order to rid themselves of as much legislation as possible. Deregulation would have an adverse effect

on an enlarged Europe because it would drive down production costs, and OHS conditions. Trade unions want to enforce existing legislation as being essential for the effective running of business. The main objective of a proper legal framework, however, must remain the protection of workers.

New risks

Where stress-related illnesses are concerned, it is a known fact that the new countries have more problems than EU countries (6). To avoid the negative side-effects of these problems, employees should be given more autonomy and control over their work. Their issues should be resolved through social dialogue. On average, only 25% of the workforce in new countries is covered by collective agreements. Approximately the same percentage of workers is covered by representation in OHS.

Proposed measures

One basic problem with enforcement is the lack of reliable data on OHS in the new countries. An accurate description of situations, a database of comparable indicators and reports from workplaces are essential before meaningful work can be undertaken. At present, this information is not available.

Valuable as it is to source information from the workplace, it is even more important to correct the system so as to improve it. This is why training and education should become a priority. Building people's awareness and knowledge makes the workplace social dialogue an effective tool for delivering positive and hence more meaningful changes.

What is to be done about OHS in the new countries, most of which are in a parlous economic state, given that the economic framework affects the quality of OHS for good or bad ? Excellence in OHS cannot be expected in poor countries struggling with high unemployment, low wages and old-fashioned technologies. What are required are steps to remedy this situation before tightening up enforcement of health and safety at work.

Health and safety requirements need to be spelled out and set as a long-term priority by governments in the new countries. Society, work and the economy will all benefit from an improved OHS system. The social partners must have a central role in all decision-making. Economic incentives need to form part of the policy, along with specific OHS legislation. Legal requirements should be implemented and checked by means of a reliable verification system.

The State bears particular responsibility for implementing and operating the OHS system in a country. Inadequate implementation causes accidents, which are not acceptable for trade unions. This is one reason why trade unions must be involved directly in

decision-making and especially in measuring the effectiveness of a system.

The OHS outlook in the new countries is not promising, because only a small minority of enterprises are living up to the fundamental principles of the Framework Directive, leaving the appropriate preventive environment still to be created.

- Efficient risk assessment procedures are not widely applied.
- Preventive and protective service provision for workers is found only in a very few of the hundreds of thousands of firms now in existence.
- The social dialogue on OHS in the form of information, consultation and participation is not a standard procedure in workplaces.

Network building

What can trade unions do when economic factors are arguably such a daunting obstacle? One essential trade union activity in the new countries should be to set up networks of experts at branch/territorial and national levels to support workers' health and safety representatives. Most representatives in the new countries are trade unionists. Therefore, trade unions have to create stable networks and other representatives, such as from work councils or similar forms of representation, should also be included.

These networks need to be created to provide a tool for the exchange of information and dissemination of examples of good practice. They would also in part act as training providers. It is clear that national trade union confederations have to be active in this area.

The support given to workers' health and safety representatives is cardinally important. The factors examined so far clearly show that the quality of OHS needs to be considerably improved. The trade unions should reconsider how to mobilize their human and financial resources, build new capacities in OHS, and reinforce trade union policy in this area through the involvement of more and better trained workers.

Potential to implement changes and develop capabilities

Trade unions can leverage change (4) (7). But whatever their influence in the workplace, they need to be backed by institutions and political structures. As yet, this is not happening, which makes their job difficult. Trade unions could play a key role in OHS by further developing the knowledge and skills of trade union representatives. But experience tells that trade unions also need cooperation and support from the state in OHS matters.

European trade unions need to develop systems of multilevel training. They also need to frame and implement a training agenda, while the European Commission should also give this project its support as being an effective way to make use of trade union

representatives or other systems of workers representation in order to develop an in-depth knowledge of OHS.

Trade unions face a tremendous challenge. They are expected to become involved in the extensive training of worker representatives as well as improving the social dialogue, which needs to be more structured. It would be difficult to improve OHS without achieving these objectives. In the future, trade unions will have a significant role to play. ■

References

- (1) *Working conditions in the acceding and candidate countries*, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2003.
- (2) J. Takala, Global estimates of Fatal Occupational Accidents, Special Supplement, *ILO-CIS Bulletin*, No. 1, Vol. 13-1999.
- (3) *Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006*, Commission of the European Communities, Brussels, 11 March 2002, COM(2002) 118 final.
- (4) A. Rice and P. Repo, *Health and safety at the Workplace - Trade Union Experiences in Central and Eastern Europe*, ILO-CEET, Budapest, 2000.
- (5) *Evaluation of health and safety at work in 12 candidate countries*, EUROGIP, 2003.
- (6) Overall fatigue 41%, stress 29%. *Working conditions in the acceding and candidate countries*, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2003.
- (7) K. Frick, P. Jensen, M. Quinlan and T. Wilthagen, *Systematic Occupational Health and Safety management*, Elsevier Science, 2000, pp. 45-50.