**Public consultation on the new EU occupational safety and health policy framework**

**Response from the Communication Workers Union North West**

**Safety Forum - United Kingdom**

**Necessity and nature of a new EU OSH policy framework**

**1.  Do you agree with the assessment of the EU OSH Strategy? Did it lead to tangible results?**

The strategy was extremely useful to UK trade unions in arguing best practice and common ground but it is right to review and reassess that strategy. Mental health issues and the ageing workforce pan Europe must be taken into further consideration, health issues should come to the fore and not be dismissed as an add on cost to the employer – they are an long term cost to the EU society overall. The EU must harmonise working conditions and be seen as best practice throughout the external market place in which we do business with.

**2.  In order to improve workplace safety and health, do you consider it necessary to continue coordinating policies at EU level or is action at national level sufficient?**

EU wide enforcement of agreed workplace safety legislation is paramount to better European wide industrial production and improved services. Good businesses will welcome a level playing field where they get greater output and where they cannot be undercut by another company within the EU that has lower or non-existent safety standards. This cannot be achieved by nations working independently but only by EU wide enforcement driving and improving standards.

**3.  If you deem such a framework at EU level is necessary, explain why. Which aspects should be covered?**

There are emerging and changing risks to workers; for example there needs to be independent, open and trustworthy bodies need to produce solutions to the safety challenges related to nanotechnologies and nano engineering that will enable commercial opportunities for the safe use of these materials and technologies, erring on the side of safety in its development. It will need to examine, control and monitor safe practices in handling nano materials and to promote nano safety at work and to improve the understanding of the biological basis of nanotechnology. There will be a need for improved monitoring technology for engineered nano materials in all forms with controlled risk assessment and strategies leading to the development of mandatory internationally agreed safety standards. Voluntary standardisation for such as cosmetic manufacturers to comply will be useless when it is commercial interests that are the main driver in development. The effects of engineered nanostructures on human health will require many years of research before nanotechnology can be considered safe and therefore nanotechnologies will need to be developed responsibly and regulated. Countries within the EU should work together to facilitate the new technologies into products for economic growth, jobs, and other public benefit; to develop educational resources which can enhance and skill workers providing the infrastructure and tools to develop nanotechnology for life enhancement and not corporate greed.

**Level of commitment**

1. **With respect to your answer to the above questions is there a need for a new EU OSH Strategy or should alternative measure be considered? Please explain.**

It has been previously noted that the strategy for the promotion of health and safety in the workplace throughout the European Union is one of the most important and most highly developed aspects of EU policy on employment and social affairs. We welcome the adoption of many laws which have improved working conditions in the EU Member States whilst reducing work-related accidents and illnesses.

1. **If EU level action is necessary in order to improve workplace safety and health, do you consider it necessary to set broad goals and priorities and to coordinate national policies at EU level?**

The Forum would agree completely that priorities should be regulated at EU level.

1. **What would be the added-value of including specific targets into a possible new EU OSH policy framework to measure progress in improving workplace safety and health in the EU?**

As work-related road traffic collisions are a significant cause of preventable death and injury workers should be protected from such hazards and road death or injury where one or more person involved is in paid employment at the time of an incident – such deaths and injuries should be counted EU wide as work related and statistics collated accordingly. In the UK for example - work-related RTCs should be included as a reporting requirement under RIDDOR.

**4.  Should a new policy framework include a list of objectives, actions, calendars and actors involved in the implementation of actions or should it be limited to setting a vision for the future, and a definition of goals and priorities?**

A vision for the future would not be enacted on unless there were milestones and targets within it for counties and companies to focus upon and be audited against. Many businesses already aim for mere legislative compliance and the bare minimum standards.

**Content of a new EU OSH policy framework**

1. **What are the key challenges in the OSH area? How would you prioritise them?**

i] Asbestos – it’s horrible and continuing legacy.

ii] Enforcement – even in the more advanced economies austerity measures are partly to blame for the lack of enforcement of much health and safety legislation. Slogans like “reducing burdens on business” have allowed enforcement to drop to a trickle and most of industry (in the UK) knows that it is unlikely ever to see an enforcement officer from any agency. Whether we increase or decrease the workplace health and safety legislation is almost irrelevant if there is little or no enforcement. Effective enforcement is critical to back up any legislation and a voluntary approach will not ensure compliance.

iii] Environment - The localisation of global action is a common goal and it can be argued that it is a highly important strategy (Stirling 2010). Global restructuring and pan-national industries inevitably demand a global focus and united responses to environmental issues. Stirling concluded that class and anti-union antagonisms will remain as capital shifts around the globe and global solidarity is not a mere tactic but an essential necessity that unions join with other social movements if they are to have any chance of developing successful environmental campaigns. However, we need to tools to do so and the enforcement to support such activity.

**2.  What practical solutions do you suggest to address all or some of these challenges?**

i] Whilst asbestos is no longer used in UK, or most of the EU, industries - asbestos related deaths continue to rise and this is expected to continue as work goes on in existing installations such as old buildings and industrial plant. Training and recognition of the dreadful legacy should be a high priority amongst our young people entering the workplace throughout the EU and as such education is vital.

ii] Health and safety legislation has reduced the number of people harmed whilst at work but that legislation on the statute book is only one piece of the jigsaw, effective enforcement and freely available guidance on good work practice is also required to persuade people that it is the right thing for a civilised society. Legislation should be used to prevent injuries and illness rather than to obtain compensation for breaches after the event. The lack of effective enforcement, which is critical to workplace safety, is widespread. Legal compliance is more an effective driver for a business than the UK Governments lauded voluntarism. We are also concerned over the creation of an artificial dividing line between low and high hazard workplaces which show a spectacular lack of awareness and appears to have been plucked from the air without evidence.

iii] The EU basis for environmental policy for companies on product life cycle, the Integrated Product Policy (IPP) of the EU is welcome and already built into European directives are life cycle based such as Waste Electrical and Electronic Equipment (WEEE) where the end of life is part of the purchase obligation. Implementation of such policies would be enhanced greatly with the recognition of Union Environmental Representatives (UERs) who would help to police the legislation in much the same manner as Union Safety Representatives (USRs) help to police health and safety legislation. Thus we would like to see UERs given the same legal standing within industry as USRs.

**3.  Do you consider that such a framework should develop initiatives to provide further protection for vulnerable groups of workers and/or for workers in specific high risk sectors?**

Workplace deaths and injury data can deliberately downsizes the issues by allowing phraseology like “it goes with the job” to continue in everyday speech and when even work related road traffic fatalities excluded (in the UK and Ireland) it shows how suspect the rest of the work related injury and ill health statistics are. We should look at causational factors outside the box, such as casualised workforces, wide spread sub-contracting, an increasing migrant workforce, and complex supply chains and so on. As such we are not comfortable with the terminology of “High Risk Areas”.

**4.  Do you consider that measures for the simplification of the existing body of EU OSH legislation should be included in such a political instrument? If so, which ones would you suggest?**

Current EU legislation is already clear and precise. It provides the “bottom line” across member states which can always be improved should the political will be there in an individual state or should conditions require so.

**5.  Do you think that such a framework should specifically identify and address the challenges posed by the ageing of the working population? If so, which measures would you suggest?**

The ageing of the EU workforce should be considered alongside maintaining an active life while outside the workplace; both are major social challenges for the EU. Thus the EU JPI “More Years, Better Lives – the Potential and Challenges of Demographic Change" was welcome to this field of work and we look forward to the experts and European networks in presenting development needs and solutions. The EU was a leader in promoting improving relationships between work and well-being amongst our young and older persons and this should continue. We must end the negative stereotypes of older people and engage with new technologies to support ageing workers with flexible working time arrangements

**6.  What measures would you suggest to reduce the regulatory burden on SMEs and micro-enterprises, including reducing compliance costs and administrative burden, while ensuring a high level of compliance with OSH legislation by SMEs and micro-enterprises?**

There is no regulatory burden. It is a made up, non-evidence based story that would be more believable if written and presented by Hans Christian Andersen or The Brothers Grimm. More importantly - there are workplace injuries and fatalities.

**7.  Do you have any views on the role of social dialogue at EU and national level to the identification, preparation and implementation of any new initiatives to improve health and safety at work?**

The current EU Social Agenda and the leadership of Koos Richelle has worked tirelessly against nationality based discrimination regarding the free movement of labour but should not allow such labour to be used to drive down workplace health and safety standards in any member state. Away from their native home and inarticulate in the country they are seeking work, many workers are forced into accepting health and safety conditions that the indigenous workers would refuse to endure. It has been proven repeatedly by academic studies and supported by most business commentators that investing in occupational safety pays off in terms of improved productivity, reduced staff churn becoming more profitable; the reverse of this must also be true and a race to the lowest health and safety standard will make the EU economy less productive.

**8.  Add any further aspects that in your view were not sufficiently taken into account by the above questions?**

The EU should be driving best practice standards up and down stream in supply chain and service industries. This is an opportunity to raise health and safety standards in the workplace wherever we do business, not just within Europe but from Asia, Africa to South America.

With further reference to nanotechnology industries – we should consider the end life and eventual disposal which may create a problem such as nuclear waste from energy generation and the health impact may vary dependent at different stages of the nanoparticles life cycle, not just the engineering and introduction but a full life cycle analysis.

There is a difficulty in comparability of statistics but we do welcome the efforts of Eurostat in their collation of workplace fatalities. However we wish for fatalities due to road traffic accidents were one or more drivers in in work to be included across the EU including the UK and Ireland.

The European Union Labour Force Survey is useful in collating specifically more workplace health issues and longer term problems such as exposure to factors that can adversely affect mental well-being - this useful data collection should continue.

Ends.

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