

FINAL REPORT

EU-Project
„Improvement of Health and Safety at the workplace as target for social dialogues”

by ECEG and EMCEF



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Occupational and Health Protection at the workplace in respect to chemical substances in the European Union

Foreword

This report was prepared in the frame of the EU-Project“ Improvement of Health and Safety at the workplace as target for social dialogues”.

The Project corresponds to the objectives of the European Union regarding the support of the European Social Dialogue since it is a joint project promoted by the trade unions of Chemical Industry (EMCEF) in partnership with the European Chemical Employers Group (ECEG) in the framework of the sectoral committee of the Social Dialogue established in December 2004. One of the main objectives of the project is to strengthen the social dialogue in the Member States with particular attention to new Member States and to encourage cross-sector cooperation of Social Dialogues.

The project in this perspective also contributes to the objectives of the Lisbon Strategy of the European Union by developing recommendations to enhance the quality of employment conditions in the chemical and downstream industries.

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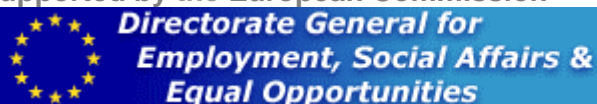
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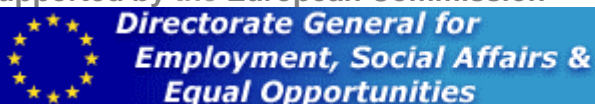
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1. The regulatory frame of health and safety protection at the workplace in the European Union

Health and safety protection at the workplace has traditionally a high ranking within the European Union. The European Union ranks social responsibility equally to economic development.

The European regulatory framework for occupational health and safety protection emerged from models of Danish, Swedish, Norwegian and Dutch regulations and from the Convention No. 155 “Agreement on occupational safety protection and occupational environment“ of the International Labor Organization (ILO).

Relevant was the concept of health as defined by the World Health Organization (WHO):

“Health in connection to work does not mean only the absence of diseases and physical handicaps, but encompasses the physical and psychological factors which have influence on health and are in direct relation to safety and health at the workplace.”

Based upon this since the 70's a regulatory framework was created within the European Union for the protection of health and safety of employees at the workplace that ranked equal social protection and the harmonic development of economic life and high employment rates according to the spirit of the EWG Treaty.

The social dimension of the single European Market became constituted by regulations for occupational health and safety protection on the basis of Art. 137 EWG with the inherent goal to improve the environment at work and the working conditions for employees.

With the adoption of the **”Single European Act“ of 1986** and the incorporation of the new articles Art. 95 and Art. 137 into the EWG Treaty an improved legal basis was created within the course of the European harmonizing process for occupational health and safety protection which led to a comprehensive strategy of the Commission for health and safety protection of employees at the workplace.

The **“Charter of fundamental social rights of employees in the European Union“ of 1989** and the Protocol on Social Policy within the frame of the **Maastricht Treaty of 1992** finally confirmed the regulatory framework of the EC occupational protection directives.

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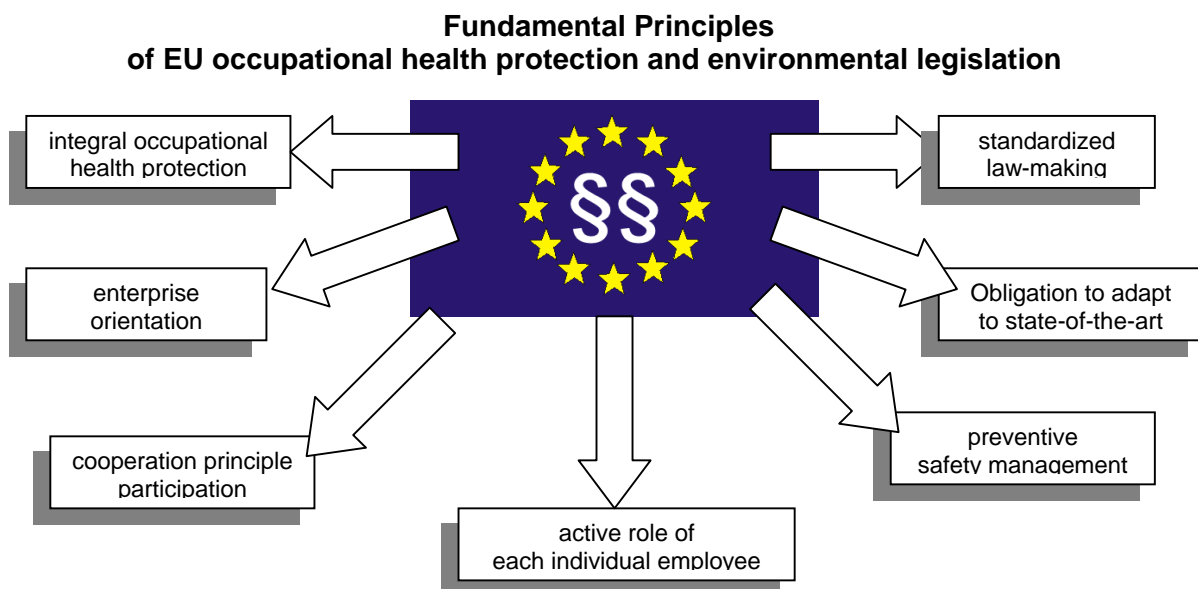
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The European legislation is autonomous, self-contained and independent of the regulatory framework of the member states. Since 1989 for member states an obligation exists to restructure their national regulations for occupational protection and to implement the European directives for occupational protection into national laws.

European occupational protection regulations apply directly as long as they are conclusive, complete and legally perfect and no further acts are required on the national level. In practice it implies that any citizen or employee may invoke directly European legislation where European legislation has not been implemented by national laws. It means on the other hand that nationally implemented law has to be oriented strictly upon European legislation, what, if needed can be sued at the European Court.**(1)**


The European occupational protection regulations follow a modern approach. Not only prevention of hazards and physical inviolability (occupational diseases and accidents) are the central point of interest.

In fact the new and comprehensive approach focuses as well on the changing stress profiles of modern working conditions.



from: Ulrich Faber, in: A. Bückler u. a., Handbuch zum betrieblichen Arbeits- und Gesundheitsschutzrecht, Hans-Böckler-Stiftung, Düsseldorf 1997

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„Goal of the Community Policy for Health and Safety at the workplace has to be the furtherance of a real physical, mental and social well-being at work which becomes manifest not only in preventing accidents and occupational diseases“ is stated in the **Community Strategy 2002 – 2006 of the EU** for Health and Safety at the workplace.

To achieve this goal multiple and one another complementing sub-goals are pursued:

- continuous reduction of accident and occupational diseases
- prevention of social risks (stress, mobbing at the workplace, depression, anxiety states and dependencies)
- intensified prevention of occupational diseases
(asbestos affective disease, hearing damage, muscle-skeleton-diseases)
- intensified consideration of demographic developments for risks, work accidents and occupational diseases (older employees and protection of junior employees)
- consideration of the gender perspective looking at risk assessments, prevention measures and compensation provisions

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- improved consideration of changes in work conditions and labor organization (temporary employment, non-typical employment relations)
- consideration of specific problems of SME's, micro-enterprises and self-employed persons

The structure of the European directives for occupational and health protection (basis are the articles 95 and 137 of the EU Treaty) is directed in form of a dual system on the one hand to the producing employers as well as to the operators and the responsible persons for the working environment within the enterprises.

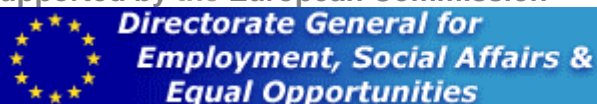
The directives according to article 95 do serve primarily the technical harmonization of the EC domestic market and relate to product safety and to chemicals. They are of importance for occupational protection as they are used as work means in the working process and therefore represent the technical premises for occupational safety at the workplace. Examples for European directives according to article 95 are listed in the appendix A.

There is no space left for deviation in the national implementation of European directives according to Art. 95, neither in undercutting nor in exceeding EU norms, because the absolute harmonization of the EU domestic market is intended.

In contrast, the directives according to Art. 137 EWG effectively harmonize the occupational protection minimal measures within the European Union for all employees and production facilities. Those standards can nationally be improved provided the free trade in the EC domestic market is not restricted by them.

The Occupational Protection Frame Directive 89/391/EWG **(2)** establishes general principles and is being concretized and supplemented by numerous specific single directives. Important examples of these directives with special importance for the handling of chemicals are enumerated in the appendix.

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The new EU Treaty, also called The Reform Treaty or the Lisbon Treaty, preserves most of the elements of the failed Constitution proposal which was rejected by voters in France and the Netherlands. An important improvement probably will be in the future that there are in deed two treaties, a treaty on the EU which contains most of the institutional provisions and a second treaty on the functioning of the EU. This two-level structure of the EU Treaty with a fundamental law to which everyone must agree and provisions on specific policies on which dissent may occur but can be modified more easily is probably the most important improvement of the decisions reached in Lisbon and will allow for more coherent decisions on the European level.

Initially the European Union was built, for historical reasons, on economic foundations, as a common and then single market with free movement of people, merchandise, capital and services.

The Lisbon or Reform Treaty enhances the social dimension of Europe by introducing new elements with regard to rights and objectives as well as the content of policies and the means of decision making.**(3)**

We should note that up to now social policies mostly lie within the realm of the competences of the States.

With the Lisbon Treaty the Charter of Fundamental Rights acquires a legal quality which affects the Union's acts.

It includes:

- “Freedom to choose an occupation and right to engage in work”
- “Worker's right to information and consultation within the undertaking”
- “Right of collective bargaining and action”
- “Protection in the event of unjustified dismissal”

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The Lisbon Treaty guarantees that these rights have a binding legal force since these social rights must be guaranteed by national and community judges.

The Lisbon Treaty attributes new social objectives to the European Union:

- full employment and social progress;
- the fight against social exclusion and discrimination;
- the promotion of justice
- the eradication of poverty, etc.

A social clause demands that social requirements are taken into account in the Union's policies.(4)

These requirements are linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

This means in real terms that any European law that is contrary to these objectives can be declared void by the European Court of Justice.

The Lisbon Treaty also confirms the role of social partners and enhances social dialogue. Hence the Spring European Council is dedicated each year to growth and employment.

In terms of social policies particularly with the newly added Art. 136a the EU recognizes and promotes the role of the social partners at its level and is requested to facilitate the dialogue between the social partners.

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European Union's actions in the social sphere are mostly linked to support and aid to States and these can now be decided by a qualified majority. This involves:

- the improvement of working conditions to protect the health and security of workers;
- working conditions;
- information given and consultation of workers;
- integration of those excluded from the labour market;
- equality between men and women with regard to their chances of access to the labour market and the way they are treated at work;
- the fight against social exclusion and the modernization of social protection systems.

The extension of the qualified majority to social services for workers who move around the European Union will make it possible for migrant workers and their families to have all periods of work taken into account in order to receive the allocations they are entitled to.

If a European Union Member State believes that such and such a measure is contrary to “important aspects of its social security system” it will be able to ask the Commission to draw up a new project or “appeal” to the European Council.

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The Lisbon Treaty also enables the European Council to decide and transfer over to the qualified majority in a certain number of areas.

This may involve:

- the adoption of measures which aim to improve co-operation between member States with regard to the protection of workers in the event of the termination of a work contract;
- the collective representation and defence of the interests of workers and employers;
- terms of employment of third country citizens who are working legally within the Union.

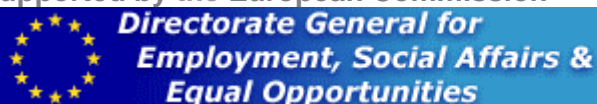
This detail will make it possible to remove any potential blockages in this area since the unanimity rule is maintained with regard to decisions in terms of a number of issues in this domain.

Finally the Lisbon Treaty provides public services (“services of general economic interest”) with a legal base enabling the Union’s institutions to define the principles and conditions that govern their establishment and functioning. We should note however that the funding and establishment of public services is still part of the State’s competence.

Based on these new dimensions the European Union has started a Community Programme for Employment and Social Solidarity for the years 2007 to 2013. **(5)**

The activities of the EU are not limited to issue legislation. The EU Commission has expanded its activities to the promotion of a healthy working environment by information and consultation, in which it puts special attention to small and medium sized enterprises. This is particularly done in close cooperation with the **European Agency for Security and Health Protection at the workplace (Bilbao–Agency)** and the **European Foundation for the Improvement of Life and Working Conditions**.

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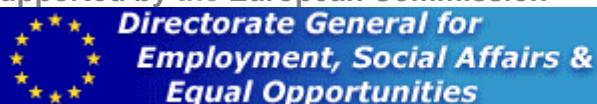
An important function of the **Bilbao-Agency** is to collect and to provide all relevant information that may contribute to the prevention of risks in handling with dangerous substances and by which this important matter is supported. For this purpose exchange of information is promoted to support remedies for the common problems of occupational risks. For example, the Agency published in late 2003 a report for practical prevention measures in handling dangerous substances, in which a number of practical examples of occupational protection measures from various working sectors were given. **(6)**

In 2006 an Europe wide campaign was started on the basis of the Dresden Declaration of the 2003 Asbestos Conference, to direct common attention on the working and health problems in working with built-in asbestos. The focus of that campaign is to foster special protection measures for workers during maintenance, demolition and removal work as well as in waste management in which asbestos has to be handled.

The **Bilbao-Agency** collects studies, relevant campaigns and good practice examples for different sectors of industry and takes care for the dissemination of this information. A good survey of occupational safety and health programs, policies and statistics relating to chemicals can be found on the website of the European Agency for Safety and Health at work (www.osha.europa.eu), at “Good Practice, Dangerous Substances Index by NACE, Number 24. **(7)**

The **European Foundation for the Improvement of Life and Working Conditions**, too, located in Dublin (Ireland), contributes with the provision of information, consultation and expertise – on life and working conditions – to relevant actors of the European social policy with comparative data, research and analysis to the goal of improving life and working conditions. (www.eurofound.europa.eu)

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2. Previous Initiatives and Agreements of the Social Partners in the chemical industries for the improvement of occupational and health protection at the workplace

To achieve further progress, the social partners of the chemical industries in Europe agreed on the establishment of a formal Social Dialogue on European level during a conference in September 2004 in Helsinki. The Social Dialogue is not limited, however to occupational and health protection topics, but open to all topics of mutual interest of the social partners like qualification or industrial policy.

December 14th 2004 was an important day for EMCEF regarding Social Dialogues.

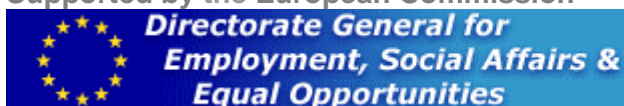
On this day, Odile Quintin presented the official recognition of the Social dialogue in the Chemical industry to both social partners: ECEG (the European Chemical Employers Group) and EMCEF (European Mine, Chemical and Energy Workers' Federation). This does not only add another sectoral Social Dialogue to the existing list of 30. For EMCEF it is important that such a dialogue has been established until today as it covers the by far largest sector of EMCEF and, at the same time, the largest industrial sector.

For EMCEF this is not the first Social dialogue as two other sectoral Social Dialogues in the Mining and Electricity industry were agreed and recognised some years ago. These Social Dialogues were established because of the specific situations in both industries.

In the Electricity industry, it was the social impact of liberalisation and opening of the market, which caused an enormous loss of work places and changes in qualification needs, together with the beginning of privatisation of this industry. The sectoral Social Dialogue was agreed in order to accompany this process – from our point of view also to support the national affiliates of EMCEF in their negotiations on national level. The agreement with a European employers' organisation with a background of still or former state/public owned companies made the application of course much easier than an agreement with employers of purely private and international companies.

In the Mining industry, Social Dialogues have an even longer tradition than in any other industry. The agreement of six European countries in 1952 on the establishment of the ECSC foresaw the set up of a so-called *mixed committee for the harmonisation of working conditions* as one element, in which employers and trade unions were presented with an equal number of members. The main aim of this committee was to deal with social aspects in the Coal and Steel industries. As it already started its activities in the early fifties, the start was long before both

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industries were faced with enormous industrial changes and restructuring. EMCEF being the result of a merger of the European Mine Workers Federation and the European Federation of Chemical Workers Unions in 1996, the new Federation had already some good practice in the sector Social Dialogue, this being a very important contribution from the mining sector.

In 2002 the ECSC-contract expired and the mixed committee was turned into a sectoral Social Dialogue for the Mining industry. During its history, the mixed committee and the Social Dialogue in the mining industry had been focusing on the restructuring and industrial changes in this sector. Since 1952, most of the European coal mining had been closed down, also in the founding countries of the ECSC. Today, restructuring in the new EU-countries is on the agenda of the sector Social Dialogue. Representatives from both the Employers organisations and the Trade Unions had been involved in the dialogue from the very beginning.

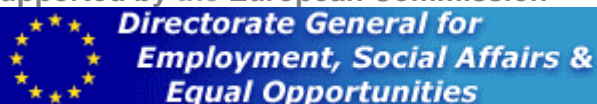
Social dialogue in the Chemical industry

In the Chemical industry, it took some time and various initiatives to finally set up the Social Dialogue Committee on 14 December 2004. Following the discussion inside the ETUC about the need to strengthen the Social Dialogue tool through making more and better use of it, there had already a discussion taken place in the predecesing organisation of EMCEF - the EFCGWU. Since its founding in 1988, the European Chemical Workers Federation was committed to the idea of sectoral Social Dialogues. The understanding was that these dialogues could play an important role in creating a social dimension in the European integration process and support at the same time the dialogue between UNICE/CEEP and ETUC on a more general level.

Following this approach, several meetings and conferences had been organised with the support of external organisations like *Europe et Société* to enter into talks with CEFIC, the European Chemical Industry Council, starting already in the early 90th. The outcome was always similar: as CEFIC did not hold a mandate for talks and negotiations with the European Trade Union Federation, it was possible to talk about general issues or industry-related items, whereas agreements or any kind of joint initiatives seemed to be impossible and were refused by CEFIC.

The 2nd Congress of EMCEF in the year 2000 confirmed in principle the approach of EMCEF concerning Social Dialogues. Additional developments were urging EMCEF to look for new ways to progress on sectoral level in the Chemical industry: the increased cross-border activities of many companies in this industry, accompanied by ongoing restructuring and reorganisation in many companies and sub sectors, the intended chemical legislation on European level, but also the foreseeable enlargement of the EU.

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After 1992, the number of de-facto cross-border decisions and more frequent mergers of companies in the Chemical and Pharmaceutical industry increased rapidly – cooperation of companies and reorganisation of research, production and marketing became the most important part of economic reality in this industry. EWCs were negotiated and established in a rather high number in the Chemical industry after 1994. In the following years, they became more and more an accepted instrument to accompany the economic changes - also from the employers' point of view.

Furthermore, several initiatives had been started in the late 90s to deal with these new challenges not only formal national point of view: Italian, Spanish and French Employers' associations and Trade Unions started joint projects in order to investigate the impact of economic changes on employment and qualification - the so called *Trilaterale*. The intention was to identify jointly needs and ways on how to deal with this as social partners on national level, taking the European effects seriously into consideration. Other multilateral activities of this kind took place in the Nordic countries and between the United Kingdom and Germany.

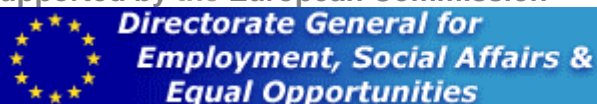
Aspects of industrial policy concerning the Chemical industry appeared more and more in the second half of the 90th on the European agenda.

The Green Paper on PVC, the beginning of discussions on chemical policy at the very same time had been understood by the EMCEF-Affiliates as being crucial for the future of this industry, but also with an important impact on social conditions, qualification and other social issues. It was understood by the affiliates that there was a need to take up these issues on national **and** on European level if sustainability was supposed to be a target of Trade Union policy for the future.

In the PVC-industry the discussion with the responsible European Industry Associations inside CEFIC led to a voluntary agreement signed in 2000, which identified **five topics** for a cooperation: improvement of health and safety and environment standards, transfer of best practise to the accession countries, qualification of workers in these industries, support for EWCs and information of workers and Trade Union representatives, and finally exchange and consultation on industrial development inside this industries.

The enlargement became serious on the European agenda when EMCEF had already a large number of affiliates in the EU-associated countries, which had been faced with competition, investment and take-overs in their countries due to the preparation for the enlargement. One of the conclusions in EMCEF was that apart from the need of an adequate role of the affiliates inside the decision taking bodies of EMCEF, it was also necessary to support the Social Dialogues and labour

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relations in these countries. The set-up of a regional project in Budapest to identify the specific needs, to support the cooperation in the region and with the affiliates in the EU was one of the consequences of these developments.

The way to deal with the sectoral Social Dialogue was reconsidered after 2000 in the decisions taking bodies of EMCEF as well. There had been two important elements: the internal clarification of the role, procedure and issues of such a dialogue on sectoral level and the question on how to continue initiatives towards the European Industry Association CEFIC.

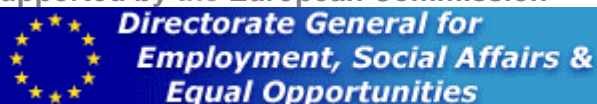
Further internal clarification was necessary as there was a different understanding on what a Social Dialogue should contain. There was a wide range of issues mentioned, going from general debates between the social partners to collective bargaining with collective bargaining agreements as a target.

The outcome of this discussion was that there were several issues to discuss with the employers on European level, these issues having a European dimension and being quite often covered by agreements on national level, which do not have the character of collective bargaining agreements.

Collective bargaining on wages, salaries and working conditions was not understood to be an issue in the Social Dialogue. Some years earlier, EMCEF had started to analyse the results of collective bargaining for the Chemical industry in five European countries in a joint project with the ETUI. This project had already shown the complexity of collective bargaining in the involved countries. After 2000, this project was extended to the involvement of the EU-countries, and after 2003, also the future EU-countries were integrated. It also intends to cover other industries covered by EMCEF. One of the main elements of this project is the information and exchange on the existing different situations, levels and procedures in collective bargaining in the various countries in order to make a closer cooperation and coordination between the affiliated organisations possible. For the future, this was regarded as being one of the important steps to prepare for collective bargaining on multinational level.

The second part of the discussion concerned the relations with CEFIC. It was understood that it would not make much sense to continue in the same way meetings had been conducted in the past years: the answer of CEFIC were expected to remain the same. In a coordinated action with the affiliates, EMCEF therefore approached the national employers associations asking them to provide a mandate for a Social Dialogue on the European level. At the same time, the exchange of results of the already existing multilateral dialogues entered in a new stage: it was considered to involve social partners of some other countries – in the

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Trilaterale, this debate led to the idea to extend it to a “*Quadrilaterale*”, or, even better, to a *Multilaterale*.

This extension was already realised in the year 2000 when the partners of the *Trilaterale* invited Employers associations and Trade Unions of other EU-countries to attend a conference in Milan in order to present the results of their joint project, and they also asked for contributions from the other countries. This was the first meeting of Employers associations and Trade Unions on European level. The European organisations CEFIC and EMCEF had taken part as observers. Main issue of the conference had been issues related to skill and qualification needs.

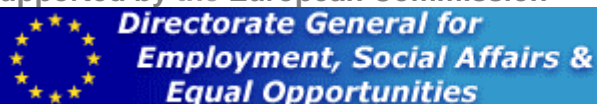
In the following year, the German social partners BAVC and IG BCE invited the same organisations to a conference in Berlin, which mainly dealt with the Chemicals policy, but also again with qualification issues. In January 2002, national employers associations founded an European Employers association named ECEG (European Chemical Employers Group), which is at the same time a part of CEFIC. In December of the same year, the first conference on European level took place, which was organised by the two European social partner-organisations in Paris. These annual conferences were then repeated in the following years 2003 and 2004.

There was a continuous improvement concerning the issues of these conferences. Where as the first conference had only dealt with qualification-related issues, the agenda of the following conferences also contained other issues like industrial policy (especially the REACH-legislation, but also health and safety in the Chemical industry and Responsible Care: in a Memorandum of Understanding dating from 2003, Responsible Care was identified as common activity, which both ECEG/CEFIC and EMCEF will look after. For this purpose, a common monitoring group was set up.

Since the establishing of ECEG, the discussion about a Social Dialogue was an additional topic. The presentation of Jackie Morin from DG Employment and Social Affairs on the concept of sectoral Social Dialogues during the conference in Madrid in 2003 was important for both sides in order to find a common understanding on this issue – it was in fact the main issue of the conference in September 2004 in Helsinki.

The cooperation between ECEG and EMCEF was not limited to these annual conferences. Every conference had adopted a (final) declaration, which where prepared prior to the conferences between the social partners. Especially the discussion on the application for a recognised social dialogue demanded more time and meetings, also with the EU-Commission, in order to build up the necessary

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mutual trust and confidence to enter in such a dialogue and to apply for the recognition to the EU-Commission.

The preparation of the Social Dialogue has started. Qualification related issues, health and safety, industrial policy (REACH but also other relevant legislation), Responsible Care as well as the Social Dialogue in the new EU-countries will be on the agenda and be a part of the working programme. Both social partners regard the sectoral Social Dialogue as being important for both employers and employees and have ambitious expectations they will work on, despite differing points of view and focus in detail. Nevertheless, EMCEF is prepared to share the experience of a rather complicated process of coming together with other sectors in order to encourage them to go a similar way. (8)

3. Future perspectives for initiatives and agreements of social partners regarding health and safety at the workplace

The implementation of the European occupational protection legislation has been practiced particularly in the chemical industry of core Europe with high emphasis and could be brought to a high quality level due to a well functioning and trustful social partnership between trade unions, worker's council and employers.

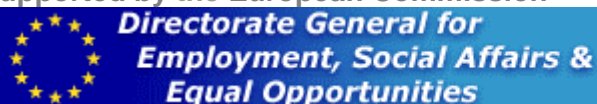
Nevertheless still significant efforts are to be accomplished to arrive at a completely harmonized European occupational protection legislation even in the chemical industries.

For example, the attempt of the EU Commission, to come to a **harmonized European list of approved occupational diseases**, did not reach beyond the status of recommendations. After recommendations in 1962, 1992 and lately in 2003 the member states are now asked to present to the EU Commission, by which set of criteria they approve occupational diseases within their national practices or laws respectively.

The **Recommendation of 2003 in respect to occupational diseases** relies on **two listings**, the first for occupational diseases being approved in all member states and a second listing for diseases, which are assumedly due to professional causes.

The recommendation of 2003 also took account of the actual situations, that in addition to the classical occupational diseases by the changes in the working

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environments and in the labor organization new disease pattern in connection with the changing working conditions emerged. The general disappearance of heavy labor and physical constraint, which led at first to significant improvements of working conditions, is increasingly replaced by other stresses, strains and risks. For example, the exposition of employees to chemical substances has increased significantly during the last 15 years.

An excellent survey on facts and figures on occupational protection and experiences in the chemical industry has been given by Oraldo de Toni at the EMCEF Conference on Chemicals Policy, REACH and Health and Safety in Central and Eastern Europe in Prague in March 2006. (9)

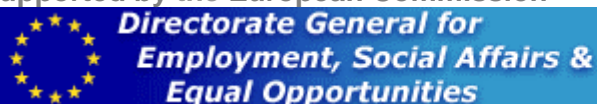
Organizational strains like working rhythms and time limits or non-typical and unforeseen working schedules, an increase of temporary employment have led to an increase of muscle-skeleton-diseases and of diseases which are evoked by psychological stresses. Labor organization is characterized nowadays by just-in-time, flexibility and a race for innovations especially in the chemical industry sector. Implications are behavioral disorders caused by abnormal stress situations, but also psychogenic and social diseases. The EU Commission requested therefore in its recommendation of 2003 from member states a variety of activities to improve prevention, to approve and compensate persons concerned, the introduction of a system to collect information and data of the epidemiology of diseases related to work as well as a promotion of research in occupational medicine.

Similarly a **harmonization of the national systems for insurance and compensation for working accidents and occupational diseases** is still waiting for realization. In this area varying structures remain from one member state to the other: in several member states the social security insurances are managed directly by the state, in other states they are privately organized insurances and in the majority of member states public or private institutions with public mandate take over these tasks.

In the majority these institutions are organized on the territorial basis, except for Germany where the mandated 'Berufsgenossenschaften' are organized according to business sectors. In some countries prevention is an inherent part of the duties of the insurance institutions with own personnel and own surveillance functions. In contrast in other member states insurance and prevention functions are organized by different organizations.

An even more serious problem in connection with the approval of occupational diseases is the ever increasing mobility of employees within the European Union. The lack of harmonized occupational medicine criteria makes it difficult for the national

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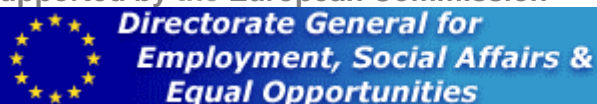
institutions responsible for compensation to evaluate and to judge the disease history of persons concerned who had been working in other countries.

Finally, the enlargement of the European Union during the 80'S to South Europe, and in particular the even quite recent enlargements of the EU to Middle and East Europe with their completely different structural conditions and massive economic and technical overthrow have demonstrated the necessity of accelerated initiatives to harmonize the practices of occupational protection throughout the European Union.(6)

In the front of future initiatives therefore the following points should be placed:

- fixing of the principle of prevention as prior-ranking guide for all measures for protection of health and safety at the workplace
 - implementation of asserted legislation and identification and entitling implementation deficits
 - transfer of compensation entitlements
 - Harmonization and coordination of the different systems and rules for approval and compensation of occupationally related diseases, alignment of the diagnosis of occupational diseases
 - information and education of actors and their representatives (employees and employers) on prevention, approval and compensation of occupational diseases, particularly in small and medium sized enterprises
 - continuing training of occupational medicine professionals in occupation related diseases, awareness raising of employers and employees
 - research and epidemiological investigations, particularly in relation to new health risks
- Europe wide exchange of good practices, exchange of collected consolidated findings on occupational health risks. **(10)**

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4. Objectives of the EU-Project “Improvement of Health and Safety at the workplace as target for social dialogues”

With the compromise between the European Council and the European Parliament in December 2006 a long period of a controversial debate on chemistry policy came to an end. The regulation on chemical safety (REACH) entered into force on July 1st 2007.

Chemical employers and trade unions of the chemical sector of member states and ECEG and EMCEF on European level did actively participate in the debate on this important package of industrial policy legislation in the EU. Both social partners have doubted from the very beginning of the debate, that by the simple transfer of more information about the properties of chemical substances an improvement of health and a reduction of risks related to chemical substances could be achieved automatically. Rather the improved information potential of the REACH regulation should be used for an accelerated dialogue of the social partners in order to raise attention and awareness for handling chemical substances on site in the factories. Only by this process improvements for health and safety could be expected out of the REACH process.

Starting point for the project was the knowledge from statistics of occupation related diseases, that those of the chemicals producing industry were significantly lower than those of downstream users of chemicals.

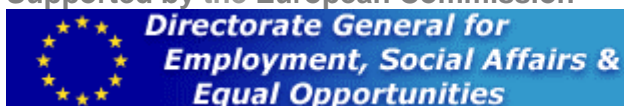
At the same time it became apparent that there exist different levels between the older EU member states and the new EU members in Middle and East Europe as far as the knowledge and the awareness for occupational protection and the adverse health effects of chemical substances on human health were concerned. The still exercised practice of compensation payments instead of effective prevention measures in these member states is one example for this.

Based upon these findings the social partners of the chemical industries expressed their willingness to start an initiative with the aim to improve occupational and health protection at the workplace and thereby to contribute to the benefits to be expected from the REACH Regulation.

The project had the following objectives:

- to use prospects of the REACH Regulation for further improvements of occupational and health protection measures, particular in downstream user

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sectors. As first example the use of agrochemicals in agriculture in South Europe was chosen.

- Demonstration of regional and sectional differences in handling the risks of chemical substances in comparison of the Chemical Industry of Western Europe and CEE countries
- demonstration of necessary steps to improve occupational and health protection in the transformation process of the new EU member states of Middle and East Europe
- Improvement of the dialogue between social partners; information, communication and education as primary duties and responsibilities to be established continuously
- To establish conditions for systematic and continuous dissemination of good practices

5. Implementation of the project “Improvement of Health and Safety at the workplace as target for social dialogues”

First Workshop

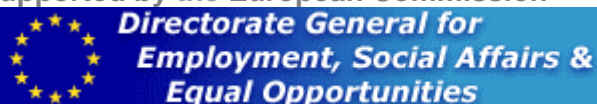
The project started September 2007 with a **first Workshop in Brussels**.

Focus of the **first Workshop** were, after an introduction of the objectives of the project by the Secretary General of EMCEF, Reinhard Reibsch and of ECEG, Dr. Mühl, three reports on the standards achieved in occupational and health protection and in occupational medicine in the chemical industry of West Europe.

All three reports demonstrated the remarkable improvements of occupational and health protection in the chemical industry of Western Europe, as they have been achieved through a long-lasting and trustful cooperation of the social partners.

The high standard of occupational health and safety measures can well be demonstrated by the extreme low figures of occupational accidents in Western Europe chemical industries. An example from Germany might show this. The official annual Report 2006 of the German Federal Agency for Occupational Health and Safety on safety and health at work confirms by the following graph that the number of notifiable working accidents per 1000 full employed workers are well beyond the average of all other economic sectors and belong to the lowest comparable with figures from the Health Service. **(11)**

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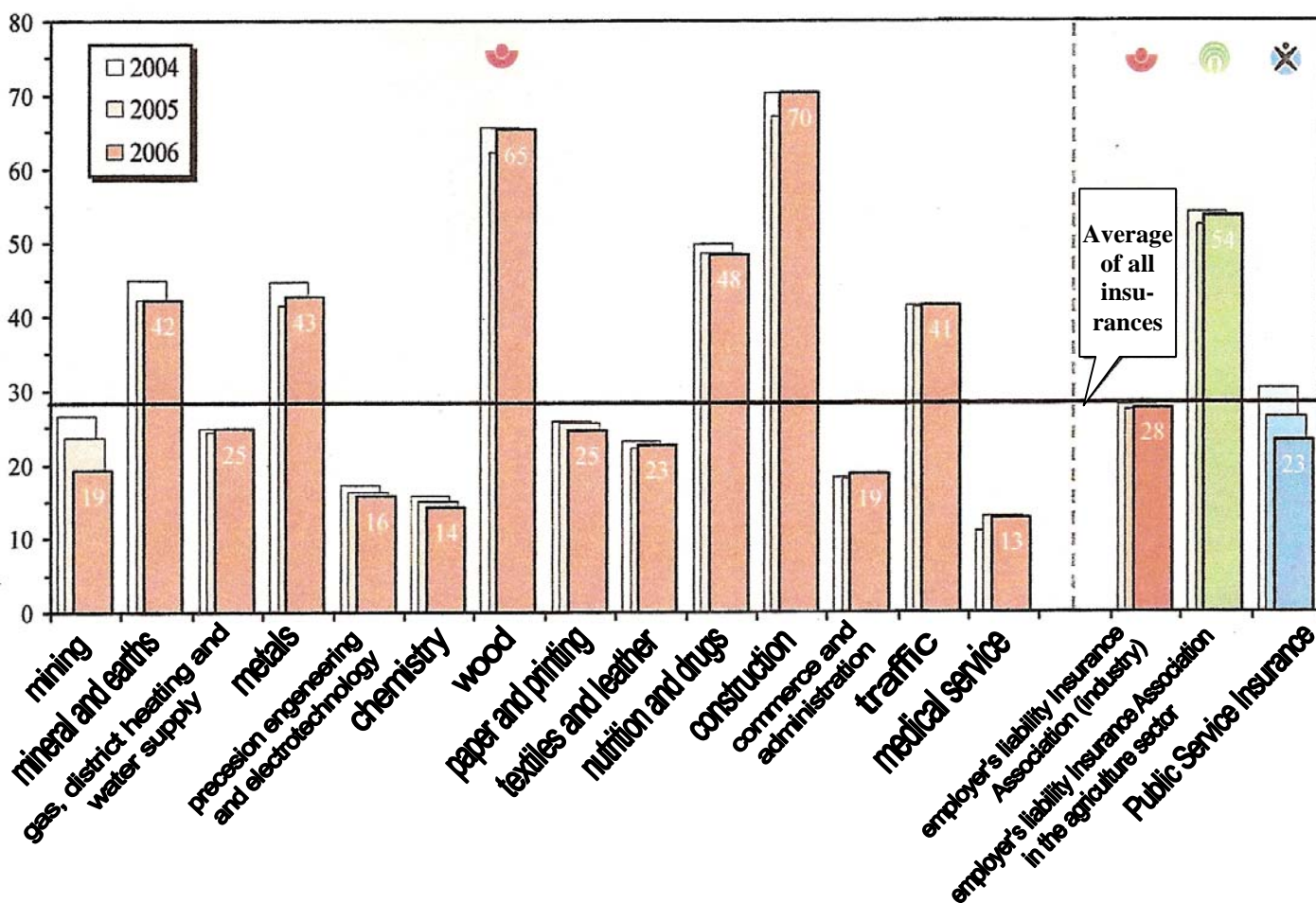
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Example Germany

Notifiable accidents at work per 1.000 workers
 in various economic sectors

accidents at work per 1.000 workers



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Development of accidents at work and of occupational diseases in Germany 2006

Employer's Liability Insurance Association in Germany Chemistry in comparison to the other industrial economies

Employer's Liability Insurance Association	In 2006 per 1,000 workers			
	subject to report		New accident annuities	
	accidents at work	commuting accidents	Accidents at work	commuting accidents
1 BG Sea	11,99	2,03	0,83	0,19
2 BG Service medical	13,09	6,89	0,28	0,27
3 BG Chemical Industry	14,29	5,26	0,5	0,26
4 BG Sugar Industry	14,64	3,38	1,41	0,28
5 BG precision engineering and electrotechnology	15,85	4,11	0,43	0,21
6 BG mining	19,18	4,31	2,14	0,28
7 BG Administration	19,92	5,37	0,28	0,15
8 BG Textiles	20,5	5,1	0,53	0,27
9 BG Metallurgy and steel industry	22,62	4,55	1,2	0,22
10 BG retail sales	23,83	7,67	0,53	0,42
11 BG Printing and paper	24,01	4,59	0,82	0,21
12 BG Gas, district heating and water supply	24,9	5,61	0,4	0,2
13 BG whole sale and storage	25,85	4,41	0,6	0,18
14 BG Paperindustry	29,31	4,21	0,95	0,25
15 BG Leatherindustry	30,46	4,98	0,73	0,23
16 BG Tram, subway and railway	36,64	8,37	0,6	0,31
17 BG Ceramics and Glass Industry	36,92	4,74	0,9	0,28
18 BG Metals South	41	5,84	0,52	0,23
19 BG vehicle maintenance	42,65	3,87	1,37	16
20 BG Metals North	44,05	5,88	0,7	0,24
21 BG nutrition and restaurants	45,16	7,44	0,62	0,25
22 BG mechanical engineering	46,93	5,38	0,86	0,22
23 BG stone pit	48,8	3,86	1,67	0,22
24 BG wood	65,27	5	1,39	0,26
25 BG butcharies	70,6	7,27	0,76	0,22
26 BG construction	78,73	6,5	1,85	0,25
Average	33,35346154	5,254615385	0,879615385	0,85

(12)

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The chemical sector again was the safest sector of industry and the accident rate is as low as never before. It declined since the sixties of the last century by more than 85 %. Accidents typical for chemicals do play now only a minor role in statistics, in contrast, commuting accidents slightly increased.

Mr. Damoisiaux-Delnoy, Director of the Facility of Engis in Belgium of the French corporate group Prayon, reported about the safety management of a combined location for production of phosphates and sulfur compounds and their derivatives.

He emphasized that besides the physical and chemical risks mental and social risks do play a rising role in the prevention of occupational hazards. He could demonstrate that since the eighties the rate of accidents decreased by more than 80 %.

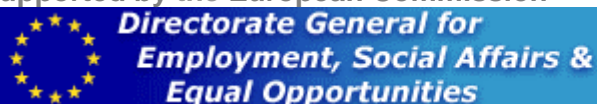
The very elaborated safety management is based on efficient communication, systematic analysis of accidents, identification and evaluation of risks and of close collaboration with representative of workers as well as with regional authorities. Accent lies on improvement of working practices.

Six strategic axes constitute the management scheme for prevention of accidents and risks: management system , concept command, urgency planning, analysis of incidents and accidents, analysis of risks, sensitizing the personnel and improvement of work practices.

Mr. Manfred Wüchner, chairman of the worker's council of the combined facility Ludwigshafen in Germany, gave a survey about the worldwide activities of the BASF group and explained then the organizational structure of occupational and health protection within the company in interaction of state inspection, corporate management, worker's council and the experts of safety protection and company physicians. Participation rights of the worker's council according to the German Works Council Constitution Act (Betriebsverfassungsgesetz), the intensive prevention scrutinizes in the agrochemical production and numerous examples for prevention measures within the company on a worldwide scale were further subjects of his presentation.

Dr. med Webendörfer from the Department of Occupational Medicine and Health Protection of BASF at Ludwigshafen gave an overview of the occupational medicine activities and health protection within the BASF Group. Besides the dual interaction of legislative requirements of the Occupational Protection Laws and the surveillance by the independently operating 'Berufsgenossenschaften', the BASF Group intern Policy of "Values and Principles"

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and the “Responsible Care Management System” as well as the “Occupational Medicine Program“ play an important role in the prevention of accidents and occupation related diseases.

The subject of handling agrochemicals in agriculture in a number of mostly South European member states was presented by a fourth **report of the Crop Protection Association**. By a number of examples of a four years project in six countries it was demonstrated, what kind of measures, what kind of protection equipment and which education and training steps are necessary to improve the health protection of the agricultural workers handling agrochemicals.

In a final report **Oraldo de Toni (EMCEF,Italy)** developed from the point of view of the trade unions a **10 point program for a member of the worker’s council** responsible for occupational and health protection. He stressed the high degree of personal responsibility of each employee.

Main objective of his presentation was to define and to disseminate the objectives for health, safety and environment as already negotiated and achieved in order to communicate and demonstrate the best practices on health, safety and environmental measures especially to downstream users of chemicals. He was addressing in particular the employee representatives being in charge of health, safety and environment in companies in ten points of special consideration.

(1) Your safety, your health and the one of your colleagues of work and of the population living around your company depend also on you

The employee representative has a special responsibility, due to his professional knowledge and experience, to communicate and distribute information for safe work to his colleagues and to use experience of colleagues at work as an inexhaustible source. As well he has to observe all activities of the company towards continuous improvement of health and safety. His responsibility also extends to take care that information on improvements achieved is prevailed on a periodic base externally.

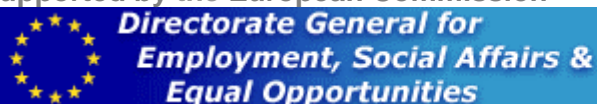
(2) To know what my company produces, taking into account organization of work, of production and environmental impact.

The employee representative should be informed about raw materials, production equipments, work organization and working environment, about logistics and services within the company.

(3) A high level of knowledge. Information and documentation

The representative must achieve a high level of knowledge and prepare a guide for his colleagues about the contractual rules regarding health, safety and environment, as defined between the social partners. Important is to

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build a personal knowledge by a network of information, e. g. through reviews and the internet.

(4) Information and training of colleagues

Information and training are fundamental activities for the representative as well as for the employees. The representative should ensure that information and training is provided to employees when they are hired, when new technologies, equipment, substances and preparations are introduced. Even more important is information and training for specific groups of employees in charge of fire prevention, first aid and emergencies.

(5) To know about risks and to do risk assessment

The representative should be aware of the risks. A good preparation of the identification of risks at the different working place, of the potential and the probable ones, is needed. Risk assessment has to be performed at each work place, and should be exchanged among employees in the assembly. But at the same time cooperation is needed with the company officer and the health care medicine people in order to identify, remove or find protection measures against risks.

(6) To know about the Management of health and safety activities within the company

Need to know how the implemented management system in the company, the annual expenses and the health and safety measures are monitored. He should ensure procedure guidelines are issued in the mother tongue and are also understood by foreign employees.

Dynamics of accidents and near accidents have to be analyzed in close cooperation with the company. Ensure that individual safety devices have been tested, updated and can be exchanged at the charge of the company.

(7) Care for subcontracted employees

The same responsibility should be taken for subcontracted employees regarding health, safety and environmental protection.

It is necessary to insist on the monitoring of the security plan adopted by the subcontracting companies, that employees of subcontracting companies benefit from training and to ensure that coordination takes place between the persons responsible for implementing the security plan.

The company should be informed about abnormalities noticed by yourself or other employees.

(8) Taking care for environmental issues

As the company is integrated in a territory and has impact on the population, on earth, air and water, the representative also needs adequate training on

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environmental issues, especially if the company is classified as a high risk facility. Transparency of environmental programs and of achieved objectives in the continuous improvements are vital. Cooperation with local institutions and authorities is essential.

(9) Health risks by chemical, physical and biological agents used in the company

Identification of risks for health of chemical, physical and biological agents which can be of acute or chronic type, or can cause diseases after a prolonged exposure, is needed. To implement prevention measures is as important as to seek to avoid exposure to carcinogenic, mutagenic and toxic chemicals and to check concrete possibilities of substitution.

(10) Continuous improvement

The objective is to achieve zero rates of accidents, incidents and occupational diseases through a continuous process of increasing knowledge, assessment and cooperation in developing awareness towards risks and a prudent risk behavior.

Technological innovation in the field of health and safety measures should be favoured to reduce the potential effects of risks, to become an agents of change inside and outside working places.

Second Workshop

The **Second Workshop** took place **October, 17th, 2007 in Bratislava**, Slovak Republic. With reports of trade unions and employers the situation of occupational and health protection was illustrated in the chemical industry of the new member states of Middle and East Europe in its difficult transformation phase.

Representatives of Labor Unions and Management of the Chemical Industry from the Slovak Republic, Poland, Hungary and the Czech Republic participated in the conference.

After the introduction by the secretariats of **ECEG and EMCEF** and of the external expert from ITUT e.V. into the objectives of the project and particularly of this workshop in order to understand the difficult situation of transformation of the chemical industry of these new member states a presentation followed by **Viktor Kempa from the Health and Safety Department of the ETUI-REHS Institute**, which started in 2006 its work as non-profit organization of the European trade unions.

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Following **Jozef Rajzinger from OZ Chemia SR and Tibor Kaczor from Slovnaft** presented the **Slovakian approach** in occupational and health protection from the point of view of employees representatives. They reported, that in many cases large parts of the wages are due to compensation for certain high risks although those risks do not any more exist.

Silvia Surova from the Association of the Chemical and Pharmaceutical Industry of the Slovak Republic (ZCHF Vupas) reported of the activities of the **Slovak chemical industry** in the fields of implementation of EU environmental and chemical legislation, on REACH mediation, Responsible Care and sustainable development.

The Association represents companies in the Pharmaceutical industry as well as producers and distributors of chemicals, tyre makers and producers of paints.

The Responsible Care activities have been launched 1995 by approving the principles by the Board, establishing a Working Group and a Committee RC. Up to 2006 seminars, conferences and trainings have been held on a regular basis in order to raise awareness for Responsible Care.

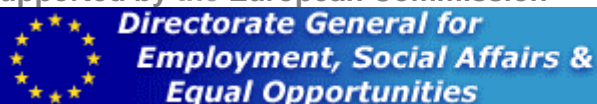
In 2007 a common Working Group was established between the Ministry of Environment, the ZCHF SR and the ZPS on REACH and Product Stewardship. Indicators of Performance on Responsible Care show that emissions to air and water have decreased significantly during the last years of industrial transformation as well as the situation on waste management and consumption of natural resources has been improved.

In the field of health and safety the rate of fatalities remains near zero, the lost time injury frequency rate expressed in cases per one million worked hours and the occupational illnesses being low provide serious indicators for good Responsible Care performance.

Josef Zukrowki from the Trade Union for Chemistry, Glass and Ceramics in Poland reported about the cooperation of trade union representatives with the state inspectorates. He pointed out that still a considerable amount of training even of the own trade union representatives still is necessary in order to raise awareness for a sufficient occupational and health protection.

Mrs. Ference Búcsú (Rozcalia) (TVK/VDSz), representative of the Chemical Trade Unions of Hungary reported of a significant reduction of work accidents in chemical production facilities since the transformation. She stressed the good and

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trustful cooperation of the social partners in occupational and health protection matters as an important reason for achieving this progress.

Third Workshop

The **third Workshop of November 29th, 2007 in Barcelona (Spain)** concentrated on the agrochemical production and the application of agrochemicals in the agriculture economy in southern Europe with Spain as example.

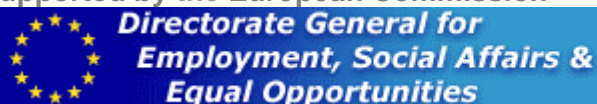
Mr. Carlos Palomar Penalba, President of AEPLA, the Association of the agrochemicals producing enterprises in Spain, who is aiming for a safe and responsible handling of agrochemicals in the Spanish agricultural economy, pointed to the difficult structural situation of the Spanish agriculture, with more than one million mostly family operated farm with an average of one hectare cultivated area which poses enormous problems for dissemination of sufficient knowledge in handling properly the use of agrochemicals. A particular problem for the training in handling agrochemicals represent the seasonal workers, mostly migrants from African, Arabic or some other third countries with mostly few or none Spanish language knowledge.

A three years campaign in several Spanish provinces including training programs for distributors of agrochemicals, with projects for correct labeling of containers and demonstrations of correct application of agrochemicals inclusive correct use of protection clothing at farm sites has shown already great successes. The number of toxication events and of contaminations of feet, legs and arms have been reduced in the course of the project by 60 %. The use of protection clothing and knowledge of the application instructions have increased by 60 %. As success was reported that sales of agrochemicals, which had increased up to 2003, decreased since then significantly.

The training and education project is to be expanded shortly to other Spanish provinces and will be improved continuously. But even the best precautions are only effective as long as they really be applied.

Salvador Lopez from FITEQA and Miguel Rodriguez from FTA-UGT reported as representatives of chemical and agricultural trade unions of campaigns together with local radio stations, to get more information on accidents and diseases in connection with use of agrochemicals in agriculture. In cooperation with regional administrations they conducted information campaigns for the careful application of agrochemicals. This was done by Internet websites, information brochures and visits on site in farms. Together with employers and state administration

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foundations had been founded for this purpose. The representatives of the trade unions noticed positively, that more and more the legal requirements of the European legislation are adhered to and also the Agriculture Association has started to develop quality standards for the application of agrochemicals. The representatives of the trade unions advocated strongly to better disseminate good result from projects and campaigns. Both trade unions present are represented in the province Catalonia strongly, consider the problem of sustainable development and climatic change as the most important tasks for unions and expressed their wish that trade union representatives should get better participation in decisions of facility managements on environmental problems.

From the REACH Regulation trade unions expect important incentives for a more careful use of chemicals by downstream users. Employer representatives however indicated that existing EU regulation for agrochemicals is already much stricter than requirements which are to be expected by REACH.

In the following forum discussion the problem of the seasonal workers with migrant background was intensively discussed.

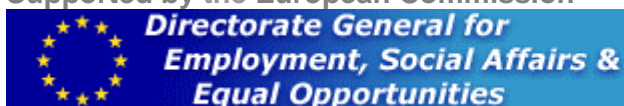
Final Conference

In the **Final Conference February 12/13, 2008 in Brussels (Belgium)** the representatives of employers ECEG and of the trade union EMCEF went into the objectives and hitherto existing results out of the project. The extern expert resumed the essential findings of the three workshops, that had passed.

Mr. Jean-Claude Lahaut (CEFIC/ ECEG) gave an interesting overview on the status of implementation of the REACH regulation. The process is now in the phase of Pre-Registration, which will last from 1st of June to 1st of December 2008. REACH will be made by and by compatible with the Global Harmonizing System (GHS). The information out of REACH requirements will be made available horizontally to all producers and will be vertically accessible to all downstream users. For the subject of occupational and health protection the technical dossiers of REACH will be of great importance, particularly the information there contained for a safe handling and on health and environmental risks. All information received have to be evaluated and assessed by the chemical Agency in Helsinki. Finally he gave some information on the considerable costs of the registration process.

Mr. Waldemar Bahr (EMCEF) supplemented the information concerning REACH. REACH probably will have great significance for occupational and health protection regulation, but would not substitute the occupational protection and the environment regulations. REACH will bring the loss of a numbers of substances for further use

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in cases where registration will be too expensive. This will lead to a clearing up of the portfolio of substances to be handled.

He reported that first investigations have shown that REACH will lead to improvements in those enterprises which already have rather high standards of occupational and health protection, but will provide few improvements in those enterprises with rather low standards if not additional initiatives are undertaken. REACH has still to be incorporated into the occupational protection legislation, not only as a data base, but also in the Application.

This will need increasing training of employees as a consequence.

Mr. Mike Jeffs from ISOPA/CEFIC as representative of the polyurethane producing industry gave a view into the efforts of his Association to provide information for the safe handling to the downstream users and processors of polyurethane, like the furniture industry, the automobile industry, the white industry and among them many SME's and to tell them about the risks in handling the substances (Walk the Talk).

This is done with the help of websites and with written information in more than 21 languages to be distributed by the sales managers.

Mrs. Sunanda Banerjee (CEFIC) illustrated the concept of product stewardship pursued by the European chemical industry.

Mr. Arnd Spahn, Secretary General of the European farm worker trade unions pointed out that in view of 13 million farms and more than 17 million proprietors in the EU the responsibility of the single farmer as employer for a correct use of agrochemicals cannot function like in other economic sectors. It would require hundreds of thousand training courses, completely unrealistic. The cooperation of the trade unions with the producers of agrochemicals cannot be considered as optimal and should be improved. The final goal of agriculture is organic farming.

There less problems could be expected with chemical substances, on the other hand more strains on the muscle-skeleton-apparatus has to be expected. For the repeatedly discussed problem of the seasonal workers and migrants Mr. Spahn proposed to establish a common working group of EMCEF and EFFAT who could develop concrete proposals for solution of this problem.

Mr. Dirk Hadrich of the EU Commission (DG Employment) addressed the perspectives and challenges of the Social Dialogue, which is implemented already in more than 35 economic sectors. The EU Treaty provides in Art. 2 the possibility of the Social dialogue starting from exchange of information and opinions up to

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binding agreements and their implementation. The social dialogue initiated in 2004 has brought in its initial phase a historic refurbishment of problems and of common views between employers and employees. Now in a second phase one could enter into concrete initiatives and binding agreements.

Challenges for the future lie in the integration of national differences, a capacity building for the social dialogue in the new member states and a regulatory framework for the social dialogue.

In the following General Discussion representatives of various member states made statements that knowledge of risks of chemicals was sufficiently high in large enterprises, but low in medium and small enterprises and finally practically non-existing by the consumer.

It was emphasized that it is the responsibility of each individual employer to train employees adequately in the handling of chemical substances.

There is an interface of responsibility between producer and user of dangerous substances; the duty to inform is not only with the producer, but as well with the user. As a problem of high importance was considered, how information about risks in handling chemicals could be transferred to sub-employers, temporary workers or even illegal workers, which can be observed in various countries.

The conference ended with statements of the secretary general of EMCEF about the results and conclusions of the project.

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6. Conclusions

The following conclusions are the results of the of the three workshops held in Brussels, Bratislava and Barcelona and were approved at the final conference 12/13 February 2008 in Brussels.

- a. In the chemical industry of Western Europe Standards of occupational and health protection are already relatively high. This is due to a great part to the long lasting and trustful cooperation of the social partners and to legislation on European, national and company level.
- b. The further development of standards for a safe handling of chemicals could be enhanced by integration into the social dialogue of the strategies of Responsible Care, of Product Stewardship and Sustainable Development throughout Europe.
- c. A high degree of safety and health protection on site lies not only in the responsibility of the employer alone, but as well in the responsibility of each individual employee including the representatives. To achieve these high standards, requires significant efforts by both social partners in information, communication and education of all workers and their representatives regarding the risks on site.
- d. The harmonization of practices of approval of accidents at the workplace and of diseases related to occupation, of insurance systems and of transferability of entitlements to insurance benefits are still waiting for implementation. As first steps on this way an enhanced Europe wide exchange of information about criteria of approval of diseases related to occupation, about statistics of accidents, of recognized diseases and of insurance payments would be helpful. A European webportal on these issues would be desirable.
- e. The new REACH regulation on chemical safety gives the chance to make accessible more reliable information about risks of chemicals to downstream users, to small and medium sized enterprises and also finally to the consumer. It requires well directed information efforts to which producers as well as all social partners should participate.

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- f. Much more attention should be devoted to downstream users also in other sectors using chemicals. It has been proposed to investigate the personal care services (hairdresser, cosmetics etc.) or the construction sector where nowadays many chemicals are utilized.
- g. In the new EU member states in Centern Europe the way away from compensation wages in the chemical industry can only be successfully achieved by technical and organizational solutions. The abandonment of hitherto provided compensation wages should not lead to overall loss of payments for the individual employee. This has to be traded by the social partners
- h. The challenges in the handling of agrochemicals in agriculture in Europe can be reduced by a more efficient networking of individual local and regional initiatives and a better dissemination of best practice examples. Cooperation of social partners can be improved through consequent integration and participation of representatives of employees into the actions of the producers of agrochemicals.
- i. Much more intense attention should be paid to solutions for more efficient information and training of seasonal workers in agriculture who very often are migrants with a poor language background of the country they work in.
- j. The training and information of employees about risks by chemicals and its prevention has to be intensified in many countries in order to raise awareness with the individual employee and their representatives about handling chemicals.
- k. The Social Dialogue on European level in chemical industry should commit to further joint initiatives to improve standards on health and safety related to like Responsible Care on plant level chemicals and should evaluate ways to make use of tools given by the new EU Treaty to social partners. They will pay special attention to the implementation of agreements

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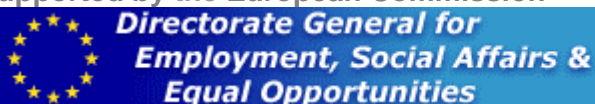


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