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HEALTH AND SAFETY COMMISSION

The EU's Occupational Safety and Health Strategy 2007 – 2012
Progress report and next steps

A Paper by Malcolm Darvill and Howard Saunders

Cleared by Jonathan Rees on 12 January 2007

Issue

1. To report on the progress and the next steps in the development of the next European Union (EU) Occupational Safety and Health (OSH) strategy, to run from 2007 – 2012.

Timing

2. Routine. There are no urgent actions arising from this paper.

Recommendation

3. That the Commission notes:
 - the progress in developing the next EU OSH strategy and the success so far in closely aligning it with that of HSC's;
 - the Opinion of the European Commission's (EC) Advisory Committee on Safety and Health at Work (ACSH) on the strategy (**Annex 1**); and
 - the next stages in the adoption of the strategy.

Background

4. The current EU OSH strategy 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002 - 2006', was published in March 2002. For the last 18 months, HSE has sought to influence the shape and content of its successor, to run from 2007 – 2012. Our aim has been to try to ensure that it is closely aligned with HSC's current strategy, and in particular embrace such issues as:
 - mainstreaming OSH into other community strategies;
 - better regulation and no further unnecessary legislation;
 - setting targets to deliver positive outcomes;
 - targeting interventions to maximise results and promoting good practice.
5. Commissioners will recall that in 2005, during the UK's Presidency of the EU, we hosted a conference on the Future of Occupational safety and Health in the EU in

Liverpool. HSC/06/24 reported on the outcome of the Conference, a paper setting out ideas on the shape and content of the next EU OSH strategy. This was sent under the cover of a letter signed by the UK and the following Austrian and Finnish Presidencies to the Director General of the EC's Directorate General Employment, Social Affairs and Equal Opportunities. The EC responded positively to this initiative.

6. In accordance with Council Decision 2003/C 218/01 of 22 July 2003, before the EC can bring forward OSH initiatives, such as the new strategy, it is required to ask the tripartite Advisory Committee on Safety and Health at Work (ACSH) to give an opinion on it. Such an opinion is likely to inform and constrain the new strategy.
7. In November 2005 ACSH set up a tripartite working party, with a mandate to produce the draft opinion. HSE was successful in securing one of the four places for government members on the WP. This was taken by Howard Saunders, of HSE's Strategy Division. Mr Saunders was subsequently appointed as the rapporteur of the WP and as such played a pivotal role in producing the opinion. The Opinion (Annex 1) was formally adopted at the ACSH's plenary meeting in November 2006.
8. In parallel with this work, the EC's Senior Labour Inspectors Committee (SLIC) also considered what should be contained in the new strategy, particularly with respect to improving compliance with existing directives. The SLIC sub-committee set up to consider this was chaired by Sandra Caldwell, HSE's Director of Field Operations, who represents the UK on SLIC.
9. Given the tripartite nature of the WP, and of the ACSH, the Opinion was the subject of considerable negotiation but HSE considers that the adopted draft closely aligns with HSC's current strategy¹ and strongly reflects the outcome of the Liverpool Conference. In particular it addresses the issues set out in paragraph 4, above, and embraces the health and well being agenda.
10. The strategy when published will be for both the EC and Member States to follow, and the Government Interest Group of the ACSH has set up a Working Group to develop a "Scoreboard" against which MSs progress in addressing the new strategy can be assessed. This will build on the scoreboarding work first established by the Nordic MSs and later developed by a wider group, including the UK.

Next Steps

11. The EC had hoped to publish the new EU strategy, as a formal Communication, before the start of 2007. However we now expect it to be presented to the first formal Employment, Social Policy, Health and Consumer Protection (EPSCO) Council under the German Presidency on 22 February 2007. It is then likely to be the subject of a Council Resolution at the second German EPSCO on 30/31 May 2007. HSE proposes to present a paper on the published strategy, together with a proposed negotiating brief for the Resolution, to the Commission's March meeting. This will allow HSC to advise Ministers on the strategy before it is adopted.

¹ MISC643 "A strategy for workplace health and safety in Great Britain to 2010 and beyond"

Consultation

12. This paper has been cleared with HSE's Strategy Division, Planning Efficiency and Finance Division, Communications Directorate, Legal Advisors Service, Better Regulation Unit and the Director of Field Operations.

Presentation

13. As the new EU OSH strategy is most unlikely to signal a new wave of EU OSH legislation, it is unlikely to attract any media interest, other than in the specialist press. Once we have seen the Communication, we will consider whether any further presentational issues need to be addressed.

Financial/Resource Implications for HSE

14. Other than the cost of the UK Presidency event, which was detailed in HSC/06/24, HSE's contribution to the development of the new EU OSH strategy has been incorporated into existing budgets. Some expenditure, such as travel costs, is refunded by the EC. The new strategy will be expressed at a high level and, in itself, will not have any significant impact on HSE's future expenditure, particularly if it emerges along the lines recommended in the Opinion. However, in the event that additional resource implications might arise from one or more detailed proposals to implement any aspect of the agreed Strategy, there will be further opportunities for HSC/E to discuss them before any commitments are made.

Other Implications

15. The new strategy is likely to have no specific implications for local authorities or the devolved administrations. The "context" section of the Opinion explicitly recognises the needs of small and medium-sized enterprises, and the EU's increasingly multicultural and migrant workforce.

Advisory Committee on Safety and Health at Work

WP "Community Strategy 2007-2012"

OPINION

Doc 2410/2/06

Mandate

The Advisory Committee on Safety and Health at Work has set up a Working Party "Community strategy 2007-2012".

The remit of this Working Party is to prepare a draft opinion for the Advisory Committee on the evaluation of the current strategy 2002-2006 and on the priorities for the development of a new Community strategy on safety and health at work for the period 2007-2012 based on input from the EC.

In its work, the Working Party shall refer, inter alia, to the results of the 2005 ACSH Seminar "Evaluating 2002-2006 Community Strategy on OSH: Key questions for the future", and the results of the Commission questionnaire on the evaluation of the current strategy.

Justification:

In its Communication on the "Social Agenda"², the Commission indicated its intention to put forward a new strategy on safety and health at work for the period 2007-2012, and to support the establishment of this new strategy through a preliminary evaluation exercise of the current strategy.

As the central forum of OSH tripartite dialogue at the European level, the Advisory Committee on Safety and Health at Work has already proved to be an efficient framework for this process, as it was the case for the development of the current strategy in 2002. In addition, the remit of the ACSH provide for this Committee to assist the Commission in the "preparation, implementation and evaluation of activities in the fields of safety and health at work", and in particular to "give an opinion on plans for Community initiatives which affect safety and health at work"³.

Membership Working Party

The Working Party was composed by Lars-Mikael BJURSTROEM (FIN), Mrs Danuta KORADECKA (PL), Mr Javier PINILLA (ES) and Mr Howard SAUNDERS (UK) all governmental group, Mrs Lone JACOBSEN (DK), Mrs Iwona PAWLACZYK (PL), Mr Gilles SEITZ (FR) and Mr Laurent VOGEL (BE) all workers group, Mr Luigi CASANO (IT), Mrs Pilar IGLESIA (ES), Mr Bob KONING (NL), Mr Thomas Philbert NIELSEN (DK), all employers group. The Working Party was chaired by Mr. Gilles SEITZ, (Workers), Mr. Thomas Philbert NIELSEN (Employers) as Vice-Chair, and Mr Howard SAUNDERS (Governmental) as rapporteur.

Meeting reports

The Working Party met four times (26 April 2006, 6 July 2006, 21 September 2006 and 8 November 2006). Minutes of the meetings were drafted and approved by the members. A drafting group composed of Mr Thomas Philbert NIELSEN, Mr Howard SAUNDERS and Mr Laurent VOGEL met two times to draft the opinion.

² COM(2005) 33 final of 9.2.2005.

³ Council Decision 2003/C 218/01 of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work, article 2.

Opinion

Introduction

The overall purpose of a Community Strategy on health and safety at work should be to encourage and facilitate Governments, Employers and Workers to work together to ensure proper protection from health and safety risks in the workplace. The European Strategy should also give direction and support to National strategies in pursuit of genuinely effective harmonisation.

The current strategy 2002-2006

The promotion of such a strategic approach to OSH policies at European level was at the centre of the 2002 Commission communication "Adapting to change in work and society: a new strategy on health and safety at work 2002-2006"⁴.

The evaluation of the Community strategy 2002-2006 has shown that this strategy has contributed to the development of national policies within the field of health and safety and work, and that the strategic approach has been of particular importance in this process⁵.

The Community strategy on health and safety at work has given a fresh impetus to prevention policies at national level. It has made a coherent and compelling case for cooperating towards common objectives and has helped those responsible for prevention to think through strategically how to achieve these targets. It has also raised awareness that a healthy and safe working environment forms an integral part of quality management, concerns all, and can have beneficial effect on economic performance and social progress.

However as working conditions continue to evolve there is a need to take these developments into account in the strategic approach, and to allocate adequate resources at EU and national level.

The evaluation has also identified areas where additional efforts are required in future exercises. The areas of simplification of legislation both at European and national level, the health and safety issues linked to new forms of work organisation, temporary work and the use of proper evaluation methodologies to quantify the costs and benefits of a strategy have been mentioned among others, as requiring further action in the future.

The new strategy

The Strategy should have a clear vision. It should state that we wish to help build a European society where, in the broader context of the Lisbon Agenda, governments, employers and workers cooperate together with other stakeholders to ensure proper

⁴ COM(2002) 118 final of 11.3.2002.

⁵ Based on the results of the ACSH Seminar "Evaluating 2002-2006 Community Strategy on OSH" (Luxembourg, 11-12 July 2005) and on Commission contributions from its draft evaluation report (not yet available).

protection from health and safety risks in the workplace; where harmonisation of conditions across Member States is achieved, paying attention to supporting those who have joined the Union most recently; where “old risks” are covered as well as those described as “emergent”, such as stress and musculoskeletal disorders.

The Strategy should emphasise the role of Member States, and be clear about the role of the Commission, and the important contributions to be made by others. In particular, it should emphasise the importance of effective collaboration between the Bilbao Agency, Dublin Foundation, Commission, Advisory Committee on Safety and Health at Work, Senior Labour Inspectors Committee, Member States and Social Partners. It should set out high-level objectives and provide a route to achieve them. The new strategy should be simpler and clearer, and concentrate more on practical measures than the, otherwise excellent, current strategy. The new Strategy should also take into account the ILO Convention 187.

In setting out high-level objectives the Strategy should contain a small number of priorities that all Member States can relate to, and focus on effectively. It should include a EU-level commitment to setting targets.

Whilst harmonisation of standards within the Union must remain an important goal, greater harmonisation should not push down standards, for example, under pressure from globalisation.

Context

The composition of European society is changing under the impact of demographic change and globalisation. The world of work is changing in many ways, such that the Strategy will need to take proper account of, for example:

- The ageing population, and, in some member states, workforce
- Gender, and the “feminisation” of the labour market
- Multiculturalism and migrant workers; and the importance of providing information, support and training, effectively to all workers
- Work-Life balance (and role of carers)
- EU enlargement, both recent and forthcoming, and the need for appropriate support to be provided to recently joined countries
- Increased movement of workers, including migration, seasonal and trans-national working
- Developments in technology and strategies for sustainability
- The greatly increased role of SMEs, micro-enterprises and the self-employed in the economy
- Growth in sub-contracting and fixed-term contracts
- The new regulatory framework (REACH) for the marketing and use of chemicals
- Increasing recognition of the importance of good work organisation, and its impact on wellbeing
- The importance of a better coordinated approach to health and work more generally.

Priorities

The new Strategy should communicate a clear set of European priorities for health and safety and encourage Member States to develop and implement national strategies.

Improving regulation

The current framework of European health and safety law has been very important to past progress. However existing law has sometimes been seen as too complex, and difficult to implement. And, it remains important to ensure compliance with existing

law. Simplification (not deregulation) can assist understanding, and therefore compliance, and ensure that standards of protection are not weakened.

The need for new Directives, and the simplification and updating of existing instruments, should be considered on the basis of evidence of the need for, and effectiveness of such an approach. More generally, a balanced approach should consider the most effective and appropriate means in the particular circumstances, including instruments other than Directives. In considering such matters the Strategy should recognise that some health problems may require a combination of approaches - these should be seen in the broader political and professional context (with reference to psychosocial issues, lifestyle, wellbeing, etc.)

Implementation

Effective implementation at EU and national level is crucial to reaching our shared objectives, and the strategy should support a more systematic approach and the development of national infrastructures, especially in the context of enlargement.

In ensuring compliance with health and safety law and practice, the effectiveness of enforcement, and the coordination work of SLIC will be important. Practical guidance to support the implementation of OSH legislation should be better coordinated across the EU by initiatives at an appropriate level through such bodies as the Advisory Committee and SLIC. This guidance should be written in plain language that facilitates its practical application, and recognises the important role of safety representatives. It will also be important, not simply to publish guidance, but also to ensure that it has an impact on the culture in the workplace through being seen as part of a more strategic and coherent approach to communication. This principle should also be applied to the sharing of good practice.

Mainstreaming

Mainstreaming health and safety into broader social, economic, educational and training policies, for example, ensuring clear links with the integrated guidelines for Jobs and Growth, and other broader European strategies and policies should be recognised as important for effective implementation. The strategy should also recognise that this will inevitably take some time, as it will involve the encouragement of cultural changes that cannot be completely achieved over the period of this strategy.

Setting targets and Monitoring Progress

Setting targets has been recognised as a very effective way to deliver outcomes. Quantitative as well as qualitative targets should therefore underpin the strategy where appropriate. These should be set and monitored at National level. To support delivery, Member States should cooperate in the exchange of good practice, for example, in the use of scoreboards.

Consultation mechanisms

Reinforcing consultation mechanisms and providing them with clear objectives is central to enhancing coordination, identifying priorities and ensuring commitment by all players on key OSH issues. The reinforcement of cooperation between consultative bodies at European level, such as ACSH and SLIC, is another clear priority for the future.

Building an evidence base

It would be particularly important for the Strategy to encourage better investment in research activity, and to ensure the coordination of research effort, especially on which interventions by State, Employer or Worker works best in practice, and on the development of tools to assess organisational performance. The new Strategy should recognise the role to be played by the Bilbao Agency's Risk Observatory.

Final remarks

Recognition of the value of good jobs and the importance of protection from the potentially adverse effects of work should go hand in hand. The overall approach should be workplace focused, and should afford protection to all workers in large, medium, and small enterprises.

The new Strategy should be built on a vision and the establishment of clear targets for implementation and monitoring progress. The approach taken should, as far as possible, be firmly integrated in broader policies especially to address common health problems. It should pay particular attention to the challenges faced by those countries joining the EU during recent and forthcoming enlargement. Communication, education and training should be key elements in implementation.