

Ceemet Position Paper on the OSH Strategic Framework 2021-2027

Introduction

With this paper Ceemet comments on the European Commission's Strategic Framework on Health and Safety at work for 2021-2027. This follows the previous EU Strategic Framework on Health and Safety at work for 2014-2020 and the public consultation launched in 2020 to which Ceemet responded. While in principle Ceemet agrees with the aim of the new Strategic Framework, there are some issues with which we are concerned, and further issues which we would like to highlight.

EU OSH legislative landscape

As MET employers, we are committed to maintaining healthy workplaces and protecting workers. The investments made by companies in this area have been shown to reap benefits. However, we believe that the current EU legislative framework remains well considered and largely fit for purpose and continues to improve the EU OSH situation. It has recently been revised in line with the Commission Communication on OSH and is continually implemented by companies & workers.

In this context, EU policy makers should not propose new initiatives for particular categories of workers, e.g. older workers. However, better guidance should be provided to employers, particularly SME's. Unfortunately, we see in the Strategic Framework an indication of possible new legislative initiatives of this nature. Instead, attention should focus within the Framework Directive on working conditions enabling all categories of workers to work safely through the normal risk assessment process.

OSH as a joint responsibility

It is important to remember that both employers and employees have a shared responsibility under the Framework Directive to achieve improvements in OSH conditions. Consequently, efforts to improve OSH standards should not solely rest with the employer, but also rest with the individual.

Furthermore, OSH concerns can be multifactorial, impacted by both work and non-work contributory factors. Workplace mental health, including psychosocial risks, and ergonomics are examples of this. It is our view that there is no requirement for new legislative initiatives on managing these OSH issues at the workplace as the EU Framework Directive already covers all OSH risks.

Implementation, enforcement and consistency of legislation

Improved implementation and enforcement of the EU OSH legal framework across the Member States, and greater consistency in OSH legislation at an EU level, would make it easier for companies to operate within the Single Market. This is crucial to protect workers, guarantee that OSH legislation is applied across the EU and create a level playing field.

Article 153 of TFEU provides, via the Directives, for the setting of minimum standards in social policy. However, this allows Member States to go further and gold-plate legislation, making it particularly difficult for companies to operate smoothly within the single market. Inconsistent

application creates a burdensome process whereby companies have to apply different legislation across the various Member States. This challenge has competitiveness implications for industry, e.g. administrative burdens and compliance costs.

EU's role in OSH policy

The European Commission must ensure future legislation or any updates to current legislation are always checked against the principles of subsidiarity and proportionality, are evidence based and will not lead to precautionary, non-risk and non-evidence based Directives. When legislation is based on the most recent evidence, it can provide better protection for employees and a more proper response to the realities experienced within industry. Improved impact assessments are vital in contributing to properly identifying necessary and proportionate EU legislation and are key to making legislation which is fit for purpose.

Many directives in the area of OSH are overly technical and complex, making it particularly challenging for SMEs to understand and comply with these requirements. This problem can be alleviated by putting greater emphasis on best practice, focusing on the development of practical guidelines, the use of plain language for users and the provision of concrete examples. We must identify measures and tools that will help companies, particularly SME's, in understanding and complying with legislation, therefore improving its implementation.

Chemicals Policy

In the chemicals field, it would make sense to simplify the overlapping structures that exist through REACH & OSH legislation. A priority in this regard should be the follow-up to the European Commission's 2nd REACH review which prioritised the REACH-OSH interface as an issue requiring urgent action. The proposed further simplification in relation to Safety Data Sheets, as downstream users of chemicals, is an issue which Ceemet continues to highlight. Furthermore, we must ensure that when an Occupational Exposure Limit Value (OEL) is put in place by the EU, we also see an EU wide method of measurement of, and practical guidance for, that OEL. Only then can we guarantee a level playing field. When potential risks from a substance have been found to be limited to the workplace, REACH candidate listings and authorisations shouldn't be considered as the preferred option. Risk Management Option Analysis (RMOA) are a good tool to obtain clarity as to which risk management option(s) address concerns in the most appropriate fashion.

Digitalisation of industry

The Commission have highlighted strongly in their Strategic Framework both the green and digital transitions. Technology and digitalisation play a key role in the protection of employees at the workplace by removing workers from hazardous environments and the automation of dangerous tasks. In the MET industries, we have seen the automation of certain tasks which were previously performed in arduous conditions. The automation of these tasks has improved worker protection and boosted productivity at production sites.

MET employers are of the opinion that the digitalisation of industry should be promoted and not restricted by regulation. Legislators must find the right balance between regulation and innovation, while avoiding to stifle the latter in Europe. This is imperative as, if this is not the case, it could see Europe trailing behind more innovative economies in the race to digitalise and modernise our industries. In many instances, the current legislative structures are fit for purpose when it comes to regulating the digitalisation of industry. In the area of OSH, this can be viewed as a part of the overarching traditional risks which are found in industry.

Effectiveness of the Strategic Framework

The Strategic Framework should outline whether objectives have been achieved or not, whether instruments, measures and indicators were appropriate and effective or not, and which ones

should therefore be continued. This approach will help define future strategic objectives, targets, actions and measures.

More engagement of sectoral social partners in the drafting and implementation of the Strategic Framework would also be welcomed. Sectoral social partners can play an important role in this process using their specific knowledge and expertise and their insight on the practical impact that planned legislation is likely to have on the day-to-day operations of companies.

About Ceemet

- Ceemet represents the metal, engineering and technology-based industry employers in Europe.
- Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.
- Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.