Meeting of the Steering Group on Promotion and Prevention

Centre Albert Borschette, room AB-1D
rue Froissart 36, 1040 Brussels

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New legal framework on occupational health with an impact on non-communicable diseases

Safer and Healthier Work for All Modernisation of the EU OSH Legislation and Policy

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Why do we need an EU strategic framework?

1. Evaluation of the EU Strategy on Health and Safety at Work 2007-2012 – SEC(2013) 202

- *Confirmed the value of an EU strategic framework for policy action in the field of OSH and show strong stakeholder support for a continuing EU-level strategic approach.*

- *Highlighted the need to review objectives, priorities and working methods to adapt the EU policy framework to changing patterns of work, and new and emerging risks.*

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EU OSH Strategic Framework 2014-2020

Challenges:
- *Improve implementation of OSH legislation in particular micro and small enterprises*
- ***Improve prevention of work-related diseases –new and emerging risks***
- *Demographic change*

Key objectives:
- *Consolidation of national strategies*
- *Compliance with OSH rules, MSEs*
- *Enforcement by Member States*
- *Simplification*
- ***Ageing, new risks, occupational diseases***
- ***Data collection***
- *International cooperation*

Actions:
EU instruments,
- *Legislation*
- *EU funds*
- *Social dialogue*
- *Communication and information*
- *Synergies with other policies*

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1st challenge : Improving the implementation record of MS

- *The scope and effectiveness of OSH management remains a challenge for micro and SMEs. They still show lower levels of compliance with rules.*

- *Effective protection of workers' health and safety has to be ensured in all workplaces regardless of size.*

- *Simpler, more efficient solutions need to be put in place*
  - *simplifying legislation where appropriate, and*
  - *providing tailored guidance and support to micro and small enterprises to facilitate risk assessment.*

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2nd challenge: Improving the prevention of work-related diseases

- *Issues with bones, joints and muscles as well as stress, anxiety and depression are by far the most often mentioned health problems caused or worsened by work (EB 2014).*

- ***New technologies and new work organization,*** *despite their obvious benefits, can additional entail risks (e.g. nanotechnologies, biotechnologies and green technologies).*

- *Special attention should be paid to occupational cancers, lung diseases, skin diseases, asthma and other chronic conditions, and diseases caused by asbestos*

3rd challenge: Tackling demographic change

- *The EU population is becoming older and the working population is also ageing*

- *For sustainable social security, an extension of working life is necessary. This will require appropriate working conditions.*

- *Prolonging working careers depends on adaptation of workplaces and work organisation, including working time, workplace accessibility and workplace interventions targeted at older workers. Innovative ICT products and services can help.*

- *Reintegration and rehabilitation measures allowing for early return to work after an accident or disease are needed to avoid exclusion from the labour market.*

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The key objectives

1. Further consolidate national strategies
2. Facilitate compliance with OSH legislation, particularly by micro and small enterprises
3. Better enforce OSH legislation by Member States
4. Simplify existing legislation
5. Address the ageing of the workforce, **emerging new risks, prevention of work related and occupational diseases**
6. **Improve statistical data collection and develop the information base**
7. Better coordinate EU and international efforts to address OSH and engage with international organisations

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- *Safer and Healthier Work for All*

- *Modernisation of the EU OSH Legislation and Policy*

- *Communication from the Commission*

- *Making EU legislation on health and safety at work future-proof*

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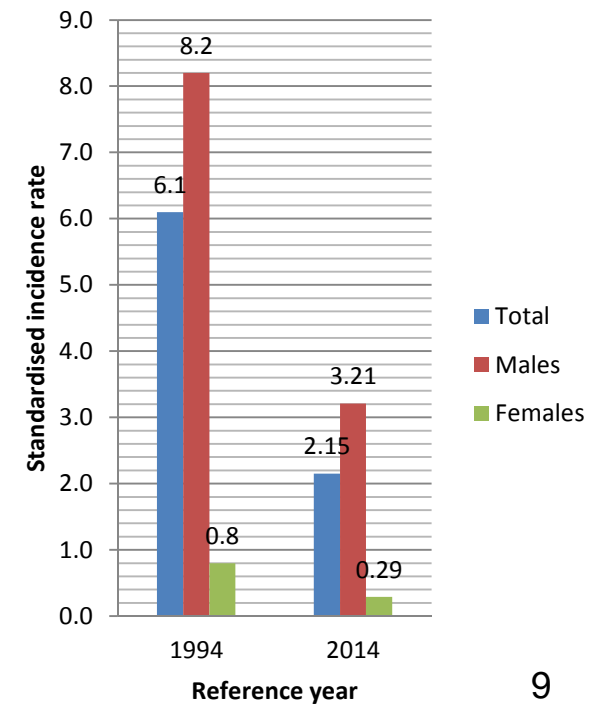
Safer and Healthier Work for All - Modernisation of the EU OSH Legislation and Policy

Background/Context

"25 years of experience in OSH policy at EU level allow us to draw lessons for the future. Modern OSH policy must consist of clear, up-to-date rules at EU and national level which are effectively applied on the ground. The Commission wants to step up cooperation with Member States and stakeholders to create healthy and safe workplaces for all."

Standardised incidence rate for fatal accidents at work, 1994 compared with 2014, EU-15.

Source: Eurostat, ESAW, Data for the NACE common branches

Safer and Healthier Work for All - Modernisation of the EU OSH Legislation and Policy

Background/ Context

➢ *Evaluation of the EU Occupational Safety and Health (OSH) legislation for the period 2007-2012, based on Article 17a of the Framework Directive 89/391/EEC;*

➢ *EU OSH Strategic Framework 2014-2020*

National Implementation Reports

Stakeholders

Independent study

SWD – ex-post evaluation

Communication – future EU OSH policy orientations

Strategic Framework 2014-2020

Guidance Document

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Ex-post evaluation of the EU OSH Directives – main findings:

*Directives remain mostly **relevant**, but **challenges persist**:*

- ➢ *While a decrease in incidence of accidents could be observed over the evaluation period, work-related ill-health, in particular the burden of **occupational cancer** remains high;*

- ➢ *A need to **better tackle issues of growing concern**, such as work-related **MSDs** and **psychosocial risks** or work-force **ageing**, by exploiting the full potential of the OSH framework;*

- ➢ *A need to **update outdated provisions, providing for simplification** whenever possible;*

- ➢ *A need to **improve the compliance of SMEs**, in particular of **microenterprises**, by inter alia allowing for solutions aiming at **reducing administrative burden**;*

- ➢ *A need to analyse and explain the links between the **OSH legislation and the REACH Regulation**;*

- ➢ *A need to improve **monitoring tools**.*

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Aims at tackling the OSH challenges identified by proposing actions along 3 priority areas:

➢ *Stepping up the fight against occupational cancer and exposure to chemicals;*

➢ *Helping businesses, in particular microenterprises and SMEs, comply with OSH rules;*

➢ *Cooperating with Member States and social partners to remove or update outdated rules and to refocus efforts on ensuring better and broader protection, compliance and enforcement on the ground.*

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*Stepping up the fight against **occupational cancer** and **reducing exposure to chemicals** through legislative proposals accompanied by **increased guidance and awareness-raising**:*

➢ *Further amendment of the Carcinogens Directive (COM (2017)11);*

➢ *Work on subsequent amendments of the Carcinogens Directive, with a next proposal envisaged for adoption early 2018;*

➢ *Fourth list of indicative limit values in the Chemical Agents directive by early 2017;*

➢ *Healthy Workplaces EU-OSHA Campaign on dangerous substances 2018-2019.*

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Helping businesses comply with OSH rules:

➢ *Focus on micro and small enterprises;*

➢ *Practical guidance for employers published with the Communication;*

➢ *Practical guides and tools (with EU-OSHA), including further development of OiRA, including a call on Member States;*

➢ *Identify good practices with help of Member States;*

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Helping business cover rapidly increasing occupational health and safety risks and of growing concern

➢ *Psychosocial risks,*

➢ *MSDs,*

➢ *Diversity-sensitive risk assessment (ageing, gender)*

The Guidance attached to the Communication addressed this issues. Working closely with EU-OSHA and SLIC, with a view to raise awareness of the concerned actors (employers, enforcement authorities) and provide them with good practices and further guides and tools, as well as develop relevant principles for labour inspectors

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Cooperating with Member States and <u>*social partners*</u> *to make the EU OSH legislative framework future-proof and ensure proper compliance and enforcement:*

➤ *Remove or update a number of outdated EU provisions and simplify them where possible;*

➤ *Peer-review process allowing Member States to learn from each other's good practices in reducing administrative burdens in national legislation;*

➤ *Improving enforcement on the ground (better standards and guidance, raising awareness, SLIC).*

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Working method

Tripartite interaction

- Discussions within Working Party, Actions resulting from the ex-post evaluation of OSH acquis.

- Adoption of an "Opinion" of Advisory Committee for Safety and Health.

Output used to confirm the direction of work of Commission.

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Encouraging Member States to ensure a broad coverage of occupational safety and health policy

- *Self-employed:* MS are called to fully implement the Council Recommendation

- *Persons employed for household work in private households:* the Commission in cooperation with ILO will organise a high level conference to take stock of progress and encourage ratification of ILO 2011 convention C189.

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Where to find the documents:

COM(2017)12, SWD(2017)9, SWD(2017)10

http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2709

Thank you

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Community strategy 2007-2012 on health and safety at work

The legal base mentioned notwithstanding, in its Community strategy 2007-2012 on health and safety at work **the Commission encouraged Member States to incorporate initiatives aimed at preventing mental health problems and promoting workplace mental health in their national strategies,** *in combination with EU initiatives with the same aims.*

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Legal base protecting workers from mental health related risks

The protection of workers' health and safety is governed by the body of EU law. In the absence of a specific legal instrument the key text is Directive 89/391/EEC which lays down clear provisions on the obligations of workers and of employers in particular, who are required to ascertain the risks likely to arise at the workplace by means of a risk assessment. Pursuant to any conclusions reached by the latter, employers are to put in place suitable risk-management measures, including the provision of information and training on the specific risks to which the workers are or may be exposed at the workplace. Mental health related risks, e.g. stress factors, harassment, violence, etc. are implicitly under the scope of the Directive.

Change to this???

Stress at work

The strategy highlighted the importance of the negotiations between the social partners on preventing violence and harassment in the workplace and encouraged them to draw conclusions from the assessment of the implementation of the European Framework Agreement on Work-related Stress.

In 2008, the signatory social partners adopted a report on the implementation of the framework agreement . In 2011, the Commission adopted a report on the implementation of the European social partners' Framework Agreement on Work-related Stress . Most Member States have incorporated initiatives aimed at preventing mental health problems into their national strategies.

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Violence and harassment at work

To date the Commission's efforts in this area have mainly involved working with the European social partners. It supported the European social partner negotiations on a Framework Agreement on violence and harassment at work, which was signed by BusinessEurope, UEAPME, CEEP and ETUC in 2007

The European social partners have since produced a report on its implementation. The Commission will undertake its own evaluation, based on the European social partners' report and a study to be commenced this year, which will allow it to gauge the need for, and the usefulness of, any further initiative at EU level. In 2010, several EU sectoral social partners also adopted common guidelines on protecting workers from third-party violence

Violence and harassment at work

As regards violence and harassment at work involving parties from outside the organisation in particular, the Commission supported the European social partners representing five sectors (healthcare, education, local and regional government, commerce and private security) in their efforts to reach agreement in September 2010 on guidelines to tackle the issue.

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Violence and harassment at work

In addition, the European social partners in the railway sector undertook a separate initiative, supported by the Commission, to tackle insecurity and the feeling of insecurity in rail passenger transport, which led to a European social partners joint recommendation in December 2012.

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Other actions

In 2011, EU-OSHA published a report

on good practice in promoting mental health and well-being in the workplace . A European Pact for Mental Health and Well-being, launched in 2008 , had promoting mental health in the workplace as one of its priorities. The workplace-related activities under the pact included preparing a consensus paper and organising a conference bringing together stakeholders from the health and employment sectors. The main stakeholders involved thought these activities were successful.

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Other actions

The SLIC (Senior Labour Inspectors Committee) carried out a campaign on psychosocial risks and developed an inspection campaign toolkit in 22 languages . The campaign involved carrying out a series of joint inspections targeted specifically at psychosocial risks and focusing on three sectors:
(a) health, including (private and public) social care
(b) services (e.g. hotels and restaurants)
(c) transport

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Health and safety at work research relevant for mental health in the workplace

The Commission has supported and co-funded   the so-called PRIMA-EF activities (Psychosocial Risk Management Excellence Framework).

The 7th   Framework Programme for Research and Technological Development for Health Research funded various projects related to mental health and socioeconomic context at work. The project HEALTHatWork aimed to improve health and safety at work in a changing labour market environment in the European Union and recommended future actions for policy makers.

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EU wide study on mental health in the workplace

The Commission has also, further to an open call for tenders , undertaken to carry out a study on mental health at the workplace in the EU and EFTA countries to address the issue.

The conclusions http://ec.europa.eu/social/main.jsp?catId=716&langId=en

may contribute to a better assessment of the impact of psychosocial risks on mental health at the workplace in the EU and support in-depth consideration of the mental-health-related safety and health-at-work measures needed.

The process incorporated feedback from stakeholders, including employers and workers' representatives. The professional organisations most directly concerned were thus able to outline their views to the Commission on the policy measures best suited to tackling mental-health-related occupational risks effectively.

The study is complemented by a guidance document for workers and employers and an interpretative document.

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Best practice from the Mental Health study (check National case studies of policy supporting Mental Health at Work)

The description of the policy framework demonstrates that several policy options exist to support mental health promotion in the workplace. Regulatory or voluntary policies oblige and/or motivate workplaces to set up prevention and promotion strategies to tackle mental health problems.

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The overview of the case studies below provide an insight in the range of policies that exist. Most case studies are voluntary policies.

The case studies presented are about:
- *Legislation,*
- *Management standards,*
- *National strategies,*
- *An initiative of the inspectorate,*
- *A sectorial initiative,*
- *An agreement between social partners,*
- *An initiative-campaign by social security organizations,*
- *A list of occupational diseases.*

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ILO list of occudis (2010) covers 'mental health' diseases as new occupational diseases

2.4. Mental and behavioural disorders

2.4.1. Post-traumatic stress disorder

2.4.2. Other mental or behavioural disorders not mentioned in the preceding item where a direct

link is established scientifically, or determined by methods appropriate to national conditions

and practice, between the exposure to risk factors arising from work activities and the mental

and behavioural disorder(s) contracted by the worker

Commission Recommendation 670/2003/EC on
the EU Schedule of Occupational Diseases

- *OSHA tools and campaigns*

- *EU-Health Programme*

Under the EU-Health Programme, the Commission set up a Joint Action on Mental Health and Well-being with Member States.

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