


**PARTICIPATION
BY WORKERS AND
WORKERS' REPS:**
KEY TO SUCCESSFUL
RISK ASSESSMENT



European Trade Union Confederation (ETUC)





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[ETUC/ETUI Conference]





SUMMARY

ETUC/ETUI Conference	4
1. Introduction	4
2. First panel	8
3. Second Panel	10
4. Third panel	12
5. Fourth panel	14
6. Fifth panel	16
7. The round table and the conclusions	21
Workers and safety reps' participation: the key to success in risk assessment	24
Laurent Vogel	
A policy context fraught with dangers	26
A few pointers for the future	27
References :	30



ETUC/ETU Conference:

Participation by workers and workers' reps: key to successful risk assessment. BRUSSELS, 26-27 JANUARY 2009.

GIULIO ANDREA TOZZI

The Conference took place during the whole day January 26th and the following 27th. After the introduction by **Philip Pochet** (ETUI), **Laurent Vogel** (ETUI) and **Francesco Carnevale** (ASL Florence) the discussions were structured in panels dealing with MSD and psycho-social risks (chaired by **Roland Gauthy** and **Viktor Kempa**, ETUI), experiences on specific tools to support participatory risk assessment (chaired by **Lucka Böhm**, ZSSS), Risk Assessment and Chemical hazards (Chaired by **Tony Musu**, ETUI) and finally Work Equipment participatory design (chaired by **Stefano Boy**, ETUI).

Concluded the Conference a round table among European Institutions and Social partners moderated by **Denis Grégoire** (ETUI) and the conclusions by **Laurent Vogel** (ETUI).

1. INTRODUCTION

Philip Pochet, the ETUI director, welcomed the wide participation of the 134 delegates coming from 26 countries attracted by the chance to discuss collectively on knowledge creation and use, and on how improve trade unions competences, which are among the Institute priorities. He stressed the importance of the Conference focusing on how workers expertise can enrich and integrate critically technical knowledge about risks, contributing to improve workplaces conditions. Pochet considered, "This seems even more significant today when facing a huge crisis

caused by the incapability of finance to regulate itself. A lack of learning from experience and reality that seems expanding through the whole society, as does the idea that the so-called “administrative burdens” must be simplified. This “better regulation” perspective could mean in fact, deregulation and reduced role for workers organisations to influence working life conditions”.

Laurent Vogel, the ETUI Health and Safety department director introduced the topics of the Conference: how to improve the workers’ role effectiveness in preventive strategies to counterbalance and defeat the employers’ will of reducing their obligations in the participatory risk assessment process, the core of the whole European regulations system.

As the first step he proposed to the attendants to remind one of the sources of the actual Trade Unions approach, together with the Swedish reforms, the so called “workers’ model” elaborated in Italy in the late sixties.

Francesco Carnevale, Italian occupational physician and historian, showing rare original sketches, pictures and articles, described the methodologies elaborated by the Trade Unions to manage nuisances at work in the sixties, stressing how innovative those non-ritual research approaches were in that Italian social context. The new main idea was in fact that workers must struggle to intervene on occupational health and safety matters by themselves, organised as job homogeneous groups in each plant, plunged in a trade union external social framework. Workers decided to be the main protagonists of changing workplaces with the help, only when considered necessary by their group, of chosen and accepted external technicians. These workers’ groups had to apply step by step a precise procedure to identify roughly and then to measure and record four categories of risk factors and their effects on workers health. Only this knowledge, if validated by the group itself, was considered as a truthful basis to bargain with the employer the solutions to be introduced into the plant installations, equipment and Tayloristic organisation. In each phase, specific tools guaranteed data communication to workers, i.e. general and individual registers and, especially, maps of the plant showing where and how severe risk factors were detected.

Some tools of that approach could still be useful today. Nevertheless, different are the political perspective and the social circumstances, due to assorted causes as the flexible work organisation, that makes almost

impossible to identify “homogeneous groups”, and precarious and fragmented workforce, that makes difficult a strong collective participatory support, “A break has occurred with that kind of research based on trade union negotiation and action. In Italy, Workers representatives for health and safety (RLS) have mainly a consultative and proponent role, always connected with the trade union representation, finalised to collaboration in reaching participatory solutions to specific problems, already technically established by an objective and external knowledge, leaving less margins to the workers’ autonomy”.

Carnevale emphasized how strongly oriented was in the sixties that approach to the adoption of preventive measures changing in depth and steadily the workplace, which is an important heritage for our times. He then remembered two main contributors to the Trade Unions’ model, Ivar Oddone and Gastone Marri, and the Occupational physician and psychologist Francesco Novara, died a few days before the Conference, who applied a different but very innovative approach to work organisation, in the same years, at the Olivetti. Carnevale concluded asking for a European initiative to preserve, as an important source for historical research, the survival of the CRD (Centro ricerca e documentazione sindacale sui rischi e danni da lavoro) archive, where all the documents of that era are dangerously kept.

As second introductory lecturer, **Laurent Vogel** reminded that also other approaches are often considered as sources of Risk Assessment procedures as the cost-benefits evaluation, the actuarial models and the higher risks plants models. Nevertheless, the core aspect from the workers’ point of view is still today slightly specific because assumes the evidence that while employer put at risk his investments, workers risk their proper lives and then their methods and strategies are intimately connected with their thought and feelings.

Participation permits to go further of what immediately appears, it permits to plan prevention and then to build knowledge for action. Vogel identifies three main scopes for Risk assessment related to the new peculiarities of work: to introduce a global approach connecting fragmented risks with work organisation, to act in a long term strategy considering the effects of work along the whole life and the work quality related with workers’ ages, and, finally, to introduce requirements assuring equality between men and women, non precarious and precarious workers, subcontractors, professional categories.

From the Dublin EU Foundation Survey (2005), Vogel cited that close to 40% of workers consider work affecting their health and that only around 60 % believe it would be possible to do the same job when more than 60 years old. A French survey (2003) showed that it was higher the percentage of workers more than 50 years old, submitted to pressure today or formerly, suffering from pain, fatigue, sleeping and memory troubles, than that of workers of the same age but not at all submitted to this risk factor.

Participation should be a collective exercise, with a high degree of autonomy, and also a challenge with external experts and finally it should be strictly linked to transformation.

Difficulties arise from the fact that in many enterprises Risk assessment appears as a bureaucrat and formal exercise, often even externalised. It becomes a simple document more than an action plan. Moreover workers' participation appears often weak and negligible seems the influence of their representatives on the outcomes of the process. In a Belgian survey (2007) despite the fact that 65% of the answers affirmed that CPPT was involved on risk assessment, the main role for the Committee seemed to be receiving from the employer, only for comments, the final document. Another survey (2003) made evident that in Spain when workers delegates existed, a higher involvement in all the steps of Risk assessment was achieved. Nevertheless, there was a lower involvement in planning of concrete primary preventive measures, than in less stringent measures as health surveillance, information and training initiatives.

Strategically, a choice should then be taken between reducing the efforts on prevention due to fact that Risk assessment seems only an un-useful and formalistic tool, or moving towards giving to it a new direction, socialising methodologies, asking labour inspection for more support and enforcement, developing the social dynamics in the enterprises, building bridges with public health, environmental issues and market surveillance.

Studies for the HSE in the UK (2006) evaluated as very high the costs for risk Assessment, showing at the same time that only 17% of the enterprises would have taken preventive action without a legislative obligation, while all the others would have taken some (31%) or none action at all (52%). A Spanish survey moreover showed that the smaller were enterprises, lower was their interest on preventive initiatives, and

that risks were evaluated for full time workers more frequently than for precarious workers (2007). Finally, in Slovenia was estimated that more than 2/3 of time resources destined to prevention would be eliminated if the legislative obligation were reduced (2008).

Vogel concluded, then, that it would be very important a Trade Unions' strategy to improve workers participation in the Risk assessment. For that, training and experiences exchanges should be developed. At the same time a defensive fight should be done against the so-called "better regulation" European exercise and an offensive fight should be done to promote socialisation of data resulting from risk assessment via national prevention strategies.

2. FIRST PANEL

Roland Gauthy, ergonomist at the ETUI, introduced the participants to the panel on risk assessment for the psychosocial risks.

First of all, **Neus Moreno**, from CC.00 (Spain) (with Salvador Moncada and Clara Llorens of ISTAS) introduced "Istas 21", a trade union's tool for assessing psychosocial risks.

Psychosocial risks prevention is an extraordinary opportunity to intervene to change the work organisation to obtain democratic, fair and healthy jobs. It is evident that employers' will feel these initiatives as an attempt to their authority in their more direct and crucial area of influence. That is precisely why CC.00. years ago gave the priority to the choice of a risk assessment methodology strongly supported scientifically and conform to the Spanish regulations on OHS, as the "ISTAS 21". This is the Danish CoPsoQ method adapted by ISTAS to the Spanish environment after a two-year research with CC.00, the Pompeu Fabra University and the Autònoma University of Barcelona, the National Institute of Occupational Health (INSHT) and the Governments of Catalunya and Navarra.

The method is based on the Karasek and Johnson "demand-control-social support" theory and on the Siegrist "effort-reward" approach; it permits to measure the incidence of a set of psychosocial factors into well-identified groups of workers, and to elaborate actions to reduce their severity in a strongly participatory process within the enterprise. It is based on questionnaires; it permits to maintain data confidenti-

ality, it is easy to apply and allows showing the results clearly to the participants.

The whole process must start after reaching an agreement with the employer to guarantee the correct implementation of the method and the workers' participation in each step of the procedure. That means a working group will be in charge with the investigation to adapt the questionnaire to the specific enterprise, to design the whole information process and organise distribution, explanations and collection of the questionnaires. Analysis should be of high quality, to show inequalities, stimulate dialog on the work organisation characteristics, and encourage participation. Prevention measures should be found out, implemented and their effectiveness verified.

The workplace Committee for OHS starts the process, a specific working group with employer and workers' representatives and technicians follows each step; the workers' "círculos de prevención" (prevention circles), directly involved in the worksites identified as at risk, participates to find out the preventive solutions.

A set of guides for delegates, experiences of actions taken in workplaces, detailed guides on the "Istas 21" method and all the informatics tools needed for data elaboration can be downloaded from the website www.ccoo.cat/salutlaboral and used, free of charge, with the only explicit constraint to be applied only in a participated tripartite process.

The second intervenient **Michael Gümbel** (and Sonja Nielbock) from Hans Böckler Stiftung (Verdi, Germany) described three enterprise case studies from textile retail trade, tax office and telecommunication sectors. The analysis was focused in showing how stereotypes could influence the relationship between the assessing person and the assessed person, when organisational demands and resources of each worker should be balanced. Clarifying how these presentations produce gender roles that make suffering differently, but both men and women.

In general, working conditions become worse for men and women in those aspects that are perceived, following gender stereotypes, as less important for each of them.

Opportunities of advancement are frequently considered as they were "important for men" and "unimportant for women" and compatibility as it was "important for women" and "unimportant for men". In the textile workplace, it was evident that "devaluation and low regard of the work have impacts on women and men, e.g. concerning low sala-

ries, but men are treated different, considered of higher valence, and they advance more easily". On the other side, "work is considered as a possibility of earning an additional salary. Since there are many part time jobs, this work is considered as highly compatible with family obligations. The problem of low salaries as single wage-earner is only mentioned as a problem for men".

The authors suggested considering into risk assessment the aspects that are normally omitted, to require participation of employees and to look for acquiring of concrete results. Methodologies chosen can be different in each sector, that is, by questionnaires in retail trade, by workshops with employees and superiors in the tax office and telecommunication.

Concluded the panel interventions **Gilberte Chartier**, a Belgian cleaning workers' representative, overwhelming the attendants with a passionate, precise and extremely concrete description of the work organisation in her sector and its related risks.

Questions from attendants aroused, stressing how important could be the labour inspection support, particularly when regulations are not enough specific as in for psychosocial aspects. The already existing experiences where labour inspectorate cooperates should become more stringent and systematic.

3. SECOND PANEL

Viktor Kempa, research officer at the ETUI, introduced the three participants to the panel on risk assessment of Muskulo-skeletal disorders (MSD) and psychosocial risks.

The first speaker, **Diego Alahique** (CGIL, Italy) described the follow up of a 2006 court decision condemning managers for the work related upper limb occupational diseases caused to 200 workers in a large automobile plant in Torino. Risk assessment in the plant had to be improved in 2007, applying a two-step methodology agreed by trade unions representatives. First of all, a "filter" analysis to identify the most hazardous work, then a more sophisticated methodology to evaluate quantitatively the risks exposure, i.e. the OCRA index calculation (from the EN 1005-5). The index scores permitted to identify acceptable, very light, light and high risk exposures, and then to plan measures to manage the

risks (health surveillance) or to change in depth worksites. The number and the length of work breaks were increased, the elements of each job (movements, postures, frequency, force, etc.) were re-examined, actions were distributed in several jobs, job rotation was introduced and a plan on training and information was approved. A general plan to apply the same procedures in all the FIAT Italian plants was agreed between employers and trade unions and a network of workers reps was developed to follow the whole process.

Jinettja Longyear (TUC, the UK), described how to reduce psychosocial risks for prison staff working on the Sexual Offenders Treatment Programme in the UK. She distributed a form to the Conference attendants, as a tool to manage with the workers a discussion on risk assessment and preventive measures to be taken. In a first column, five hazards were listed (mental and emotional anguish; social isolation/hostility from colleagues or from family and friends; Psychological problems and potential violence), the second column contained a list of the persons that might be harmed by each single hazard (Prison staff, families, prisoners), finally three empty columns made possible to introduce data for each row on Control measures to be taken, and to plan the iterative preventive process (Record and implement, Review & update).

Hilda Palmer, (Greater Manchester Hazards Centre) presented risk mapping and body mapping as useful tools to assess risks with workers' involvement (<http://www.hazards.org/diyresearch/>). Showing a picture of an office layout, she suggested, "Sometimes it's easy to produce a mental picture of how our jobs affect our health. Work place risk mapping is a technique where workers can get together to get these concerns down on paper". Body maps instead can be drawn on blank front/back body silhouettes or using "ouch!" stickers directly on a worker's body, as Palmer showed in a picture where a worker "mimes his job, grinding surplus metal from castings. The stickers, applied by his workmates, identify: chest problems from the dust; shoulder, arm and wrist problems from manipulating the tool and the casting; eyestrain from close work; lower back pain from stooping; and leg and knee problems from standing". Body mapping is "easy to use and don't need a lot of prior knowledge even if a work facilitator should be trained to carry out mapping using group discussions. It is useful to start discussion of work-related health issues, to break down barriers and to address specific issues as MSD, stress, chemical exposure, reproductive and urinary

issues, to tackle problems in a new way, to resolve issues. It is flexible and has a lot of uses and levels of use”.

4. THIRD PANEL

Lucka Böhm, from ZSS (Slovenia), introduced the panel on the tools to support participatory risk assessment.

Serge Volkoff, statistician from CREAPT, described how statistics could be used as instruments for prevention, showing how in France several different surveys are repeated since the seventies as the National survey on conditions at work in 1978, 84, 91, 98 and 2005, or SUMER in 83, 87, 94, 2003; together with quantitative tools to monitor the relationships between work and health as Estev and SVP50. He proposed a statistical approach to explore globally the causes of the attempts on health, validated by the workers, and to attribute to quantitative methods no more authority than any other scientific practice. Surveys should remove indifference, simplification and short sighting. For example, they can show that the large majority of blue collar workers, more than other categories wants to stop work before retirement because their health and working conditions, and their perception of fatigue and frustration. Moreover, they make visible that job and health at work are not separate issues or that attempts on health still exist. There are still a high number of employees exposed to dangerous substances as wood dust and mineral oils and to biological agents. The increasing of the percentage of exposed employees to chemicals from 1994 to 2003 and to vibrations, postures and time pressure from 1984 to 2005 confirms this tendency. Rising in psychoactive drugs use is much higher if workers have to hurry, even if an increasing also exist because they get older. Looking for more details suggests unexpected relationships: sometimes pressure can be acceptable because job satisfaction is high and even back pain can be tolerated if the means of doing a good quality job are given. Volkoff concluded citing Isabelle Stengers: “If a scientific result seems interesting or pertinent outside scientists, it should not ask for the authority of its proof; it should find the way to attract actively these others, that is to create a link with them to be discussed, negotiated, and evaluated. A number could hide another number or could hide a question for which no number exists.”

Alan Piette, ergonomist from the Belgian Federal public service on employment, work and social dialogue, described the SOBANE (Screening, OBservation, ANalysis, Expertise; www.sobane.be) strategy to manage risks, elaborated with J.B.Malchaire (Occupational Hygiene and Work Physiology unit, Catholic University of Louvain, Brussels).

Principles of this methodology are: the priority on prevention, that is going directly towards the search for solutions; the complementarities of the different partners, practitioners, experts; considering workers as the main actors, because they know better than any else what they do and what they live every day, that is the real work; not to give them assistance but, instead, training them to take care by themselves; a global approach, that is looking always for the context, considering that the worker perceives its worksite as a whole; preventive approach versus legal approach; assessment versus quantification, that is discouraging the systematic quantification as first step not to be distracted from the first goal, prevention; and finally to take care of small and medium enterprises needs, because less competences than in large enterprises are there available.

A wide set of tools is offered to follow each step, in 25 different sectors of activity (Construction, Logistic, Health care, Call Centre, etc.). A guide to participatory risks Screening (Déparis) permit to assess roughly in working groups the acceptability of 18 worksite aspects and to find what can be done, who can do it and when. The problems unsolved at the first step will need a more detailed Observation and Analysis steps, for which 15 guides are provided (Vibrations, Chemicals, Safety, Psychosocial risks, etc.). The 4th step, Expertise, is conducted when necessary with very specialised expert relating to particularly complex situations and will possibly require special measurements.

Cristobal Molina Navarrete, the director of OPRPS (UGT, Spain), described the activities of the Permanent Observatory on Psychosocial Risks (www.ugt.es/slaboral/observ/). It leads studies to measure risks exposure in different sectors based on questionnaires, discussion groups, interview, and collect and produce general and sector guides and other communication tools (bulletin, website) to promote prevention projects for workers representatives in enterprises.

5. FOURTH PANEL

Tony Musu (ETUI) introduced the first panel of the Tuesday 27th session, on participatory assessment for Chemicals.

He described the two main paths of the European Chemicals regulations, directives for the workers' protection from chemical agents (dir 98/24) and from carcinogens and mutagens (dir 2004/37), and the new European regulation on chemicals marketing, that is REACH, and the still in force directives 67/548, 76/769 and Reg. 793/93.

Both apply without prejudice to each other. Moreover, in both OHS directives and REACH risk assessment is considered, with differences but also with several common aspects, steps of the process that should influence implementation of both legislations.

While 98/24/EC deals with all hazardous chemicals and is workplace specific, REACH deals only with those chemicals produced in more than 10 T/year and it is substance specific. While the OHS legislation is an employer obligation, marketing law is a manufacturer/importer/downstream user duty. The chemical agents and the carcinogens directives require a participatory risk assessment and REACH gives risk management measures in the Safety Data Sheet for each substance needed to assess the risks at the worksite. Incertitude might arise when Occupational Exposure Limit values (OELs) given by the protection directives procedures would be different from the Derived No Effect Levels (DNELs) given by the SDS created under REACH.

Workers representatives will have the possibility to remind the employer/downstream user duties under both legislations, to evaluate if the intended use of the substance is covered by the Exposure scenarios in SDS, to compare critically risk management measures proposed in the SDS with those taken by the employer due to his risk assessment, to compare worksite exposure levels with OELs and DNELs, applying the lower of these limits, and always considering the existing substitution principle, that is using a less dangerous chemical when possible.

Musu concluded stressing that OSH legislation on chemicals and REACH are complementary. REACH will provide more data on the properties of chemicals and will improve distribution of information up and down the supply chain (SDS). Risk Assessment for chemical agents at the workplace will be then facilitated. Finally, REACH will help the progres-

sive substitution of the most harmful substances via European restrictive and authorisation procedures.

Wim van Veelen (FNV, The Netherlands) dealt with the actions taken by Trade Unions to reach an agreement with the Dutch government to introduce in the scope of the directive on carcinogens and mutagens also the chemicals dangerous for the reproductive system. Government didn't accept the proposal, but introduced in the Working Conditions Act specific clauses to reinforce risk assessment for chemicals labelled with R64 warning. For these chemicals, in fact, it should be mentioned in risk assessment: "a) the quantity of the substance which is usually manufactured or used or which is usually present in connection with storage each year; b) the number of employees usually working in the workplace where the substance is usually present; c) the form of the work usually carried out with the substance".

Trade unions launched a survey and an information campaign to inform workers on the risks of these substances and distributed checklists to delegates to improve participatory risk assessment.

Jesper Lund-Jarsen (UFDW/EFFAT, Denmark) explained the Trade Union campaign for protecting workers from pesticides with new active principles that research show as dangerous because with effects on reproductive system (Florprimidol, Imazalil, Naphtyl acetic acid, Paclobutrazol, Tebuconazol). Trade Unions also participated to new guidelines of the Danish Agency for the Environmental protection. These give temporary rules for use, as special warning and labelling, protections when mixing and spraying and suggestions for their substitution. Special rules are given on waiting periods for pot plants, cuttings and cucumbers. Next step will be to inform workers in specific meetings and campaigning to ban Tebuconazol and Flurmidol use in greenhouses and changing endorsement for Naphtyl acetic acid. Moreover the Danish Agency is looking for alternatives to substitute Imazalil and Paclobutrazol. Research on pesticides should be a high priority. Trade Unions follow closely these discussions to introduce workers' expertise, to receive the newest information available on pesticides risks and to give proposals for new research areas.

The Conference attendants asked for more information on chemical substances risks and even more on mixtures and products risks, because small enterprises, precarious and independent workers, often foreigner, feel lost. The panel speakers, conscious that fragmented

workforce is still one of the main unresolved causes of serious working conditions, gave some suggestions for good sources of information: a Dutch website where experts put in common their knowledge on chemicals, or a Trade Unions telephone help line, the CC.OO.'s web portal on good examples of substitution, the Safety Data Sheets that must come with every chemical and the Helpdesk on REACH made for manufacturers by the EU agency on chemicals (ECHA).

6. FIFTH PANEL

Stefano Boy, from ETUI, opening the second panel on the risk assessment for work equipment, first of all asked **Sven Bengstrom** from LO Sweden to introduce the panel with his long and fruitful experience in the work done by trade unions following standardisation process at CEN level. Boy then introduced, to focus on the relationship between design and use, duties of the manufacturer of machinery and duties of the employer/user, **Gustaaf Vandegaer**, Belgian expert in work equipment safety.

Vandegaer explained why and how the Risk assessment for safe integration of machinery in the workplace should be considered, describing the duties of both the manufacturer and the employer regarding machinery.

"New machinery must be 'safe'. This is a duty of the machinery 'manufacturer'. He must apply the legislation, today mainly EU Directives, with here in the first place the Machinery Directive. This means that, at least in principle, the machine user buying a machine can expect that the new machinery offer an acceptable safety level for the intended use and for the conditions of use.

The general principles of prevention formulated in the Framework Directive on safety and health at work include 'avoiding the risks' and 'evaluating the risks which cannot be avoided' (article 6.2.a) of 89/391/EEC). It is then a general obligation for the employer to take the measures necessary to ensure that the work equipment made available to workers in the undertaking and/or establishment is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health. (Article 3 of the Work equipment Directive, 89/655/EEC). Therefore the employer must select work equipment on the basis of an assessment of the spe-

cific working conditions and characteristics and the hazards that may exist. If necessary, the employer shall take appropriate measures to minimize the risks.”

Vandegaer went then more into details describing some of the general obligations of the employer. “When introducing machinery in the work place there are two crucial moments:

The selection of the appropriate equipment when ordering or buying machinery. At that moment the specific safety aspects should be defined by the risk assessment and the corresponding specifications should be part of the purchase documents. For important projects or processes with particular hazards the risk assessment should be started in an early stage, including the evaluation of the feasibility of the project.

The verification of sufficient safety at the putting into service of the machinery. This sufficient safety is not automatically fulfilled by the presence of CE marking on the machinery. This verification requires risk assessment.”

The user then has always to verify several aspects and to assess the risks when introducing machinery. **Vandegaer** suggests to employers a list of aspects to be verified to carry out their duties, depending if machinery is CE marked (1) or not (2).

1. MACHINERY WITH CE MARKING

MAIN ASPECTS THAT SHOULD BE VERIFIED BY THE USER BEFORE PUTTING A MACHINE INTO SERVICE

Manufacturer’s “guarantees”:

- Presence and quality of the declaration of conformity
- Possible striking safety problems
- Presence of the required instructions, mains items dealt with, language(s)

Local conditions and hazards (“evaluation of the residual risks”)

- Location and installation of the machine
- Respect of the manufacturer’s instructions (intended use, correct use...)
- Possible need for additional specific instructions
- Possible need for specific qualifications and training of the users
- Necessary (periodical) safety inspections or tests

2. MACHINERY NOT COVERED BY CE MARKING

MAIN ASPECTS THAT SHOULD BE VERIFIED BY THE USER BEFORE PUTTING A MACHINE INTO SERVICE

- Verification of the specifications of the machine and adequacy for the intended use
- Information on conformity references used by the manufacturer (if available)
- Conformity to the safety requirements specified when ordering
- Assessment of the safety of the machine and the conformity to the rules (in the first place the minimum requirements for work equipment), with evaluation of the residual risks
- Presence of correct manufacturer's instructions (specified when ordering?) and observation of the instructions (intended use, correct use,...)
- Possible need for additional specific instructions
- Location and installation of the machine
- Possible need for specific qualifications and training of the users
- Necessary (periodical) safety inspections or tests

Vandegaer concluded: "When integrating machinery in the workplace, due care (if not legislation) includes a risk assessment of the machinery and its use in the specific conditions. This risk assessment is among others essential when ordering the machinery and when putting it into service: "someone" must have taken explicitly the responsibility for safety and conformity of it. Additional assessments may be necessary when "new" hazards or hazardous situations are detected (among others at the occasion of an accident or incident). Everyone can and should contribute to such detection and to the consequent action. Moreover, the need for periodical assessments should be considered at the putting into service."

Following the **Vandegaer** general introduction, **Francisco Velasco Villahermosa**, from the Federation of Construction and Wood workers of CC.OO.-FECOMA.P.V., reported, and showing several overwhelming pictures, a study case on the accidents that are occurring in Spain when using site hoists in construction sites. **Miguel Angel Gaitán González**, from UGT (Spain), described in a general overview the procedure for

participatory risk assessment to be followed in workplaces and the crucial role of workers and their delegates and committees.

Francisco Velasco Villahermosa showed how Trade Unions denounced both the unsafe design of that machinery and its unsafe use, asking for its prohibition. In fact as seen in the pictures, workers might fall down from the unprotected openings of the building structure, when the hoist is not at the floor, and they also might be severely hurt because it might be easy becoming in contact with the going up and down hoist. Moreover, some hoists' design seems inadequate because cages are not adequately closed and, nevertheless, they are used for lifting of persons (for example, commands are inside the hoist).

Vandegaer analysed the case explaining that hoists only for goods are in the scope of the Machinery Directive, while nowadays site hoists intended for lifting of persons are still not and the Work Equipment Directive covers them. In both cases specific standards exist, EN12158-1 in the former (harmonised) and EN12159 in the second case (non harmonised).

The hoists for persons, nevertheless, are in the scope of the new Machinery Directive 2006/42/EC, entering in force on 2009 December 29th.

With a series of flow charts, **Vandegaer** explained the logical procedure to analyse systematically the facts showed by the Spanish trade unionist.

First of all, it would be necessary to establish if the hoist was manufactured before or after the Machinery Directive. In the first case old national legislation could be applied, if the second option is true, then should be known if the hoist was intended for lifting persons or not.

In the first case, machinery should not have been CE marked; national legislation from the Work Equipment Directive applied together with the EN 12159 as technical reference. For example, EN 12159 requires that the cage of a hoist for persons shall be fully enclosed (5.6.1) and clearances between the cage or platform and the fixed elements should be defined following the specific rules for full height gates and for reduced height gates (5.5.3.8 and 5.5.3.9); opening in the cage walls should follow the requirements of EN 294/ EN ISO 13857.

If the hoist was intended for goods only, it should have been CE marked and come with a correct declaration of conformity. In this case, compliance with harmonised standard and with the Essential Health

and Safety Requirements of the Directive should have been verified. For example, EN 12158-1 says that for normal operation it shall not be possible to control the movements from the platform (5.10.7.1.4) and control operations during erection, dismantling and maintenance shall only be possible from the platform (5.10.7.2.1). If these outcomes were both negative, or the first positive and the second negative, the Market Surveillance Authority should have asked for a “safeguard clause” against the manufacturer. If machinery didn’t comply with the standard but complied with the EHSRs, then no action was required against the manufacturer for the intended use (that is for the use only for goods). In case the hoist complied with the standard but it was not safe enough, a Formal Objection against the standard should have been taken by the Market surveillance Authority. If it was safe enough no action was required for the intended use. When no action was required against the manufacturer, if the employer was using machinery out of its intended use, action could have been taken against him by labour inspection. The intended use could be found in the specific Manufacturers’ Instructions that always come with the machinery.

Vandegaer concluded, “For being efficient, the action when safety problems with the machine are detected should take account of the precise nature of the problems. Only in this way the correct message, with the correct motivation, can be addressed at the right persons. Therefore the “political” action should take account of a “technical” component, the correct understanding of the situation, which can be rather complicated as shown by the example”. He then recommended, “Before putting into service for the first time a machine (construction site hoist or other) it is good practice, if not a regulatory requirement, to verify that there are no indications that something is wrong with the design and construction (even with CE-marking), and that the machine can be used safely in the conditions at the place of use. Finally, in general there are always short term prevention measures possible.”

Questions aroused from attendants, supporting the initiatives taken by ETUI for improving the equipment design with the knowledge of final users. At national level in fact several initiatives have been put in place, in France, Germany, Spain, for trade unions participation to the analysis of specific machinery in working groups coordinated by the ETUI. The delegates also stressed that fragmentation and subcontracting are adding risk because when machinery are used by different enterprises

at the same time even more difficult is to guarantee their safe intended use.

7. THE ROUND TABLE AND THE CONCLUSIONS

Denis Grégoire (ETUI) coordinated the round table with **Lorenzo Munar** (EU OSHA), **Jorge Costa-David** (EU Commission), **Jan Cremers** (EU Parliament), **Kris De Meester** (Business Europe), and **Walter Cerfeda** (ETUC).

L. Munar reminded the central role of risk assessment in EU prevention strategies and the Agency mission of collecting and disseminating information and good practices. Participation is crucial exactly because it is a good practice in itself. Two reports will be published, one on diversity and risk assessment and one on the risk elimination. A campaign on risk assessment (2008-2009) has been launched and many tools can be downloaded from the Bilbao Agency web site.

J. Costa David stressed the importance of asking for new directives, important even if legislation is not enough to reduce accidents dramatically. He stressed that his Unit has not enough human resources so it has to look for collaboration with other Commission units to launch initiatives. For example, he announced an initiative with the unit for Health on Mental health at work in summer 2009.

J. Cremers pointed out that the “Better regulation” means assessing the impact of the framework directive, its national implementations and difficulties for enforcement. The initiative wants also to explore the role of the soft law in these matters. At the same time it should be considered the rise of non-standard employment that is often not visible and not covered by regulations. He then asks for the engagement of all the actors in developing a “Decent work” agenda.

K. De Meester after declaring the enterprises’ will to implement EU legislation, he stressed the importance of prevention and the need for a homogeneous enforcement of the EU legislation. Nevertheless, participation should be limited to the final steps of risk assessment procedures. He considers unnecessary that workers contribute also to the previous phases; it should be enough for them to be informed on the final results of the employers’ analysis. In his opinion, workers participation doesn’t mean necessarily active workers’ representatives involvement.

Employers' duties are in fact only to disseminate correct information explaining safety procedures to all the employees.

W. Cerfeda reacted affirming that participation is not a neutral value. Workers' involvement and active knowledge have always been informally integrated and used to improve production. This exploitation experience became the scientific thought that created the occupational medicine. Flexibility asks workers for more cooperation with the enterprise, then Trade Unions strongly ask for the right that this expertise should be recognised and workers more involved. Recent data on the industrial transformation and recession are dreadful. That will mean precarious work and less prevention. The Commission should intervene to stop knowledge externalisation, to make accessible information to the PME and to encourage and ask for national implementation of legislation. It should stop deregulation. The 'Better regulation' is a totally wrong approach to health and safety.

Laurent Vogel concluded the Conference recalling a few items emerging from the debates: the need and the demand for more democracy at work; the need to create stronger links between the individual and the collective dimensions; the central role that democracy at work plays in the risk assessment procedures; a lack of democracy means in itself a harm for health and finally, without workers' active action there will be no progress.



Workers and safety reps' participation: the key to success in risk assessment

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Since the 1989 Framework Directive, risk assessment has become a familiar concept for organising prevention in the workplace. Hundreds of thousands of companies conduct this exercise every year, but the results are still unsatisfactory. The International Labour Organization estimates that there are more than 160 000 work-related deaths every year in the 27 EU Member States. Ten thousand of these, a fifteenth of the total, involve fatal occupational accidents. Work-related cancer is a major cause of death.

Such a critical observation does not call into question the importance of risk assessment. On the contrary, it is the key to prevention policy. Prevention means anticipating, and analysing the various aspects of work to identify short and long-term risks. Without a systematic assessment of the risks involved, it would only be possible to apply a reactive, after-the-event policy to correct particular aspects of the organisation of work.

The problem is certainly not that too much time is spent on assessing risks, but lies elsewhere, in the way risks are assessed and how this activity is integrated into an all-embracing prevention policy.

Surveys conducted in different countries show that all too often employers consider risk assessment to be a mere administrative for-

mality to be farmed out to external consultants (usually external prevention services). There are a number of drawbacks to this approach. The assessment does not put the company in control of analysing the problems internally. It is not sufficiently linked to implementing prevention plans to eliminate risks. All too often it is no more than a formal exercise limited to traditional and visible risks. It often fails to address the problems posed by the organisation of work, its intensity, the problems linked to working hours, or the precarious nature of the job.

The most worrying aspect of this situation is that workers' reps are hardly involved in the assessment process. One survey organised recently in Belgium by the ETUI-REHS in collaboration with the Free University of Brussels indicated that the prevailing conception of risk assessment is not based on the participation of workers' reps. 65.9% of respondents reported that a risk assessment procedure had been carried out in their workplace. In 65% of cases, the workers' reps had simply rubber-stamped the document, or had only been asked for their opinion on the final document. Only 22.3% of union reps reported having been involved in choosing risk assessment procedures; 16.9% said they had been consulted while the study was going on, and 15.9% said that they had a hand in the study through working groups.

In the UK, a survey conducted among safety reps showed that fewer than 30% of them are satisfied with their involvement in risk assessment. 44% are not involved at all and 27% are insufficiently involved.

On the other hand, in companies where workers' reps play an active role in risk assessment it is generally of a higher quality, covers a wider variety of risks and leads to more systematic prevention measures. One survey, carried out in 28 hospitals of the Piedmont Region in Italy showed that consultation of workers' safety reps is the most significant variable for determining which hospitals have a coherent prevention policy. Whether concerning awareness of the risks by the doctors in charge of a unit, risk assessment, planning prevention or training measures, the situation is much more favourable in hospitals in which workers' reps are consulted regularly and systematically.

A POLICY CONTEXT FRAUGHT WITH DANGERS

The finding that in many companies risk assessment had been reduced to a mere bureaucratic formality is shared by many observers. However, the solutions proposed vary considerably. The majority of employers and the governments closest to them propose to 'simplify' risk assessment using a two-pronged approach. From the legislative point of view, as part of the campaign for 'better regulation', several governments would like to water down the requirements of the framework directive. They consider that risk assessment could be waived for small companies or for temporary workers. Another proposal would be, in certain cases, to limit the exercise to a virtual assessment with no written record and therefore no opportunity for consulting workers' reps. The idea of 'demystifying risk assessment' by turning it into a mere exercise of common sense can not contribute to an improvement of prevention.

This campaign is being waged in the name of containing 'administrative costs', which could be brought down by 25%. The arguments underlying this campaign are based on a distorted view of the situation. The agenda followed by the 'myth exploders' itself rests upon some dangerous myths and on an ignorance of the elementary requirements of prevention.

Risk assessment has to be much more than a simple exercise in common sense if it is to become an effective instrument for prevention. In the field of occupational health, many risks have been made invisible by society. Most long-term risks are underestimated. Sometimes they are denied. Risk assessment is necessarily an exercise in deconstructing this invisibility. Prevention is only effective if we can understand risks through their relationships to one other and trace them back to determining factors such as the organisation of work and social relations in the workplace. Many employers in SMEs underestimate the situation, but in fact work-related risks are often both endemic and complex in small companies. To give just one example, female cleaning staff are simultaneously exposed to serious chemical hazards, uncomfortable ergonomic postures, difficult working hours and a tyrannical work organisation. All too often these factors are aggravated by low social prestige and gender and ethnic discrimination. To believe that we could

limit assessment to a simple exercise of 'common sense', possibly supported by a quick checklist, is to turn our backs on the prospect of an all-embracing prevention approach that tackles the root causes of health problems in the workplace.

It is absurd to claim that risk assessment represents an excessive 'administrative cost'. One recent survey from the UK noted that SMEs dedicate very little time to health and safety issues. Around 60% of companies with fewer than 10 workers spend one hour or less per week and 25% spend no time at all on this matter. The excessive cost for SMEs is caused by accidents in the workplace and the great many occupational diseases affecting workers.

Seeking to reduce risk assessment requirements is no more than demagoguery. Saying that does not mean that we simply put up with the current situation. It just means that we need to improve it through a different approach.

A FEW POINTERS FOR THE FUTURE

Promoting a participative risk assessment is certainly the most promising alternative to a formal and bureaucratic concept of such an assessment. The justification for this proposal can be summarised in two words: interest and knowledge. Workers have a clear interest in improving prevention. In the European Union today, slightly less than 30% of workers consider that working conditions affect their health. When asked whether they would be able to continue to do the same job after they were 60, more than 40% people said no. These are just averages. Working conditions mark major social inequalities in terms of health. They contribute to the growing gap in life expectancy between the more privileged sectors and manual workers. It is precisely workers with the least control over their working conditions who tend to accumulate risks. A participative assessment can help to reverse this trend: giving a voice to the men and women who are generally denied this possibility. Their interest in changing working conditions can be based on first-hand knowledge of such conditions. When it comes to defining work-related health problems and finding solutions to them,

the collective expertise of workers is no less than that of the specialists. It takes other forms, uses a different language, but is undeniably useful. Antonio Grieco, who ran the occupational medicine clinic in Milan for many years, spoke of two different cultures to characterise the views of prevention experts and workers: 'we can imagine a dialectic relationship between these two cultures – original, autonomous cultures (...) with totally different experiences, instruments, categories of thinking, assessment techniques, that really exist and must coexist even in confrontation with each other, and must work together. It is in that confrontation between specific contributions - each with their own experience and respective instruments - that we will find a wealth of solutions'. The following statement emerged from a survey on the collective perception of risk among the workers of the ceramics industry in Spain: 'Contrary to the typical terminological distinctions of the jargon of prevention techniques, the spontaneous collective perception of workers with regard to risks in the workplace is generally expressed as a web of inter-relations in which, for example, health and safety hazards are linked to specific forms of organisation and are perceived in the way that they materialise as health hazards (...). In the discussion groups in which a collective perception of risks with less media coverage emerges, workers express different problems and priorities to those identified by the experts. We can especially see the importance that workers attach to health problems linked to work organisation as opposed to the experts' almost exclusive concern with safety and accidents in the workplace'. The choice is not between assessments made by the workers themselves or those made by experts. There needs to be an assessment in which each party's knowledge is recognised as equally legitimate and complementary and in which validation of such knowledge ultimately rests on the capacity to provide practical solutions to workers' needs.

A more systematic participation of workers and their representatives in all the stages of risk assessment is an alternative to outsourcing the process to consultants. That would guarantee the optimal consideration of all the risks and particularly facilitate the process of assessing the definition of a practical prevention plan. Such participation requires two prior conditions: respect of that most elementary form of workplace democracy – the existence of workers' representation – and appropriate resources in terms of information, training and access to expertise. That

also represents an enormous challenge for trade union organisations. They must be able effectively to support the workers' reps, come up with practical tools to assess the risks, and provide critical and competent appraisal whenever necessary.

Another way forward would involve pooling risk assessment. Hundreds of thousands of different assessments are currently organised at company level. More often than not, the approach is highly fragmented. Prevention strategies have a lot to gain by pooling experiences. I can recall a very interesting experience in Bordeaux, where a joint risk assessment was carried out by all the city's hairdressing salons. After this joint assessment was done, the general conclusions could easily be adapted to the particular situation of each company. Pooling efforts is a good alternative to second-rate assessments. It fosters a more active participation by the public authorities and collective systems of relations which allow unions and management to act effectively in this framework. The implementation of REACH is a challenge in this regard. It provides an unprecedented opportunity to improve prevention in the field of chemical hazards. The quality of this work will also depend on the capability of the public institutions to provide practical assessment tools, pool the knowledge acquired and stimulate sectoral approaches to help systematically to replace the most hazardous substances. If these conditions are met, risk assessment will show its enormous potential to kick-start prevention and change working conditions.

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Produced with financial support from the European Community