Public Consultation on the European Pillar of Social Rights

New EU Strategic Framework on Health and Safety at Work

Statement by individual members of the Partnership for European Research in Occupational Safety and Health (PEROSH)

Introduction

The EU Strategic Framework on Health and Safety at Work 2014-2020 expires at the end of 2020 (EU COM, 2014). The EU Commission has already declared its willingness to develop a new Strategic Framework (EU COM, 2020a). At the same time, the Commission launched a public consultation on the implementation of the European Pillar of Social Rights (Social Pillar). The Social Pillar includes the right to safe and healthy working conditions (10th principle).

This paper has been prepared as a contribution to the consultation on the Social Pillar, in an ongoing cooperation between some individual members of the Partnership for European Research in Occupational Safety and Health (PEROSH) – a network of 14 Occupational Safety and Health Institutes from 13 European countries.

The aim of this paper is to propose priorities and objectives for a new EU Strategic Framework on Health and Safety at Work from a research perspective. In line with the PEROSH strategy (PEROSH 2019), the paper strongly recommends the transfer of scientific knowledge into policy-making and strives to provide the evidence that informs and underpins decisions by national and European policymakers on healthy and safe working lives.

We refer to issues currently being discussed at EU level in relation to occupational safety and health (OSH). It especially draws upon the Council conclusion of 10 December 2019 developed under the presidency of Finland (Council 2019a), as well as on the corresponding opinion of the Advisory Committee on Safety and Health at Work (ACSH) of 4 June 2019.

1. Making use of European research in occupational safety and health

A fair and social Europe is characterised by its ability to ensure decent, safe and healthy working conditions, a fact that European institutions have highlighted by integrating OSH into the European Pillar of Social Rights. We welcome that the EU Commission is actively working to improve working conditions across Europe. Developing a new Strategic Framework on Safety and Health at Work is decisive for this objective.

Working conditions and work-related health risks continue to vary significantly in Europe, both between Member States as well as within branches and professional groups. A new Strategic Framework should consider these differences, with the primary objective of ensuring the humane design of work for all workers, regardless of their age, origin or gender. This requires the

shared commitment of Member States, social partners, companies and workers. A comprehensive culture of prevention must be the guiding principle of all actions taken to improve working conditions in Europe. As studies have shown, investments in OSH do not only improve the well-being of workers, but also contribute to enhance the competitiveness of European businesses (EU-OSHA 2019).

To reach these objectives, it is important to make use of European research and develop a sound understanding of the effects of working conditions on the safety and health of workers. Research is crucial both for identifying safety and health risks and for designing health-promoting workplaces and working conditions that foster the well-being of workers. Research also helps to make the right decisions and to ensure the effectiveness of regulations, policies and prevention measures at EU, national and company level. The Council of the European Union concluded to build more comprehensively on the evidence and data in order to improve OSH strategies (Council 2019a). We support this initiative and recommend the EU Commission to use robust research as an instrument of advice as part of the new EU OSH strategy. As a European research network on OSH, the signatories of this position paper offer themselves as partners of the EU Commission.

2. A new Strategic Framework in times of COVID-19

The COVID-19 pandemic is obviously a major challenge for occupational safety and health, both with regard to the immediate and the long-term effects on workers' health and well-being, working time, work organisation and the humane design of work. A number of surveys in different countries have documented the major impact of the COVID-19 crisis not only on the social and economic situation of workers, but also on their health and wellbeing. Working conditions changed drastically, with homeworking becoming a regular mode of work for many employees during the pandemic. While workers in general experienced homework positively, it also put a burden on women regarding organizing homework, homeschooling and childcare, potentially setting back improvements in gender equality (Eurofound 2020). The pandemic has furthermore revealed that Member States and companies have not implemented or provided adequate OSH measures for workers in various professions or have been unable to do so. In various Member States, for example, improving the working conditions of seasonal workers, highly mobile workers and employees working for subcontractors have gained much importance after several severe COVID-19 outbreaks in the meat processing industry. This health crisis has put attention on how to improve the enforcement of OSH regulations for various vulnerable groups of workers and on how to support companies to comply with safety and health standards. The EU Commission and the Council have already taken steps to tackle these shortcomings – steps we strongly support (EU COM 2020b; Council 2020). In addition, the pandemic has also revealed challenges in professions where workers interact with people, for example in the (personal) service sector and the health care sector. From a more detailed OSH perspective, topics that came into focus include work-life balance, healthy working conditions for remote work (both mentally and physically), the organisation of work, especially of working hours, as well as promoting a culture of prevention in companies.

European OSH professionals and policy makers will need to deal with these challenges, in terms of improving the pandemic management and making OSH systems fit for possible future pandemics. Irrespective of the current pandemic situation, however, the challenges revealed by COVID-19 also demand a long-term commitment by Member States, policy makers, social partners, researchers and labour inspectorates to ensure safe and healthy working conditions across Europe.

- Gathering and assessing the "lessons learned" across Europe for a better understanding of pandemic management (at work) and for improving the preparedness (of OSH systems) in case of possible future pandemics
- Strengthening efforts to support companies in organizing safe and healthy home-/teleworking arrangements

3. Digitalisation and the changing world of work

3.1 Digitalisation and AI: Analysing its effects, using its potential for humane work design

Ongoing digitalisation and the increasing use of Artificial Intelligence (AI) will not make human work obsolete. However, new technologies produce new forms of work (crowd work, gig work, etc.). They change the way people work (e.g. mobile work) and they pose new challenges for the safety of machines and production systems as well as for the ergonomic design of workplaces. Consequently, the safety and health of workers can be massively affected. This is a key challenge for the humane design of work, including the prevention of accidents and work-related diseases.

Therefore, the objectives of a new strategic framework should not only focus on avoiding the risks of increasing digitalisation (e.g. increasing monotony, blurring of boundaries of work and private life, diffusion of responsibility, but also changes in physical environment linked with digitalisation such as wireless devices, electromagnetic fields (EMF) emissions, autonomous moving devices and tools, ergonomic use of mobile technologies, etc.). The potentials of digital technologies must also be used for the design of decent work (higher machine safety, gaining autonomy and flexibility, etc.). Especially small and medium-sized enterprises (SMEs) need support in identifying factors that hinder and promote safety and health in digitised work environments (e.g. technical and organizational measures, worker participation in digital transformations).

The question of how to design digitalised work and AI humanely is thus gaining in importance: Technical aspects such as IT security and the safety of "smart" and automated production systems must be increasingly considered in conjunction with the autonomy and decision-making of workers (e.g. through concrete quality and reliability requirements and methods for risk assessment of AI-based systems). Closer cooperation between humans, machines and products must be designed in such way that harmful effects on the mental and physical health of workers are reduced to a minimum. Additionally, the effects of digitalisation, for example on work intensity or on the social relationships of workers, are also becoming increasingly important. Beneficial effects of digitalisation, for example on the organisation of work or on working time, have to be exploited. Growing complexity and the use of AI systems, on the other hand, can lead to the loss of transparency for workers. Hence, clear and comprehensible process and decision-making responsibilities as well as the development of appropriate skills are of great importance. We therefore expressly welcome the White Paper on AI as well as the "Ethics Guidelines for trustworthy AI" by the EU Commission (EU COM 2020c; EU COM 2019). Transparency, trustworthiness, technical safety and the human centeredness of AI systems have to become key features of decent work in the digital age.

Recommendations

- Strengthening research on the impact of digitalisation/AI on health and safety at work through appropriate EU funding instruments, such as Horizon Europe
- Increased consideration of the interaction between AI-based systems and workers in regulatory approaches, such as the envisioned European regulatory framework for AI
- Supplementing risk assessment with criteria for reducing risks of complex technical systems
- Establishing a consulting network of OSH professionals and researchers, which provides research-based advice regarding digitalisation/AI and safety and health at work to the relevant bodies of the EU Commission

3.2 Ensuring decent work in atypical employment

Atypical forms of employment, such as temporary work, seasonal work, solo self-employment or multiple employment, have been steadily increasing in recent years. In principle, atypical employment can be found in all industries, but certain forms are concentrated in specific sectors. For example, temporary work, seasonal work and on-call-work are common among low-skilled workers in industry or agriculture. In addition, atypical employment particularly affects women. Compared to other groups of employees, atypical workers are often exposed to poor working conditions (e.g. job insecurity, low income, strenuous physical labour, low autonomy, etc.). These groups are therefore considered particularly vulnerable. The COVID-19 pandemic underlined the importance and urgency of this issue, especially the COVID-19 clusters in the meat processing industry. We therefore welcome the initiative of the EU Commission to improve the protection of seasonal workers (EU COM 2020b). To further perpetuate and expand this engagement for vulnerable groups, the new Strategic Framework should pay special attention to atypical forms of employment and focus on improving the working conditions of vulnerable workers in Europe.

Recommendations

- Using research results in the process of improving working conditions in subcontracting and temporary employment (seasonal workers, posted workers etc.)
- Gathering and analysing data on atypical employment in the EU; especially identifying the most hazardous forms of atypical employment for workers health (including mental health) and safety as well as the groups of workers (e.g. women, blue-collar workers) which are most at risk
- Developing practical guidelines for the humane design of atypical employment

3.3 Anticipating demographic change, inclusive and diverse workforces: ensuring healthy working conditions throughout working life

Keeping workers healthy and productive until they reach retirement age and ensuring that people with (chronic) health problems and people with disabilities can continue working remains a major challenge. Over a quarter of the EU working population reports having a chronic disease (Eurofound 2019). Regarding older workers, the differences between Member States are considerable: In Europe, the proportion of employees over 55 years of age who say they will still be able to pursue their current profession in five years' time varies by more than 20 percent (EU-OSHA, Cedefop, Eurofound & EIGE, 2017). From a prevention perspective, it is necessary to design workplaces that are ergonomic and healthy from the beginning of working

life in order to ensure long-term work ability and to prevent labour market exclusion. The changing competencies and resources of workers in different phases of their working life must be taken into account. Particularly against the background of demographic change and the decreasing working-age population (EU COM 2020d), it is important to support companies, especially SME, in designing inclusive workplaces according to their workers' health, age and needs. Lifelong learning becomes more and more important for the well-being of workers due to continuing workplace transformation and digitalisation. In addition, the development and implementation of coordinated return-to-work strategies (RTW) can also make an important contribution to restoring and maintaining well-being and employability. Regarding RTW, the Council of the EU has already identified a need for action (Council 2019a, p. 9, 13; EU OSHA 2017).

Recommendations

− Supporting networks to enhance the exchange of information on effective, suitable instruments and their operational implementation regarding the challenges of demographic change as well as inclusive and diverse workforces
− Strengthening high-quality research on the effectiveness of RTW and on determinants of successful reintegration
− Promoting effective and coordinated RTW strategies
− Promoting professional training throughout working life, particularly developing the skills elderly workers need for increasingly digitalised work environments
− Supporting ageing workers or workers after an accident to find new or less burdening jobs

4. Keep tackling work-related diseases

4.1 Reduce physical strains and promote the prevention of MSD

The prevention of diseases associated with specific work activities and conditions is of particular importance for the healthy and safe working environments demanded by the European Pillar of Social Rights. Work-related health risks and diseases impair the health of workers and make it difficult, reduce or prevent their participation in working life. As an outstanding example, musculoskeletal disorders (MSD) remain the most common work-related health problem in the EU. According to Eurofound, 61 percent of EU-28 workers in all sectors and occupations report being exposed to posture-related (ergonomic) risks, for example repetitive movements, tiring and painful positions and carrying or moving heavy loads (Eurofound 2017). There is quite some evidence that the changing world of work will lead to a new distribution of risks at work (e.g. through sedentary work), including challenges resulting from combined exposures. For years, EU institutions have been paying close attention to reducing physical stress and preventing MSDs. In the coming years, the EU Commission must ensure that this commitment is sustained and expanded, for example regarding the effectiveness of regulatory approaches. In addition, the EU Commission should continue to support the provision of good quality data on work-related diseases. Reliable data is of key importance for effective prevention strategies.

Recommendations

− Evaluating research results with regard to the effectiveness of various EU directives aimed at preventing work-related MSD
− Clarifying instruments to reduce MSDs, especially for SME
− Promoting the analysis of health data for the prevention, diagnosis and rehabilitation of work-related diseases

- Developing innovative tools for the use and re-use of health data (in particular electronic health records) and novel solutions monitoring health risk of workers performing physically demanding work, especially ageing workers
- Supporting social dialogue and collaboration between employers, workers and experts; support for transfer activities

4.2 Reducing psychosocial risks, promoting mental health – a joint effort by experts, companies *and* workers

For some time now, mental stress has posed considerable challenges for workers, companies and OSH professionals. Various representative surveys (for example, the Employment Survey by the German Federal Institute for Vocational Education and Training (BIBB) and German Federal Institute for Occupational Safety and Health (BAuA)) show that workers report constant and high manifestations of mental stress factors. Consequently, psychosocial illnesses (stress, depression, anxiety) are the second most common reason for work-related health problems in the EU, just after MSD (Eurostat 2020). In order to reduce mental stress at work, working conditions that are hazardous to the health of workers (time and performance pressure, (over)long working hours, shortened rest periods, etc.) should be minimized. On the other hand, resources such as good leadership, supportive social relationships and the responsibility of workers, as well as health-promoting practices should be promoted.

At company level, the design of decent working conditions with a focus on mental health proves to be a complex task. It requires a holistic, health-promoting process involving managers, experts and workers. Combining expert knowledge with the workers' point of view in a participatory process is a fundamental prerequisite for successfully designing healthy workplaces. Risk assessment is a suitable starting point for initiating such a process.

Recommendations

- Promoting European exchange on effective instruments, incentive structures and work design solutions to promote mental health at work
- Promoting research to find ways how to implement knowledge and skills regarding psychosocial factors at workplaces
- Raising awareness in Member States of low-threshold and available opportunities for promoting mental health in companies
- Developing and supporting the broad implementation of (cross-) company measures for primary, secondary and tertiary prevention, improving existing instruments for risk assessment; considering findings on prevention practices in companies

4.3 Reduce exposure to CMRs – coordinate OSH and REACH

The EU Commission must continue its efforts to eliminate or minimise hazards arising from the use of dangerous substances in the workplace, especially from exposure to carcinogens, mutagens and reprotoxins (CMRs). In this context, setting binding exposure limit values for priority carcinogens and mutagens will help reduce the risk of cancer for millions of workers. In this respect, an important improvement in EU OSH legislation has already been achieved in recent years. However, identifying other carcinogens and mutagens in the workplace and establishing appropriate limit values must continue to be given high priority. In addition to setting limit values, knowledge on exposure in real workplace settings must be improved. Intensifying research on the effects of CMR on workers' health is of similar importance, e.g. through biomonitoring studies.

The interaction between the EU legislation on OSH and the chemicals legislation (REACH) in setting limit values is still insufficient. Both areas of legislation apply independently of each other, but also create overlaps or even contradictory requirements. This can lead to confusion, administrative burden and legal uncertainty. One aspect of the OSH/REACH interface is the linking of a workplace limit value with a restriction on the use of chemicals under REACH. The rules at the interface between OSH and REACH must therefore be clarified.

We fully support EU initiatives to solve these issues, for example the Council conclusion for a new EU Strategy on Safety and Health at Work (Council 2019a) or the OSH/REACH statement by the Advisory Committee on Safety and Health at Work (ACSH GIG 2020).

Recommendations

- Developing a suitable guideline for measuring binding limit values at European level, including biological limit values
- Supporting a process to set OSH limit values, e.g. by the Risk Assessment Committee (RAC)
- Continuous research that can be used as evidence base for further updating and supplementing the EU Directive on cancer
- Developing transparent science-based procedures and criteria that are to be applied when selecting the most suitable substance-specific regulatory options
- Supporting and further developing the "Roadmap on Carcinogens" as an instrument of workplace-related cancer prevention, as part of the "EU's Beating Cancer Plan"

5. Work-related spatial mobility: Making mobility safe and healthy

Facilitated by digital technologies, work has become more mobile than 20 years ago due to increased global interconnectedness. While mobile work has the potential to improve the well-being of workers, for example by improving work-life-balance, there are also several risks connected with mobile work. Work-related motor vehicle accidents, for example, are a leading cause of death and of long-term injuries, because road accidents are often associated with serious consequences.

In 2019 approximately 22,800 road fatalities were recognised in the 27 EU member states. This is nearly 7,000 less than in 2010 and corresponds to a decrease of 23 percent. In comparison to 2018 the number decreased by 2 percent. At the same time, this progress – despite a downward tendency since 2013 – has slowed down in most countries. Therefore, the EU goal of a 50 percent reduction of road fatalities until 2020 was missed. As with road accident risk in general, young drivers bear the highest risks: 12 percent of the fatalities in 2018 on European roads were young people between 18 and 24.

Furthermore, professional driving involves far higher risks than those encountered in virtually any other occupation or most other daily activities. Research indicates that car and light van drivers with high proportions of work-related mileage (excluding commuting) have a 53 percent higher risk of injury accidents compared to other drivers of similar age, sex, annual mileage and motorway mileage. Additionally, a considerable part of the accidents is commuting related, occurring on the way to work and back home using different means of transportation. The following risk factors have a particular influence on work-related road safety: the quality of road network safety, quality of vehicle fleet safety, speeding, drinking, the use of illegal drugs and prescription medicines, fatigue, time pressure and distraction (EU COM 2018).

- Large-scale engagement for general road safety besides occupational safety
- Enhanced awareness and training, e.g. through in-company and cross-company prevention campaigns and traffic safety training for company operations and for individuals
- Systematic investigations to develop avoidance or reduction strategies of mobility-related stress (commuting travels etc.)
- Prevention programs especially addressing the high-risk group of younger road users (higher risk acceptance, lower experience levels, drug and alcohol abuse, etc.)
- Prevention and reduction of mobility-related stress by establishing or strengthening resources for coping with stress caused by mobility
- Inclusion of road safety into the risk assessments of workplaces
- Research for improving resources especially for coping with mobility-related stress

6. The global economy: Ensuring occupational safety and health along supply chains

Global supply chains (GSC) have become a key feature of production and trade in the global economy. In international comparison, the participation of EU countries in GSC is particularly high (ILO 2016, p. 14). While GSC create employment and business opportunities, compliance with minimum standards for decent work, including OSH, is often inadequate due to high economic pressure, complex structures and the lack of binding regulations and enforcement. Since many years, international organisations, national governments as well as private sector initiatives have been trying to address these downsides of GSC. Both the United Nations and ILO adopted declarations, introducing guiding principles of due diligence to prevent human rights violations connected to global business activities, including violations against fundamental rights at work (UN 2011; ILO 2017a). As a recent study by the EU Commission has shown, due diligence standards are increasingly being implemented by European companies. However, these voluntary activities are not expected to have a strong social impact (EU COM 2020e). Many workers especially in developing countries still suffer from extremely poor working conditions (forced labour, child labour, low wages, overlong working hours, high risk of occupational accidents, etc.). The European Parliament has repeatedly underlined the necessity for a stronger EU legal framework to protect workers worldwide. In April 2020, the EU Commission announced to launch a legislative initiative on mandatory obligations for EU companies on human rights and environmental due diligence in 2021 (ECCJ 2020). By organising a high-level conference on "Human Rights and Decent Work in Global Supply Chains" in October 2020, the German Council Presidency has also put this issue at the top of the European agenda (BMAS 2020).

We welcome the EU Commission's willingness to intensify its efforts to raising labour standards and reducing occupational accidents and diseases throughout the world. Setting a priority on improving OSH along GSC in the new Strategic Framework would further strengthen these efforts. Complementary to legislative actions, we would welcome a discussion in the European OSH community on how to develop research-based instruments aiming at practically supporting European companies in their effort to meet OSH standards along their supply chains. A first step would be to identify and tackle existing knowledge and data gaps. A research project on OSH in global food and agriculture supply chains by ILO in cooperation with DG Employment produced important findings on which to build in the next years (ILO 2017b).

Recommendations

- Improving the data base on OSH in global supply chains
- Developing – and assessing the effectiveness of – practical science-based tools to improve OSH along supply chains in different economic sectors
- Enhancing prevention along GSC by providing science-based advice to companies through the compilation of expert knowledge specific to particular fields and sectors

7. OSH systems: meeting the needs of the changing world of work

New and flexible forms of work lead to a separation of work from fixed spatial and temporal structures. The occupational health and safety systems in the EU member states are thus faced with the challenge of enabling healthy and safe working in new time regimes and at changing workplaces. However, in many Member States, access to these new forms of work is no longer guaranteed for OSH inspectorates, which use conventional methods. Occupational health and safety structures must also be effectively implemented in new forms of work and employment. Regulatory science-based adjustments are just as necessary as the willingness of the social partners to guarantee safety and health in new work arrangements. A new Strategic Framework should therefore initiate a process to promote exchanges at EU level on the issue of forward-looking and humane work organisation for increasingly networked, digital and flexible forms of work.

Recommendations

- Promote European comparative research into occupational health and safety systems
- Setting up a working group to develop science-based strategic approaches and adequate instruments to explore the requirements and design options for European OSH systems in spatially and temporally flexible work structures
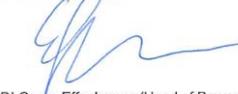
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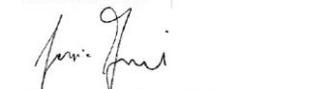
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