

Danger money: new and candidate countries still falling short?

The European Union, International Labour Organisation and other international organisations have criticised the ongoing practice in new and candidate countries to pay danger money for hazardous and health-damaging work. The new EU Member States claimed to be fully harmonized with EU health and safety legislation at the time of enlargement in May 2004. But, the law in many countries allows workers to be paid a supplement for hazardous work. Instead of bringing the working environment up to standard, employers simply offer extra pay and/or benefits, and frequent medical check-ups. Workers understandably are not complaining. Firstly, they fear for their job if they do, and secondly, the cash incentive is reasonably high, even though living standards remain low. Even so, the Framework Directive requires workers' health not to be put at risk. For many years, developed countries have been working towards the same solution: moving away from compensation and towards preventive health and safety. But it is also about better legislation, stronger enforcement and constantly improving health and safety awareness among both employers and workers.

The crux of the issue is the lack of national strategies to implement gradual improvements in working conditions without harming workers' incomes or causing job losses. An effective social dialogue on this topic is still not on the agenda despite the pressing need to gather data and analyse the problem. Can the enlarged Europe accept double standards and social dumping? Is adequate information available on the situation in SMEs and similar practices in old EU countries? Is information available about the impact that such practices have on national health insurance systems?

In 2001, the Dublin Foundation carried out a survey on working conditions in what were then ten acceding countries plus two candidate countries - Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary,

Latvia, Lithuania, Malta, Poland, Romania, Slovakia, and Slovenia. Turkey was also included in 2002. The survey addressed a wide range of issues around the quality of work and employment, like physical risk factors, working time patterns, work organisation, social relations and work-related health problems. Among other things, the survey found that more workers in New Countries feel at risk because of work (40% against 27% in the EU), and that there is greater exposure to physical risk factors like noise, vibrations and uncomfortable and painful postures. Both these aspects acknowledged the existing divide between two parts of the EU in the field of health and safety, or quality of working conditions generally. But there have been no real reactions to this survey from relevant national or European authorities. Once again, comprehensive strategies in this field are emphatically missing.

Unfortunately, bureaucratic solutions cannot improve the existing situation, and workers will pay the ultimate price for unhealthy working conditions. Some countries are trying to simplify their legislation and shift all responsibilities in this area onto collective bargaining. This could weaken overall protection of workers, as fewer than 50% of workers are covered by collective agreements. Significant improvements in workers' health and safety cannot be achieved without national authority involvement and national strategies through things like detailed analyses, long-term rolling plans of action, clear and harmonised exposure limits, cooperation by both sides of industry, and regular performance assessments. The TUTB means to explore these areas, which have not yet been addressed in new and candidate countries. In the longer term, it hopes to help inform harmonisation of health and safety in the countries of the enlarged EU. ■

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Slovenian workers are paid compensation for working in hazardous conditions. It is not a statutory entitlement. Traditionally, most pay supplements - including danger money - are set by collective agreements.

The framework (or general) collective agreement for the private sector determines how hazardous working conditions are accounted for. Article 43 defines basic pay as the wage paid for full working time, for work results determined in advance done in normal working conditions. Normal working conditions are also defined as those in which work is usually done. So, if some work is usually done in arduous or even hazardous working conditions, compensation must be included in the basic wage. Such wages should be higher from the start.

Article 46 of the framework agreement, however, also provides for pay supplements for workplaces where hazardous working conditions are not usual but recurrent. The supplement is paid only for working hours when work was actually done in arduous or hazardous working conditions, and is calculated as a percentage of basic pay.

Supplements are paid for:

- Exceptionally strenuous work
- Arduous working environment
- Hazardous work
- Unsocial working hours

But the framework agreement only set the percentage supplements for unsocial working hours. The supplements for hazardous and arduous working conditions are fixed by branch and company collective agreements. They average 2% to 8% of basic pay, but only for the hours worked in such conditions. About 15% of the workforce is entitled to these supplements.

The framework agreement also set indicators of arduous and hazardous working conditions. Whenever they are identified, the supplement must be paid. Since 2001, every employer in Slovenia must have a "Risk Assessment" document containing these indicators.

The indicators are:

- Dirty, hard work done in arduous working conditions (e.g.: smoke, soot, hot ashes, dust, moisture, high temperature, noise, harsh artificial light, work in dark or in light other than white)
- Use of personal protective equipment
- Special hazards (fire, water, explosion etc.)

In **Hungary**, work in hazardous workplaces is compensated not by extra money, but a shorter work week, 36 hours in general. Depending on the conditions, extra paid holidays – averaging an extra six days – may be granted.

The situation in the health sector is different. Depending on the type of workplace - laboratories, x-ray rooms, etc. – staff also receive a percentage of income supplement.

The general tendency in all sectors is to improve working conditions, introduce preventive measures, provide better protection and reduce working time.

Shorter working hours must be provided for workers where the concentrations of hazards in the working environment exceeds the acceptable statutory safety and health limits, and it is technically or otherwise impossible to reduce these concentrations to acceptable levels not hazardous to health. Working time must be set taking into account the working environment, but may not exceed 36 hours a week.

Special breaks must be provided when work is performed out of doors or in unheated premises, in temperatures below -10°C, and when performing hard physical work involving severe mental strain or work involving exposure to other health-damaging effects.

In **Poland**, employers must provide employees who work in particularly hazardous conditions with adequate free meals and drinks where required by preventive considerations. Employees, through their representatives, may negotiate pay arrangements, which may include danger money for work in particularly unhealthy or hazardous conditions or where the occupational risk is more than minimal.

The working day is limited to 8 hours in conditions that are identified as harmful. Employees retain their entitlement to pay for the time not worked due to working shorter hours in dangerous circumstances. The reduction of official working hours may be achieved by adding breaks included in the working time, or by reducing official working time. The list of jobs covered by shortened working time when conditions exceptionally arduous or harmful to health prevail should be specified in the collective agreement or works rules.

In **Lithuania**, extended annual leave up to 58 calendar days must be granted to some categories of workers whose work involves greater nervous, emotional and intellectual strain and occupational risk, and those who work in specific working conditions. A Government-approved list of categories of workers entitled to the extended leave must be drawn up, which also defines the specific period of extended leave for each category of worker.

Extra annual leave may be granted to employees whose working conditions do not classify as normal.

The pay for work in abnormal conditions will be higher than that for normal working conditions. Specific pay rates are to be laid down in collective agreements and contracts of employment.

Different forms of compensation are granted to employees working in harmful and extremely harmful conditions (based on lists of occupations). These include extra holidays, danger money for work in harmful conditions (4 to 12% of the tariff wage), and extremely harmful conditions (12 to 24% of the tariff wage), preferential pension allowance, special food supplements and free milk for employees working in extremely harmful conditions.

Abnormal working conditions are defined as at least one harmful factor in the working environment that exceeds the permissible limit values set by health and safety regulations (hygiene standards) and other occupational health and safety laws. The Labour Code provides for wage supplements to be paid for abnormal working conditions, but does not stipulate the exact amounts.

The **Czech Republic's** Salary and Average Wage Act provides that: "In the case of work in difficult and unhealthy working conditions, and night work, pay and benefits must be in accordance with the Governmental decree. Collective agreements may provide for other compensation amounts".

The Decree on minimum rates, compensation for work in difficult and unhealthy working conditions and night work, defines the conditions and stipu-

lates the amount of pay. Generally, difficult and unhealthy conditions exist if:

- Maximum chemical and dust exposure limits are exceeded
- The standards on maximum exposure per shift to vibrations, ionizing radiation, electromagnetic fields, etc., or other general hazards, are exceeded
- There is a risk of infection; contact with allergens, raised air pressure, chemical carcinogens, etc.

Difficult and unhealthy conditions are listed in an annex to the decree.

In **Bulgaria**, compensation and prevention principles for hazardous workplaces are stipulated by law. The forms of compensation for work in hazardous conditions are:

- Extra annual paid leave
- Shorter working hours
- Free (complementary) protective food and antitoxins
- An early retirement scheme
- Extra pay

In **Romania**, there are various forms of compensation for hazardous work, the main five being:

- Extra pay
- Shorter working day
- Extra holidays
- Food supplement to increase resistance
- Early retirement

Only the retirement and shorter daily work time schemes are statutory. ■

WORK-RELATED STRESS

How to make the European work-related stress agreement a practical step forward?

The new framework or autonomous agreement¹ signed on 8 October 2004 by the EU social partners reflects a compromise reached after lengthy negotiations: depending on where you stand, therefore, it has good points which could be drawbacks, and vice versa...

Whatever else, the number of complaints about stress², the big problems it creates for workers and the firms that employ them, mean that the good points outweigh the bad.

The agreement is not law, but a binding contract on its signatories and their members to use every effort to put what they have signed into practice³. Unfor-

tunately, it contains no appropriate machinery for applying penalties for a breach of its undertakings.

It contains no definition of stress, so the concept remains vague and complex! The question is, whether a definition of stress is really that vital. At some months' distance from the negotiations, and looking at the text of the agreement, it arguably has little importance in operational terms, because the main health and safety thrust of the agreement is on screening mechanisms and tackling the causal factors of work-related stress.

A big focus is put on these causal factors⁴ which play into the development of endogenous stress⁵

¹ Autonomous because entered into voluntarily by employers and unions.

² The last available study by the Dublin Foundation found that 30% of workers reported suffering from stress.

³ Although a stand-alone agreement is by definition "voluntary", that does not mean, as some might wish, that the parties are free not to apply it!

⁴ Also known as "stressors".

⁵ The agreement recognizes the existence of exogenous stressors, so imported stress, but what purchase do they offer workers and employers in terms of a preventive approach?