THE ROLE OF THE SOCIAL PARTNERS IN DEVELOPING AND IMPLEMENTING OCCUPATIONAL HEALTH AND SAFETY POLICIES AND STRATEGIES

Multi-Country Workshop on Developing Systems for Occupational Health and Safety through Social Dialogue, Brussels, 18 and 19 Feb 2013

Presentation by Dr Janet L Asherson IOE
• What is the IOE

• Where do OSH policies and practices come from

• How do employers influence developments

• The social dialogue agenda
WHAT IS THE IOE

- Global business network of 151 business organizations in 143 countries, including the EU.

- Recognized by the UN as the representative voice of business on labour and social policy

- Have a particular institutional role as employers representative voice at ILO

- Work with other employer and business organisations to influence regional and International governance organisations

- Our mission - promote and defend the interests of employers in international fora, so that a favourable environment is created for developments of enterprises and jobs
INTERNATIONAL COMPETENCE IN THE MAIN POLICY AREAS


WORK WITH OTHERS ON THE BROADER BUSINESS ISSUES

- WHO, ILO, World Bank, WTO, ISO, UN bodies, G20, G8, ITUC, BIAC, ICC, BusinessEurope and other regional groups
PURPOSE OF IOE GLOBAL OCCUPATIONAL SAFETY AND HEALTH (GOSH) NETWORK

• Network of multinational companies
• Discuss current challenges and share solutions
• Provide practical solutions to policy initiatives
THE ACTORS ON THE EU AND INTERNATIONAL STAGES
a crowded place to get your voice heard
and getting more crowded

- The EU institutions
- The UN systems, agencies and bodies
- National, regional and local politicians
- Civil servants
- Member State Governments, administrations and regions
- Business representative organisations
- Employee representative organisations
- Consumers
- NGO’s
- Green lobby groups
- Other single issue lobby groups
- Academia
- Research Institutes
OSH LAWS AND CODES OF PRACTICE impacting employers

- National laws
- Regional laws etc from EU
- International law etc from ILO
- Company / industry codes
- Company compliance
Governments, authorities, institutions that make policies, laws and systems

Employers organisations represent and serve members

THE PUBLIC, NGO's

CONSUMERS, THE PRESS

Businesses all sizes sectors
EMPLOYERS ORGANISATIONS WORK AT EACH LEVEL TO INFLUENCE

POLICIES
- to promote safe and healthy working environment

SYSTEMS
- infrastructure of laws, regulations, inspection, workplace cooperation

PROGRAMMES
- promote preventive culture
- manage risks
- analyse information
- provide objectives & targets
- indicators of progress

Best practice at workplaces
OSH POLICIES AND PRACTICES INVOLVE TRIPARTITE DISCUSSION

BECAUSE CHALLENGES NEED TO BE IDENTIFIED AND SOLVED BY THOSE AT THE WORKPLACE
WHAT IS THE BUSINESS POSITION WHEN BUSINESSES ARE

- Suppliers of Services and Products
- Users of Products and Services
- Producers of Products and Services
- Insurance Companies
- Financial Institutions
- Waste Disposers
- Water Companies
- Road Builders
- Farmers

- Electricity generators
- Gas suppliers
- Biotechnology companies
- Food manufacturers
- Retail
- Construction
- Healthcare providers
- Mineral extractors
- Consultants and Lawyers
- Transporters of goods and people
• Inform and consult Members to develop a consensus position on OSH (EOs from countries, companies of all sizes, sector organisations) so that they can agree on the big principles to stand by during negotiations.

• Use their network to negotiate at the right level.
  • Local
  • Country
  • Region, EU
  • International

• Represent employers views in discussions with international bodies, national Governments where relevant, EU, workers organisations and other NGOs.

• Keep members informed of developments and agreements and use networks to develop best practice and implementation plans of action.
• Prevention (not compensation)
• Obligation on employers – the right to manage
• Based on risk assessment and implementing control measures
• Balanced response to risk – small risk small response, big risk big response
• Assessment systems can be aligned to company management systems
• Balance of obligations and authority main obligation on employers as they have main authority
• Cooperative approach between employers, self employed and workers (EU does not have legal obligations on self employed per se)
• Where many employer interface (construction multioccupancy buildings) those with most direct control have most direct responsibility for workers safety
WHEN IT IS IMPLEMENTED IN YOUR COUNTRY

WHO HAS DUTIES

- employers
- employees
- others at the workplace
- people in control
- self employed
- others outside workplace
- suppliers

Competent advisers
EU LEGISLATION ON OSH

- The Framework Directive 89/391/EEC. Measures to encourage improvements in the health & safety of workers at work
- Minimum health & safety requirements for the protection of workers involved in:
  - Manual Handling of Loads 90/269/EEC
  - Workplace 89/654/EEC
  - Provision and Use of Work Equipment 89/655/EEC amended by Temporary work at heights 2001/45/EC.
  - Use of Personal Protective Equipment 89/656/EEC
  - Display Screen Equipment 90/270/EEC
  - Safety Signs 92/58/EEC Provision of safety and health signs at work
  - Carcinogens 90/394/EEC 1st amended for benzene in June 1997. 2nd amendment wood dust, vinyl chloride and mutagens
  - Temporary and Mobile Worksites 92/57/EEC
  - Protection of Pregnant Women 92/85/EEC
  - Extractive Industries - Oil and Gas 92/104/EEC
  - Extractive Industries - Mines and Quarries 92/104/EEC
  - Safety and health on board fishing vessels 93/103/EEC
  - Young Persons at work 94/33/EEC
  - Chemical Agents Directive 98/24/EEC
  - Explosive atmospheres 99/92/EC
  - Physical Agents (Noise Vibration emf optical radiation)
  - Asbestos
  - Dangerous Substances and preparations
  - Material Safety Data
  - Transport of Dangerous Goods
  - Organisation of Working Time 93/104/EEC
ILO LEGISLATION ON OSH

Conventions and Recommendations
- Legal instruments drawn up by the ILO's constituents (governments, employers and workers)
- Set out basic principles and rights at work
- Conventions, legally binding if ratified by member states,
- Recommendations, non-binding guidelines.
- ILO has adopted more than 40 OSH standards – some are general frameworks and other address specific topics [more than half of all ILO instruments refer to OSH]

Codes of Practice provide guidance on OSH
- In economic sectors (e.g. construction, opencast mines, coal mines, iron and steel industries, non-ferrous metals industries, agriculture, shipbuilding and ship repairing, forestry),
- On protecting workers against certain hazards (e.g. radiation, lasers, visual display units, chemicals, asbestos, airborne substances), and
- On certain safety and health measures (e.g. occupational safety and health management systems; ethical guidelines for workers' health surveillance; recording and notification of occupational accidents and diseases; protection of workers' personal data; safety, health and working conditions in the transfer of technology to developing countries).
European and International social dialogue is discussions, consultations, negotiations and joint actions involving organisations representing the two sides of industry (employers and workers). It takes two main forms:

- a tripartite dialogue involving the public authorities,
- a bipartite dialogue between the European employers and trade union organisations.

At the EU this takes place at cross-industry level involving UNICE, CEEP and ETUC

and at sectorial level involving relevant employers and workers representatives

At international level it is IOE and ITUC/TUAC
Before proposing an EU OSH instrument the European Commission must open social dialogue (Article 154 Lisbon Treaty)

Objective to achieve joint actions discussions and consultations, without resorting to legislation

Legislation might still be an outcome if social partners think it most appropriate or if they cannot agree a solution

At each stage, the social partners have six weeks to comment on consultation.

If they decide to have social partner agreement, it must be developed within nine months of agreement.
EU Proposals under consideration

Via European Council and European Parliament through the codecision process and those agreed through comitology committees.

- Recast of EC Regulation 689/2008 on the export and import of dangerous chemicals (PIC)
- Revision of Seveso II Directive - the new Seveso III Directive proposal is now under negotiation
- Simplification and review of Radiation Protection Directives including Basic Safety Standards (BSS) and Outside Workers Directives
- Pressure Equipment Directive
- Regulation for setting out the requirements for marketing products (New Approach)
EU Proposals adopted and to be transposed into national law

- Amendments to Annex I of EC Regulation 689/2008 on the export and import of dangerous chemicals (PIC)
- Directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector (2010/32/EU)
- Regulation on the classification, labelling and packaging of substances and mixtures (Regulation (EC) no. 1272/2008)
- Revision of the Biocidal Products Directive (98/8/EC)
- Simplification of practical implementation reporting arrangements for occupational safety and health directives
- The Third Amendment to the Machinery Directive (Amending Directive 95/16/EC)
- Regulation for the registration, evaluation, restriction and authorisation of chemicals (REACH)
- Services Directive
Proposals under negotiation

- A new European Directive covering all musculoskeletal disorders
• Directive/legal instrument fatigue - deregulation - simplification
• Shift to Other instruments - voluntary agreements/partnerships
• Shift to Other Organisations - Agency, Foundations
• Support in other ways than Law - education, awareness
• Shift to Other Policy Areas - Employment, Environment and Public Health
• Mainstreaming H&S into other policy areas
• Representatives and Participation
• Broadening Social Dialogue
• Budget Constraints
• More globalisation and international cooperation eg prevention services, labour inspection, sanctions
THANK YOU

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