



*REPRESENTING EMPLOYER ORGANIZATIONS THROUGHOUT THE WORLD*

# **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**



## WHAT DOES IT DO AND WHO DOES IT DO IT WITH

### □ INTERNATIONAL COMPETENCE IN THE MAIN POLICY AREAS

- Child labour, Climate change, Corruption, CSR, Employment, Environment, Forced labour, Gender, Globalisation, HIV/AIDS, Human Rights, Informal economy, International industrial relations, International Labour Standards, Labour Administration, Migration, Occupational Safety and Health, Social Dialogue and Social Security, Sustainable Development.

### □ WORK WITH OTHERS ON THE BROADER BUSINESS ISSUES

- WHO, ILO, World Bank, WTO, ISO, UN bodies, G20, G8, ITUC, BIAC, ICC, Businessseurope 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



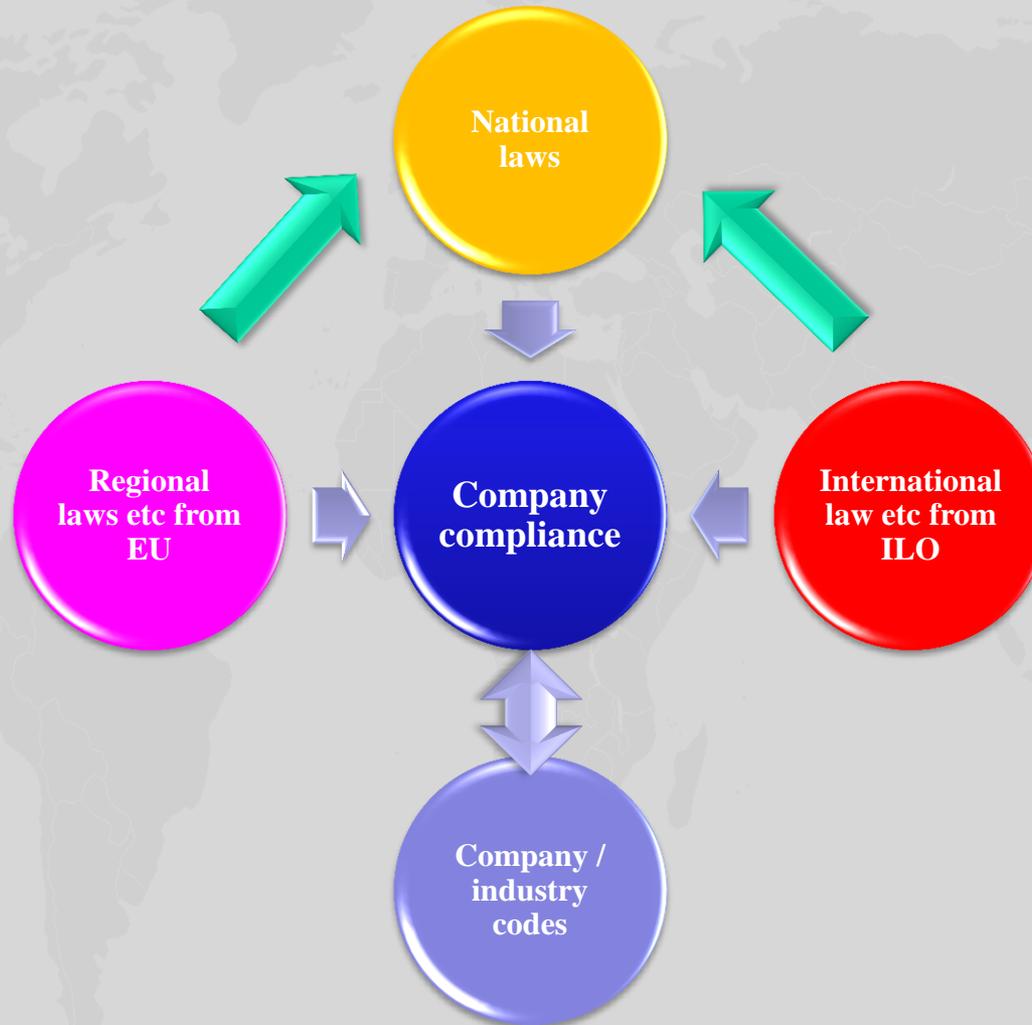


## **THE ACTORS ON THE EU AND INTERNATIONAL STAGES** **a crowded place to get your voice heard** **and getting more crowded**

- **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**

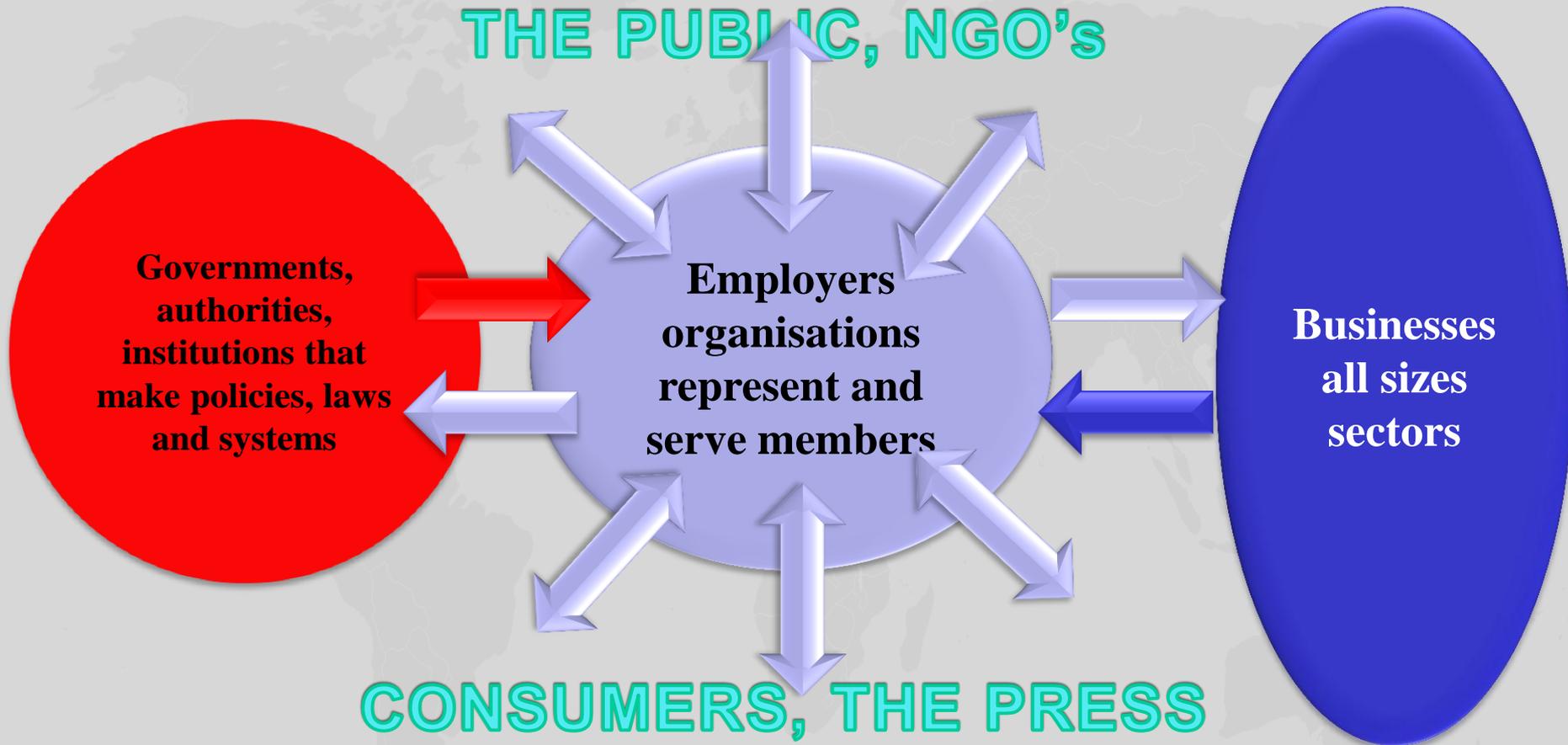


# OSH LAWS AND CODES OF PRACTICE impacting employers





# EMPLOYER ORGANISATIONS AND EMPLOYERS WORKING TOGETHER



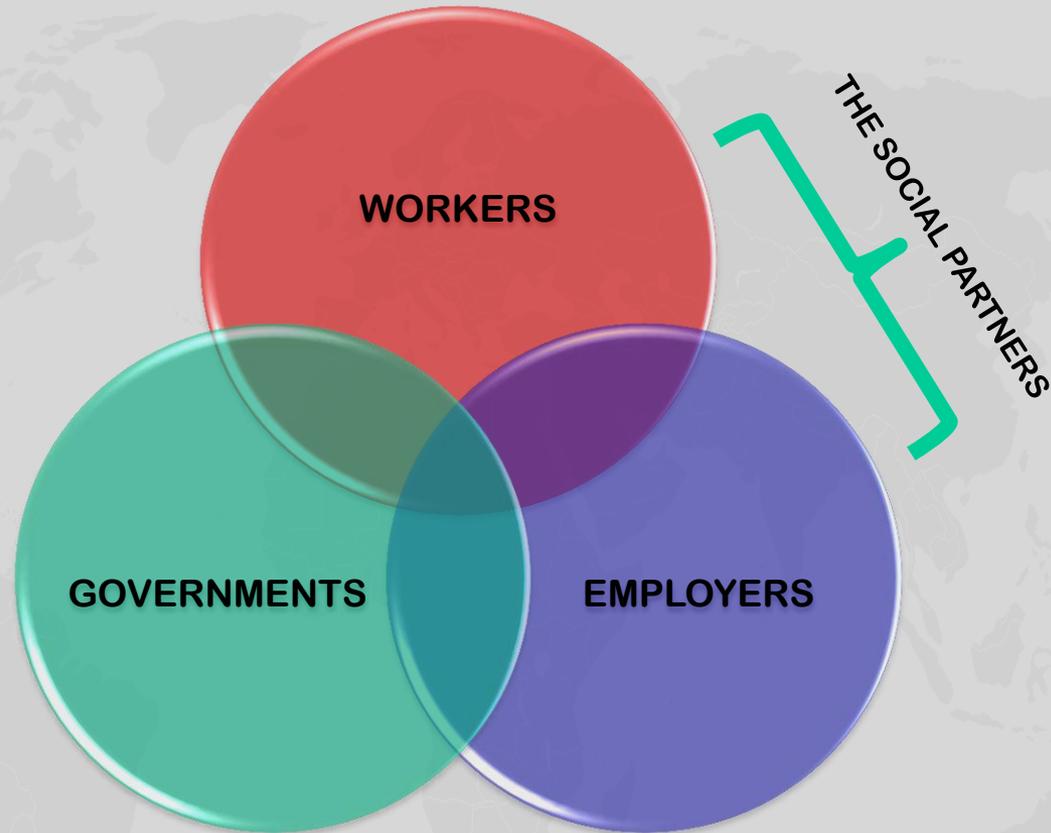


# EMPLOYERS ORGANISATIONS WORK AT EACH LEVEL TO INFLUENCE





# 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



## **EMPLOYERS ORGANISATIONS BROKER CONSENSUS for the business voice**

- **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**



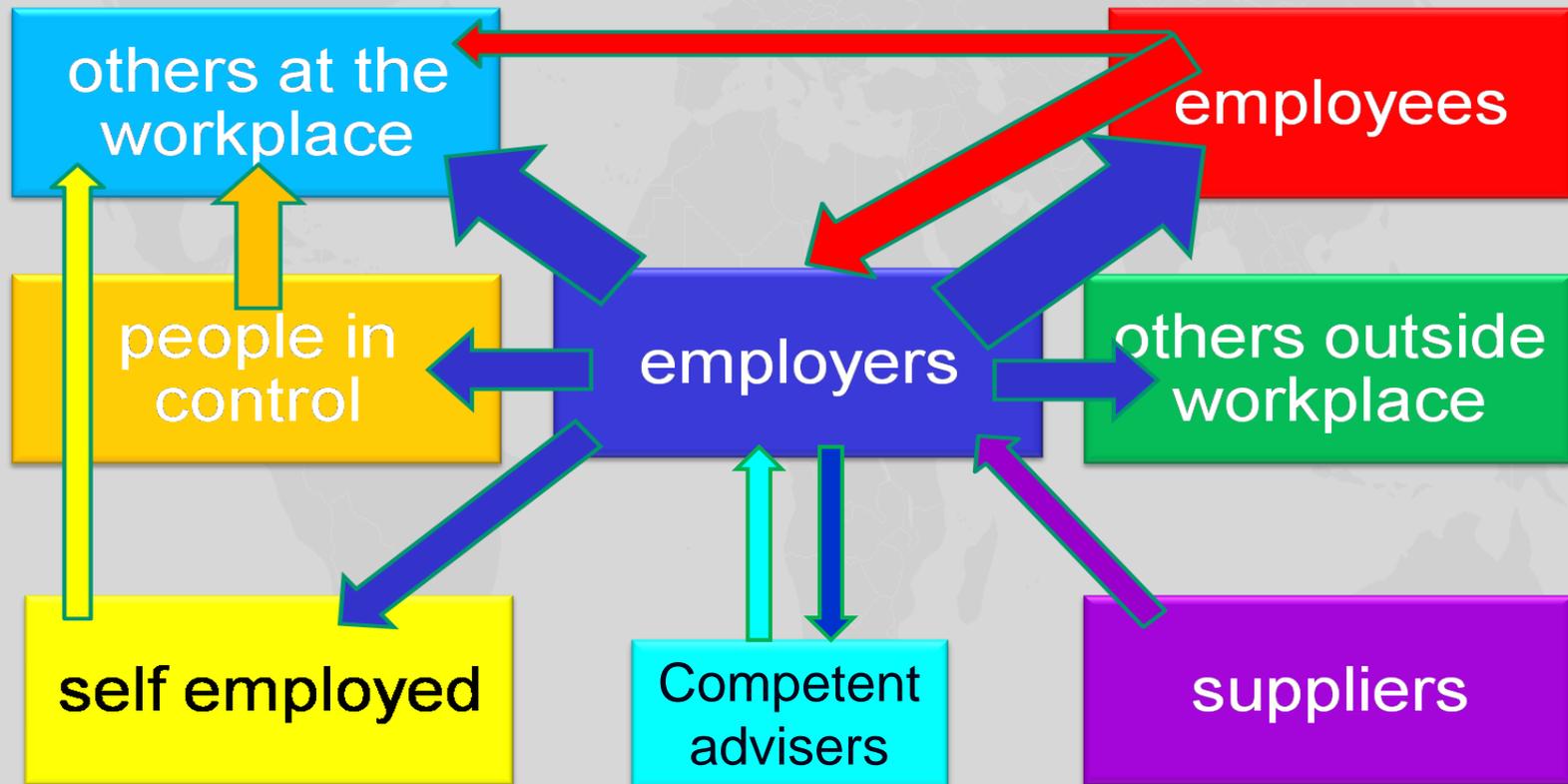
# PRINCIPLES FOR EMPLOYERS OSH LEGISLATION AND PRACTICE

- **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





# 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
  - **Biological Agents at Work** 90/679/EEC and Council Directive 93/88/EEC Classification of Biological Agents at work
  - **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).



# THE SOCIAL DIALOGUE

- ❑ 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



# THE SOCIAL DIALOGUE PROCESS IN EU

- 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**
- EMF Directive (2004/40/EC amended by 2008/46/EC)**
- 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)
- Decision 455/2009/EC of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of dichloromethane
- 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**
- ❑ **Proposed directive amending the Carcinogens and Mutagens Directive (2004/37/EC)**



## **FUTURE TRENDS IN HEALTH & SAFETY**

- **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**



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**THANK YOU**

Dr Janet L Asherson  
[asherson@ioe-emp.org](mailto:asherson@ioe-emp.org)