



## EUROPEAN COMMISSION

DG EMPLOYMENT, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change  
**Social Dialogue, Industrial Relations**

### **Social Dialogue in the construction sector EFBWW-FIEC**

Working Group on Safety and Health

Minutes of the meeting held on 26 March 2010 in Brussels (09.30-13.00)

#### **1. Welcome and introduction**

The meeting is chaired by Mr. Nielsen (EFBWW). He welcomes the participants and reads out the agenda which is adopted without changes.

#### **2. Approval of the minutes of the meeting held on 21.10.2009**

The minutes are approved unanimously.

#### **3. Draft guide for a H&S Management System for the construction sector**

Mr. Gascon (FIEC) explains that this draft guide has been discussed and amended by a joint EFBWW-FIEC working group which met 4 times since May 2009.

He underlines that the draft guide is:

- to be applied on a voluntary basis
- focussing on SMEs needs
- in conformity with existing standards/guidelines (ILO, OSHA,...)
- flexible in order to allow adaptations to the national context/legislation.

In addition to encouraging and helping enterprises that do not yet have a H&S management system to develop and introduce one within their structure, it also aims at avoiding that clients impose their different systems to enterprises, which would not be efficient.

Once finalised, the guide will need to be translated in various languages in order to allow its dissemination and promotion at the national level.

Mr. Gehring (EFBWW) reminds the participants about the complexity of the construction industry and of the different H&S cultures in the various Member States. In this framework the guide is a good instrument for initiating a process within enterprises, in particular SMEs but absolutely not intended to replace legal H&S structures at company level.

Mr. Spannow (EFBWW) welcomes the draft guide which, amongst others, promotes the involvement of workers. Significant efforts will be needed in order to ensure that the guide be promoted and used by enterprises at national level.

As regards the next steps Mr. Campogrande (FIEC) proposes that both organisations should aim at adopting the final version of the guide during the next Social Dialogue Plenary meeting which will take place on 30/6/2010. In the meantime the joint working group, which will meet on 26/4, will adapt the draft guide according to the comment that will be received until then.

He also suggests that EFBWW and FIEC submit a request for a grant for a financing by DG EMPL for the publication and its translation into various languages.

The participants agree with these proposals. The affiliates of EFBWW and FIEC are requested to submit further comments/remarks, if any, by 24/4 at the latest.

Mrs. Murie (EFBWW) congratulates EFBWW and FIEC for this draft document which will be extremely useful for SMEs. She indicates that new training resources on H&S are available on the ILO website and they could be of interest as input for the working group. She promised to provide the participants with access to the (restricted) area of ILO website.

#### **4. Nanotechnologies in Construction**

Mr. Gehring (EFBWW) reminds that the study was presented during the last Social Dialogue Plenary meeting that took place on 15/12/2009 in Sofia (BG) and that it is available on EFBWW's and FIEC's websites.

He also summarises the main outcomes of this study, namely :

- it presents current nano-products and nano-materials used in the construction industry;
- there is an overall lack of information by producers and amongst employers and workers;
- nano-products are not one single substance and they can therefore have probably different impacts on H&S ;
- there is a clear need for further research and studies;
- in this context, the application of a precautionary principle is useful.

As possible follow-up activities, Mr. Gehring (EFBWW) suggests the development of prevention strategies.

Mr. Campogrande (FIEC) indicates that in this framework it is difficult to identify and develop concrete follow-up actions. It is important to keep an eye on national as well as on European initiatives in this area. In particular he reminds the intention expressed by the European Commission to analyse whether the existing H&S legislations adequately take into account the concerns linked to nano-technologies/products.

Mr. Spannow (EFBWW) underlines the crucial role played by the (un)availability of information. It is therefore useful to collect best practices examples for a better knowledge of this matter.

According to Mr. Mordasini (EFBWW) it will be possible to develop joint actions only after having collected all the information currently available.

Mr. Gehring (EFBWW) indicates that EFBWW and FIEC have addressed this issue at a very early stage and that both organisations need to build up on this. It could be useful to identify prevention measures and techniques for each type of construction activities. This could be done in collaboration with prevention institutes and he suggests that representative(s) of such institute(s) be invited for a discussion during the next H&S working group meeting on 28/9.

Mrs. Murie (EFBWW) indicates that the ILO, which is working on emerging hazards, will certainly be interested in this study.

Mr. Nielsen (EFBWW) summarises the following conclusions which are agreed by all the participants:

1. follow-up of possible EU initiatives;
2. collection of information regarding initiatives/developments at the national level;
3. to invite representatives of some prevention bodies to the next H&S meeting for a discussion and exchange of views.

## **5. OSHA “On-line Risk Assessment” tool**

Mr. Lorenzo Munar (OSHA) presents the online risk assessment tool (ORA), which has been developed by OSHA on the basis of a similar instrument used in the Netherlands:

[http://circa.europa.eu/Public/irc/empl/sectoral\\_social\\_dialogue/library?l=/construction/2010/20100326\\_arbeitsgruppe/cons\\_20100326\\_enpdf/EN\\_1.0\\_&a=d](http://circa.europa.eu/Public/irc/empl/sectoral_social_dialogue/library?l=/construction/2010/20100326_arbeitsgruppe/cons_20100326_enpdf/EN_1.0_&a=d)

He underlines in particular that:

- it is available for testing on the OSHA website;
- it needs to be tailored to the specificities of each sector;
- it needs to be adapted to the national context/legislation;
- it is free of charge;
- it is interactive.

Mr. Campogrande (FIEC) indicates the particular concerns for a possible application in the construction industry which faces very different situations in the various Member States and even on each worksite. Before undertaking something at the European Social Dialogue level it will be important to check whether there is an interest at the national level for such a tool.

Mr. Munar (OSHA) explains that in the Netherlands the initial tool has been applied in the construction industry with a different approach for each sub-sector (painters, roofers,...).

For Mr. Gehring (EFBWW) a specific focus for each profession is interesting, but it is crucial to check whether there is a demand at national level for this tool, because many “risk assessment” instruments are already available.

Mr. Spannow (EFBWW) adds that a step by step approach could be envisaged, maybe by starting with 2-3 professions to be identified and checking if there is an interest at the national level.

Mr. Dijkman (FIEC) explains that the instrument has proven to be useful in the Netherlands because it has been developed as “job-related”.

Mr. Clavreul (EFBWW) expresses some concern regarding the subjectivity of this type of assessment and about the fact that the involvement of workers is unclear.

For Mr. Eisenbach (EFBWW) there is an overall deficit in the implementation of the H&S “framework” Directive and therefore any initiative to change this must be welcome. He also highlights the possible difficulties of application of this ORA tool by SMEs, which very often use external assistance for “risk assessment”.

In answering the various concerns raised, Mr. Munar (OSHA) explains that:

1. OSHA is a tri-partite body and therefore the issue of involvement of workers has been raised and discussed;
2. It is up to the Social Partners to take into account the involvement of workers in the adaptation of the ORA tool to the specificities of their sector;
3. The ORA tool will need to be maintained and updated on a regular basis, in order to take into account possible changes in the legislations;
4. As regards the timing, EFBWW and FIEC can join this initiative as soon as they are ready.

The participants agree on the following:

1. Both Secretariats will jointly identify 2-3 professions that could initially be taken into account;
2. EFBWW and FIEC will check with their affiliates if there is an interest for adapting the ORA tool to the needs of these 2-3 professions identified;
3. According to the reactions received a decision will be taken on whether further actions should be developed.

## **6. Results of the High Level Group (“Stoiber Group”)**

Mr. Nielsen (EFBWW) reminds that the report of the “Stoiber Group”, which is part of a wider initiative by the European Commission on “reducing administrative burden for enterprises”, had been discussed during the previous meeting on 21/10/2009.

He reminds the concerns raised by this report and in particular the fact that the Social Partners have not been consulted, the methodology used and the proposals submitted which will be counterproductive in terms of H&S if applied as such.

He also reminds that it was decided to elaborate a joint position paper on this issue and that a draft had been prepared by EFBWW and forwarded to FIEC for comments.

Mr. Gehring (EFBWW) adds that the draft position paper is not focussing on the specific proposals submitted by the “Stoiber Group” but addresses mainly the general approach adopted by the High Level Group. There is no urgency for finalising the joint statement but it would be however useful to have such a joint paper.

Mr. Campogrande (FIEC) reminds the main messages of FIEC regarding this report, namely:

- the social partners should have been consulted;
- the methodology used by the High Level Group is questionable and raises several concerns;
- FIEC is in favour of any initiative aiming at reducing administrative burden for enterprises;
- however, this reduction should not be done at the detriment of the many achievements reached so far in terms of H&S.

He adds that for FIEC, although a joint position paper seems useful and feasible, the wording of the initial draft version needs to be revised and re-balanced somehow and he therefore proposes that a modified version be sent by FIEC to EFBWW within 1 month.

The participants agree with this proposal.

## **10. Miscellaneous**

### 1. EFBWW “Asbestos” campaign :

Mr. Gehring (EFBWW) informs the participants about the campaign launched recently by EFBWW against asbestos. This campaign focuses both on the European and the national level and asks for :

- a registration of all the buildings that contain asbestos;
- more training, in particular for young people, on this issue;
- clear requirements for a safe handling of asbestos containing materials and working activities
- compensations for those workers that have been exposed to asbestos.

Mr. Gehring (EFBWW) adds that a link could be made between this initiative and the “Safe maintenance” campaign of OSHA for 2010-2011 and wonders whether a joint EFBWW-FIEC declaration could be adopted.

Mr. Campogrande (FIEC) explains that although FIEC intends to be partner of the OSHA “Safe maintenance” campaign, the link with the EFBWW asbestos campaign is not clear and that FIEC is not ready yet to commit itself on the elaboration of a possible joint declaration.

### 2. Mid-term review of the Commission’s “2007-2012 H&S Strategy”

Mr. Campogrande (FIEC) indicates that EFBWW and FIEC have been asked by the Commission to provide them by 9/4/2010 at the latest with some input regarding initiatives undertaken in the framework of the “2007-2012 H&S Strategy”.

The participants agree on the proposal to send to the Commission a joint answer and a draft paper will be submitted by FIEC to EFBWW immediately after the meeting for comments/approval.

### 3. Next meetings

Mr. Nielsen (EFBWW) reminds the participants that the next Social Dialogue meetings will take place in Brussels:

- 30/6/2010 : Social Dialogue Plenary
- 27/9/2010 (respective preparatory meetings) and 28/9/2010 : H&S Working Group

He then thanks all the participants and the interpreters and closes the meeting.