



## Reply

### Consultation on the EU's Strategy for Health and Safety at Work

#### 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? (between 50 and 200 characters)

The 2007-2012 EU strategy on health and safety at work produced only a limited number of tangible results. One of the main reasons for this shortfall is the largely insufficient quantity of data on which the current evaluation is based. As stated repeatedly throughout the report the data used is out of date or incomparable due to the fact that member states use different definitions, or the data sources are inadequate. The outcomes of the EU OSH Strategy must therefore be qualified and cannot be used as a basis for a more extensive coordinated strategy at EU level or for new legal requirements.

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? (between 50 and 2000 characters)

ECEG and Cefic believe that the exchange of good practice should be promoted in the spirit of fruitful cooperation and coordination. Good practice examples should be collected, disseminated and used in practice. This partnership for mutual learning creates a real European added value. In addition the sector needs further guidelines for action or tools (like OiRA, Online Interactive Risk Assessment for example) in a range of key areas. EU strategies to improve health and safety at work that would cause more red tape and excess regulation are neither useful nor necessary, as they would only hamper the effective implementation of occupational health and safety measures.

Protecting workers against occupational risks has historically been one of the priorities of European chemical companies and significant investments have therefore already been made on that front. Generally speaking occupational health and safety standards are currently quite high across the EU. In addition ECEG, the European social partners, and industriAll European Trade Union (EMCEF up until May 2012) scrutinize the occupational health and safety conditions in place in the chemical sector on a regular basis, most recently in the context of the 2009 project "Improvement of health and safety at the workplace as target for social dialogues".

3. If you deem such a framework at EU level is necessary, explain why. Which aspects should be covered? (between 50 and 2000 characters)

As explained above Cefic and ECEG believe any strategic framework at EU level that would constitute excess regulation in the area of occupational health and safety to be counterproductive. However we would welcome joint guidelines (for 'a healthy workplace' for instance) with global targets for the improvement of occupational health and safety by further reducing the number of occupational diseases and accidents. Individual prioritisation and design of said targets should then be decided by member states considering that national, sectoral and company framework conditions and related challenges differ substantially across countries. The main aim should be an approximation of occupational health and safety standards at EU level, yet it must be ensured that the achievement of harmonized EU-wide minimum standards is not synonymous with regulatory overkill and convoluted rules and regulations.

## Level of commitment

4. (1.) With respect to your answer to the above question, is there a need for a new EU OSH Strategy or should alternative measures be considered? Please explain. (between 50 and 2000 characters)

We are of the opinion that the achievement of existing targets relating to the previous EU occupational safety strategy (2007-2012) should take precedence over any new strategic goals. Moreover our answers above show our assessment that there is no need for any new EU OSH strategy that would come with additional rules and regulations. The exchange of good practice and guidelines on the other hand should certainly continue.

5. (2.) 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? (between 50 and 2000 characters)

Each country should – inspired by joint EU guiding principles – set its own goals and priorities, which it will subsequently implement as part of its national strategy. This ensures that member states prioritise high risk areas based on their specific situation and needs.

Action at EU level seeks to do away with duplication and legal contradictions. REACH and occupational health and safety rules exist side by side and complement one another to a considerable extent. However there are a number of contradictions and regulatory overlap, which need to be eliminated. The REACH substance evaluation process could be used to highlight potential changes that need to be made for existing OELs (occupational exposure limits) and to expedite the procedure for the setting of new OELs. This would do away with current

discrepancies between national rules and regulations and potentially reduce the number of contradictory risk management measures currently found in the extended safety data sheets by different manufacturers of the same substance. For companies, SMEs in particular, this would constitute a considerable reduction of their administrative burden given as they are currently required to comply with both REACH and national occupational safety laws.

6. (3.) What would be the added value of including specific targets in a possible new EU OSH policy framework to measure progress in improving workplace safety and health in the EU? (between 50 and 2000 characters)

As outlined above each member state should be allowed to set its own goals and priorities, which will subsequently be implemented as part of the country's national OSH strategy. Including specific, measurable targets in a European framework is unnecessary.

7. (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? (between 50 and 2000 characters)

As mentioned above ECEG and Cefic are of the opinion that guiding principles for occupational health and safety at EU level would be more useful than a potentially regulation-based EU strategy. However goals and priorities should be set and fleshed out at national level given that member states face fundamentally different national, sectoral and company challenges and framework conditions. The social partners must be involved in the drafting, the implementation and the assessment of national strategies. It must be ensured that the achievement of harmonized EU-wide minimum standards is not synonymous with regulatory overkill and convoluted rules and regulations.

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

8. (1.) What are the key challenges in the OSH area? How would you prioritise them? (between 50 and 2000 characters)

Given that current OSH challenges are specific to individual countries and sectors, priorities must be set, coordinated and processed in a sector-targeted fashion at national level.

As a general rule preventative measures must not only target so-called 'new risks' but should be part of a horizontal approach with a view to contributing to health and a 'sustainable working life'. This aim is particularly significant in the light of demographic change, the lack of skilled workers and increasingly fierce and global competition.

9. (2.) What practical solutions do you suggest to address all or some of these challenges? (between 50 and 2000 characters)

Guidelines and good practice examples should be made available, to SMEs in particular. Additional legal requirements or rules and regulations are neither useful nor necessary; quite the opposite – existing rules should ideally be simplified.

10. (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? (between 50 and 2000 characters)

The implementation of national strategies should not focus on specific groups of workers. Rather the focus should be on the safety, health and fitness for employment of all workers to ensure they can live and work healthily and productively for as long as possible. The Commission's definition of high-risk groups is extremely broad – it includes women, migrants, young and old workers – , which we believe is rather unhelpful.

11. (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? (between 50 and 2000 characters)

One of the aims of EU-level initiatives is the removal of duplication and legal contradictions. REACH and occupational health and safety rules exist side by side and complement one another to a considerable extent. However there are a number of contradictions and regulatory overlap, which need to be eliminated. The harnessing of synergies must become a priority.

The REACH substance evaluation process could be used to highlight potential changes that need to be made for existing OELs (occupational exposure limits) and to expedite the procedure for the setting of new OELs. This would do away with current discrepancies between national rules and regulations and potentially reduce the number of contradictory risk management measures currently found in the extended safety data sheets by different manufacturers of the same substance. For companies, SMEs in particular, this would constitute a considerable reduction of their administrative burden as they are currently required to comply with both REACH and national occupational safety laws.

12. (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? (between 50 and 2000 characters)

EU-level regulation is not necessary for the management of challenges relating to the ageing of Europe's active population. Rather the focus should be on the promotion, the collection and the exchange of good practice examples across

member states. ECEG, the European chemical social partner, FECCIA and industriAll European Trade Union have been examining the impact of demographic change on Europe's chemical industry since 2011 and have been looking for possible solutions to aging-related issues in the context of a range of EU projects.

13. (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? (between 50 and 2000 characters)

Guidelines for action and good practice examples should be made available, in particular to SMEs. It is also necessary to check the extent to which health and workplace rules and provisions are indeed necessary and how they match reality as experienced in practice.

14. (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? (between 50 and 2000 characters)

Occupational health and safety at EU level is part and parcel of Europe's social policy agenda and undoubtedly falls within the remit of Europe's social partners. As stipulated in TFEU Article 157 social partners are entitled to be heard by the Commission prior to the tabling of proposals affecting social policy areas. We therefore expect the Commission to maintain the practice of consulting Europe's social partners well in advance of the tabling of any OSH-related initiatives and to consider said practice to take precedence over public consultations.

The chemical industry's European social dialogue has long been defined by cooperation based on mutual trust between the social partners, ECEG and industriAll European Trade Union (EMCEF up until May 2012). The high occupational health and safety standards achieved in the chemical industry are inextricably linked to wide-ranging agreements (global initiatives like *Responsible Care*) and to joint social partner initiatives and projects (including 'Improvement of Health and Safety at the workplace as target for social dialogues'). The efforts made by the social dialogue task force on health and safety at work ('Working Group Health & Safety and Responsible Care') in particular have shown to provide a significant impetus to our sector and constitute an important platform for stakeholder dialogue.

15. (8.) Add any further aspects that in your view were not sufficiently taken into account by the above questions. (between 50 and 2000 characters)

In light of the fact that workers will in the future be required to work for longer the responsibility for a healthy and sustainable working life needs to be shouldered by employers as well as by workers themselves (personal responsibility for healthy behaviours and lifestyles) and by public health bodies.