Health & Safety and risk prevention in Europe.
Improving information, consultation and participation in enterprises.

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Abstract

Today, workers' representatives are increasingly called upon to deal with work-related issues at the transnational level. A growing number of enterprises are based in more than one Member State and are confronted to various national systems, histories and cultures towards social dialogue. Transnational representative bodies such as the European Works Council (EWC) are in demand of support to understand the various types of professional relations and employee-representative institutions. Based upon the results of a 2013 research project of the European Trade Union Confederation (ETUC), this paper provides you with some highlights from the cross-sectional study report on the information and participation of workers on Health & Safety and working conditions in Europe. Rather than a mere comparative resource, we will contextualise the identified models of national and OSH representation. We will also discuss recent developments in OSH workers' representation, such as the role of preventive services, of public authorities, the shifting occupational hazard topics, and the increased importance of training.

Key-words: Health & Safety and working conditions; workers' representation and participation; safety reps
1. Introduction

In 2013, the European Trade Union Confederation (ETUC) studied the systems and treatment in each European Member State of issues relating to working conditions and their consequences in terms of worker health and safety. By mapping the various existing employee-representation systems, the so-called “Safety Reps project” aimed to furnish clear, accessible information on the negotiating and social-dialogue systems intended to protect occupational health and safety and improve working conditions. Financed by the European Commission and carried out by the European Trade Union Institute (ETUI) with the support of external experts from SECAFI / Consultingeuropa (Paris / Brussels), the project intended to meet the new needs of trade-union teams, which require a better understanding of the European worker-representation systems dedicated to health, safety and working conditions.

In today’s world, workers’ representatives are increasingly called upon to deal with work-related issues at the transnational level. To support such action, they require tools, educational aids and studies which illustrate the various types of professional relations and employee-representative institutions present in Europe. This demand for transnational information is based on three identical observations:

- An increasing demand for information on how to approach these issues at the level of European Works Councils (EWC) and the European sectoral social dialogue (ESSD) bodies.
- Interest in transnational exchanges within these bodies on issues common to and shared by the participants, which would greatly increase the quality of dialogue.
- A wish to achieve concrete, shared results which are effective for the purpose of action.

It is in this area of action that the lack of information on national systems for social dialogue and the treatment of issues related to working conditions is felt most acutely, as individual representation and transnational positions depend on national systems, which increases the difficulty of achieving a joint approach. Nevertheless, at this point in time, equivalent resources on OSH issues remain scarce. The knowledge on this fast-evolving subject has not yet been fully organised and issued in a transferable form. To date, little
has been done on work-related issues and there is a definite lack of information on the various national social-dialogue systems and the treatment of issues relating to working conditions. The object of the Safety Reps project is to fill this gap.

The **purpose of the study report is to clarify the various health-worker representation systems in the various European countries.** Rather than a mere comparative resource, it is intended to be a tool for action. By improving trade unionists’ knowledge of what is going on in other countries, the ETUC hopes to encourage joint transnational action, especially by European Works Councils.

This paper presents you with some highlights of the study report.

## 2. An increased need for information and participation on Health & Safety and working conditions

Over the past years, issues relating to working conditions and the health and safety of workers have become a major priority in industrial action, a priority which is also understood and shared outside the specialised networks hitherto involved. For instance, until recently, the Commission issued a great many directives\(^1\) and undertook many stimulus actions on these issues. The research institutes also published information on these issues and the related damage and causes.

In such a context, it appears indispensable that the **social actors’ ability to take informed and skilful action in the area of transnational consultation and participation** on these issues be increased by the supply of indispensable information on organisations, representative bodies, practices and realities in the various countries concerned. Indeed, individual representation and transnational positions depend on national systems, which increase the difficulty of achieving a joint approach, whereas it is quite obvious that high-quality exchanges require a sound understanding of the cultural and regulatory background against which action takes place in other countries.

By supplying all social-dialogue players with the tools to improve the effectiveness of their transnational actions, this study helps increase awareness and knowledge of the realities specific to each country, as

well as of a number of priority issues, in players active at the transnational level, such as trade-union leaders, occupational health and safety (OSH) representatives, European Works Committee (EWC), members, participants in European sectoral social dialogue (ESSD) and other transnational players.

Research methodology

The deliverables of the Safety Reps comprise three complementary parts which supply three types of data:

> An inventory of all information on the standardised components of each of the national systems in charge of OSH and working conditions.

> Qualitative data concerning the changes made over the past five years and the effectiveness of the standardised systems, to facilitate an understanding of the contextual elements of the treatment of these issues in each country.

> Components intended as material for training sessions and to facilitate transnational work on OSH and working conditions within the scope of worker representation.

The data-collection method relies on two pillars: a questionnaire and an analysis of documents published on this subject.

1) Data from each country were collected via a questionnaire sent to the trade-union affiliates of ETUC with the assistance of the trade-union officers in the Interest Group Workers of the Advisory Committee on Safety and Health at work (ACSH). The number of subjects was deliberately limited to essentials. To include all the information available would have rendered the result useless from the teaching point of view, given the multitude of legislative texts on the subject as well as the complexity of the national systems.

2) The document analysis was performed on the informative documents supplied by our respondents, as well as on the bibliographical selection from recent publications on our subject. With a view to the presentation and discussion of the information collected and its analysis, as well as exchanges of good practices and experiences between the representatives of ETUC’s national affiliates, two meetings were also organised within the scope of the Safety Reps project:
Need for a shared understanding

The Safety Reps study has confirmed the extreme variety and complexity of the systems existing in the EU. Such diversity makes it difficult to achieve a common definition of employee representation on health and safety issues. For instance, we have noted the variety of terms used in the Member States to designate employee representatives in charge of OSH and working conditions (i.e. safety reps). For example:

> In Austria, they are defined as “trusted persons in the area of safety” (Sicherheitsvertrauenpersonen). This reference to the trust placed by workers in safety reps is also reflected in the term “confidential representative” used in Latvia;

> In Poland, safety reps are known as “social health and safety inspectors”, whereas in France (for instance), the word “inspector” is used to refer to a government representative in charge of inspection;

> In the Netherlands, there are no dedicated safety reps as the works council (ondernemingsraad) performs this function.

Despite this diversity, and to facilitate a general understanding of this study, we shall be using the definition proposed by the EPSARE project which, beyond the very fact of its existence, summarises both the concept’s complexity and its manifestations:

“Health and safety representatives are workers employed in an enterprise and specifically mandated to represent workers’ interests on health and safety issues. They may be elected by all workers or appointed by the trade unions. Their mandate gives them specific rights (information, consultation, etc.) framed by the law or a collective agreement.”

The initial observations based on this tentative definition of a safety rep supply material for the cross-sectional study, which obviously is not intended to pass judgment on the various national systems. There is no such thing as a good or bad model, simply a set of consistent systems born of the social history specific to each country. The main point is to identify from within this mass of experience the systems which appear to be effective and deserve to be transposed into other situations.

Industrial relation frameworks on OSH: historical backbones & new developments

All countries analysed within the scope of the Safety Reps project supply a legal framework on occupational health and safety issues and working conditions, which in most cases specifies the conditions for worker representation and social dialogue. Indeed, a number of initiatives have been taken at the European level with a view to improving the occupational health and safety of workers, as well as the latter’s participation and representation on these issues. For instance, Directive 89/391/EEC on occupational safety and health (OSH) comprises “general principles concerning the prevention of occupational risks, the protection of safety and health, the elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with national laws and/or practices and training of workers and their representatives, as well as general guidelines for the implementation of the said principles”. The Directive indicates the responsibility of employers in providing a healthy & safe working environment and the necessity to organise information, participation and consultation of workers on these issues.

Today, in most Member States, employers are obliged to supply a work environment and working conditions which are both healthy and safe for the company staff. A recent study\(^1\) by the Bilbao Agency shows that this legal obligation, which is generated by the Framework Directive and its transpositions into national legislation, remains a major (if not the chief) motivator for company managements.

National frameworks

As in the case of the range of names used for safety reps, the key components of worker-representation systems on OSH and working conditions vary widely within the European Union. The information collected during the Safety Reps project has revealed the existence of different worker-representation types, modes of election or appointment, thresholds, capacities for intervention, trade-union roles, etc.

Amongst Member states, the differences lie in how detailed and binding the regulations are, as well as the place given to collective agreements. Countries with a strong tradition of social dialogue (e.g. Germany, Austria, Belgium, Finland, France, Italy, Norway, the Netherlands, Portugal, the United

\(^1\) “ESENER. Surveying Europe’s enterprises”. Presentation made at the Safety Reps conference in Budapest, 22-23 May 2013.
Kingdom, Sweden) usually enacted their general legislation in the 1970s and amended it in two stages: during the 1980s, and then in 1990, with the transposition of European Directive 89/391 of 12 June 1989. For their part, the new Member States began to adopt relevant legislation as of the 1990s, some of which is highly structured and incorporates the 1989 Directive, as in Bulgaria, Poland and Romania.

To summarise, we have observed that the broad determinants reflect the industrial-relations model in place in the various countries. Each of these has its own system, the legacy of a specific political and trade-union history anchored in a unique culture and organised according to regulatory frameworks consistent with the national model.

In terms of industrial representation, national systems can be grouped into two major models (see illustration 1):

> The single-channel model, in which the trade unions are the sole channel through which workers are represented and take part in negotiation (as in the United Kingdom, Ireland, Sweden, Estonia, Latvia).

> The dual-channel system, in which representation by a trade union is complemented by an elected council. This model may take a variety of forms: it may comprise only members elected by the employees (as in Germany, Austria and the Netherlands), or also include employer’s representatives (as in Belgium, Denmark, France and Norway). The respective powers of intervention of the elected body and of the trade-union officers may also differ.

Safety Reps models

On the whole, the OSH worker-representation system is consistent with each country’s industrial-representation system. However, in many cases, specific organisations arise on the basis of these fundamentals, or even deviate from them, at company level (see illustration 2).

> The single-channel model also applies to OSH in the United Kingdom, Ireland and Estonia, where the trade union is the sole source of representation.

> The dual model comprises action in the area of OSH by both trade unions and a representative body. However, there are two major variations on this theme:

- The specialised committees, which exist in 17 countries and generally comprise representatives of the staff, the company’s specialised departments and the employer. Their composition, manner of
appointment, powers of intervention and modes of operation vary widely according to country and even to activity sector.

- The OSH representatives elected by the staff or appointed by the trade unions, who are present in 12 countries.

To conclude, it appears that although safety-rep systems are consistent with each country’s specific traditions of representation and social dialogue, they may vary widely by adopting methods appropriate to the specific nature of an issue. This requires close acquaintance with workplace realities, the ability to assess risks, specific powers of intervention and social-dialogue models adjusted to the variety of company players involved (top management, trade unions, safety reps, persons in charge of safety, medical departments, etc.).
3. Workers representation and participation in OSH: developments

Effectiveness of law

Today, at a time when European occupational-health policies are less a priority for the European Commission, the importance of industrial action has increased correspondingly. Especially in countries currently affected by debt crisis, employee health and safety take a back seat and the laws are defanged, ignored or questioned (Greece, Malta, Portugal, Spain).

The involvement of and policy implemented by the public authorities are depending on the political tradition and administrative organisation of each country, it may take many different forms. Nevertheless, strong statements have been made concerning the decline of the government’s capacity to intervene due to loss of funding and staff, as well as the implementation of less interventionist policies. These observations show that OSH issues are also affected by the spread of new-public-management theories, especially in the countries suffering from the debt crisis.

The effectiveness of law is largely
contingent on the means available for its application. Together with management and trade-union commitment to health and safety issues, it is the **existence and efficacy of government agencies and labour inspectorates** with genuine powers of investigation, inspection and sanction (as in Malta, France, Poland) which ensures the efficiency with which such issues are dealt with. However, at the present time, the capacity for intervention of these institutions is being weakened by austerity policies which lessen the impact of public agencies. This applies most particularly to Greece.1

In the course of the study, a number of trade-union respondents shared their feeling that the powers of institutions such as labour-inspection services – which in many countries are in charge of checking and sanctioning compliance with the legislation on health, safety and working conditions – are being **gradually restricted**. For instance, over the past five years, the Swedish Work Environment Authority’s budget has been slashed by 30%. Also, despite the legal existence of social dialogue tools on health, safety and working conditions, they are **less intensively used** than might have been expected (e.g. Cyprus, Malta, Bulgaria, Romania, etc.).

**Occupational hazards**

“As our society evolves under the influence of new technology and shifting economic and social conditions, so our workplaces, work practices and processes are constantly changing. These new situations bring with them new risks and challenges for workers and employers [...].”

2 This is the context in which we also asked the trade union respondents to classify the risk categories they deemed most and least important. At this point in time, it appears that the **nuisance caused by physical work environments (noise, vibration) and exposure to chemicals is given a lower priority than in the past.** This may be interpreted as the result of a significant improvement in OSH prevention and working conditions, but also as a consequence of the decline of industrial production and its specific hazards compared with the services sector, where other risk types prevail. Among the risks assessed as being highest, work-related accidents, occupational diseases, musculoskeletal disorders and working hours continue to give cause for concern,

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1 The “Impact of the crisis on working conditions in Europe” study recently (2013) published by Eurofound supplies an in-depth analysis of the consequences of the economic crisis on working conditions in Europe.

as well as the high rating of psychosocial hazards.

Preventive services

Today, as far as OSH and working conditions are concerned, the three traditional players (employers, the public authorities and workers’ representatives) are frequently complemented by a more recently created institution: preventive services.

Indeed, to ensure the occupational health and safety of workers, employers may resort to various types of organisation, depending on their size and activity. In several cases, they rely on internal or external preventive services. For instance, Estonian employers with over 50 staff must appoint a “work environment specialist” (OSH). In Germany, employers have been legally obliged since the 1970s to request advice from works doctors and OSH specialists. Italian law stipulates that employers must organise a preventive and protection department responsible for identifying and decreasing risk factors.

Our trade union respondents observed that in their view external prevention services were becoming increasingly commercial and obliged to compete with each other. In most Member States, there is a system of accreditation by the public authorities to guarantee the quality of services. However, at this point in time, there is little cooperation between preventive services and trade-union officers.

Training

The training of employee representatives is widely considered to be an indispensable component of their ability to intervene. This general rule is particularly relevant in the area of health and safety, given the variety and complexity of the issues concerned, which require a substantial background in many different areas, both theoretical and practical.

In the course of the Safety Reps project, the participants notified us several times, in particular during the working seminar in Brussels (28-29 January 2013) and the conference in Budapest (22-23 May 2013), of their requirements and expectations regarding the comprehension and acquisition of the research material.

As such, the key elements derived from the Safety Reps project and presented in the cross-sectional analysis were used to introduce supporting material during training sessions and seminars. The purpose of this training manual is to provide an operational response to these requirements.

Hence, new teaching materials were
developed. **Practical reference sheets as well as thematic sequences and related methods** have been drafted to supply trainers with basic information on which training sessions. This training programme targets trade union officers in charge of the situation of workers at the transnational level, who need to be made aware and qualified to include occupational health and safety (OSH) in their respective social dialogues.

> In the first place, of course, this means European Works Council (EWC) members. It is a sad fact that within these nodes of European social dialogue at multinational companies, OSH issues are seldom and scantly raised despite their importance to the staff of such companies. However, in EWCs which do deal with such issues, general improvement further to strategic commitment and the transfer of good practices constitute an instance of what can be achieved by training our members, i.e. supplying them with the encouragement and basic tools they require to take action and generalise improvements to health and safety.

> The same applies to the European Sectoral Social Dialogue Committees, the members of which are not always familiar enough with OSH issues and working conditions to include them in the agendas for discussion. However, once again, there appears to be nascent interest within bodies which undertake studies and discussion on the health of workers in their respective sectors.

4. Conclusions

“Diversity in similarity” is the expression which best summarises the various worker-representation and participation models in the EU for issues relating to occupational health and safety and working conditions. The transposition of EU Directives in the national structures remains heterogeneous. As there are various forms of industrial relations within Europe, this variety is also reflected in the existing models of legal representative bodies on occupational health & safety: through H&S representatives, H&S Committees or combinations of these. This means that an increased understanding of the various national representation systems must be achieved in each country if transnational cooperation is to be possible and each system is to draw inspiration from other models to improve its own practices.

Secondly, there is a growing awareness of the importance of work-related issues and their impact not only on workers’ health but on a company’s results
and more generally on public health. The assessment and prevention of work-related risks is a statutory obligation. The existence of active trade unions with specific health and safety representatives is one of the chief factors which makes the difference between genuine prevention and formal, routine compliance with regulations by employers.

Thirdly, compared to past years, professional hazards shift from the physical to include psycho-social constraints at work. The harmful effects of stress in the workplace on the health of workers and, more broadly, psycho-social risks, are a common concern throughout the European Union.

Fourthly, the economic situation and the increasing popularity of laissez-faire ideologies are compromising existing systems as well as the efficacy of prevention. The experiences collected in several Member States show that it makes sense to adopt a strategy which combines OSH representation within enterprises with representation on more traditional issues.

Finally, worker participation is essential at all levels. Collective and organised participation by workers is key to successful risk prevention at work. Trade unions' health and safety policies are indissociable from industrial-relations and collective-bargaining systems. Through their activities, trade unions have a role to play in the reactivation of health and safety policies. This activity requires the promotion of the role of the representatives in charge of OSH – the safety reps – to increase the visibility of OSH issues, underpin the definition of collective priorities, and encourage workers to improve working conditions.

Hence, the role of trade unions and more specifically of employee representatives in charge of occupational health and safety and working conditions -already acknowledged to be another major driving force in risk prevention- is becoming even more essential.

Moreover, the effect of worker representatives on the setting-up of an OSH policy is all the greater when they are specialised in OSH issues and working conditions. It goes without saying that safety reps belong in this category. The impact of “specialist” representatives is leveraged when they cooperate with the “generalist” representatives. The importance of addressing OSH issues and working conditions via the European social dialogue mechanisms, especially in European Works Councils, is therefore far from negligible.
Bibliography

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The study (and full bibliography) is available at the following link: http://www.etuc.org/publications/health-safety-and-risk-prevention-improving-information-consultation-and-participation