

UNICE

THE VOICE OF BUSINESS IN EUROPE



UNICE

Occupational Safety and Health

a priority for employers

August 2000

UNICE

UNION OF INDUSTRIAL AND EMPLOYERS' CONFEDERATIONS OF EUROPE

Rue Joseph II, 40/4 - B-1000 Brussels - Belgium

Tel. : 32 2 237 65 11 - Fax : 32 2 231 14 45

E-mail : main@unice.be

www.unice.org

SUMMARY

UNICE finds encouraging that the recent publication by EUROSTAT of the latest statistics regarding work accidents in the EU (year 1996) shows an improvement in the situation. However, it considers that a certain level of vigilance must be maintained **(page 3)**.

Employers consider that the EU legislative framework is in place and that it covers known risks. Improvements can be made, but efforts must focus above all on effective application and assistance with implementation of risk prevention policy in companies, particularly small and very small businesses **(page 4)**. In UNICE's view, prevention of occupational risks is the employer's responsibility. It involves a systematic approach in company management which must be adapted to the particular features of each organisation **(page 6)**

Development of a prevention culture is a central element of a medium- to long-term strategy to improve occupational safety and health. It requires adequate education and training, as well as raising risk-awareness **(page 8)**.

Close attention must be paid to the emergence of new occupational risks or to changes in their nature, but without neglecting prevention of more traditional risks **(page 10)**. In this regard, UNICE proposes voluntary approaches, based on exchange of good practices.

Finally, from a political perspective, UNICE considers that the Commission must give high priority to occupational safety and health. Coordination between all relevant Commission services should be improved **(page 12)** and the institutional framework should be made more efficient, especially in view of future EU enlargement **(page 13)**.

I. THE IMPROVEMENT IN SAFETY AND HEALTH PROTECTION AT WORK IN THE EU SHOULD NOT LEAD TO ANY REDUCTION IN THE LEVEL OF VIGILANCE ...

1. To date, the efforts made by companies to protect the safety and health of their employees, together with policy-making at EU level, relayed in Member States by both the public authorities and the social partners, are starting to translate into an improvement in the situation.
2. Considering the rate of work accidents as an indicator of the situation, the most recent statistics published by EUROSTAT are quite encouraging. They show indeed that there has been a [downward trend in work-related accidents](#) in the European Union. In fact, work-related accidents involving more than three days of absence from work decreased by [more than 3.3%](#) between 1994 and 1996. Even more marked is the reduction in [fatal accidents](#) which were down [more than 13%](#) over the same period¹.
3. While noting its great satisfaction with these encouraging results, UNICE would nevertheless like to underline the need for all players in this area to remain vigilant - social partners and public authorities, at all levels - for the following reasons:
 - ▶ first, the figures are still very high in absolute terms: more than 4.7 million persons were the victim of a work-related accident in the EU in 1996, i.e. [more than 3.6% of the active population](#)², and [more than 5,500 people died](#) as a result of a work-related accident³;
 - ▶ second, a worrying upward trend in the number of work-related accidents in some Member States and in some sectors appears to have emerged since 1998, without it being possible at this stage to draw any valid conclusions for the EU as a whole.
4. Apart from the incalculable human cost that they represent, the economic consequences of work accidents and of occupational diseases are considerable. For instance, in 1996 they resulted in [150 million lost working days](#)⁴. The total direct cost in work insurance in the EU is evaluated as close to [EUR 20 billion](#) a year. Lastly, it is estimated that the economic weight of absenteeism and all types of incapacity for work is in a range of between [2.8 and 3.6% of GNP](#)⁵ of Member States.
5. In addition, a lack of awareness of risks and safety aspects may also cause costs induced by damage to work equipment, to environment and to products.

1 The statistics included in this document are taken from a EUROSTAT document, not yet published, on work-related accidents in the European Union in 1996.

2 4,757,611 accidents at work for an employed population of 131,509,000 persons.

3 A work-related fatal accident is one which results in the death of the victim within one year. This figure excludes *travel accidents* (during the normal journey between home and/or habitual eating place and place of work), *accidents of purely medical origin* (e.g. heart attack at work) and *occupational illnesses*.

4 50% of accidents at work result in more than one week's incapacity for work.

5 EUROSTAT

II. THE EU LEGISLATIVE FRAMEWORK IS IN PLACE; IMPROVEMENTS CAN BE MADE WITH A VIEW TO SIMPLIFICATION, BUT EFFORTS MUST FOCUS ABOVE ALL ON EFFECTIVE APPLICATION AND ASSISTANCE WITH IMPLEMENTATION OF RISK PREVENTION POLICY IN COMPANIES, PARTICULARLY SMALL AND VERY SMALL BUSINESSES ...

6. Employers recognise the need for a legislative framework concerning the protection of safety and health at work. At this stage, they believe that the EU apparatus, supplemented by national implementing legislation, makes it possible to cover all known risks. UNICE therefore reiterates its appeal for a legislative moratorium and advocates an approach designed to ensure proper application of existing legislation.
7. Among the European legislator's areas of "social" intervention⁶, occupational safety and health is indeed in second place in terms of the number of legally binding instruments⁷. Adopted in 1989, the "framework directive" 89/391 sets out the broad principles for prevention of occupational risks. Together with its derived (or "daughter") directives, it covers known risks and allows for setting up efficient prevention schemes. This legislative armoury is itself complemented by a series of directives relating to *safety of machines* when they are placed on the market and a very large number of CEN technical standards, covering much *work equipment* and *personal protection equipment*.
8. According to UNICE, efforts should be concentrated on evaluation of the existing legislation and of its practical implementation. In this regard, UNICE very much welcomes the intention announced by Commission services of initiating a process of *"revision of existing directives with a view to their modernisation and rationalisation where necessary"*⁸. Employers believe that the time has come to carry out a simplification exercise which should make it possible to improve the quality of the legislation, coherence, transparency and, hence, a better understanding and greater ease of application.
9. In this context, UNICE considers it particularly important to analyse the national reports on application of the directives with a view to identifying the difficulties encountered by companies in implementation of the legislation in order to try and find practical solutions.

6 Of the 60 directives in the field of social policy, more than two thirds relate directly to the protection of safety and health at work. See "Releasing Europe's potential: companies' views on European social policy beyond the year 2000" - UNICE, 1999.

7 Regulations, directives, decisions, agreements, etc.

8 Interim report on application of the social action programme for health and safety at work, dated 3 September 1998 - COM(1998) 511 final, pages 5 and 6.

10. Employers fully endorse the approach adopted by the Economic and Social Committee and described in point 3 of its own-initiative opinion adopted on 8 December 1999⁹ on how to improve the effectiveness of legislation, and it believes that ACSHH, a tripartite body, should play a central role in this area. In this regard, UNICE recalls the [unanimous](#) opinion handed down by the October 1999 plenary meeting and welcomed by the Commission regarding transposition of directives, which proposes a method for examination and discussion of national reports on application of the directives. As coordinator of the ACSHH employer group, UNICE intends to play an active and constructive role in this debate.
11. Beyond examination of the EU legislation, UNICE believes that great priority must be given to the drafting of accompanying instruments (guidelines, practical guides, compendiums of good practice, etc.) which facilitate its practical application in all companies, taking account of the specific needs of small and very small businesses. This is particularly urgent for the new directives (chemical agents and explosive atmospheres) and will prove necessary for directives currently being prepared (notably on vibrations). This type of instrument may also be extremely effective for making companies aware of the emergence of new risks such as stress or musculo-skeletal disorders, for which specific legislation would prove inoperative. Here, too, UNICE believes that ACSHH should play a central role.
12. Lastly, UNICE reiterates its call for serious consideration to be given to the economic and social impact of legislation in the area of safety and health at work. An initiative of this type is indispensable for establishment of an occupational risk prevention system which, while ensuring a high level of worker protection, forms part of an economically realistic framework, notably with regard to employment. In this context, UNICE refers to the unanimous ACSHH opinion adopted on 15 November 1998, also supported by Commission services.

9 "Health and safety at work - Application of EU measures and new risks".

III. PREVENTION OF OCCUPATIONAL RISKS: AN EMPLOYER RESPONSIBILITY INVOLVING A SYSTEMATIC APPROACH IN COMPANY MANAGEMENT WHICH MUST BE ADAPTED TO THE SPECIFIC FEATURES OF EACH ORGANISATION ...

13. The employer is the main player in prevention of occupational risks in the company. As a consequence of his power over organisation of the company, he is also responsible for the impact of his decisions on worker safety and health. UNICE considers that this principle, laid down in the framework directive, is completely justified.
14. However, full exercise of this responsibility presupposes that the employer is in a position to choose the prevention measures best adapted to the characteristics of the company, and can put in place a system which allows him both to protect the safety and health of his workers and to promote the competitiveness of his company.
15. UNICE is concerned by the proliferation of initiatives aimed at standardising occupational safety and health management systems, be it at national, EU or international level. In this area, standardisation does not have the same interest as it does for other aspects of company management (major risks, quality assurance, etc.) and it is indeed much more important to develop a systematic management approach which is tailored to the specific needs of each company or organisation, than to devote considerable resources to putting in place standardised and pre-defined systems which involve external certification and do not necessarily guarantee any improvement in working conditions.
16. UNICE believes that there is no single system for management of occupational risk prevention which can be applied universally to all companies, regardless of size, sector and risks specific to their activities. Such prevention systems must be designed to reflect the particular structural and operational characteristics of each company.
17. In this regard, UNICE considers that a system for management of occupational risk prevention should form an integral part of the organisation's general management system and that, in this area, a systematic approach is a prior condition for ensuring the high level of protection provided for in the framework directive on occupational safety and health. In addition, UNICE believes that such a systematic approach will enable company managers to ensure that their occupational risk prevention system is compatible with other linked systems such as environmental risk prevention systems or quality assurance systems.

18. Completely in line with the guidelines unanimously adopted by ACSHH for matters linked to occupational safety and health management systems (opinion dated 27 October 1999), UNICE is attached to developing a guide for companies, and particularly SMEs. This document will be widely circulated through its member federations.
19. It will incorporate the broad principles identified in the ACSHH opinion, notably:
- ▶ voluntary implementation;
 - ▶ consideration for the particular situation of SMEs;
 - ▶ no requirement for external audits;
 - ▶ no certification obligation;
 - ▶ adequate involvement of workers and their representatives in design, implementation and evaluation of the occupational safety and health management system.
20. In this respect, UNICE recalls that an efficient protection of safety and health at work requires close cooperation between management and workers or their representatives. This collaboration is guided by a series of obligations for management in terms of training, information and consultation of the workforce, complemented, naturally, by a series of duties for employees with regard to cooperation, behaviour and respect of the instructions given by their employer¹⁰.

10 Articles 11 to 13 of the framework directive (89/391/EEC)

IV. DEVELOPMENT OF A PREVENTION CULTURE, A CENTRAL ELEMENT OF A MEDIUM- TO LONG-TERM STRATEGY TO IMPROVE OCCUPATIONAL SAFETY AND HEALTH, INVOLVES APPROPRIATE TRAINING AND AWARENESS OF THE RISK OF ACCIDENTS AT WORK ...

21. Hitherto EU policy for safety and health at work related essentially to putting in place preventive measures and improving "technical" protection measures. Employers fully recognise the value of this. However, UNICE believes that efforts in this context can only bear fruit if henceforth this policy is widened into a strategy to raise risk awareness which goes beyond a strict definition of the active population and the workplace.
22. In UNICE's view, the challenge is to develop a general culture which values health protection in the different circumstances of life and in the face of the many risks which a person may encounter. Risk prevention must become a prevailing attitude, almost second nature. Risk control for safety and health must be recognised as an essential element in the life of everyone. This requires promotion of education and training, and development of action to raise awareness of risks and prevention.
23. In this area, UNICE fully supports the positions expressed by the Economic and Social Committee in the above-mentioned own-initiative¹¹ and the ACSHH opinion adopted on 29 April 1998.
24. In the eyes of employers, development of a training strategy should be guided by two fundamental principles:
 - ▶ The target public for training actions should go beyond the working population, covered by the directive, and also include children and young people at school, as well as future workers as part of their vocational training.
 - ▶ Aspects linked to safety and health should not be tackled separately, but incorporated as related issues in the different training courses.

11 See point 14 above - paragraph 2.3.1.1 of the opinion.

25. UNICE refers to the ACSHH recommendations on education and training for prevention¹², which it fully endorses. On that basis, UNICE believes that CEDEFOP's 2001 work programme should include a series of specific initiatives in the area of occupational safety and health. In addition, UNICE invites the Commission and members of the Leonardo Committee to include aspects linked to occupational safety and health in this vocational training programme during the discussions which will culminate with the call for proposals due to be published in 2002. UNICE will make full use of its role in these two bodies to put forward proposals.
26. In addition, UNICE believes it would be useful to identify and exchange experience on the various schemes for safety officials which exist in different Member States, and to verify their possible impact on the free movement of workers.
27. Another extremely important aspect of this medium- to long-term strategy is raising awareness. Organisation of awareness-raising campaigns, underpinned by publication of a range of tools aimed at the man in the street, can indeed play a fundamental role in the medium term, seeking to influence behaviour. In UNICE's view, particular priority should be given to accidents at work, and more especially to serious or fatal accidents.
28. For UNICE, increasing awareness of risks and influencing perception of them in general is a priority. In this context, particular attention needs to be paid to organisational, professional and human factors which can contribute to accidents at work. UNICE believes it necessary to upgrade programmes to collect data and harmonise statistics in this area, in order to have reliable data on the causes of accidents at work. This will allow decision-makers, companies or public authorities, to adapt prevention strategies effectively.
29. In this area, UNICE believes that combined and coordinated efforts by the different competent EU bodies would allow a marked improvement in knowledge, compilation of practical solutions and dissemination of awareness-raising tools. UNICE invites the Commission and EUROSTAT to give a lead in this area. For its part, it intends to make specific proposals, in the framework of both the European Agency for Safety and Health at Work (Bilbao) and the European Foundation for Living and Working Conditions (Dublin).

12 See chapter 2 of above-mentioned opinion.

V. VERY CLOSE ATTENTION MUST BE PAID TO THE EMERGENCE OF NEW OCCUPATIONAL RISKS OR TO CHANGES IN THEIR NATURE, BUT WITHOUT NEGLECTING PREVENTION OF MORE TRADITIONAL RISKS ...

30. The world of work is constantly changing, which requires great vigilance all round regarding the emergence of new sources of risk or changes in the nature of risks. Many new production processes are being introduced; new and more flexible forms of work organisation are being put in place in companies. New technologies and new situations generate risks, which should be detected as early as possible.
31. Industrial society, based on physical labour, repetitive tasks and a clearly established hierarchy, is undergoing far-reaching changes. It is progressively giving way to a society based on the knowledge, thinking capacity and skills of the individual. However, these new technologies are only useful and can only produce the expected results if they are placed in the hands of skilled, motivated and creative people. Companies increasingly depend on the skills, individual commitment, motivation and creativity of their workers.
32. In this context, employers are perfectly aware of the importance of good working conditions for competitiveness and company development. That said, the quality of working conditions is assessed more and more by the individual. What is perceived as positive by one person will not necessarily be so by another. Thus, elaboration of social standards must leave room for flexible solutions and individualised arrangements. Thus, creating good working conditions will be a difficult task, but necessary for the long-term development of each company, for which management must liaise closely with workers and their representatives.
33. National and European public authorities should not intervene directly or with binding instruments in this area. Their main responsibility is to create an environment which will foster development of solutions and formulas adapted to each individual situation. In close association with the social partners, they could also encourage exchange of experience, dissemination of practical solutions for specific problems and, on the basis of appropriate indicators, promotion of performance benchmarking in this area.

34. In addition, UNICE attaches particular importance to the work that started recently in the framework of ACSHH, on telework and musculo-skeletal disorders (MSD) respectively. Regarding the latter, UNICE will follow closely initiatives being developed in the framework of "European week 2000", placed under the responsibility of the Bilbao agency and dedicated to MSD. In both cases, drafting of practical guides for companies could prove to be a useful tool enabling companies to develop their own solutions.
35. UNICE also accords great importance to the question of work-related stress, whose effects can be extremely harmful for both the affected employees and the proper functioning of companies. In that regard, it supports the recommendations issued by ACSHH in its October 1996 opinion on the question. Here, too, the very complex nature of the phenomenon merits wide and open debate at EU level, and awareness-raising, at all levels, among companies and their workers.
36. Broadly speaking, UNICE believes that, given the very nature of these new risks and the fact that they are covered by the framework directive, which imposes general obligations on employers, public authorities must abstain from any specific legislative initiative and should concentrate their efforts on awareness-raising, promoting exchange of experience and good practice, and dissemination of practical solutions.
37. But the emergence of new risks, however significant they might be, must not mask the need to pursue and intensify efforts to prevent "traditional" risks (worker exposure to hazardous substances or agents). In this area, the recent directives on chemical agents and work in explosive atmospheres respectively are of particular importance. UNICE has already proposed that ACSHH should prepare a vademecum for the second of these directives and stresses that great priority should be given to ACSHH's work on guidelines for chemical agents.
38. Lastly, UNICE considers that research plays a fundamental role in improving working conditions and in prevention of occupational risks. In this regard, it recognises the importance of the role that can be played by the Bilbao Agency in dissemination of information on research carried out in the different national institutes. It calls for occupational safety and health to be incorporated in EU research programmes, and for the best possible coordination of national research programmes in order to avoid duplication and thereby widen the sphere of investigation. It believes that ACSHH should be consulted by Commission officials on EU research programmes.

VI. OCCUPATIONAL SAFETY AND HEALTH POLICY MUST BE ELEVATED TO THE RANK OF A POLICY PRIORITY FOR THE ENTIRE COMMISSION, AND BE RELAYED BY ALL PLAYERS, AT EVERY LEVEL OF ACTION ...

39. In this field, UNICE is concerned by the low level of visibility given by the Commission to occupational safety and health policy and urges that it be given the priority it deserves in the framework of European social policy in the years ahead.
40. In addition, employers believe that, given its close links with social and employment policy, health protection and safety at work must remain primarily a responsibility of the Directorate-General for employment and social affairs. That said, beyond the social dimension of occupational safety and health, UNICE recalls that this is also an important element of the smooth functioning of the *single market*, and that *research* and *training* are essential elements for progress to be made in this area. It therefore calls for better coordination between all Commission Directorates-General concerned.
41. European employers are fully aware that EU action in this area cannot go further than giving political impetus, and that specific implementing actions must be deployed at other levels: Member States and companies. Hence, UNICE remains extremely attached to close cooperation between all the players concerned, social partners and public authorities, national and EU, which is developed at EU level in the framework of the Advisory Committee for Safety, Hygiene and Health Protection at Work (ACSHH).
42. In this regard, it urges that proper attention is paid to the opinions it issues, which reflect a tripartite compromise, and that all its constituent groups fully meet their commitments regarding the compromises reached; the Committee's credibility is at stake.

VII. AN EFFECTIVE INSTITUTIONAL FRAMEWORK FOR AN ENLARGED EU ...

43. Enlargement is obviously one of the greatest challenges faced by the European Union. This is particularly true in the field of occupational safety and health, which represents the main part of the "acquis communautaire" in the European social policy area. Challenges are to be faced not only by the European Union, which has to preserve coherence and good functioning of the internal market, but also by candidate countries which will have to integrate into their national systems a very complex legislative apparatus, involving, in certain cases, deep reforms.
44. UNICE believes that this process deserves peculiar attention and that priority must be given to technical assistance, especially for employers' organisations of candidate countries. It is of great importance for these organisations to be able to benefit from the experience of EU employers' organisations and companies, in order to assess, concrete questions related to implementation of Community legislation with greater accuracy and define their own priorities in this field.
45. Globally, UNICE thinks that minimum standards set up by European Directives will have to be applied in these countries once they have become members. However, many "organisational" provisions of Directives could benefit from transition periods to adapt national systems progressively in good conditions.
46. From an institutional view point, UNICE is fully aware that enlargement will require adaptations, namely within ACSHH. Without prejudging the result of ongoing discussions within the Committee, UNICE recalls that it attaches great importance to good functioning of tripartite concertation which takes place within this body. As co-ordinator of the employers' interest group, UNICE will contribute positively to the reform process initiated by the Commission. In this context, UNICE also recalls that social partners of candidate countries will have to be helped to prepare themselves to play their role within these bodies once the membership of their respective countries has become effective.
47. Eventually, UNICE recalls that it wishes to initiate, with its partners, a reflection on the coordination between consultation mechanisms of the social partners within the framework of Article 138 of the Treaty and tripartite concertation within the ACSHH in the field of occupational safety and health policy. It wishes to draw up concrete recommendations to the Commission's services in this field.