

## UEAPME<sup>1</sup> position

# EC Communication on an EU Strategic Framework on Health and Safety at Work 2014-2020

### Introduction

On 6 June 2014 the European Commission adopted an EU Strategic Framework on Health and Safety at Work 2014-2020. This follows an evaluation of the former EU occupational health and safety (OSH) strategy 2007-2012, and a public consultation in 2013.

### General comments

UEAPME welcomes the new Strategic Framework which is to a large extent in line with our reply to the public consultation<sup>2</sup>, in which we expressed support to such a new EU common framework on occupational health and safety. Moreover, UEAPME considers the link between the new OSH Strategic Framework and the Europe 2020 Strategy on growth and jobs is well articulated. Ensuring a level playing field for businesses on health and safety at work requirements should contribute to boost competitiveness in Europe.

UEAPME broadly agrees with the main challenges on a better implementation of EU OSH legislation by focusing on simplification of existing legislation and strengthening the capacity of micro and small enterprises, improving the prevention of work-related diseases, including existing, new and emerging risks, and promoting the sustainability of working lives due to demographic changes.

UEAPME in particular appreciates the emphasis put on small and micro enterprises to facilitate compliance with the EU health and safety legislation. However, compliance costs are greater for SMEs in relative terms<sup>3</sup> and without reducing red tape and administrative burdens, and easing investments in health and safety it will remain difficult to improve OSH performance.

Therefore, a stronger focus should be placed on integrated policies to assist small businesses effectively at regional and local level. These should comprise financial incentives, better access to EU funds like the ESF and ERDF for SMEs, practical tools for simplified risk assessment and prevention, as well as partnerships among different actors, namely OSH services, public authorities, social partners and SME intermediary bodies, such as Crafts Chambers and/or SME federations.

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<sup>1</sup> UEAPME subscribes to the EC's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is 55820581197-35

<sup>2</sup> UEAPME reply to EC public consultation on a new EU OSH policy framework in 2013

[http://www.ueapme.com/IMG/pdf/UEAPME\\_Reply\\_to\\_EU\\_Public\\_Consultation\\_on\\_Occupational\\_Health\\_and\\_Safety\\_Framework.pdf](http://www.ueapme.com/IMG/pdf/UEAPME_Reply_to_EU_Public_Consultation_on_Occupational_Health_and_Safety_Framework.pdf)

<sup>3</sup> See also EC Communication on REFIT: State of Play and Outlook

Since health and safety is an important component of working conditions, we consider it crucial that the role of social partners has been fully recognised and valued in the new framework. This concerns the implementation or development of concrete actions, together with Member States and other stakeholders.

UEAPME endorses the principle of reviewing the Strategic Framework in 2016 on the basis of new evidence that is likely to emerge from the results of the ex-post evaluation of EU OSH legislation, as well as the Regulatory Fitness and Performance Programme (REFIT) aimed at reducing regulatory burdens.

## **I - On the strategic objectives underpinning the strategy**

- **Further consolidating national strategies**

UEAPME endorses the proposal to create a database with all national OSH strategy frameworks, in order to facilitate access to the national plans, foster mutual learning and to help close any policy gaps.

- **Facilitate compliance with OSH legislation, particularly by micro and small enterprises**

SMEs and in particular micro enterprises often find themselves challenged in the implementation of health and safety requirements, namely due to the complexity of the legislation, a lack of expertise and resources, as well as time. Practical and cost-effective measures are necessary to assist SMEs in a non-burdensome way to carry out their duties, such as user-friendly guidance, risk assessment instruments like the online tool OiRA<sup>4</sup> or other innovative devices that already exist at national or sectoral level.

The instruments should be adapted to the national context and sectors by involving social partners and SME intermediary bodies in their design. They should be simple enough to use for a micro enterprise without having to rely on external consultancy. In turn, it should increase the company's ownership of workplace health and safety.

Regarding supply chains, UEAPME is in favour of promoting cooperation between different actors, notably suppliers, manufacturers and retailers. However, it should not lead to an undue increase of regulatory burdens through the supply chain, or to the crowding out of SMEs.

- **Better enforcement of OSH legislation by Member States**

UEAPME recognises the pertinent role of labour inspectors for sensitisation on OSH legislation, including in pedagogical terms, and for providing support and advice for SMEs on health and safety issues. At the same time, labour inspectors need to be carrying out these important functions appropriately, including proportionate sanctions. Such an evaluation could be undertaken by the Senior Labour Inspectors Committee (SLIC).

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<sup>4</sup> UEAPME participated in the EU-OSHA tripartite steering committee for the development of OiRA

- **Simplify existing legislation**

According to UEAPME this is the most decisive strategic objective and we consequently support the ex-post evaluation of the EU health and safety legislation as a priority area.<sup>5</sup> However, the assessment procedure at national level needs to be a serious exercise by carefully examining what functions well and what does not. According to feedback from some UEAPME members the deadline for input appears to be rather tight, which leads to fewer stakeholders participating in the process and puts into question the representativeness and reliability of outcomes.

Progress needs to be made in terms of better regulation and avoiding disproportionate administrative and financial burdens for SMEs, micro businesses and crafts. This concerns EU legislation, but also its application at national level, which has resulted in over-implementation or “gold-plating” in a number of cases. To this end, the “Think small first principle” and the Small Business Act should be fully respected, including its future revised version, and look into simplification where necessary, whilst safeguarding the protection of workers.

At the same time, it should examine the adaption of legislation according to evolving technologies in some sectors and explore any undue burdens of micro enterprises in low-risk sectors supported by thorough impact assessment studies.

- **Address the ageing of the workforce, emerging new risks, prevention of work-related and occupational diseases**

UEAPME sees the need to further develop a culture of prevention and awareness-raising amongst employers and workers taking a lifecycle approach, aimed at supporting the extension of working life and the adequacy and sustainability of social protection systems.

On the exchange of good practices for specific categories of workers, UEAPME considers that a targeted approach is needed. For example, for sustaining the working lives of older employees it may not be sufficient to solely focus on adapting workplaces, but it is likely to call for a more integrated approach necessitating also financial incentives for companies, continuous training to update workers’ skills, flexible working arrangements, individual motivation and tax regimes allowing individuals to combine employment and a pension. Lifestyle and other factors stemming from outside of the workplace are just as decisive for healthy and active ageing, but this lies outside the remit of the Strategic Framework.

One important aspect is the protection of health and safety of young people and in particular of trainees and apprentices. On apprentices UEAPME points out that legislation should be implemented in accordance with directive 94/33/EC in such a way that it does not hamper the learning target. If Member States apply the legislation for apprentices too rigidly in particular concerning the use of “dangerous machines”, the apprenticeship risks being less useful. This should be seriously taken into account by those Member States newly introducing apprenticeships.

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<sup>5</sup> The EU’s “Top-ten most burdensome policy areas for SMEs” showed that the 89/391/EC framework directive is one of the most burdensome, which was also confirmed by UEAPME members, see position paper [http://www.ueapme.com/IMG/pdf/121220\\_PP\\_burdensome\\_legislations.pdf](http://www.ueapme.com/IMG/pdf/121220_PP_burdensome_legislations.pdf)

- **Improve statistical data collection and develop the information base**

UEAPME recalls that in recent years there has been a 25% reduction in work-related accidents across Europe. To make further progress, UEAPME agrees on the need to improve the evidence base, including comparability, for statistics on work-related accidents and diseases, as well as occupational exposures across Europe.

Moreover, for UEAPME a better analysis of cost-benefits on health and safety at work should also help companies to better assess the business case for investing in health and safety at work.

- **Better coordinate EU and international efforts to address OSH and engage with international organisations**

UEAPME endorses the international dimension of the strategy and highlights the need to give timely advice to EU candidate countries to help them anticipate the EU *acquis communautaire* and OSH regulatory requirements, and at the same time inform and support companies to prepare for the necessary adaptations.

## **II - On EU instruments to support implementation of actions under the strategic objectives**

- **Legislation**

What is needed is better compliance through simplification of existing legislation and lighter regimes for small and micro-companies as much as possible, rather than proposing new regulation. The REFIT programme should take this into account by reducing the compliance costs for SMEs. A balanced approach is required to reduce administrative burdens for SMEs, and at the same time ensure workers' protection.

- **EU funds**

UEAPME welcomes the different support measures available under the European Structural and Investment Funds and in particular the ESF for adapting workplaces. On the latter about half of Member States have used it, but more evidence is required to establish in how far SMEs and notably small and micro companies have effectively benefited from those funds. Improved access for micro and small companies on the ground should be facilitated by further simplification and full implementation of the partnership agreement principle.

- **Social dialogue**

UEAPME welcomes the supportive statement by the Commission on the work of EU social partners and national affiliates with regard to OSH policies and in particular to take into account the micro and small enterprise dimension

UEAPME also highlights the necessity of promoting full ownership of the present EU framework by social partners at all levels, including at national, regional, local and workplace level. Only if social partners are appropriately involved in the design and implementation of OSH initiatives can effective results be achieved.

As EU social partner UEAPME signals its willingness to contribute to the ongoing evaluation of the EU legislative *acquis*.

- **Communication and information**

According to UEAPME awareness raising and communication on health and safety risks remain an important component of the strategic framework to reach company owners, businesses, workers and across society and across all ages. A higher level of awareness should also lead to better implementation of legislation and greater OSH ownership at company level.

UEAPME values the EU OSHA campaigns in particular when related to risk prevention, which forms the cornerstone of health and safety policies. In this context we wish to recall the specific EU-OSHA SME workshop held under the 2012/13 campaign “working together for risk prevention”, which involved the participation of UEAPME and its members and highlighted various good practices for SMEs on prevention.

- **Synergies with other policy areas**

UEAPME agrees in principle with the necessity to create synergies by better linking OSH policies with other public policy areas, and notes that it requires good coordination within the Commission and the different Directorates General. Information, guidance and possible external assistance on the health and safety provisions should be user-friendly and adapted to SMEs.

On the role of education, UEAPME shares the view that it is indeed essential to improve awareness-raising of occupational health and safety from an early age in schools and also in vocational education and training.

## **Conclusion**

UEAPME considers the EC proposal for a new EU Strategic Framework on Health and Safety at work 2014-2020 as a step in the right direction to improve coordination of OSH policies at European level.

UEAPME particularly appreciates the new focus put on the needs of small and micro companies, whilst leaving sufficient flexibility to take into account national specificities. In addition, social partners and social dialogue are rightly recognised as an integral part of the new framework in terms of implementation and development of the strategic actions.

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