



28/06/2018

Joint Statement of the European Social Partners from the building sector on the Communication « Safer and Healthier Work for All – Modernisation of the EU Occupational Safety and Health Legislation and Policy » [COM(2017)12]

Main messages

- 1. The existing EU legislative OSH framework is generally effective and fit-for-purpose. Further efforts are however needed in order to strengthening its implementation, compliance and enforcement in a more coherent manner across the EU.**
- 2. The world of work is an ever changing world, resulting in technical change, new materials, new forms of work or materials and eventually changes in the work related hazards. Therefore we see the need for a regular review of the corpus of EU OSH Directives whenever needed.**
- 3. EFBWW and FIEC underline the importance of cooperation between Social Partners, inspectorates and prevention bodies, in order to adequately take into account the sectoral specificities and needs, and, on the other hand, the need for making “risk assessment” work in practice as a result-oriented tool.**
- 4. Changes and adaptations of the existing legislation are important, in a perspective of reducing the administrative burden whilst at the same time maintaining or improving workers’ protection, as well as in order to take into account changes in the working and technical environment. Companies and workers need a legislative framework that is clear, stable, sustainable and proportionate, in order to be able to comply with their respective obligations.**
- 5. Despite the existence of EU tools and methodologies for the collection of data and statistics on accidents at work there are still sometimes significant differences between Member States in terms of methodologies and legal requirements for reporting. Further efforts are needed at the EU level for achieving better comparable data.**

Preliminary remarks

- The social partners of the construction industry, EFBWW and FIEC, traditionally pay strong attention on occupational safety and health. We are confronted with a still relatively high number of accidents and risk factors at work resulting in occupational diseases. We share the Commission’s statement that investment in occupational safety and health is worthwhile for the society, for workers and for the economy/companies and therefore we consider the field of OSH an important issue to be jointly dealt with at the European level.



28/06/2018

This has led us to undertake over the years a great variety of initiatives in cooperation with our Social Partner EFBWW, such as, for example :

- Study on nano-technologies and nano-products in the construction industry
 - Information modules on Asbestos
 - EU Guide for developing a Health and Safety management system
 - Working safer with earth moving machines
 - Mental health in construction
- We also recognise the need to continue promoting and developing a culture of prevention of Health and Safety within each construction company and at each construction site, independently of their size.
 - EFBWW and FIEC welcome the overall balanced approach of the Communication, which recognises, amongst others, that the EU legislative framework has played a key role in driving these trends and that it is generally effective and fit for purpose.
 - We share the view that occupational safety and health policy is contributing to the objective of improving the safety and health of workers in the EU and we welcome in particular the reduction of incidence rate of deaths in accidents at work by $\frac{1}{4}$ as compared with the situation in 2008, as highlighted in the Communication.
 - We also share the fact that the European Commission identified implementation and enforcement as areas of highest concern and as a main priority for the coming years. In this respect the European Commission should play a proactive role towards the Member States.
 - The European Social Partners of the construction industry welcome the European Commission's priority on fighting cancer caused by the exposure to workplace agents and take note of the foreseen revisions of the Carcinogens and Mutagens Directive (2004/37). The Communication indicates cancer as the first cause of work-related deaths in the EU and as a consequence announces further revisions of, amongst others, the "Carcinogens and Mutagens" Directive 2004/37/EC, in order to include further carcinogenic chemical agents and binding exposure limits. In this respect EFBWW and FIEC fully support the need for a sound scientific evidence to underpin OSH actions and for their assessment by the concerned social partners and by means of tripartite consultations.
 - The Communication is referring to tripartite dialogue and to the consultation procedures in the area of working conditions. We would like to draw the attention to the fact that working conditions are in many aspects very specific and differ from one to another sector in terms of processes, used materials or technology and so forth. Especially the practical implementation of (general) EU-law depends strongly on the respective conditions at sectoral level as well as appropriate risk assessment tools. For example lifting and carrying of heavy loads : these hazards need a completely different approach



28/06/2018

in construction than in the health care services. We call the Commission to involve sectorial social partners in consultation and dialogue processes, in order to adequately take into account our sectoral specificities.

- In preparation of the EU Strategic Framework on Health and Safety at Work 2014-2020, the European social partner organisations for the construction industry tabled a joint Opinion on 17/12/2012. In this statement, we listed a number of more specific considerations and demands relevant for our industry. These specific considerations concern single risk factors, but also the management of OSH at company level. We would like to draw again your attention to this document that is still valid in general. The document is attached in the Annex.

Specific remarks to the Communication “Safer and Healthier Work for All”

- a. The Communication highlights the need for further efforts to reach SMEs and help them increasing their compliance in an efficient and effective manner. The fact that the share of micro and small enterprises regularly running risk assessments is relatively little and that workers face a higher risk in having a serious or fatal accident in this category of companies justifies a strong focus on improving compliance with the EU OSH legal framework.
- b. We share the Commission’s view that functioning and sufficiently resourced labour inspectorates are vital. But we also underline the need for labour inspectors to be better trained, in order to have the adequate skills and competences for playing a preventive role, with the aim of having a coherent approach in the implementation and enforcement of the legislative framework.
- c. The call to improve a culture of prevention is vital for all future progress in the field of OSH. In order to achieve this objective the EFBWW and FIEC underline on the one hand the importance of cooperation between Social Partners, inspectorates and prevention bodies, in order to adequately take into account the sectoral specificities and needs, and, on the other hand, the need for making “risk assessment” work in practice as a result-oriented tool. Furthermore, we would like to highlight the need to streamline OSH in other EU policy fields, as was indicated in the Community strategy 2007 to 2013. This would also contribute to improve the consistence of EU-policies impacting the construction industry, construction products, vocational training, public procurement, dangerous substances including asbestos and energy efficiency.
- d. The updating of existing EU-OSH Directives is the third core activity of the European Commission for the coming years. The EU legislation and the complementary policy tools are important instruments to enhance OSH. The EFBWW and FIEC welcome the announced program aiming at removing or updating outdated provisions in the Directives, at simplifying and reducing administrative burden for businesses, whilst at the same time maintaining or improving workers protection.



28/06/2018

- e. EFBWW and FIEC underline that in order to ensure a proper compliance and enforcement companies and workers need a clear, stable and proportionate legislative framework. However, we also see the need to regularly update and revise those OSH Directives that deal with aspects that are object of change, especially as regards chemicals, carcinogens, technology, ergonomics, new materials in general. Those elements are part of a very dynamic market and each new product or technology could be accompanied by new risks.
- f. We call on the European Commission to involve the European social partner organisations of the construction industry in all future revisions of existing EU-Directives.
- g. We call on the European Commission to support our envisaged action to implement the new limit values, such as, for example for respirable crystalline silica dust and wood dust. All parties involved in prevention needs to be involved for a proper implementation of these new limit values for work places. The European level is the proper level for information, exchange and collaboration.
- h. A possible revision of the Personnel Protective Equipment Directive (89/656/EC) has to take into consideration the fast development of new generations of the various type of PPE, also respecting technological innovations.
- i. As announced by the Commission's Communication there is a need to seriously deal with ergonomic risks. Possible progress will very much depend on the future design of workplaces, material, machinery and software. Any future initiative should integrate the aspect of proper design and manufacturing of these products, including the education of designers.
- j. Despite the progresses observed, construction is still a sector in which workers have often difficulties in remaining in activity until the legal retirement age. We therefore call on the Commission to pay stronger attention to all aspects of possible improvements (materials, processes and work organisation, tools, machinery and so forth) especially in the ergonomic working conditions.
- k. We recognise the importance of psychosocial risks at workplaces and welcome the announced initiatives, especially the focus on better guidance and practical tools for the evaluation of workplace hazards. In this respect, we call the Commission to focus on the respective working conditions in a more tailor made approach, taking into consideration the specific conditions in each occupation. As social partners, we currently run a joint project that focuses on the specific working conditions in small and mediums sized enterprises of our sector and its perspectives in the coming years.

The EFBWW and FIEC believe that as a complement to the existing legislative instruments, further awareness raising initiatives, exchange of best practices and guidance tools could help employers and workers in tackling adequately these concerns.



28/06/2018

- I. We agree with the European Commission that changing and new forms of cooperation between companies and in work-processes as well as new forms of employment influence the work environment and can create advantages but also new hazards. Further discussions on a modern concept of the term workplace and regarding the status of self-employed persons are required.

- m. Despite the existence of EU tools and methodologies for the collection of data and statistics on accidents at work there are still sometimes significant differences between Member States, which do not allow a proper comparison or benchmarking.

The EFBWW and FIEC consider that further efforts are needed at the EU level in this respect, because only harmonised/comparable data would allow on the one hand an objective assessment of the efficiency of the existing measures and, on the other hand, a sound basis for the impact assessments studies that are used for policy decision making and legislative proposals.

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