

ETUC priorities on Occupational Safety and Health

EPSU Executive Committee

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HILMERSSON Per

I will give a presentation on ETUC priorities regarding health and safety at work, and I will start-off with the Covid-19 pandemic and the importance of occupational safety and health, and then come in to some of the most important concrete priorities we have.

As you know, the pandemic has become the biggest health, economic and social challenge in the history of the European Union. And it's become clear that this is not only a Public Health issue but very much an Occupational Health issue, as the workplace, and work itself, is a major arena for transmission of the virus. If we fail to guarantee health and safety provisions for all workers, then it will be much more difficult to recover from the crisis.

So, the dimension of Occupational Safety and Health needs to be a fundamental part of the European strategy for limiting the spread of the virus, for maintaining economic activities and for the return to work.

Since the Covid outbreak, workers in many sectors have continued to be physically present at the workplace, at the frontline, fighting the virus, such as in the healthcare and care sectors.

For these workers it is crucial that employers take appropriate preventive measures, through risks assessments and risk management, involving the employees and trade union representatives, in particular in terms of physical distancing measures and availability of proper hand sanitizers and personal protective equipment. It is also important to undertake a gender approach on OSH prevention, as women are over-represented in highly exposed categories of work and sectors.

When it comes to the return to work for those that are now teleworking or working from home, it is likewise crucial that a hazard-based approach is applied. The success of the EU exit strategy will largely depend on OSH appropriate policies and measures, through legislation or collective agreements. Trade union involvement in developing such measures is key.

The principles of the 1989 EU Health and Safety Framework Directive need to be fully applied, including the duty of the employer to ensure the safety and health of workers in every aspect related to the work. Supporting measures, through legislation, collective agreements and guidance, including the application at company level of the guidelines published by the European Agency for Health and Safety At Work EU-OSHA on the coming back to work, is necessary. The social partners were involved in developing these guidelines, and it's important that the Member States fully apply them in order to tackle the physical and psychosocial risks connected to the pandemic.

The Covid crisis has also exposed the appalling working conditions for many cross-border workers in Europe, with unsafe workplaces and unsanitary living conditions. They are therefore easy targets for the virus. In order to tackle this, health and safety rules and regulations need to be properly enforced. Member States have to provide adequate support to labour inspectorates – and live up to the ILO recommendation of 1 labour inspector per 10 000 workers. Also, the role of trade union workplace health and safety representatives should be strengthened.

Moreover, it has become clear during the pandemic that EU legislation on OSH need to be updated. Just before the summer, the Covid-19 virus was included and categorized in the EU Directive on the protection of workers from risks related to exposure to biological agents at work, the so-called Biological Agents Directive. While this was a welcome move, the legislative process proved to be non-transparent and it was disputed whether the criteria for classification of the virus were followed properly. There is much room for improvement of the classification system in the Directive and the ETUC therefore think it should be amended. Another issue is that while the Directive clearly covers all workers when exposed to biological agents, it is not very specific and not properly applied in the Member States. The Directive should be updated to be fit for purpose in terms of dealing with a future pandemic. After pressure from the ETUC and the European Parliament, the European Commission has promised to review the application of the Directive and draw lessons from the pandemic and come back to the Parliament by the end of this year.

The ETUC is also calling on the European Commission to ensure that COVID-19 is recognised as an occupational disease, to ensure that workers are properly compensated if they contract the virus. We are calling for a revision of the Commission Recommendation concerning the

European schedule of occupational diseases. The current text is insufficient to protect all workers in the frontline of the pandemic as it only refers to "infectious diseases caused by work in disease prevention, health care, domiciliary assistance and other comparable activities for which a risk of infection has been proven". We need to avoid a too restrictive definition and the burden of proof should of course not be too heavy on the individual worker. It should be more about the exposure.

Actually, we are now discussing internally if there is a need to turn the non-binding Recommendation into a Directive. There is a lack of harmonization among EU countries. The burden of proof is on the shoulders of victims, who in many countries have to demonstrate that the disease is work-related. The list of occupational diseases is also too diverse. In some countries, for example France, the list includes 130 occupational diseases, while other countries only have 50 or 60. The European Parliament has also called for the need of a Directive.

For both the Biological Agents Directive and the issue of Covid-19 as an occupational disease, the role of the tripartite European Commission's Advisory Committee on Safety and Health at Work is key. And the trade union representatives there will continue pushing on our demands.

Let me also say a few words on work-related cancer, because this is an important priority for the ETUC and of course also for EPSU. The ETUC has called on the Commission to include a vision for zero work-related cancer in the announced "Europe beats cancer plan" and to continue updating the Carcinogens and Mutagens Directive – CMD – by adopting Binding Occupational Exposure Limit Values for 25 extra priority carcinogens under the Directive by 2024 at the latest. The Commission has recently presented a fourth update of the CMD with limit values for three cancer-causing substances (acrylonitrile, nickel compounds and benzene), which affects over 1 million workers in the construction and manufacturing industries. The ETUC has joined EPSU's campaign "Stop Cancer at Work" to push for reprotoxins and hazardous drugs to be included in the CMD. The ETUC is also engaged in lobbying the newly created European Parliament special committee on beating cancer to also include work-related cancer in their work.

The crisis will also have an impact on the mental health of workers, not the least in the health care sector and other essential services sectors, but also due to the extended use of telework and the blurring boundaries of working time and working space. Work-related stress had already

become an epidemic before the Covid-19 pandemic. Studies from before the pandemic showed that more than half of all workers in the EU reported that work-related stress was common in their workplace and 4 in 10 thinks that it is not handled well by their employer.

So, it's urgent with more investments in mental health but there is also a need for EU legislation on psychosocial health risks to clarify employers' duty in preventing and dealing with these risks and properly address violence and harassment at work and to improve work organisation. ETUC has together with Eurocadres launched a platform to campaign for such a legislative initiative at EU level, and I'm happy that EPSU has joined the platform as well.

Moreover, ETUC is calling for a new Directive on work-related musculoskeletal disorders, MSDs. Also this issue has become more urgent during the Covid-19 pandemic due to the significant rise of teleworking and work from home, which has had an impact on MSDs. ETUC is also the official partner of the EU-OSHA campaign "Healthy Workplaces – Lighten the Load".

Let me finish by mentioning one of the main demands by the ETUC congress in 2019, a demand that is even more important today. And that's the need for a new ambitious and effective EU health and safety strategy. The ETUC Executive Committee adopted a position on this already a year ago and we have been lobbying the Commission to present a new multi-annual strategy. Given the pandemic this strategy is more needed than ever, and it of course needs to take into account the experiences from the pandemic, including the gender dimension.

The strategy should also include a Vision Zero on fatal accidents at work and work-related cancer and concrete actions on psychosocial risks. Focus of the strategy should also be on enforcement, where Member States should strengthen the role of National Health and Safety inspectorates by providing them with sufficient financing and staff, and in order to provide guidance and support to public administrations, companies and workers in their efforts to address Covid-19 related risks. As mentioned earlier, the ETUC also calls for the role of trade union workplace health and safety representatives and committees to be strengthened in order to promote active and effective prevention measures.

As a result of our lobbying efforts, together with the European Parliament, the European Commission has announced that it will come

out with a new EU “strategic framework” during the second quarter of next year. This means that the European trade union movement needs to contribute with our analysis of the crisis and lessons learnt and convey this to the Commission.

We have the ETUC position from last year for a new health and safety strategy, and all demands and proposals in it are still valid. But we need to update it to include our demands deriving from our experiences with the Covid-19 pandemic. So, the ETUC Executive Committee will at its meeting next month discuss these demands and adopt a Resolution so that we can lobby the European Commission.

Thank you.