

EU STRATEGIC PRIORITIES, 2013-2020

A submission from SLIC

Introduction

1 The purpose of this paper is to provide a submission setting out the views of SLIC on:

1. EU strategic priorities in health and safety for the period 2013-20; and
2. Activities of SLIC to contribute to the EU strategy for 2013-20;

Throughout the paper, we refer to an EU Strategy for the period in question. We note that the Commission Work Programme for 2012 refers to a Communication that will build on the current strategy (and the associated Impact Assessment, SEC(2007) 216/2), in particular by enhancing OSH governance, improving implementation and promoting health and safety at the workplace. We are concerned that a narrower programme of this nature, lacking the characteristics of a full strategy, would convey an intention to downgrade OSH (and thus reduce protection from risk) at a time of economic pressure, and so we would prefer there to be a strategy as originally proposed. We have three principal reasons. First, thorough strategic forward planning becomes even more important at a time of crisis. Second, we firmly believe that “good health and safety is good business” and that an effective OSH strategy will contribute to social and economic progress, not impede it. Third, the scale of the burden from work related harm, as described for instance in SEC(2007) 216/2, justifies an integrated and strategic response. Whichever approach is taken, we would ask that the following analysis and proposals are taken into account.

The context for the new EU strategic priorities and the contribution of SLIC

2 In designing a new strategy capable of lasting until 2020, SLIC identifies the following economic and social factors as being particularly significant during the period:

- Economic conditions raising the importance of creating good jobs and of promoting a full and long working life.
- Demographic changes, including
 - the implications of an ageing workforce;
 - an increasing female labour force, requiring attention to gender aspects of health and safety and to specific labour relations issues;
 - high levels of worklessness;
 - fewer restrictions on working conditions, leading to greater variety in working patterns including erratic hours, part time, shift-based and temporary work, new forms of workplace (including working from home), precarious and migrant working, illegal working;
 - fitness for work including work-related well-being and general factors with negative impact, e.g. chronic diseases.
- Scientific and technological developments.
- New industries and activities such as “green jobs.”
- Global influences including competition in manufacturing and supply.

3 We believe that good standards of health and safety, in accordance with the principles in ILO OSH Conventions, effectively administered, integrated in companies' managerial systems, make an essential contribution to human well-being and economic productivity. However the implementation of these standards at the Member State level should not, of course, create unnecessary administrative burdens; it will be of particular importance to avoid such consequences in the challenging economic period that lies ahead.

4 We therefore support the analysis in the Communication from the Commission, "An Agenda for new skills and jobs" COM (2010) 682 final concerning action on four key priorities: better functioning labour markets; a more skilled workforce; better job quality and working conditions; and stronger policies to promote job creation and demand for labour. Whilst these are all connected, SLIC's primary concern is of course with the third. We would add to the analysis at Section 3 of the Communication that adequate enforcement by all MS of the legislation, and promotion of the so-called "soft instruments," are prerequisites for success; and that both are relevant areas of interest, and action, by Labour Inspectorates.

5 COM (2010) 682 final identifies several matters upon which SLIC may make an important contribution, such as the prevention of undeclared (illegal) work. We would add that we believe SLIC has a particular contribution to make to the delivery of the future EU strategy in the sharing of good practices between Labour Inspectorates (as examined in the project report, NERCLIS); in identifying techniques used to improve OSH, and providing reliable evidence of their respective characteristics and merits; in providing evidence of the impact of the techniques that Inspectorates use; and in promoting improvement and consistency among its members through an effective continuing programme of evaluations against the Common Principles of labour inspection, and by exchanges of staff on short projects of mutual interest.

Evaluation of the "acquis" during the period 2013-20

6 Legislation that is readily understood by businesses, especially SMEs, is a key to improving compliance as is the ability to implement it and for Labour Inspectorates to enforce it. This is not simply a matter of reducing the number of pieces of legislation, but of the need to simplify the 'acquis' without reducing standards in the workplace. EU legislation should focus more on defining the goals to be reached rather than prescribing "one size fits all" solutions as to how these must be achieved.

7 In regard to the "acquis" we would like to contribute both to the review of the existing body of EU Directives on health and safety at work, and to offer our views on any new regulatory actions at the EU level. We would refer to the applicable ILO OSH Conventions and codes of practice. For existing Directives, SLIC has particular insight into their impact at the workplace, and into how readily they may be enforced. We believe that these are important considerations to take into account, alongside issues of more general interest such as the benefits that are achieved in relation to the costs imposed, and the remaining extent of the problem or issue that the Directive was created to address. In the terms "cost" and "benefit" in this and the next paragraph, we include social and technical factors, and public health considerations, not simply the factors of the financial cost incurred versus the individual harm averted.

8 We believe that three tests should be applied when new Directives are under consideration: the possibility to use other means than regulation; a cost benefit analysis (as above); and a practical assessment of the means for compliance (by dutyholders) and enforcement (for example by Labour Inspectorates). Regulations, both existing and new, should be designed to reduce risks (by which we mean the likelihood of a given hazard actually causing harm), within the context of a general protection framework, rather than addressing hazards which are not, in practice, likely to lead to significant levels of injury.

9 We recognise the importance of social partner involvement and dialogue and the role of Bilateral Agreements, provided that these conform with the provisions of the acquis and do not assign any role beyond what is envisaged under the Treaty; take into account costs and benefits (as described above); include provisions for their evaluation; and that MS are kept informed at all stages during the development of such agreements.

Principles and characteristics upon which the new strategy should be based

10 The term “strategy” normally refers to the broad aims (sometimes described as a “vision”) of what is to be achieved, setting out priorities and an overall direction, rather than specifying in detail what is to be done, when and by whom. We would prefer this to be the approach taken by the new strategy: setting out high level statements of principle, supported by objectives and illustrated by the fields and types of activity intended but without specifying in detail what is to be done. In proposing success criteria at the EU level, the Strategy should acknowledge that measures and targets may be better to be set within the supporting action plans prepared by each Member State, rather than being uniformly imposed. Furthermore we think that a categorisation of actions along the following lines will enrich the prevention potential: (a) interventions before and at the point of creation of risk; (b) interventions at and during exposure to risk; and (c) interventions when the consequences of exposure to risk arise.

11 A strategy of this kind should focus on a modest number of priorities of wide concern and significant potential harm, rather than try to be comprehensive. We suggest that for each such priority (- we suggest several, below), a broad goal is set so as to describe the outcome required, that Member States can then plan to achieve in ways that reflect their individual priorities or circumstances. We would make the general point here that problems are not uniform across countries, nor are the means we each use to monitor and evaluate progress; nor is such uniformity essential to collective progress. However, we are not advocating that the priorities be optional; MS should appropriately address each, but with flexibility as to their approach, reflecting national circumstances,

12 We suggest that the strategy should be based on and embody the following general principles:

- The ethical and financial arguments in favour of good standards of health and safety are strong, and the protection of health and safety is a basic human right.
- Those who create risks are responsible for managing and controlling them, in partnership with those affected by the risks.

- Strong leadership, competence, and effective consultation and involvement of the workforce are essential for success.
- A core aim of all involved in OSH should be to stimulate the desired behaviours of those who create, control, manage and experience risk.
- The interests of OSH are better served if it is seen and treated as a mainstream element of other policy areas such as education, and not as an optional extra.
- The competence of all who participate, including employers, workers, consultants, suppliers, regulators, advisers and representative bodies, is key to progress.
- Employers who behave wrongly (and others who have enforceable OSH duties), or who fail to meet their obligations, and as a result cause significant risk, should be effectively held to account through enforcement by adequately resourced LIs, capable of carrying out programmes of inspection and investigation of accidents aimed at identifying and correcting such wrongdoing.
- Labour Inspectorates should continue to adopt and demonstrate the characteristics in the General Principles by which they are currently evaluated by SLIC, as these play an important part in implementing the strategic priorities and objectives, and this programme of evaluations should be continued.

Demonstrating and measuring progress

13 The current strategy sets an ambitious goal for all Member States to achieve: an overall 25% reduction in the total incidence rate of accidents at work by 2012. SLIC believes that it is counterproductive to set single quantified targets of this sort as there is a balance to strike between the EU strategy and the precise circumstances of each MS. To illustrate this point: a MS with particularly high rates of readily preventable fatalities in, say, agriculture and construction, might decide that their priority is to set specific, stricter targets for these sectors rather than to adopt an EU wide general target of less benefit for them.

14 In accordance with the model suggested in paragraphs 10-11 above, we recommend a three level approach based on:

(1) A high level statement of a broad goal, for example, "Protecting, maintaining and improving the standard of occupational health and safety, by meeting evidenced exposure standards and limits, and creating a culture of prevention across EU MS, as indicated through the long-term trend of occupational accidents and work-related ill-health generally, and within priority sectors and activities."

(2) Priorities of general concern to all MS, with comparable indicators to give the Commission and other Member States insight into implementation and compliance with the broad goals.

(3) MS would then relate the general priorities to their own circumstances and identify additional national priorities, capturing all of these priorities in national action plans that identified effective ways to deliver them and, where appropriate, targets and measures. These plans could form, or contribute to, the national OSH profiles recommended by the ILO and provide a useful basis for sharing information and experience.

15 In setting this framework, we recognise the increased importance of ensuring that we are able to proactively monitor progress based on a suite of key leading (“before the event”) indicators rather than only monitoring incident/accident statistics on a reactive basis. Whilst differing definitions between MS present a continued challenge to harmonisation of data, we believe that recent work on statistics and data evaluation, including that done by SLIC, has produced some helpful solutions to address this issue.

16 We have referred to the need to emphasise the competence of all who are involved in health and safety at work. We argue that the new strategy should seek to motivate the whole range of “actors” in the health and safety system (EU and MS). We see it as vital, for instance, to share examples of successful ventures to assess, develop and improve safety culture. For example, there are several examples of major construction projects that have successfully delivered high standards of performance through effective engagement of all enterprises working on the project, as well as other agencies. The improved culture has a lasting effect with small contractors adopting the improved standards after project closure.

Establishing priorities for the new strategy

Priority health issues

17 Occupational ill health contributes greatly to the social harm and cost caused by poor OSH standards. However the possible subjects for attention are so wide ranging that prioritisation is essential. And these would become even wider if a life-based approach, rather than one based on risk at the workplace, is adopted. We recognise the remit of some Labour Inspectorates over life-based issues relating to health monitoring and promotion, social problems such as smoking and alcohol addiction, and the social insurance systems for recognition and compensation of work related injuries and diseases, which they pursue in collaboration with other national agencies. With that proviso, SLIC supports the development of a more targeted (group specific) approach in OSH and a focus on work-related ill health and disease, which are the most common reasons for working days lost and early retirement.

18 Where relevant, this approach should take into account the multi-factorial causes, for example of work-related psychosocial ill health. From the viewpoint of labour inspection the new EU-OSH strategy should look to provide new instruments and tools to effectively address work-related, but multifaceted health and safety problems. We would see this as a high and specific priority for long latency diseases. We would support further research aimed at identifying clear, effective indicators for the latent effects of ill-health, to help improve long-term ill-health outcomes.

19 Using the approach described above, we would identify the following health topics for prioritisation during the period of the strategy:

- Musculoskeletal disorders.
- Ill-health related to long latency diseases including occupational cancers, and chronic conditions such as occupationally caused lung disease. With regard to occupational cancer, priorities are that REACH works properly, classification (of carcinogens etc.) is expedited and better recognition of cancers as occupational diseases is secured.

- Work-related psychosocial risks – which we see as likely to pose an increasing challenge up to 2020. The 2012 campaign will yield insights into how MS might make further progress on this subject, which is made complex by the fact that psychosocial issues reflect both life issues and working conditions (for example by enabling MS to work together to develop EU-wide support networks). We think there is a need for some very simple guidance for use by SMEs.

Priority industry sectors

20 We have not identified specific industries that are suitable to be chosen as EU-wide priorities, because the circumstances (and therefore priorities) of MS differ one from another. It seems to us more fruitful to agree priority issues, such as the causes of ill health mentioned above, and to allow MS to deal with these within particular industries within their National level strategies and action plans. MS with the same problems could of course, and should be encouraged to, collaborate to make their approach more effective, through sharing resources and information for example. The strategy should acknowledge the enduring nature of the main traditional safety risks, such as falls from height, workplace transport, dangerous maintenance, and call upon MS to address these in effective ways that match individual MS' priorities.

21 Our experience regarding “green industries” suggests that a two-pronged approach is required. Many of the risks they present are those found in traditional activities – such as the risk of falling from wind turbines, or of instability arising through unsatisfactory engineering design and installation – and these should be addressed in conventional ways. In addition, new risks for example those presented by nanotechnology, that are not yet well understood, should be the focus for research.

SMEs

22 Over the next few years the importance of supporting the (safe and healthy) growth of Small and Medium Enterprises, micro and new businesses will be a priority. A lot of work has recently been done for example on simplified risk assessment. A key aim of SLIC's work in this area will be, as now, to act as a facilitator to:

- increase OSH competence of SMEs (emphasising Article 7 of the Framework Directive “competent source of advice”);
- improve the ease of compliance with requirements, and
- provide (or signpost towards) modern accessible guidance.

23 The term “SME” refers to a factual characteristic – simply, that the enterprise has no, or few, employed workers. SMEs are not a “sector.” They differ greatly in other respects, from those self-employed businesses who create risks to no-one other than themselves, to small firms carrying out high risk activities such as roof repair work. They are many in number, and will often have short business lives. It is therefore essential to direct the available inspection resources onto priorities among SMEs, and not to treat them as a uniform group.

24 There is not a single solution to these challenges, although the simple e-tools and printed and e-guidance that have been developed over recent years are making it easier for a large number of SMEs to conduct sensible, proportionate

risk assessments. In developing and providing the tools it is essential that this is done to make sure as far as possible that they can and will reach their target audience. We feel that the problem lies in the lack of use of information (by SMEs in particular), rather than the lack of availability, as a great deal of work has been done in recent years to provide OSH information, including via the Web, by a wide range of organisations.

25 SLIC considers that there would be merit in conducting an analysis of why the information available to enterprises is not being utilised as well as it should be, and to identify some recommendations for improvement. We would be happy to assist the Commission in reviewing how to reduce administrative burdens on SMEs to ensure that the obligations on all enterprises to manage high-risk issues and to protect others (e.g. members of the public) are not relaxed; are met in ways that SMEs find practical; and that simplification is achieved in other respects.

26 In many cases SMEs and self-employed are part of the contractor/supplier/purchaser chain of bigger companies, and so the new strategy should further put priority on means to engage large organisations to take responsibility and assist “their” SMEs to improve and maintain their OSH performance. We suggest that there is scope to do more to examine and develop ways in which SMEs can be supported by other enterprises in this way. We are aware of examples of good practice where larger businesses have influenced their suppliers and contractors by applying their own higher standards, and by offering other forms of support such as training. Sharing the benefits in a positive way across MS and enterprises may help to influence improved long-term OSH behaviour.

The role of campaign type activities

27 We would support continuing to stage risk-based inspection and information campaigns. A SLIC Working Group on campaign evaluation has identified priorities for future campaigns on the basis of MS priorities. In this way the Strategy and National action plans will align to provide a concerted approach to OSH across EU, on matters where collective effort is agreed to be appropriate.

28 SLIC would propose to take part in, and possibly coordinate, campaigns during the strategy period, but we would not necessarily assume that there had to be a campaign once every two years; the important point is to have an important subject of wide general interest, and to design a campaign (including timing) around that. Given the general pressures on resources, we suggest that every effort be made to “join up” the campaign efforts of SLIC and other bodies such as EU-OSHA and the ILO.

Vulnerable workers

29 We have identified a broad range of issues that may make a worker vulnerable including insecure employment contracts (self-employed, temporary working, migrant workers), new labour patterns, other factors affecting ill-health (demographic change, obesity, etc) and “dangerous” work. Whilst the wide range of contracts may not reduce the rights of the worker, their rights may have been reduced if, for example, they are a “posted” worker who, when working abroad, has the rights of the host country. This may make the worker vulnerable depending on the work being done and the risks associated with it. It will be important to be selective about which of these may usefully be addressed

through the review of the “acquis” and by the actions of Labour Inspectorates. We feel that some further analysis is required first so that only real (rather than theoretical) problems are addressed. This research should examine the proposition that vulnerable workers are found mainly in SMEs.

Cooperation between organisations with health and safety remits

30 It is possible that sub-groups of Member States might have standing interests in common, and if so that the strategy might help by demonstrating and offering support for them to work together (for example, the Regional Alliance of Labour Inspection among south-east European MS and neighbourhood countries, and the longstanding cooperation between the Baltic States and the Nordic Council of Ministers).

31 There is direct contact already between ILO and SLIC. We propose to develop a closer working relationship with relevant international organisations and institutions, for example to stimulate the sort of research referred to in this note. We feel also that there is scope for better coordination of the activities of European (and other) agencies including for example EU-OSHA, SLIC, ACSHW and EUROFOUND.

SLIC

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