

EXECUTIVE SUMMARY OF THE CROSS-NATIONAL REPORT

BACKGROUND AND AIM OF THE RESEARCH

In their Lisbon Strategy, the EU leaders expressed their aim to create more and better workplaces in Europe. One step in this respect is the provision of an appropriate legal framework for business activities within the European Union. The legal framework should be effective in reaching its aims, but should be as 'smart' as possible, thus not hampering business activities with unnecessary administrative burdens.

An important part of EU business law is the body of legislation regulating occupational safety and health (OSH) at work. The main aim of this legislation is to protect the health and well-being of employees by obliging employers to provide a safe and suitable work environment and to inform employees on potential hazards arising from their work.

A European working group formed by experts from national ministries and OSH institutions of several EU member states started an initiative to systematically study the effectiveness and efficiency of existing EU legislation in this area. To this aim, an ex post evaluation of the EU Directive 90/270/EEC which regulates work at Visual Display Units (VDU) was launched in six countries: The Czech Republic, Denmark, Germany, The Netherlands, Finland and the United Kingdom. The EU Directive 90/270/EEC was chosen, because the transposition into national law was generally made in a comparable way in all six countries dealt with in this report. This evaluation had the character of a pilot study, aimed not only at analysing the specific VDU legislation, but also at showing the general potentials and limits of the instrument of evaluation.

REALISATION OF THE PILOT EVALUATION

Since it was not possible to realise a central evaluation based on a uniform evaluation design, separated national evaluations were conducted. As a common basis for the national evaluations the working group produced two papers:

1. "Common Requirements for the Evaluation of the VDU directive", which describe the fundamental aims and framework conditions of the evaluation
2. "Overview about Terms of Reference for the Preparation of Empirical Investigations"

As set out in the "Common Requirements", the Evaluation should help to answer fundamental questions on basis of a systematic, empirical approach:

1. Have the instruments of the Directive been chosen correctly?
2. Have the objectives of the Directive been achieved with the instruments used?
3. Have the instruments been used efficiently?
4. Should there be consequences for
 - changes or amendments to legal provisions
 - implementation at company level
 - the strategies of the enforcing authorities

- other accompanying measures for improving OSH at DSE workplaces?

The empirical investigation, based on the "Terms of Reference" focused on the following aspects:

- Relevance and usefulness of the Directive
- Effectiveness of the instruments
- Obstacles to implementation
- Cost-benefit estimation

As a precondition for the systematic and correct interpretation of the empirical data, also implementation aspects had to be scrutinized:

- Level of knowledge and awareness of the regulations among employers and employees
- Extent of implementation of the specific instruments

The various evaluation studies were designed and organised at the national level. In the operationalization of the Terms of Reference, specific national peculiarities and research interests were taken into account. This led to a certain variety in questionnaire approaches which poses some limitations regarding the comparability of results. However, general conclusions referring to all countries remain possible.

In the framework of the pilot evaluation, data were collected among different groups:

- In each of the countries, **managers** of a randomly chosen sample of establishments were interviewed on their practices regarding VDU workplaces and their experiences with the VDU legislation. Net sample sizes in the countries ranged from about 200 to 2.200 firms with VDU workstations. In total, for this study interviews were carried out in 6.900 establishments.
- In all countries with the exception of the United Kingdom, additionally **employees** working at visual display units were interviewed. Questions referred to the OSH practices of their employer regarding VDU workplaces, to the personal VDU workstation and to employees' factual behaviour when working at the display screen equipment. Respondents of the employee questionnaires were in some countries (CZ, FI) employees from the same establishments where the management had been interviewed before, while in others independent random samples of individuals were used (DK, DE, NL). In total, about 8.800 employees working at display screen equipment provided information.
- Additionally, in various countries additional **stakeholders** were asked on their opinions and experiences regarding occupational safety and health at VDU workplaces:
 - In Denmark and the Netherlands, semi-structured interviews with various social partners and experts were conducted, among them Employer's Federations, trade unions, the Labour Inspectorate and manufacturers of office equipment.
 - In Germany, a short questionnaire referring to enforcement practices and experiences was answered by the Labour Inspectorates.
 - In Finland, occupational safety and health specialists answered a questionnaire similar to that of employers and employees.

RESULTS

RESULTS REGARDING THE DEVELOPMENT OF A METHODOLOGY

The methodology of an ex post evaluation proved to be worthwhile for the measurement of the degree of effectiveness and relevance of the VDU legislation and its specific instruments and in identifying obstacles to implementation at company level. It also succeeded in providing a rough but representative cost-benefit evaluation from part of the employers or in measuring the adequateness of the legislation with regard to more recent developments (e.g. laptops and teleworkstations). Some limitations have to be noticed: Not all improvements to the quality of workstations are clearly attributable to one specific cause (e.g. the VDU legislation), since many factors (e.g. the spread of computers and knowledge about computers in private life) intervene, which can only be partially controlled by an ex-post evaluation. Also, it has become evident that it is difficult to evaluate more detailed aspects of the European legislation such as the comprehensibility of the European text of law or the adequateness of the level of detail of its specifications, since the majority of applicants does not use them directly, but refers to different information materials provided on their base.

RESULTS REGARDING LEGISLATIVE ASPECTS OF THE VDU DIRECTIVE

Effectiveness

The instruments of the Directive proved to be effective: Workstation analyses and the subsequent rearrangement of workplaces have often led to increased work satisfaction and partly to a notable reduction of the level of absenteeism. Information and training of employees have led to a more conscious behaviour at the VDU workstation on part of a slight majority of employees and are thus likely to reduce health risks in the long run. The provisions on daily work routine have contributed to the fact that hardly any employer denies breaks to the employees. Also, the legislation has generally led to an enhanced awareness about the potential health hazards of VDU work among many (although by far not all) employers.

The instruments have thus been correctly chosen in so far as they contribute – where applied - to an improvement of the physical quality of the workstations, aspects of work organisation, motivation of employees and productivity.

Relevance

The statements of the employers clearly show that the VDU legislation is relevant in the sense that in many firms VDU workstations would receive less attention if no legislation existed. A substantial share of employers (roughly between one third and close to half of the employers, depending on the country and the provision) indicated that they would dedicate less or in some cases even no attention to provisions such as workstation analyses, the provision of

eyesight tests or aspects of work organisation and mental stress if not being legally obliged to do so.

Efficiency/Cost benefit ratio

Costs and benefits of the regulations turned out to be difficult to measure in strictly monetary terms since firms usually do not separately keep record of the costs incurred by compliance with the regulation. But in the subjective overall assessment of employers, costs and benefits are mostly either balanced or benefits outweigh the costs.

Awareness and knowledge of the VDU regulations

The target groups of the Directive – employers, OSH experts and employees – do usually not deal directly with the European Directive. They work with the national laws and decrees based on it or with the information material elaborated on base of these laws. Consequently, only a minority of employers is aware of the European regulations. A - partly only slight - majority of employers in all six countries (between about 50% and 90%) is however aware of the national VDU regulations. Among employees, awareness of the specific VDU legislation is less widespread. But a majority of employees is aware that there is some legislation regulating their rights regarding the shape of their VDU workstation.

Knowledge of the specific provisions of the legislation is generally more limited. Among the most well known provisions are the requirements for workstation analyses and the ergonomic set-up of the workplaces. The requirements of work organisation (daily work routine) are also widely known. Much less known are in turn the provisions on the prevention of mental strain and the requirements for software ergonomics.

Implementation of the provisions

The implementation of the provisions is overall better in large firms than in smaller ones. However the fulfilment of the requirements of the Annex (as one particular form of provision) proved to be largely independent of the size of the organisation, and was actually quite high (in the range of between 70% and 90% depending on the specific requirement).

The degree of implementation of the various provisions of the legislation varies:

- Implementation is highest for the requirements on information and training of employees. In nearly all countries at least half of all employers instruct their employees on potential health risks of VDU work.
- Workstation analyses are carried out to a similar degree, although often not at regular intervals as foreseen by the regulation.
- For the measures of daily work organisation, the picture is mixed: While most firms do not deny interim breaks to VDU workers, a considerable share of employees does not make use of them – partly because not needing breaks and partly because the pace of work does not allow taking them.
- The instruments foreseen for the protection of the eyesight of the employees are implemented in many establishments, but often only in a curative way, i.e. on the request

of employees. Only a minority of establishments applies eyesight tests in a preventive way as foreseen by the legislation.

- According to the employees, at most VDU workstations furniture, computer equipment, software and further components are in line with the requirements. The wishes and requests of employees show that there is nevertheless still room for improvements, especially with regard to the provision of ergonomic furniture and measures to avoid reflections.

CONCLUSIONS

The interviews with managers and employees illustrate, that the physical aspects of health and safety at VDU workplaces such as the equipment with good computers and ergonomic furniture or the provision of a suitable work environment (noise, humidity etc.) are fulfilled to a relatively high degree in establishments of all sizes and in all countries tackled here.

The evaluation shows, that the VDU legislation is all in all adequate and that the instruments are chosen correctly.

Among the main obstacles regarding the workability of the legislation, a lack of awareness and knowledge of the provisions were identified. Also, work pressure does not always allow the (full) application of the provisions by either employers or employees.

The evaluation results do not indicate the need for substantial changes or amendments to the VDU Directive. However, it turned out that newer forms of VDU equipment such as mobile computers and working stations of telecommuters are frequently not in the focus of OSH activities at establishment level. To further precise the obligations of employers and employees for this type of VDU workplaces in either the European Directive or in the national VDU legislation could help to raise awareness of these newer forms of VDU work among the relevant actors in the fields of occupational safety and health.

All in all it can be concluded, that ex-post evaluation of European OSH legislation is feasible and produces additional and valuable input for the ongoing debate on smarter and better regulation.

It is therefore recommended that the European Commission conducts further empirical evaluations of specific Directives in the area of Occupational Health and Safety. This would allow for a more reliable comparison of the situation in the various member states and for the efficient involvement of all relevant stakeholders, especially the Social Partners at European level.