

Ceemet Position on the Commission Communication on Occupational Health and Safety

Ceemet welcomes some key aspects of the European Commission's Communication - Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation which sets out the key legislative and non-legislative actions for 2017 to 2019.

Ceemet particularly welcomes the focus on sharing of best practice, simplifying and reducing administrative burden in relation to the deletion of obsolete provisions, the reduction of administrative burden in national legislation while maintaining workers' protection and the focus on the culture of compliance in companies.

Ceemet's key messages

- The European Union is one of the most regulated areas in the world in the field of occupational health and safety (OSH).
- MET employers strive to achieve worker protection. A healthy and safe workforce is one of the key elements of a productive and competitive European manufacturing industry.
- Dissemination of and application of best practice is the ideal way to ensure OSH protection for workers. Sector specific guidance has led to substantive improvements in risk management in many Member States. We are pleased that the Commission now recognise this and believe that the Commission is best placed to develop examples of how employers (including SME's) should meet OSH Directive requirements.
- In relation to risk management, the focus needs to be firmly placed on risk prevention and control, not risk assessment documentation. Unnecessary

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About Ceemet

Ceemet represents the metal, engineering and technology-based industry employers in Europe, covering sectors such as metal goods, mechanical engineering, electronics, ICT, vehicle and transport manufacturing.

Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.

Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.

documentation does not protect workers and only creates administrative burdens.

- Directives which are prescriptive in nature have a higher chance of becoming obsolete sooner than those which are more general. More framework-based directives, accompanied with guidance, is in our opinion the best way to legislate for OSH.
- Development of good practice guides to help tackle Musculoskeletal and Psychosocial risks is a positive step taken by the Commission. A decision which recognises that it is not practical to legislate for these risks, as they occur both in and outside the workplace. We would advocate that the variety of jobs, in different sectors, requires a sectoral approach.
- The Commission has recognised that health risk factors are present in both professional and private life. This acknowledgement is welcomed.
- We are pleased that the Commission wants to ensure close collaboration with and full consultation of the social partners on all actions, but we stress the need for sectoral social partners to be included in this process.

Is the current OSH framework fit for purpose?

The Commission communication concluded (following its review) that EU OSH legislation, consisting of the Framework Directive and its daughter directives, was generally effective and fit for purpose and identified some limited opportunities to update a few outdated legal provisions, whilst maintaining or improving worker protection.

Ceemet still believes that the Commission missed its opportunity to make improvements to the existing regulatory regime by removing duplication and outdated provisions. It was our clearly stated belief that worker protection could be enhanced through the consolidation and simplification of the existing regulatory regime. Simplifying duplicated requirements in existing legislation e.g. Risk Assessments, Medical Surveillance, Information, Instruction, Supervision and Training would have made it easier for employers to understand and in our view, would have improved compliance in SME sized companies ensuring more protection for workers.

Ceemet accepts that the Commission have decided at this point in time not to make much needed change to the OSH acquis. We support the Commissions position that new Directives in the OSH field are not required and that it should concentrate on making improvements to a limited number of directives, in particular:

- OSH signs (92/58)
- Biological agents (2000/54)
- Medical assistance on board (92/29)
- Personal protective equipment (89/656)
- Workplaces (89/654)

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Is the current OSH framework fit for future purpose?

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'We support the Commissions position that new Directives in the OSH field are not required'

- Display screen equipment (DSE) (90/270)
- Carcinogens and Mutagens Directive (2004/37) and the Chemical Agents Directive (98/24).

MET employers agree that amendment of the annexes to the OSH signs and personal protective equipment directives would be welcome as they are largely obsolete and need to be reviewed. In the case of the CMD Directive we recognise that the annex will need to be updated from time to time to include newly identified carcinogens or to update occupational exposure limits. The Workplace Directive requires updating to reflect current and future workplace use. In the case of the Display Screen Equipment Directive, development of new display equipment is progressing at a rate which is so fast that a new directive is outdated before it is a legal requirement. Furthermore, many of the provisions in this directive are already covered by the OSH 'Framework Directive' (89/391).

Good guidance is the key

We endorse the Commission's proposal to provide sector specific guidance and to disseminate established best practice. This has already led to substantive improvements in managing workplace risks in many Member States. Guidance on how to comply with EU OSH legislation, particularly for SMEs, is fundamental to providing a safer working environment for all European workers. Compliance with OSH Directives is clearly more challenging for SMEs. We want the Commission to develop tailored guidance and tailored support measures for SME's to improve compliance and ensure the required level of protection for all workers.

The Commission's Staff working document, Health and Safety at Work is Everybody's Business: A Practical guidance for employers will help businesses get the most out of obligatory risk assessments, preventive measures and training and is welcomed by MET employers. We would like to see the European Commission go further by providing specific examples of how companies, especially SME's, can effectively implement the legislation it produces. This, alongside best practice, is key to ensuring a safe and healthy EU workforce.

The Commission has agreed that the best way to manage Psychosocial Risks, Musculoskeletal Disorders, Workforce Diversity and Active Ageing is by facilitating the sharing of good practice and producing guidance, this should however be done with a focus on companies as they are the ones making use of the guidance. We support the Commission's proposal to publish best practices in managing Psychosocial and Ergonomic risks and develop relevant principles for labour inspectors with regard to age-sensitive risk assessment. This is a positive development, particularly as the Commission has acknowledged that the relevant risk factors occur both at and outside the workplace.

'Ceemet endorses the Commission's proposal to provide sector specific guidance and to disseminate established best practice'

Creating a level OSH playing field for EU companies

Within the European Union, MET companies operate within a strict regulatory system in comparison with some of our international competitors. In fact, the European Union is one of the most regulated areas in the world in the field of OSH. EU MET companies often deal with different standards of legislation in different Member States, some stricter, some less strict. This does not create a competitive environment for EU manufacturers.

The nature of social policy at a European level is that it sets minimum standards. Member States can legislate for higher standards at a national level. In the area of workplace chemical exposure, this creates inconsistency where by companies may have to apply different standards across the 28 Member States of the European Union. If there was more uniformity on OSH legislation at an EU level, particularly in the area of workplace chemicals legislation, this would make it easier for companies to operate within the Single Market.

Furthermore, we must ensure existing OSH Directives are fully effective and fully implemented across all Member States. Enforcement of already existing Directives is key to creating a level playing field. Some Member States rigorously enforce legal requirements, and others still need to catch up in this area. The Commission needs to do more to ensure that each Member State is implementing OSH Directives effectively and that they have the enforcement capacity to ensure compliance. We are supportive of the European Commission's Advisory Committee on Safety and Health establishing a Working Group to looking at enforcement of legislation in the Member States.

Risk management needs to be proportionate

Risk management is fundamental for the protection of workers under the EU OSH legislative framework. Risk assessments need to be proportionate to the risk. In terms of documentation this is not appropriate for 'trivial risks'. The Commission should encourage employers to deal with controlling the actual risk rather than creating unnecessary paperwork which doesn't actually protect the workers. The risk management process needs to be simple and transparent so that SMEs are not obliged to hire expensive external consultants to document risks when they are better advised to spend the resources they do have on controlling exposure to the risk itself.

'Greater consistency is needed in the area of workplace chemicals legislation'