

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT
ECONOMIC AND SCIENTIFIC POLICY **A**



**Implementation of the Directives on
Health and Safety at Work as a Cost
Factor**

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DIRECTORATE GENERAL FOR INTERNAL POLICIES
POLICY DEPARTMENT A: ECONOMIC AND SCIENTIFIC POLICIES

EMPLOYMENT AND SOCIAL AFFAIRS

Implementation of the Directives on Health and Safety at Work as a Cost Factor

STUDY

Abstract

The study aims at better understanding the importance of Occupational Health and Safety (OSH) as a contributing factor to the economic viability of an organisation and looks into the potential effects of the proposals currently on the table for reducing administrative burdens in the field of health and safety at work. It considers the costs and benefits of compliance with OSH obligations, new and emerging risks and the need for new prevention measures to address these.

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LIST OF ABBREVIATIONS

- CSR** Corporate Social Responsibility
- ESENER** European Survey of Enterprises on New and Emerging Risks
- ILO** International Labour Office
- MS** Member State
- MSD** Musculoskeletal disorder(s)
- ORA** Interactive On-line Risk Assessment tool developed by OSHA
- OSH** Occupational safety and health
- OSHA** European Agency for Safety and Health at Work
- SHAD** Safety and Health Awareness Day
- SLIC** Senior Labour Inspectors' Committee
- SME** Small and Medium-sized Enterprise

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EXECUTIVE SUMMARY

The European strategy for Organisational Safety and Health (OSH) sets an ambitious overall target for the period 2007-2012: to reduce by 25% the total incidence rate of accidents at work in the EU 27 for the period 2007-2012. At the same time, another European strategy, the Better Regulation Agenda, by 2012, aims to reduce administrative burdens for enterprises by 25% mostly by reducing companies' information obligations. As these obligations can also be seen as enforcement measures, by requiring reporting on for example risk assessment, accidents and other incidents, the objectives of the two strategies may be seen as contradictory: one strategy aims to cut the information obligations, whereas the other may require increasing the obligations, or at least better enforcing the existing obligations.

The objective of this study is to gain a better understanding of the importance of OSH as a contributing factor to the economic viability of an organisation. The study assesses to what extent, and how well, current obligations are executed, in particular by SMEs, and whether cutting down on the information obligations could contradict or be a barrier to achieving the targets on enhanced prevention and reduction of work-related accidents and diseases. It also looks at how to increase awareness of OSH, on new risks emerging from new working patterns and whether these predicate for new prevention measures.

Prevention is the guiding principle for occupational health and safety legislation in the European Union. The EU has adopted minimum requirements for health and safety protection at the workplace through a number of directives. The main directive governing OSH in Europe is Directive 89/391/EEC – the OSH Framework Directive. Based on this Directive, a substantial number of Directives cover specific sectors, risk areas, and other aspects of OSH. The Framework Directive defines the key principles relating to the prevention and protection of the health and safety of workers and constitutes the basis for all subsequent individual Directives. It establishes the principle that the employer has a duty to ensure the safety and health of workers in every aspect related to employees work. However, substantial differences continue to exist in the practical implementation of the various directives between Member States, due to differences in the sectors of activity and in company sizes.

The Community strategy 2007-2012 on health and safety at work calls for action by players at all levels – European, national, local and workplaces. However, it is difficult to assess the likely impact of the Strategy as most of the action will be taken downstream by stakeholders, through the development and implementation of coherent national strategies in the EU Member States.

The proposals contained in the EU Action Programme for reducing administrative burdens

In 2009, the Commission launched a comprehensive strategy on better regulation, the EU Action Programme for reducing administrative burdens; 13 priority areas were covered by the Action Programme, of which one was 'Working environment / employment relations'. The programme proposed eight measures for reducing administrative burdens in this area. Of these, two have already been adopted and are therefore not considered further in this study. For the six proposals still under preparation, the following key findings were made:

Exempting very small firms from having to produce a written assessment of the risks to health and safety

This proposal is by far the most controversial as it concerns one of the fundamental obligations of the acquis, namely that of companies having to produce a written risk assessment. It is still under consideration/preparation and will be subject to in-depth study by the Commission before any concrete action is taken. Overall, a complete removal of this obligation for the smallest companies has not met with approval from experts and stakeholders – including employers' representatives. Instead, a more differentiated, risk-based approach and/or simplified approach is generally favoured.

Facilitate lighter transpositions by Member States of the Health and Safety of Workers Framework Directive

The measure is still under consideration and no concrete action has been taken. There is general agreement that this is a crucial point and that understanding of the purpose of the law and the possibilities for implementation should be given more attention. The effect of such a measure on the prevention effort is uncertain.

Making labour inspection visits more efficient

The measure is still under consideration. There is widespread agreement that this measure will reduce the administrative burdens and that - with the right approach – the risk that the prevention effort will be adversely affected as a result of making the visits more efficient is low. A number of good practice examples of 'risk-based' approaches are available from Member States and could serve as inspiration for a common EU approach.

Improving the guidance for construction sites

A Guidance document on safety and health requirements at temporary or mobile construction sites is in preparation by the Commission in cooperation with the tripartite 'Advisory Committee on Safety and Health at Work'. The document will contain examples and best practices to be used by companies in the field to correctly apply the rules in a more efficient way and is not expected to have any negative consequences for the level of OSH.

Easing the drafting of risk assessments on health and safety in businesses

Action on this measure has been taken by the European Agency for Safety and Health at Work (OSHA) in the form of development of an interactive on-line risk assessment ('ORA') tool. This tool is intended to facilitate the risk assessments made by SMEs, reducing the workload and can therefore not be foreseen as having any negative impact on OSH – rather the contrary. Questions have however been raised about how useful the tool will actually be for the companies, as considerable adaptation will be needed to both national and sectoral contexts.

Improving ways to handle key information on carcinogens

A review of the Directive and the number of substances it covers is under way. It will in particular consider whether risk assessment and notifications can be improved, in order to maintain safety standards and eliminating burden, if any. However, at this stage it is not possible to determine which effects this will have.

Costs and benefits of compliance with OSH legislation

The initiatives aimed at identifying and reducing the administrative burdens in the area of working environment and employment relations only focus on the *cost aspect* of OSH regulation. The *benefits* that enterprises achieve from complying with OSH obligations are not considered. Establishing a direct cause-effect relation and quantifying the benefits for companies of investing in OSH is however difficult. Data for SMEs in this area is particularly scarce. On the input (cost) side, SMEs rarely have a separate OSH function (with dedicated staff), or a separate budget for OSH.

In terms of effects (benefits), these are even more difficult to measure, even though some types of benefits are more visible than others. Traditionally, benefits of good OSH management are defined in terms of direct effects in the form of *reduction of costs directly related to work-related illness and accidents*, for instance through:

- reduced sick pay and absenteeism for workers due to accident and illness
- reduced compensation claims
- fewer stops in production
- lower insurance premiums

However, benefits can also be considered from an 'intangible assets' point of view, for instance *improved company reputation*. Corporate Social Responsibility (CSR) is gaining importance as an aspect of a company's competitive position, and the way staff is treated is an important part of CSR. Other important benefits mostly associated with *improved productivity* through better OSH stem from factors such as:

- improved organisation of work
- good working environment, increased employee satisfaction
- reduced staff turnover.

Whereas the first type of benefits (reduction of costs) can be relatively straightforward to assess – the second, more intangible type, is usually much more difficult to specify and many SMEs may not even be aware of these benefits and their potential value.

The potential benefits to be reaped from OSH are particularly large for SMEs. Firstly, SMEs are more vulnerable to the effects of accidents or illness as they have fewer resources. Secondly, SMEs are more likely than larger companies to *not* have a well-established OSH policy. However, recent research indicates that when small companies lag behind larger companies in terms of OSH management, it is not so much due to lack of time and financial resources - these barriers are more or less equally important for small and large companies. Rather, it is about knowledge-related barriers. Thus, lack of OSH awareness and expertise, or not seeing the benefit of OSH management, plays a bigger role in smaller companies than in large ones.

The financial benefits which can accrue from improved OSH management do however vary between Member States, not least due to considerable variations in insurance and social security systems (for instance, the extent to which employers are obliged to offer sick pay). This leads to very different cost/benefit structures which may again affect the level of motivation to invest in improved OSH. This could indicate that the differences in national context call for specific national arguments towards employers rather than a 'standardised' EU approach. In other words, it may be best left to the Member States to design their own OSH policies fitting their national systems, rather than to try to set up a common EU system. This is, in fact, recognised in the Community strategy 2007-2012 on health and safety, which largely leaves it up to the Member States to define and implement their own national strategies.

Although it is not possible to quantify the potential financial benefits of OSH, it is clear that they can be significant. The obligatory written risk assessment is a key element in OSH management, and completely eliminating the requirement for a written risk assessment for the smallest companies, as proposed in the Commission's Action plan for reduction of administrative burden, may have a detrimental effect on the level and quality of OSH in small companies. The proposed measure is therefore assessed as not feasible in its current form. Instead, introducing risk-based approaches, based on the specific risks associated with sectors and types of companies, preferably combined with simplified procedures for the smallest companies, seems a more productive way forward.

Improving tools for risk assessment and raising awareness

Combining tools and guidance for carrying out risk assessment with efforts to increase awareness of companies of the link between OSH and the resulting direct and indirect benefits may be the most effective way to improve the overall level of OSH. The most advanced tool to support risk assessment in SMEs that has been identified is the ORA web-tool currently being developed by The European Agency for Safety and Health at Work, OSHA. However, the tool needs to be adapted to the national context and to individual sectors in each MS in order to be effective.

Communicating the benefits of good OSH management to SMEs can be a challenging process because of the diverse nature of SMEs. Direct and targeted communication such as face-to-face communication, safety & health awareness days and the use of intermediaries (e.g. sector-level organisations, banks, insurers etc.) have shown themselves to be the most successful in influencing the behaviour of SMEs, due to the nature of the information to be conveyed. The effectiveness of awareness-raising campaigns carried out at EU level is however questioned by experts, as conditions – cf. above - vary significantly in the different MS with respect to, in particular, social security and insurance systems and the legal set-up and operational effectiveness of labour inspection. Thus, campaigns at the EU level may be too general, while campaigns adapted to the national context are seen as more effective.

New risks and new prevention measures

New technology, globalisation and other factors are changing working patterns. This means that new work-related risks emerge, and other risks increase in importance. Whereas the incidence of accidents are decreasing, work related health problems and diseases are increasing, and the majority of this increase is due to emerging risks. Musculoskeletal disorders are by far the most common of all reported work-related health problems, followed by psychosocial disorders (stress, anxiety) etc., which are generally associated with new working patterns, including new forms of employment contracts and job insecurity, an ageing and more fragmented workforce, work intensification, poor work–life balance, and high emotional demands at work. Other emerging risks are associated with for instance nanotechnologies and biological risks.

It is assessed that these emerging risks are in fact covered by the existing legislation. To some extent, they are also covered by existing prevention measures - in particular as regards physical factors. However, some of the new risks - in particular the risks of a psycho-social nature - call for new prevention measures. Such prevention measures need to be developed in a flexible manner in order to adapt to the changes in working life that cause many of these new risks. However, it is crucial that prevention measures cater for *both* existing and new risks – the “old risks” are still there and must not be neglected. A key element of new prevention measures is active participation of employees through dynamic management systems. However, a key issue relating to psychosocial risks is that many managers feel that they are more difficult to deal with – more sensitive - than physical, accident-related risks. Guidance and support in this area is therefore crucial and should be part of a comprehensive OSH management system which deals with both physical and accident-related risks as well as psychosocial risks.

Policy recommendations

- Rather than eliminate completely the requirement for the smallest companies to produce written risk assessments, it is recommended to introduce risk-based approaches adapted to the specific risks associated with sectors and types of companies, preferably combined with simplified procedures for the smallest companies.
- Few studies focus specifically on OSH interventions within SMEs and the business benefits of linking OSH with economic performance. More research in this area is needed, in particular focusing on SMEs and demonstrating more clearly the benefits, in terms of concrete, quantifiable indicators.
- SMEs should be encouraged to take steps towards collecting more systematically information to better monitor their organisation's economic performance in relation to OSH, including having a separate budget for safety and health measures.
- The differences between national contexts and between sectors call for a decentralised system for adaptation to the specific contexts of sectors and countries. This may take as a point of departure a concerted and co-ordinated effort at EU level (such as the ORA tool) but necessitates extensive involvement of national stakeholders, in particular the social partners and the national authorities responsible for OSH.
- Awareness campaigns towards SMEs should as far as possible use direct communication and interaction. Using intermediaries such as sector organisations, banks, insurers etc. is recommended, as these are already in contact with the enterprises and have often established a level of trust and knowledge of the enterprise which may be helpful in conveying the message
- The traditional OSH tools need to be complemented by strategies and tools designed to anticipate, identify, evaluate, and control emerging risks arising from changes in the world of work, as well as from innovative technologies.
- Priority should be given to informing and guiding enterprises about psychosocial risks and how to tackle them. There is a need for further guidance and toolkits and for specialist expertise in this area.

NOTE DE SYNTHÈSE

La stratégie européenne pour la sécurité et la santé au travail (SST) a défini un objectif général ambitieux pour la période 2007-2012: réduire de 25 % le nombre total d'accidents du travail au sein de l'UE 27 au cours de cette période. Parallèlement, une autre stratégie européenne, le programme «Mieux légiférer», vise à réduire de 25 %, d'ici à 2012, les charges administratives imposées aux entreprises, principalement en réduisant leurs obligations en termes d'information. Ces obligations peuvent être également considérées comme des mesures d'exécution, puisqu'elles exigent par exemple la remise de rapports concernant l'évaluation des risques, les accidents ou d'autres incidents: on pourrait donc croire que les deux stratégies sont contradictoires, l'une vise à réduire les obligations d'information alors que l'autre pourrait exiger une augmentation du nombre des obligations, ou du moins une application plus stricte des obligations existantes.

L'objectif de la présente étude est de mieux comprendre l'importance de la SST en tant que facteur contribuant à la viabilité économique d'une organisation. Cette étude évalue dans quelle mesure, et avec quel degré de qualité, les obligations actuelles sont respectées, en particulier par les PME; elle vise également à déterminer si la réduction des obligations d'information pourrait contredire ou constituer un frein au respect des objectifs d'amélioration de la prévention et de réduction des maladies et accidents liés au travail. Elle s'interroge également sur la manière de mieux faire connaître les enjeux liés à la SST, ainsi que les nouveaux risques liés aux nouveaux modes de travail, et se demande si ces nouveaux risques exigent de nouvelles mesures de prévention.

Le principe directeur de la législation de l'Union européenne en matière de sécurité et de santé au travail est la prévention. L'UE a mis en place des niveaux minimum de protection dans ce domaine, par l'intermédiaire d'un certain nombre de directives. La directive principale régissant la SST dans l'Union est la directive 89/391/CEE – la directive-cadre concernant la mise en œuvre de mesures visant à promouvoir l'amélioration de la sécurité et de la santé des travailleurs au travail. Sur la base de cette directive, de nombreuses autres directives concernent des secteurs spécifiques, des zones de risque, et d'autres aspects de la SST. La directive-cadre définit les principes-clés concernant la prévention et la protection de la sécurité et de la santé des travailleurs, et constitue la base sur laquelle sont élaborées toutes les directives dans ce domaine. Elle définit le principe selon lequel l'employeur a le devoir de garantir la sécurité et la santé des travailleurs, dans toutes les dimensions de l'activité de ses employés. Cependant, d'importantes différences persistent quant à la transposition des diverses directives dans la pratique, en raison des différences existant d'un État membre à l'autre en matière de secteurs d'activité et de taille des entreprises.

La stratégie 2007-2012 de l'Union concernant la santé et la sécurité au travail exige que des mesures soient prises par les acteurs à tous les niveaux (européen, national, local et au niveau de chaque entreprise). Il est cependant difficile d'évaluer l'impact potentiel de cette stratégie, puisque la plupart des mesures seront prises par des acteurs agissant en aval, à travers l'élaboration et la mise en œuvre de stratégies nationales cohérentes au sein des États membres de l'UE.

Les propositions contenues dans le programme d'action pour la réduction des charges administratives dans l'Union européenne

En 2009, la Commission a lancé une stratégie globale d'amélioration de la réglementation: le programme d'action pour la réduction des charges administratives dans l'Union européenne. Ce programme concernait 13 secteurs prioritaires, parmi lesquels le secteur «Conditions de travail/relations de travail», pour lequel il proposait

huit mesures visant à réduire les charges administratives. Parmi celles-ci, deux ont déjà été adoptées et ne seront donc pas traitées dans cette étude. Concernant les six propositions encore en cours de préparation, nous avons dégagé les conclusions suivantes:

Dispenser les très petites entreprises de l'obligation de présenter une évaluation écrite des risques de santé et de sécurité

Cette proposition est de loin la plus controversée, puisqu'elle concerne une des obligations fondamentales de l'acquis communautaire, en l'occurrence celle imposant aux entreprises de fournir une évaluation écrite des risques. Cette proposition est toujours en cours d'examen et de préparation, et fera l'objet d'une étude approfondie avant que des actions concrètes ne soient entreprises. Dans l'ensemble, la suppression totale de cette obligation pour les plus petites entreprises n'a pas obtenu l'accord des experts et des parties prenantes (y compris les organisations patronales). C'est plutôt un autre type d'approche qui est généralement privilégié, plus simple ou basé sur les risques.

Faciliter une transposition plus légère de la directive-cadre sur la sécurité et la santé des travailleurs par les États membres

Cette mesure est toujours à l'examen, et aucune action concrète n'a été entreprise. Beaucoup s'accordent à dire qu'il s'agit d'une question cruciale, et qu'il importe d'accorder plus d'attention à l'esprit de la législation ainsi qu'à ses possibilités de mise en œuvre. Les effets de cette mesure sur les efforts de prévention sont incertains.

Améliorer l'efficacité des visites de l'inspection du travail

Cette mesure est encore en cours d'examen. Selon un large consensus, elle pourra réduire les charges administratives et – sous réserve d'une approche appropriée – le risque que des visites plus efficaces nuisent aux efforts de prévention est faible. Un certain nombre d'exemples de bonnes pratiques d'approches basées sur les risques sont disponibles auprès des États membres et pourraient servir d'inspiration à une approche commune pour l'UE.

Améliorer la gouvernance des chantiers

En collaboration avec le «Comité consultatif pour la sécurité et la santé sur le lieu de travail», comité tripartite, la Commission prépare un document d'orientation concernant les exigences en matière de sécurité et de santé sur les chantiers temporaires ou mobiles. Ce document reprendra des exemples et des bonnes pratiques permettant aux entreprises de construction d'appliquer les règles correctement et de manière plus efficace, et ne devrait avoir aucune conséquence négative au niveau de la SST.

Faciliter la rédaction des évaluations du risque en matière de santé et de sécurité dans les entreprises

Cette mesure a été mise en œuvre par l'Agence européenne pour la sécurité et la santé au travail (OSHA), à travers le développement d'un outil interactif en ligne d'évaluation des risques («ORA»). Cet outil a pour fonction de faciliter l'évaluation des risques par les PME et de réduire leur charge de travail; aucun impact négatif n'est donc prévu sur la SST, au contraire. Des questions ont toutefois été soulevées concernant l'utilité réelle de cet outil pour les entreprises, dans la mesure où des modifications considérables seront nécessaires pour l'adapter aux contextes nationaux et sectoriels.

Améliorer les moyens de traiter les informations importantes sur les substances cancérigènes

Un examen de la directive, ainsi que des nombreuses substances qu'elle régit, est en cours. Celui-ci cherchera en particulier à déterminer s'il est possible d'améliorer les évaluations et les notifications de risque, afin de maintenir les normes de sécurité et d'éliminer les charges le cas échéant. Il est cependant impossible, à ce stade, de déterminer les effets de cette mesure.

Coûts et avantages de la conformité avec la législation en matière de SST

Les initiatives visant à identifier et à réduire les charges administratives dans les domaines de l'environnement de travail et des relations de travail ne se concentrent que les *aspects financiers* de la législation en matière de SST. Les *avantages* que les entreprises tirent de leur conformité avec les obligations relatives à la SST ne sont pas pris en compte. Il est cependant difficile d'établir un lien direct de cause à effet, et de quantifier les avantages dont jouissent les entreprises qui investissent dans la SST. Les données concernant les PME dans ce domaine sont particulièrement rares. Dans leur structure de coûts, les PME n'ont que rarement une fonction spécifique pour la SST (avec du personnel affecté à cette tâche), et ne disposent souvent pas de budget distinct pour cette fonction.

S'agissant des effets (avantages), ils sont encore plus difficiles à mesurer, même si certains types d'avantages sont plus visibles que d'autres. Traditionnellement, les avantages d'une bonne gestion de la SST sont définis en termes d'effets directs sous la forme de *réductions des coûts directement liés aux maladies et aux accidents de travail*, par exemple:

- réduction des indemnités de maladie et de l'absentéisme causé par des accidents ou des maladies;
- réduction des indemnités versées;
- limitation des arrêts de production;
- réduction des primes d'assurance.

Les avantages peuvent cependant être considérés comme des «biens immatériels», par exemple *l'amélioration de la réputation de l'entreprise*. La responsabilité sociale des entreprises (RSE) gagne en importance dans la stratégie concurrentielle des entreprises, et les relations avec les travailleurs sont une partie intégrante de la RSE. D'autres avantages importants, généralement associés à une *meilleure productivité* dérivant d'une meilleure SST, sont la conséquence de facteurs tels que:

- l'amélioration de l'organisation du travail;
- un environnement de travail agréable et une plus grande satisfaction des employés;
- une rotation de personnel réduite.

Tandis que la première catégorie d'avantages (réduction des coûts) peut être relativement facile à évaluer, la seconde est moins tangible et bien plus difficile à quantifier; de nombreuses PME peuvent même n'avoir aucune idée de ces avantages et de leur valeur potentielle.

Les avantages pouvant être apportés par une stratégie en matière de SST sont particulièrement importants pour les PME. Tout d'abord, les PME sont plus vulnérables aux accidents et aux maladies, puisqu'elles ont moins de ressources à leur disposition. Ensuite, il est moins fréquent qu'une stratégie SST soit mise en place au sein d'une PME qu'au sein d'une grande entreprise. De récentes études ont cependant révélé que lorsque les petites entreprises ont du retard en termes de gestion de la SST, ce n'est pas en raison d'un manque de temps ni de ressources financières: ces obstacles sont d'importance plus ou moins égale pour les petites et les grandes entreprises. Ce retard s'explique plutôt par des obstacles liés aux connaissances: le manque d'expertise et de familiarité avec les enjeux de la SST, ou la non-connaissance des avantages qu'elle pourrait apporter, sont des problèmes qui touchent plus les petites entreprises que les grandes.

Les avantages financiers pouvant résulter d'une meilleure gestion de la SST varient d'un État membre à l'autre, notamment en raison d'importantes disparités entre les systèmes d'assurance et de sécurité sociale (par exemple la mesure dans laquelle les employeurs sont tenus de verser des indemnités maladie). Ces différences se répercutent sur les structures de coûts et de profits, ce qui peut avoir des effets sur le degré de motivation dont font preuve les chefs d'entreprise lorsqu'il s'agit d'investir dans une meilleure SST. Ces considérations pourraient indiquer que les différences entre les contextes nationaux exigent d'aborder des sujets spécifiques aux employeurs dans chaque pays, au lieu d'adopter une approche «standard» à l'échelle de l'Union. En d'autres termes, il convient peut-être de laisser chaque État membre élaborer sa propre politique de SST qui s'insère dans son système national, plutôt que de tenter de mettre en place un système commun à toute l'Union. La stratégie 2007-2012 de l'Union concernant la santé et la sécurité au travail tient compte de ceci, en laissant aux États membres le soin de définir et de mettre en œuvre leurs propres stratégies nationales.

Bien qu'il soit impossible de quantifier les avantages financiers potentiels de la SST, il est évident qu'ils peuvent être considérables. L'évaluation écrite des risques, obligatoire, est un élément clé de la gestion de la SST, et l'élimination totale de cette obligation pour les petites entreprises – comme le propose la Commission dans son plan d'action pour la réduction des charges administratives – pourrait nuire au niveau et à la qualité de la protection de la SST dans les petites entreprises. La mesure proposée n'est donc pas considérée comme applicable dans sa forme actuelle. Une approche plus productive pourrait être basée sur les risques associés à un secteur précis ou à un certain type d'entreprise, et serait de préférence accompagnée de mesures de simplification des procédures pour les plus petites entreprises.

Amélioration des outils d'évaluation des risques et action de sensibilisation

La manière la plus efficace d'améliorer le niveau général de protection de la santé et de la sécurité au travail pourrait être le recours à des outils et des conseils d'évaluation des risques, en vue de sensibiliser les entreprises au lien entre la SST et les effets directs et indirects qui pourraient en résulter. Parmi les outils d'aide à l'évaluation des risques dans les PME, le plus performant identifié est l'outil Web ORA actuellement en cours de développement par l'Agence européenne pour la sécurité et la santé au travail (OSHA). Pour que cet outil soit efficace, il doit cependant être adapté au contexte national ainsi qu'à chaque secteur dans chaque État membre où il sera utilisé.

Il peut être difficile de communiquer aux PME les avantages d'une bonne gestion de la SST, en raison de l'importante diversité de celles-ci. En raison de la nature des informations concernées, les méthodes qui se sont avérées être les plus efficaces pour influencer le comportement des PME ont été des méthodes directes et ciblées: communication «face à face», journées de sensibilisation aux questions de santé et de sécurité, et recours à des intermédiaires (p. ex. organisations sectorielles, banques, assureurs, etc.). L'efficacité des campagnes de sensibilisation menées à l'échelle de l'Union est cependant remise en question par les experts, dans la mesure où le contexte diffère d'un État membre à l'autre (cf. plus haut), notamment en matière de systèmes de sécurité sociale et d'assurance, d'appareil juridique, et d'efficacité opérationnelle de l'inspection du travail. C'est pourquoi des campagnes menées à l'échelle de l'UE pourraient s'avérer trop générales, tandis que des campagnes distinctes pour chaque pays sont considérées comme plus efficaces.

Nouveaux risques et nouvelles mesures de prévention

Les nouvelles technologies, la mondialisation et d'autres facteurs sont en train de bouleverser les modes de travail.

De nouveaux risques liés au travail font donc leur apparition, tandis que d'autres risques gagnent en importance. Bien que le nombre d'accidents soit en baisse, les maladies et problèmes de santé liés au travail augmentent, et la majeure partie de cette augmentation est due à l'émergence de nouveaux risques. Les troubles musculo-squelettiques sont de loin les plus communs de tous les problèmes de santé liés au travail, suivis par les troubles psychosociaux (stress, anxiété, etc.) qui sont généralement associés aux nouveaux modes de travail: nouvelles formes de contrats, précarité de l'emploi, vieillissement et fragmentation de la population active, intensification du travail, déséquilibre entre le travail et la vie personnelle, et investissement émotionnel fort dans le travail. D'autres risques émergents sont associés, par exemple, aux nanotechnologies et aux risques biologiques.

Ces risques émergents sont cependant considérés comme étant couverts par la législation existante. Dans une certaine mesure, ils sont également couverts par les mesures de prévention actuelles, notamment en ce qui concerne les facteurs physiques. Certains des nouveaux risques – en particulier ceux d'ordre psychosocial – exigent cependant de nouvelles mesures de prévention. Celles-ci doivent être conçues de manière flexible, afin de pouvoir s'adapter aux changements dans la vie professionnelle qui engendrent un grand nombre de ces nouveaux risques. Il est cependant crucial que les mesures de prévention portent *à la fois* sur les risques existants et émergents – les «anciens risques» n'ont pas disparu, et ils ne doivent pas être ignorés. Un élément clé des nouvelles mesures de prévention est la participation active des employés, grâce à des systèmes de gestion dynamiques. Toutefois, les risques psychosociaux se caractérisent notamment par les difficultés qu'éprouvent les directeurs à y faire face: ces risques sont en effet plus délicats que les risques physiques d'accident. Il est donc crucial de mener des activités de conseil et de soutien dans ce domaine, dans le cadre d'un système complet de gestion de la SST capable de prendre en compte les risques physiques d'accident tout comme les risques psychosociaux.

Recommandations politiques

- Plutôt que d'éliminer entièrement l'obligation pour les plus petites entreprises de présenter des évaluations écrites des risques, il est recommandé d'adopter des approches basées sur les risques spécifiques liés à certains secteurs et à certains types d'entreprises, de préférence en les associant à une simplification des procédures pour les plus petites entreprises.
- Peu d'études se concentrent spécifiquement sur les interventions en matière de SST au sein des PME, et sur les avantages que celles-ci pourraient tirer de l'établissement d'un lien entre la SST et les performances économiques. Plus de recherches sont nécessaires dans ce domaine, notamment en accordant une plus grande attention aux PME et en leur présentant plus clairement les avantages à l'aide d'indicateurs concrets et quantifiables.
- Les PME devraient être encouragées à prendre des mesures visant à une collecte d'informations plus systématique, qui permettrait de mieux contrôler les performances économiques de leur structure dans le contexte de la SST, y compris la création d'un budget distinct consacré aux mesures de santé et de sécurité.
- Les différences qui existent entre les contextes nationaux, ainsi qu'entre les secteurs professionnels, nécessitent un système décentralisé capable de s'adapter au contexte spécifique de chaque secteur et de chaque pays. Un tel système pourrait s'appuyer sur un effort concerté et coordonné au niveau de l'UE (comme pour l'outil ORA), mais exige un engagement important des parties prenantes de chaque pays, en particulier les partenaires sociaux et les autorités responsables de la SST.

- Les campagnes de sensibilisation destinées aux PME devraient, autant que faire se peut, recourir à des communications et à des interactions directes. Il est conseillé de faire appel à des intermédiaires tels que des organisations sectorielles, des banques, des assureurs, etc., étant donné que ces acteurs sont déjà en contact avec les entreprises, les connaissent et ont gagné leur confiance dans bien des cas; cela peut faciliter la transmission du message.
- Les outils traditionnels de SST doivent être complétés par des stratégies et des outils conçus pour anticiper, identifier, évaluer et contrôler les nouveaux risques dus à l'évolution du monde du travail et à l'innovation technologique.
- La priorité devrait être accordée à l'information et au conseil des entreprises à propos des risques psychosociaux et de la manière de les aborder. Des progrès sont encore nécessaires dans ce domaine, sous la forme de conseils, d'outils et d'expertise.

ZUSAMMENFASSUNG

Die Gemeinschaftsstrategie für Gesundheit und Sicherheit am Arbeitsplatz setzt für den Zeitraum 2007-2012 ein ehrgeiziges Gesamtziel: die Inzidenz von Arbeitsunfällen auf der Ebene der EU der 27 um 25 % zu verringern. Gleichzeitig stellt eine weitere Gemeinschaftsstrategie, die Agenda für bessere Rechtsetzung, darauf ab, bis 2012 den Verwaltungsaufwand für Unternehmen um 25 % zu reduzieren, und zwar vor allem durch einen Abbau der Informationspflichten. Da diese Pflichten auch als Durchsetzungsmaßnahmen betrachtet werden können, könnte sich aufgrund der Berichtspflicht beispielsweise zu Risikobewertungen, Unfällen und anderen Vorfällen ein Widerspruch zwischen den beiden Zielsetzungen ergeben: Die eine Strategie ist darauf ausgerichtet, die Informationspflichten zu reduzieren, mit der anderen hingegen sollen diese Pflichten möglicherweise erweitert oder zumindest besser durchgesetzt werden.

Anliegen dieser Studie ist es, den wichtigen Beitrag der Gemeinschaftsstrategie für Gesundheit und Sicherheit am Arbeitsplatz zur Wirtschaftlichkeit eines Unternehmens näher zu beleuchten. Geprüft wird, inwieweit und wie gründlich die geltenden Verpflichtungen insbesondere von KMU eingehalten werden und ob ein Abbau der Informationspflichten der Zielsetzung einer verstärkten Prävention und Verringerung von berufsbedingten Unfällen und Krankheiten zuwiderlaufen oder sie behindern könnte. Ferner wird erörtert, wie das Bewusstsein für Gesundheit und Sicherheit am Arbeitsplatz und für neuartige Risiken, die sich aus einer veränderten Arbeitsorganisation ergeben, geschärft werden kann und inwiefern diese neue Präventionsmaßnahmen erforderlich machen.

Prävention ist das Leitprinzip der Arbeitsschutzvorschriften in der Europäischen Union. Die EU hat in zahlreichen Richtlinien Mindestanforderungen für den Gesundheits- und Sicherheitsschutz am Arbeitsplatz festgelegt. In Europa wird dieser Bereich hauptsächlich durch die Rahmenrichtlinie 89/391/EWG geregelt. Ausgehend von dieser Richtlinie gibt es zahlreiche Richtlinien, die spezifische Sektoren, Risikobereiche und weitere Aspekte der Sicherheit und des Gesundheitsschutzes am Arbeitsplatz abdecken. Die Rahmenrichtlinie legt die zentralen Prinzipien für Vorbeugemaßnahmen und den Schutz der Gesundheit und der Sicherheit der Beschäftigten fest und bildet die Grundlage für alle späteren Einzelrichtlinien. Sie begründet das Prinzip, dass der Arbeitgeber verpflichtet ist, für die Sicherheit und den Gesundheitsschutz der Arbeitnehmer in Bezug auf alle Aspekte, die die Arbeit betreffen, zu sorgen. Allerdings werden die verschiedenen Richtlinien in den einzelnen Mitgliedstaaten aufgrund von Branchen- und Größenunterschieden bei den Unternehmen noch immer sehr ungleich umgesetzt.

Die Gemeinschaftsstrategie für Gesundheit und Sicherheit am Arbeitsplatz 2007-2012 enthält die Forderung, dass auf sämtlichen Ebenen - der europäischen, nationalen, regionalen und unternehmerischen Ebene - Maßnahmen ergriffen werden. Allerdings lassen sich die zu erwartenden Auswirkungen der Strategie nur schwer abschätzen, da die meisten Maßnahmen von den nachgeschalteten Akteuren ergriffen werden, die einheitliche nationale Strategien entwickeln und umsetzen.

Die Vorschläge im EU-Aktionsprogramm zur Verringerung der Verwaltungslasten

Im Jahre 2009 hat die Kommission mit dem EU-Aktionsprogramm zur Verringerung der Verwaltungslasten eine umfassende Strategie zur besseren Rechtsetzung eingeleitet; das Aktionsprogramm umfasst 13 vorrangige Bereiche, darunter den Bereich Arbeitsumgebung/Beschäftigungsverhältnisse. Es werden acht Maßnahmen zur Verringerung der Verwaltungslasten in diesem Bereich vorgeschlagen, von denen zwei bereits angenommen wurden und daher in dieser Studie unberücksichtigt bleiben.

Zu den sechs Vorschlägen, deren Ausarbeitung noch nicht abgeschlossen ist, gab es die folgenden wesentlichen Erkenntnisse:

Befreiung sehr kleiner Unternehmen von der Pflicht, eine schriftliche Evaluierung der am Arbeitsplatz bestehenden Gefahren für die Sicherheit und die Gesundheit vorzulegen

Dieser Vorschlag ist der mit Abstand umstrittenste, da er eine der grundlegenden Pflichten des Acquis berührt, nämlich die von Unternehmen, eine schriftliche Risikobewertung vorzulegen. Er wird derzeit noch beraten/ausgearbeitet und wird vor seiner konkreten Umsetzung gründlich von der Kommission geprüft werden. Alles in allem fand eine vollständige Befreiung für Kleinstunternehmen von dieser Verpflichtung bei Fachleuten und Akteuren einschließlich der Arbeitgebervertreter keine Zustimmung. Es wird vielmehr generell ein differenzierterer, risikoorientierter und/oder vereinfachter Ansatz vorgezogen.

Erleichterung der Umsetzung der Rahmenrichtlinie für Gesundheit und Sicherheit der Arbeitnehmer in den Mitgliedstaaten

Diese Maßnahme wird noch geprüft, und bisher wurden keine konkreten Schritte unternommen. Allgemein herrscht Einigkeit darüber, dass dies ein entscheidender Punkt ist und dass stärker darauf geachtet werden muss, den Zweck dieser Rechtsvorschrift und die Möglichkeiten ihrer Umsetzung deutlich zu machen. Die Auswirkungen einer solchen Maßnahme auf die Präventionsbemühungen sind unklar.

Mehr Effizienz bei der Arbeitsaufsicht

Diese Maßnahme wird noch geprüft. Man ist sich allgemein einig, dass diese Maßnahme zu einer Verringerung der Verwaltungslast beitragen wird und dass – mit der richtigen Herangehensweise – nur ein geringes Risiko besteht, dass die Präventionsbemühungen darunter leiden werden. In den Mitgliedstaaten gibt es eine Vielzahl von Beispielen für bewährte Verfahren im Zusammenhang mit risikobasierten Konzepten, auf denen ein gemeinsamer EU-Ansatz basieren könnte.

Verbesserung der Anleitung für Baustellen

Die Kommission erarbeitet gegenwärtig gemeinsam mit dem beratenden Dreierausschuss für Gesundheitsschutz und Sicherheit am Arbeitsplatz einen Leitfaden für auf zeitlich begrenzte oder ortsveränderliche Baustellen anzuwendende Vorschriften für die Sicherheit und den Gesundheitsschutz. Das Dokument wird Beispiele und bewährte Verfahren enthalten, um in diesem Bereich tätige Unternehmen bei der effektiveren Umsetzung der Vorschriften zu unterstützen; mit negativen Folgen Gesundheitsschutz und Sicherheit am Arbeitsplatz ist nicht zu rechnen.

Erleichterung der Ausarbeitung von Risikobewertungen zu Gesundheit und Sicherheit am Arbeitsplatz

Die Agentur für Sicherheit und Gesundheitsschutz am Arbeitsplatz (OSHA) hat in diesem Bereich bereits Maßnahmen ergriffen und einen interaktiven Online-Assistenten für die Risikobewertung („ORA“) entwickelt. Diese Anwendung soll KMU bei der Ausarbeitung von Risikobewertungen unterstützen und ihren Arbeitsaufwand verringern, so dass nicht mit nachteiligen Folgen im genannten Bereich zu rechnen ist – im Gegenteil. Allerdings kamen Fragen nach dem tatsächlichen Nutzen der Anwendung für die Unternehmen auf, da sowohl auf nationaler als auch regionaler Ebene erhebliche Anpassungen notwendig sein werden.

Verbesserter Umgang mit wichtigen Informationen über Karzinogene

Gegenwärtig befinden sich die Richtlinie und die Zahl der darin erfassten Substanzen in Überarbeitung. Dabei wird insbesondere geprüft, ob sich die Risikobewertungen und –meldungen verbessern lassen, um die Sicherheitsstandards aufrechtzuerhalten und gegebenenfalls den Aufwand zu verringern. Die möglichen Auswirkungen lassen sich allerdings derzeit noch nicht abschätzen.

Kosten und Nutzen der Einhaltung der Rechtsvorschriften im Bereich Gesundheitsschutz und Sicherheit am Arbeitsplatz

Bei den Maßnahmen zur Ermittlung und Verringerung der Verwaltungslasten im Bereich Arbeitsumgebung und Beschäftigungsverhältnisse steht allein der *Kostenaspekt* der Rechtsvorschriften im Mittelpunkt. Dem *Nutzen*, den Unternehmen aus der Einhaltung der genannten Vorschriften ziehen können, wird keine Beachtung geschenkt. Es ist allerdings schwierig, einen direkten Bezug zwischen Ursache und Wirkung herzustellen und den Nutzen für Unternehmen, die in Gesundheitsschutz und Sicherheit am Arbeitsplatz investieren, zu beziffern. Daten für KMU sind in diesem Bereich ausgesprochen spärlich. Auf der Eingangs-(Kosten-)Seite verfügen KMU nur selten über eine gesonderte Abteilung (mit eigenen Mitarbeitern) oder einen getrennten Etat für Gesundheitsschutz und Sicherheit am Arbeitsplatz.

Die Auswirkungen (der Nutzen) sind sogar noch schwieriger zu messen, auch wenn einige Vorteile deutlicher sichtbar sind als andere. Normalerweise macht sich der Nutzeffekt eines guten Arbeitsschutzmanagements unmittelbar durch eine *Verringerung der direkt durch arbeitsbedingte Erkrankungen und Unfälle verursachten Kosten* bemerkbar, beispielsweise durch einen Rückgang der

- Krankentage und Fehlzeiten von Arbeitnehmern aufgrund von Unfällen und Erkrankungen
- Schadenersatzforderungen
- Produktionsunterbrechungen
- Versicherungsprämien

Der Nutzen kann sich allerdings auch in Form von „immateriellen Vermögenswerten“ widerspiegeln, etwa durch ein *besseres Ansehen des Unternehmens*. Die soziale Verantwortung von Unternehmen gewinnt als bestimmender Aspekt für die Wettbewerbslage zunehmend an Bedeutung, und der Umgang mit den Mitarbeitern ist ein wichtiger Teil davon. Ein weiterer wichtiger Nutzeffekt, der vor allem mit einer *höheren Produktivität* aufgrund von Verbesserungen des Gesundheitsschutzes und der Sicherheit am Arbeitsplatz in Verbindung gebracht wird, ergibt sich aus Faktoren wie

- einer verbesserten Arbeitsorganisation
- einem guten Arbeitsumfeld und einer höheren Zufriedenheit bei den Angestellten
- einer geringeren Mitarbeiterfluktuation

Während sich die erste Kategorie von Vorteilen (Kostensenkung) verhältnismäßig einfach bemessen lässt, lässt sich die zweite, weniger greifbare Kategorie nur schwer beziffern, und viele KMU sind sich dieser Vorteile und ihres möglichen Werts möglicherweise nicht einmal bewusst.

Gerade für KMU bietet der Bereich Sicherheit und Gesundheitsschutz ein großes Potenzial. Erstens sind KMU durch die Folgen von Unfällen und Erkrankungen besonders gefährdet, weil sie über weniger Reserven verfügen. Zweitens ist bei ihnen die Wahrscheinlichkeit weitaus höher als bei großen Unternehmen, dass sie über *kein* festes Konzept für Sicherheit und Gesundheitsschutz am Arbeitsplatz verfügen. Neuere Untersuchungen lassen allerdings darauf schließen, dass sich Kleinunternehmen größeren Unternehmen beim Arbeitsschutzmanagement nicht deshalb hinterherhinken, weil es ihnen an Zeit oder Finanzmitteln fehlt, denn diese Hemmnisse bestehen für kleine wie für große Unternehmen gleichermaßen. Es ist vielmehr eine Frage des nötigen Knowhows. Demnach spielen mangelnde Informationen oder Sachkenntnis oder auch der fehlende Blick für den Nutzen eines Arbeitsschutzmanagements in Kleinunternehmen eine entscheidendere Rolle als in Großunternehmen.

Der finanzielle Nutzen eines verbesserten Arbeitsschutzmanagements fällt in den einzelnen Mitgliedstaaten verschieden aus, was nicht zuletzt auf Unterschiede zwischen den Versicherungs- und sozialen Sicherungssystemen (beispielsweise inwieweit Arbeitgeber verpflichtet sind, Krankengeld zu zahlen) zurückzuführen ist. Daraus resultieren stark voneinander abweichende Kosten-/Nutzen-Strukturen, was sich wiederum auf die Motivation für Investitionen in einen Ausbau der Sicherheit und des Gesundheitsschutzes am Arbeitsplatz auswirken kann. Dies könnte bedeuten, dass aufgrund der unterschiedlichen nationalen Rahmenbedingungen statt eines „standardisierten“ EU-Ansatzes spezifische nationale Argumente für Arbeitgeber gefunden werden müssen. Es sollte also am besten den Mitgliedstaaten überlassen werden, eigene Strategien in diesem Bereich aufzustellen, die ihren nationalen Systemen entsprechen, statt ein einheitliches EU-System schaffen zu wollen. Dies wird im Übrigen auch in der Gemeinschaftsstrategie für Gesundheit und Sicherheit am Arbeitsplatz 2007-2012 anerkannt, die es größtenteils den Mitgliedstaaten überlässt, eigene nationale Strategien festzulegen und umzusetzen.

Auch wenn sich der mögliche finanzielle Nutzen von Arbeitsschutzmaßnahmen nicht genau beziffern lässt, liegt es doch auf der Hand, dass er signifikant sein kann. Die obligatorische schriftliche Risikobewertung bildet ein Schlüsselement des Arbeitsschutzmanagements, so dass sich eine vollständige Befreiung der Kleinstunternehmen von dieser Pflicht, wie es im Aktionsplan der Kommission zur Verringerung der Verwaltungslast vorgeschlagen wird, nachteilig auf den Grad und die Qualität des Arbeitsschutzes in Kleinunternehmen auswirken kann. Daher wird die vorgeschlagene Maßnahme in ihrer derzeitigen Form als nicht durchführbar gewertet. Dagegen erscheinen risikobezogene Ansätze, die auf speziellen Risiken für bestimmte Sektoren und Unternehmensformen ausgerichtet sind und im Idealfall mit vereinfachten Verfahren für Kleinstunternehmen kombiniert werden, weitaus sinnvoller.

Optimierung der Instrumente zur Risikobewertung und Sensibilisierung

Eine Kombination der Instrumente und Leitlinien für die Durchführung von Risikobewertungen mit einer stärkeren Sensibilisierung der Unternehmen für den direkten und indirekten Nutzen des Arbeitsschutzmanagements ist womöglich der wirksamste Weg, um das Gesamtniveau von Sicherheit und Gesundheit am Arbeitsplatz zu verbessern. Als besonders fortschrittlich für die Unterstützung der Risikobewertung gilt gegenwärtig der von der Europäischen Agentur für Sicherheit und Gesundheitsschutz am Arbeitsplatz entwickelte Online-Assistent „ORA“. Um jedoch einsatzfähig zu sein, muss er den nationalen Rahmenbedingungen und den einzelnen Branchen in jedem Mitgliedstaat angeglichen werden.

Angesichts der Unterschiedlichkeit von KMU kann es schwierig sein, ihnen die Vorteile eines guten Arbeitsschutzmanagements zu vermitteln. Eine direkte und zielgerichtete Kommunikation, beispielsweise in Form von direkten Gesprächen, Aktionstage zum Thema Sicherheit und Gesundheitsschutz sowie der Einsatz von Vermittlern (z. B. Vertreter von Branchenorganisationen, Banken, Versicherungen usw.) haben sich angesichts der Art der zu übermittelnden Informationen als besonders hilfreich erwiesen, um das Verhalten von KMU zu beeinflussen. Dagegen wird die Wirksamkeit von Informationskampagnen auf Gemeinschaftsebene von Fachleuten in Frage gestellt, da sich die Voraussetzungen – siehe oben – je nach Mitgliedstaat insbesondere im Bereich der sozialen Sicherungs- und der Versicherungssysteme sowie das Rechtssystem und die operative Wirksamkeit des Arbeitsschutzes deutlich voneinander unterscheiden. So sind Kampagnen auf Gemeinschaftsebene möglicherweise zu allgemein, wohingegen auf die nationalen Gegebenheiten abgestimmte Kampagnen für wirksamer erachtet werden.

Neue Risiken und neue Vorbeugemaßnahmen

Neue Technologien, die Globalisierung sowie weitere Faktoren beeinflussen die Arbeitsorganisation. So entstehen neue arbeitsbedingte Risiken und andere Risiken gewinnen an Bedeutung. Während die Zahl der Arbeitsunfälle sinkt, nehmen arbeitsbedingte Gesundheitsprobleme und Erkrankungen zu, was überwiegend auf neu entstandene Risiken zurückzuführen ist. Muskel- und Skeletterkrankungen gehören zu den am häufigsten gemeldeten Gesundheitsproblemen am Arbeitsplatz, gefolgt von psychosozialen Belastungen (Stress, Angst usw.), die allgemein mit neuen Arbeitsmustern assoziiert werden, darunter neue Formen von Arbeitsverträgen und prekäre Beschäftigungsverhältnisse, eine alternde und stärker zersplitterte Arbeitnehmerschaft, eine Intensivierung der Arbeit, eine unzureichende Vereinbarkeit von Berufs- und Privatleben sowie hohe emotionale Anforderungen bei der Arbeit. Weitere neue Risiken werden beispielsweise mit Nanotechnologien und biologischen Gefahren in Verbindung gebracht.

Es wird eingeschätzt, dass diese neu entstehenden Risiken tatsächlich von den geltenden Rechtsvorschriften abgedeckt werden. Ferner werden sie teilweise auch von bestehenden Präventionsmaßnahmen abgedeckt, insbesondere hinsichtlich der physischen Faktoren. Allerdings erfordern einige der neuen – vor allem der psychosozialen – Risiken auch neuartige Präventionsmaßnahmen. Diese müssen flexibel gestaltet werden, damit sie an die Veränderungen im Arbeitsleben, die viele dieser neuen Risiken verursachen, angepasst werden können. Besonders kommt es aber darauf an, dass diese Maßnahmen sowohl auf die bestehenden als auch die neuen Risiken zugeschnitten sind, da die „alten Risiken“ noch bestehen und nicht vernachlässigt werden dürfen. Ein wichtiges Element der neuen Präventionsmaßnahmen besteht in einer aktiven Beteiligung der Beschäftigten über dynamische Managementsysteme. Ein zentrales Problem im Zusammenhang mit psychosozialen Risiken liegt aber darin, dass viele Führungskräfte meinen, diese seien weitaus schwieriger – sensibler - zu bewältigen als körperliche, unfallbezogene Risiken. Daher kommt es in diesem Bereich vor allem auf Beratung und Unterstützung an, die auch Teil eines umfassenden Arbeitsschutzmanagement-Systems sein sollten, das sowohl auf physische und unfallbezogene als auch auf psychosoziale Risiken abstellt.

Politikempfehlungen

- Anstelle einer vollständigen Befreiung der Kleinstunternehmen von der Pflicht zu schriftlichen Risikobewertungen wird empfohlen, risikobasierte Ansätze einzuführen, die an die sektor- und unternehmensspezifischen Risiken angepasst sind und im Idealfall mit vereinfachten Verfahren für Kleinstunternehmen kombiniert werden.
- Es gibt nur wenige Untersuchungen, die sich speziell mit Maßnahmen zur Verbesserung von Sicherheit und Gesundheitsschutz am Arbeitsplatz in KMU und den wirtschaftlichen Vorzügen einer Verbindung zwischen Arbeitsschutz und Wirtschaftsleistung befassen. Hier sind weitere Forschungen vonnöten, insbesondere zu KMU, um die Vorzüge in Form konkreter, quantifizierbarer Indikatoren eindeutig nachzuweisen.
- KMU sollten dazu angehalten werden, systematischer Informationen zu sammeln, um den Zusammenhang zwischen der Wirtschaftsleistung ihres Unternehmens und dem internen Arbeitsschutzmanagement besser zu verfolgen. Dazu gehört auch ein eigenständiger Etat für Sicherheits- und Gesundheitsschutzmaßnahmen.

- Angesichts der unterschiedlichen nationalen Gegebenheiten und Sektoren wird ein dezentrales System gebraucht, das den jeweiligen spezifischen Voraussetzungen Rechnung trägt. Als Ausgangspunkt dafür könnten konzertierte und koordinierte Bemühungen auf Unionsebene dienen (beispielsweise der ORA-Assistent), allerdings ist auch eine umfassende Beteiligung der nationalen Akteure, insbesondere der Sozialpartner und der für Sicherheit und Gesundheitsschutz am Arbeitsplatz zuständigen nationalen Behörden, erforderlich.
- Bei an KMU gerichteten Sensibilisierungskampagnen sollte so weit wie möglich die Form der direkten Kommunikation und Interaktion gewählt werden. Es wird empfohlen, Vermittler aus Branchenorganisationen, Banken, Versicherungen usw. einzusetzen, weil sich diese bereits im Kontakt mit den Unternehmen befinden und häufig ein gewisses Vertrauensverhältnis aufgebaut und Wissen über das Unternehmen angesammelt haben, was sich für die Aufklärungsarbeit als hilfreich erweisen könnte.
- Das bisherige Instrumentarium in diesem Bereich muss durch Strategien und Instrumente ergänzt werden, die so angelegt sind, dass sie Veränderungen in der Arbeitswelt sowie durch technologische Innovationen neu auftretende Risiken voraussehen, erkennen, bewerten und kontrollieren.
- Die Information und Beratung von Unternehmen zum Umgang mit psychosozialen Risiken sollte Vorrang erhalten. In diesem Bereich sind dringend zusätzliche Leitlinien und Instrumentarien sowie Fachwissen erforderlich.

1. INTRODUCTION

This study on the implementation of the directives on Health and Safety at work as a cost factor has been requested by the European Parliament's Employment Committee. The study aims at producing a better understanding of the importance of Occupational Safety and Health (OSH) as a contributing factor to the economic viability of an organisation, in particular small and medium-sized companies (SMEs). The study looks at the potential effects of the proposals currently being considered for reducing administrative burdens in the field of health and safety at work, by derogations to the key directives in terms of information duties.

- This first part of the introduction chapter describes the objectives of the study and makes a brief outline of the methodology used. The second part of this introductory chapter provides a general introduction to OSH in Europe.
- This is followed by chapter 2, which analyses the EU Action Programme for reducing administrative burdens and the potential impacts this will have on OSH.
- Chapter 3 looks into the connection between financial and other benefits and compliance with OSH regulation, how safety management obligations are actually carried out – in particular in SMEs - and the potential effects of cutting down on OSH regulation. Also considered are indicators for measuring the outcomes of the OSH effort in companies, tools for risk assessment, and ways to increase awareness of the benefits of effective compliance with OSH measures.
- Chapter 4 focuses on emerging OSH risks and new prevention measures to match these risks
- Finally, chapter 5 concludes and makes policy recommendations.

1.1. Objective and methodology of the study

The European strategy for OSH sets an ambitious overall target for the period 2007-2012¹: to reduce by 25% the total incidence rate of accidents at work in the EU 27 for the period 2007-2012. At the same time, another European strategy, the Better Regulation Agenda², sets the target to *reduce administrative burdens for enterprises by 25%*, also by 2012. These objectives may be contradictory, since information obligations can also be seen as enforcement measures, by requiring reporting on for example risk assessment, accidents and other incidents.

The objective of the study is thus to explore whether proper compliance with OSH obligations is beneficial not only for the individual worker, but also for the sustainability and efficiency of workplaces. The study should assess to what extent, and how well, current obligations are carried out in particular by SMEs, and whether cutting down on the information obligations could contradict or be a barrier to achieving the targets on enhanced prevention and reduction of work-related accidents and diseases.

The key issues investigated in this study are the potential effects of the proposed programme³ for reduction of administrative burdens in the field of OSH. This would in particular affect the following directives:

¹ http://osha.europa.eu/en/new_eustrategy

² http://ec.europa.eu/enterprise/policies/better-regulation/index_en.htm

³ Communication from the Commission to the Council and the European Parliament of 22 October 2009: Action Programme for Reducing Administrative Burdens in the EU. Sectoral Reduction Plans and 2009 Actions. COM(2009) 544 final.

- Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (the Framework Directive)
- Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites
- Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

The work has been carried out by a comprehensive desk review of available information in the form of a significant number of reports, studies, and other relevant documentation (cf. list of references), as well as interviews with key stakeholders and experts in the OSH area. In total 17 experts and stakeholders have been interviewed (cf. list of respondents in Annex 1), based on a semi-structured questionnaire (cf. Annex 2).

The questionnaire was designed in order to cover the following key questions for the study:

1. The Commission's "Action programme for **reducing administrative burdens** in the European Union: sectoral reduction plans and 2009 actions" (COM(2009)544) outlines some measures in the area of OSH - notably in terms of **derogations to information duties** currently imposed on employers - that are, so far, "under consideration" or "under preparation". They would affect, among others, Directives 89/391 (framework directive), 92/57 (construction sites), and 2004/37 (carcinogens). What impact could these derogations have on the prevention and reduction of work-related accidents and diseases in general?
2. **To what extent are** safety management obligations carried out, particularly **in SMEs**? Would cutting down these obligations constitute an obstacle to achieving the goal of enhanced prevention and reduced number of work-related accidents and diseases?
3. How can **awareness among employers** of the connection between effective compliance of OSH measures and the resulting financial benefits be increased?
4. Can the **Community OSH strategy** play a role in reducing the costs of work-related accidents and diseases?
5. Do new working patterns lead to new risk perceptions which call **for new prevention measures** in the area of occupational H&S and, if so, can these new measures be deemed as an increasing costs factor or, to the contrary, as economically beneficial?

1.2. Occupational Health and Safety in Europe

Under the Lisbon strategy, the Member States have acknowledged the major contribution that guaranteeing quality and productivity at work can make towards promoting economic growth and employment. Lack of effective protection to ensure health and safety at work can result in absenteeism, in the wake of workplace accidents and occupational illnesses, and can lead to permanent occupational disability. This not only has a considerable human dimension but also has a major negative impact on the economy. Prevention is therefore the guiding principle for occupational health and safety legislation in the European Union. In order to avoid accidents from happening and occupational diseases from occurring, the EU has adopted minimum requirements for health and safety protection at the workplace through a number of directives.

1.2.1. The Framework Directive and Individual Directives

The main directive governing OSH in Europe is Directive 89/391/EEC – the OSH Framework Directive. It defines the key principles relating to the prevention and protection of the health and safety of workers and constitutes the basis for all subsequent individual Directives. The aim of the Framework Directive is to introduce measures to encourage improvements in the safety and health of workers at work. It applies to all sectors of activity, both public and private, except for specific public service activities, such as the armed forces, the police or certain civil protection services.

The Framework Directive establishes the principle that the employer has a duty to ensure the safety and health of workers in every aspect related to their work. The employer is obliged to develop an overall health and safety policy by:

- Assessing the safety and health risks which cannot be avoided, updating these assessments in the light of changing circumstances, and taking the appropriate preventive and protective measures
- Making a record of the risk assessment and of the list of accidents at work
- Informing workers and/or their representatives about potential risks and preventative measures taken
- Consulting workers and/or their representatives on all health and safety matters and ensuring their participation
- Providing job-specific health and safety training
- Designating workers to carry out activities related to the prevention of occupational risks
- Implementing measures on first-aid, fire fighting and the evacuation of workers.

The Framework Directive also promotes the workers' right to make proposals relating to health and safety, to appeal to the competent authority and to halt work in the event of serious danger, as part of the participative approach laid down by the Directive.

In the Annex of the Directive, a list of areas where individual directives should be developed is presented. The Framework Directive with its general principles continues to apply in full to all areas covered by the individual directives, but where individual directives contain more specific provisions, these provisions prevail.

The areas in which individual directives have been created are as follows⁴:

- Workplaces, equipment, signs, personal protective equipment
- Exposure to chemical agents and chemical safety
- Exposure to physical hazards
- Exposure to biological agents
- Provisions on workload, ergonomical and psychosocial risks
- Sector-specific and worker-related provisions

Along with the Framework Directive, this study will assess possible impact of simplifications of two individual directives, presented below.

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites

This Directive, which is the eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC, lays down minimum safety and health requirements for temporary or mobile construction sites.

The Directive aims to promote better working conditions in this sector of activity which exposes workers to particularly high risks. It requires safety and health considerations to be taken on board during the design and organisation of projects. It also provides for the establishment of a chain of responsibility, linking all the players involved, in order to prevent any risks. The provisions of the other specific directives apply, except for those contained in Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace.

Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

This Directive, which is the sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC, lays down minimum safety and health requirements for protecting workers who have been exposed to carcinogens and mutagens.

In order to reduce the risks associated with such exposure to workers' health and safety, it lays down exposure limit values as well as preventive measures.

⁴ The following Directives are based on the Framework Directive: requirements for working places (**Directive 89/654/EEC**); the use of work equipment (**Directive 89/655/EEC** amended by **Directive 2001/45/EC**); the use of personal protective equipment (**Directive 89/656/EEC**); work with display screen equipment (**Directive 90/270/EEC**); manual handling (**Directive 90/269/EEC**); exposure to carcinogens (**Directive 90/394/EEC**); temporary or mobile construction sites (**Directive 92/57/EEC**); provision of safety and health signs at work (**Directive 92/58/EEC**); pregnant workers (**Directive 92/85/EEC**); mineral-extracting industries (drilling) (**Directive 92/91/EEC**); mineral-extracting industries (**Directive 92/104/EEC**); fishing vessels (**Directive 93/103/EC**); chemical agents (**Directive 98/24/EC** amended by **Directive 2000/39/EC**); minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmosphere (**Directive 99/92/EC**); the protection of workers from risks related to exposure to biological agents at work (**Directive 2000/54/EC**); the protection of workers from the risks related to exposure to carcinogens or mutagens at work (**Directive 2004/37/EC**); Four Directives on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents on vibration (**Directive 2002/44/EC**), noise (**Directive 2003/10/EC**), electromagnetic fields (**Directive 2004/40/EC**) and artificial optical radiation (**Directive 2006/25/EC**).

1.2.2. The implementation of the OSH directives⁵

The European Commission undertook an evaluation of the implementation of the OSH directives in 2004, and since then no new review or assessment has been made⁶. The review found that transposition of the directives has obliged the Member States to switch from legislation often based on remedial principles to a preventive approach based on individual behaviour and organisational structures. Analysis undertaken by the Commission of the transposition of the framework directive showed shortcomings in nearly all MS, particularly as regards scope, employer responsibility, the principles of prevention, the extent of the obligation to evaluate risks to the health and safety of workers, protection and prevention services, the obligation to keep records of risk assessment in all types of companies and, lastly, information, consultation, participation and training of workers. As far as individual directives were concerned, the situation as regards transposition was assessed as more positive.

Substantial differences continue to exist in the practical implementation of the various directives, depending on the countries, the different sectors of activity and not least the size of company. With the EU legislation in this area taking the form of directives, the methods for transposition and implementation is up to the Member States. By definition, directives do not impose on MS an obligation on the transposition procedure to follow, but do impose an obligation as to the result to be achieved, which is the implementation and enforcement of the provisions in the directive. As MS have different traditions and institutional set-ups when it comes to regulating the health and safety area, the national implementation of the directives reflects these differences.

Experts interviewed for this study point to some different characteristics of the implementation in different MS. For instance, in Belgium, the directives have been implemented in a very detailed manner, using a very complex language, and a high level of detail. This may contribute to creating the impression among companies that health and safety information obligations and especially risk assessments are complicated to carry out, in particular for SMEs. In other countries, such as the Netherlands, France, Luxembourg, the UK, and Ireland, authorities have drafted a simpler or easily accessible legislation using layman's terms, with the intention to make it more practical for enterprises to implement⁷.

The issues regarding actual implementation also emerged during interviews. In the interview with ETUI it was emphasised that the legislation in itself was not considered to be the problem, but rather the way in which companies are supported in implementation. For example, it was suggested to rather simplify by issuing more sector-specific guidelines and formats, than by weakening obligations by derogations to specific sections of the legislation or for small companies.

However, according to desk research and interviews, the primary aims of guaranteeing common minimum standards of protection through harmonisation of the recommendations on safety and health, reducing the number of accidents at work and the number of cases of occupational diseases, seems to have been attained through the directives.

⁵Information derived from http://europa.eu/legislation_summaries/employment_and_social_policy/health_hygiene_safety_at_work/c11149_en.htm

⁶ In 2007, the Directive 2007/30/EC amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC were adopted with a view to simplifying and rationalizing the reports on practical implementation. The Member States shall adopt the measures necessary for them to comply with the provisions of this Directive by 31 December 2012 and then the Commission will draw up a report on the basis of the national reports.

⁷ Interview with Lieven Monsereez

In terms of awareness and access to information, the Commission's 2004 review showed that while things ran smoothly from this point of view in the bigger companies, this was not the case in the small and medium-sized enterprises (SMEs), where a big effort was considered to be needed. Despite the huge volume of information available, the level of information among employers and workers, particularly in the SMEs, was assessed as insufficient.

The practical implementation of the provisions had some areas that needed improvement. A number of particular obligations were identified by the EC in 2004:

- Risk assessments tend to be superficial and focus on short term, rather than long term risks and are seen as a one-off event with no continuity
- Protective and preventive services, the obligation to establish a department or designate a worker is not complied with, in particular in SMEs
- Regarding information, consultation, training etc., little information exists on implementation, but temporary workers are particularly vulnerable to a lack of information
- In terms of organisation and management, with the exception of the bigger companies, safety and health are seldom an integral part of companies' overall management process.

The analysis undertaken in 2004 on implementation of the directives showed that there were major shortcomings in complying with essential elements of EU health and safety legislation in SMEs, in particular as regards risk assessment, workers' participation and training, and in the traditionally high-risk sectors of agriculture and construction. These shortcomings stem primarily from:

- the lack of specific targeted information distributed locally and comprehensible guidelines;
- poor capacity and skills in terms of health and safety;
- lack of resources to ensure appropriate basic training of workforce and managers;
- poor access to effective, specific and specialised technical assistance.

These findings clearly show the need for a continued focus on OSH as an important factor not only for the individual worker, but also for the sustainability and efficiency of workplaces, and in particular SMEs. Interview findings and other desk research carried out during this study confirm the picture. Therefore the EU Strategy on Health and Safety at work 2007-2012 may have an important part to play in the future implementation of the OSH directives.

1.2.3. EU Strategy on Health and Safety at work 2007-2012

The Community strategy 2007-2012 on health and safety at work (COM(2007) 62) aims to achieve continuous improvement of working conditions and health and safety standards in the in the EU, with the specific objective of achieving a 25% cut in accidents at work across the EU by 2012. To achieve this goal it calls for action by players at all levels – European, national, local and workplaces.⁸ Because comprehensive Community legislation in the OSH area already exists (cf. section 1.2.1), action at Community level is foreseen in the Strategy to focus mainly on updating and simplifying existing legislative measures, in addition to providing guidance (non-binding guidelines) and fostering co-operation and exchange of best practices between MS.⁹

The background for the Strategy is that, despite progress made during the previous years, and as described in the section on implementation of the OSH Directives, many difficulties remain related to health and safety at work. The results of the fourth European survey of working conditions¹⁰ show that many workers in Europe continue to perceive that their jobs pose a threat to their health or safety:

- almost 28% of workers in Europe say that they suffer from non-accidental health problems which are or may be caused or exacerbated by their current or previous job;
- 35% of workers on average feel that their job puts their health at risk.

In the Strategy, the main instruments to be used to achieve the overall objective are defined in eight mutually supportive strands:

1. guarantee the proper implementation of EU legislation;
2. support SMEs in the implementation of the legislation in force;
3. adapt the legal framework to changes in the workplace and simplify it, particularly in view of SMEs;
4. promote the development and implementation of national strategies;
5. encourage changes in the behaviour of workers and encourage their employers to adopt health-focused approaches;
6. finalise the methods for identifying and evaluating new potential risks;
7. improve the tracking of progress;
8. promote health and safety at international level.

As can be seen, *instrument 3, to adapt the legal framework to changes in the workplace and simplify it, particular in view of SMEs*, has a direct relevance for the objectives of this study. The instrument further describes actions to be carried out, however none of these are related to what is currently discussed in terms of derogations to information obligations. The specified actions are more related to the overall codification of the legal framework and to facilitating reporting procedures. The proposed simplification actions also highlight that simplification must be done without compromising the achievement of the objectives of the directives.

⁸Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work. COM(2007) 62 final.

⁹ Impact Assessment of the Strategy, SEC(2007) 215

¹⁰ <http://www.eurofound.europa.eu/ewco/surveys/EWCS2005/index.htm>

The impact of the Strategy in economic terms is foreseen in the Impact Assessment¹¹ to consist mainly of a reduction of the overall costs of accidents, of absenteeism and of the burden of ill health (costs of treatment and hospitalisation), based on the objective of a 25% reduction in the incidence rate of accidents at work. It is not possible to quantify or assess this target in more detail as most of the action will be taken downstream by stakeholders, as was also remarked upon in the Impact Assessment¹². The effects are contingent upon an “appropriate response by all stakeholders at different levels”¹³. A key concept and fundamental pillar for reaching the objectives of the Community strategy is the development and implementation of coherent national strategies in the EU Member States. Principal actions are outlined under each instrument, but descriptions are not detailed, and do not contain time plans, costs or responsibilities. Hence, the implementation mechanism is rather unclear. It has not been possible to identify any plans for evaluating or conducting a mid-term review of the Community Strategy, and so far no status reports have been produced.

¹¹ SEC(2007) 215

¹² SEC(2007) 215

¹³ Ibid.

2. PROPOSALS FOR REDUCING ADMINISTRATIVE BURDENS OF OSH LEGISLATION

The focus of this chapter is on the proposals put forward by the Commission for reducing administrative burdens in OSH, and on the consequences these proposals are likely to have.

2.1. The EU Action Programme for reducing administrative burdens

In the context of the renewed Lisbon Strategy, refocused on growth and jobs, the Commission launched a comprehensive strategy on **better regulation** to ensure that the regulatory framework in the EU contributes to achieving growth and jobs, while continuing to take into account the social and environmental objectives and the benefits for citizens and national administrations¹⁴.

As part of this better regulation strategy, the Commission in January 2007 launched the Action Programme on reducing administrative burdens in the European Union (hereinafter The Action Programme) in order to measure administrative costs (The EU baseline measurement) arising from legislation in the EU and to reduce administrative burdens by 25% by 2012. The EU baseline measurement has been finalised for the 72 acts covered by The Action Programme and its 13 priority areas¹⁵.

At the beginning of 2009, the Commission made a commitment to present Sectoral Reduction Plans for all 13 priority areas and prepare additional measures to reduce administrative burdens before the end of its mandate, in order to do everything within its competencies to achieve the 25 % target in 2012.

Both aspects are covered in the Communication *"Action programme for reducing administrative burdens in the European Union: sectoral reduction plans and 2009 actions"* (COM(2009)544)¹⁶, which provides an overview of achievements so far, lessons learned and steps ahead.

The main findings¹⁷ of the EU baseline measurement and flanking studies conducted for the Commission are that:

- A very high proportion of administrative burdens stem from a limited number of information obligations in a couple of policy areas (Taxation and Company Law account for more than 80% of the total burden measured)
- Information obligations generally impose a proportionally higher burden on small and medium-sized enterprises
- The degree to which businesses consider an information obligation to be irritating (irritation factor) is very often uncorrelated to the administrative burdens imposed

¹⁴http://ec.europa.eu/enterprise/policies/better-regulation/administrative-burdens/action-programme/index_en.htm

¹⁵ Agriculture and agricultural subsidies, Annual accounts/Company law, Cohesion policy, Environment, Financial services, Fisheries, Food safety, Pharmaceutical legislation, Public procurement, Statistics, Taxation / Customs, Transport, Working environment / employment relations.

¹⁶ http://ec.europa.eu/enterprise/policies/better-regulation/documents/files/com_2009_544_main_en.pdf

¹⁷ COM(2009)544, p. 5-6

- It is estimated that 32% of administrative burdens of EU origin are the result of the decision of some Member States to go beyond what is required by EU legislation (goldplating) and of the inefficiency of their administrative procedures.

2.1.1. “Working environment / employment relations” - one of the priority areas in The Action Programme

As noted, 13 so-called priority areas were covered by The Action Programme - “*Working environment / employment relations*” being one of these.

The table below provides an overview of administrative burdens, as well as sectoral reduction figures estimated by the Commission for the priority area “*Working environment / employment relations*”. The latter is the sum of the reduction potential of measures adopted, proposed and, in a few cases, under preparation. The figures are related to the total figures of all 13 priority areas.

Table 1 Estimated administrative burdens and sectoral reduction figures for the priority area “Working environment / employment relations”

Priority Area	Administrative Burden (in €)	Sectoral Reduction Figure (in €)	Reduction as % of Burden
Working Environment / Employment Relations	3.879.200.000	-659.600.000	-17 %
Total	123.760.800.000	-40.372.200.000	-33%

Source: COM(2009)544, p. 5

Reduction measures

The table below gives an overview of reduction measures adopted, proposed or under preparation in the priority area *Working Environment*.

Table 2 Overview of reduction measures in the priority area Working Environment

Priority Area - Working Environment / Employment Relations	Legal reference	Adopted		Proposed		In preparation	
		Change in the level of AB*		Change in the level of AB*		Change in the level of AB*	
Improving the guidance for businesses on health and safety of workers	Directive 89/391/EEC	-92,5	-3%				
Improve the efficiency of regulations concerning the European Works Councils	Directive 94/45/EC	-0.02	-6%				
Exempting very small firms from having to produce a written assessment of the risks to health and safety	Directive 89/391/EEC					-135.0	-4%
Facilitate lighter transpositions by Member States of the Health and Safety of Workers Framework Directive	Directive 89/391/EEC					-230.0	-7%
Making labour inspection visits more efficient	Directive 89/391/EEC					-62.0	-2%
Improving the guidance for construction site enterprises	Directive 92/57/EEC					-140.0	-21%
Easing the drafting of risk assessments on health and safety in businesses	Directive 89/391/EEC						
Improving ways to handle key information on carcinogens	Directive 2004/37/EC						
Sectoral Total		-92.5	-2%			-567.0	-15%
		Total: 2		Total: 0		Total: 6	

* Absolute figures are in million Euros; percentages per item relate to the burden of the legal act; percentages per sector relate to the burden of the sector (percentages per sector are normally not the sum of the percentages per item). Slight discrepancies between the sectoral totals here and in table 2 are caused by the rounding of figures.

Source: COM(2009)544 Annex p 101-105.

http://ec.europa.eu/enterprise/policies/better-regulation/documents/files/com_2009_544_annexes_en.pdf

As can be seen from the table, two of the reduction measures have already been adopted. These two measures will not be considered further in this study. The remaining six reduction measures categorised as "in preparation" (and enhanced in bold) will be considered below.

The six included measures are derived from the following three Directives:

- Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work
- Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites
- Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work

Consequently, attention will be invested with these Directives, and only where direct references to other related legislations are pointed out, those legal acts will be considered.

2.1.2. The derogations/modulation possibilities in the directives

The six reduction measures of The Action Programme classified as in preparation/proposed are as follows:

- Exempting very small firms from having to produce a written assessment of the risks to health and safety
- Facilitate lighter transpositions by Member States of the Health and Safety of Workers Framework Directive
- Making labour inspection visits more efficient
- Improving the guidance for construction site enterprises
- Easing the drafting of risk assessments on health and safety in businesses
- Improving ways to handle key information on carcinogens

Implementing one or more of these measures will undeniably amount to administrative costs savings for the employer. This statement will not be challenged in the current study. Instead, the potential effect of the measures (positive and negative) on prevention and reduction of work related accidents and diseases in general will be considered.

Some of the simplification measures identified in the Commission's Action programme are assessed as being related to the derogation and modulation possibilities already available in the directives. The modulation and derogation possibilities leave discretion with the Member States to decide the actual level of protection they choose to apply within a specific area. The level of protection chosen by the Member States consequently has an impact on the so-called "information duties" or "information obligations", and the amount of resources the employers have to invest in fulfilling them.

The "information duties" or "information obligations" are the typical units of measurement in administrative burden measurements where administrative costs are defined as the costs incurred to enterprises, the voluntary sector, public authorities and citizens in meeting legal obligations to provide information on their action or production, either to public authorities or to private parties. Information is to be understood in a broad sense, i.e. including whatever form of labelling, reporting, registration, monitoring and assessment that is needed to provide the information.

A first review of the three Directives identified existing specific derogation/modulation possibilities by Member States in two of the Directives:

Council Directive 89/391/EEC

Modulation possibility at Article 9(2): *Member States shall define*, in the light of the nature of the activities and size of the undertakings, the obligations to be met by the different categories of undertakings in respect of the drawing-up of the documents provided for in paragraph 1 (a) and (b) (=risk assessment) and when preparing the documents provided for in paragraph 1 (c) (=list of accidents) and (d) (=report on accidents).

Council Directive 92/57/EEC

Derogation possibility for low risk construction sites at Art 3(2): “*The Member States may, after consulting both management and the workforce, allow derogations from the provisions of the first paragraph, except where the work concerned involves particular risks as listed in Annex II.* ” (The first paragraph states that: The client or the project supervisor shall appoint one or more coordinators for safety and health matters, as defined in Article 2 (e) and (f), for any construction site on which more than one contractor is present.).

Directive 2004/37/EC

No autonomous modulation or derogation possibilities have been identified in the Directive.

The six reduction measures targeted by the Commission in the Action Plan can be classified as a type of derogation/modulation, which means that all the measures suggested make use of the available derogation/modulation possibilities in the directives.

2.2. Potential impacts of the reduction measures on the prevention and reduction of work-related accidents and diseases in general

This section will assess the potential impacts of the measures on the prevention and reduction of work-related accidents and diseases in general.

A short presentation of each of the measures is provided together with a description of the expected outcome on reduction of administrative burdens of implementing the measure. This description is mainly based on the information available in the annex¹⁸ of the communication on The Action Programme. Secondly the status/progress is described. This is based on the information available in the annex mentioned above, but has also been qualified by input provided in the interview with representatives of the EU Commission (DG Employment). Lastly, considerations on the general effect of the measures are presented, mainly based on comments received from a number of experts interviewed in connection with this study (see the list of interviewees in Annex 1 and the Interview Guide in Annex 2). It should also be mentioned at this point that several aspects of the proposed reduction measures will be discussed in more detail later in this report. The comments provided here thus do not constitute a full conclusion with respect to all the individual proposed measures.

2.2.1. Exempting very small firms from having to produce a written assessment of the risks to health and safety

Description of the measure

Member States could be given the possibility to exempt very small firms undertaking certain low risk activities from having to produce a written risk assessment. Such a perspective needs first to be discussed in the tripartite Advisory Committee on Safety and Health at Work. The suggested derogation/modulation is an already existing possibility in the Directive and does not require a modification of the legislation.

¹⁸ http://ec.europa.eu/enterprise/policies/better-regulation/documents/files/com_2009_544_annexes_en.pdf

Description of the expected Outcome

The suggestion has a substantial burden reduction potential for small enterprises, as the total administrative burden stemming from the obligation to provide a risk assessment is estimated to EUR 2.7 billion.

Progress

The measure is still "under consideration". DG Employment is studying the possible effects of this measure, as it is regarded as one of the most fundamental obligations in the framework directive and of the aquis. For that reason, DG Employment is focused on ensuring that such a burdens reduction measure would not compromise achievements in terms of the level of protection.

To assess the impact of introducing the measure at hand, DG Employment intends to implement a two-pronged study which will first involve asking the Member States about the current situation of small firms with regard to the obligation to produce the written risk assessment. Subsequently the intention is to launch a study to inquire more in-depth into the costs and benefits of such a measure.

Comments on effect

This proposed measure is by far the most controversial, as it concerns one of the key principles of the legislation, namely that of companies having to produce a written risk assessment.

In relation to administrative burdens, opinions on the effect of exempting the very small companies from the obligation to produce a written risk assessment vary considerably.

A few of the respondents do not believe that the administrative burdens will be reduced by the exemptions as the actual writing of the risk assessment is a relatively small part of the overall effort to prevent accidents. However, most of the interviewed experts agree that the burden of preparing a written risk assessment is high and that the burdens increase the smaller the companies are. Experience from Germany, where the transposition of the framework directive initially exempted micro sized companies from the obligation to produce a written risk assessment shows that, while almost all medium-sized and large companies prepare the written risk assessment, only 50-60% of the micro sized companies do the same. The primary explanations for this are that the micro sized companies do not see the point of the risk assessment as accidents are a rare occurrence at company level. Furthermore, the micro companies generally do not have the financial and intellectual resources to comply with this obligation¹⁹ (cf. also section 3.2 of this study).

While respondents do not agree on the burden level, they do agree that removing the requirement will have important legal implications for the workers. In particular, the connection between the information obligation and prevention of accidents is highlighted, since prevention needs to be based on a proper assessment of actual risks²⁰. Furthermore the risk assessment is seen as an essential basis for facilitating workers' participation in risk mitigation (a legal obligation under Directive 89/391) and as documentary evidence that can be examined by a labour inspector²¹. Furthermore, in case of an accident the employee still has to prove that a risk assessment has been made, so the 'normal employee' would prefer to have something in writing, otherwise there is the risk of a liability issue²².

¹⁹ Interview with Institute for Occupational Safety and Health of the German Social Accident Insurance (IFA/DGUV)

²⁰ Interview with ETUI

²¹ Interview with OSHA

²² Interview with Lieven Monserez

The implications for legal liability also apply to the employer, which also makes it difficult for employers to be in favour of a complete abolition of the risk assessment²³.

To overcome these complex issues several of the interviewed experts are in favour of identifying a middle ground for micro (and other small) companies where administrative burdens are reduced and the risk assessment is kept in place in a simplified and sector specific form. A **simplified or basic risk assessment** will reduce the level of complexity for companies and will be especially relevant for companies without specific risk. At the same time, **a sector specific approach** is suggested as risks and therefore risk assessments are very different between sectors, for instance between construction, agriculture, and retail. This requires a **high level of guidance** on the part of the implementing authorities and it is suggested that global sector or branch level risk assessments are produced at a high level (eg. trade organisations, universities, or by governments) and then implemented by individual companies to suit their specific production lines and risk. An example could be hairdressers: with a global risk assessment in hand, the individual salon owner would have all relevant information and considerations at his/her disposal and can perform a simple check of whether the salon uses eg. the chemicals mentioned etc., thus using collective information and adapting it to their own workplace²⁴.

2.2.2. Facilitate lighter transpositions by Member States of the Health and Safety of Workers Framework Directive

Description of the measure

Implementation options, and in particular the derogation possibilities and the limits for exemptions laid down in the framework directive are sometimes very difficult to establish for Member States. Better guidance through explanation of the relevant provisions that allow for flexibility in the implementation, e.g. by taking into account the size of the companies, the sector of activities and the nature of the risks, could increase, where appropriate, the use of these options. The suggested guidelines would not constitute a derogation/modulation in the Directive and do not require a modification of the legislation.

Description of the expected Outcome

Better guidance for Member States could facilitate their transposition and enforcement of the obligations laid down in the framework directive, and would thereby facilitate burden reductions for businesses in each Member State.

Progress

The measure is still “under consideration” and no concrete action has been taken. DG Employment is at this stage of the process discussing the measure internally.

Comments on effect

Respondents agree that this is a crucial point and that understanding of the purpose of the law and the possibilities for implementation should be given more attention. For instance, information on “what is a risk assessment” and the definition of the notion of “risk assessment” needs to be strengthened as even experts within the field have very different understandings of the concepts.

²³ Interview with UEAPME

²⁴ Interview with ETUI

Two information streams need to be improved in order to facilitate 'lighter transposition':

- Information from EU to the MS
- Information from the MS to employers and employees

One best practise example is found within the construction industry where the European trade union of construction workers and the European federation of employers of the construction industry have made some **good practical guidelines** related to the industry. The guidelines have been drawn up around 7 generic risks identified across the EU, and it is then up to the national social partners to apply these guidelines in a national context. This two-pronged approach, where the general identification of the most severe risks and the drafting of a common set of EU guidelines is handled at Community level, while the actual implementation is carried out at MS level, is considered very successful by interviewed experts. The guidelines have been based on experience and knowledge gathered in the course of accident prevention and protection against exposure to risk in the European construction sector, and this practical approach seems to explain the success of the guidelines in this specific case. The guidelines facilitate the transposition of the legal text, and are one type of instruments which can be used to strengthen transposition²⁵.

2.2.3. Making labour inspection visits more efficient

Description of the measure

While inspections are essential to achieve safety and health at work, they should be made less time-consuming for businesses, and compliant employers (e.g. low risk enterprises) should be rewarded by fewer inspection visits, and a risk-based approach should be applied. The Commission is considering the development of a common approach and to further facilitate exchange of Good Practices through the activities of the Senior Labour Inspectors' Committee (SLIC). The suggested derogation/modulation is an already existing possibility in the Directive and does not require a modification of the legislation. Nothing is specified in the directives in terms of approach or frequency of labour inspections. Therefore its up to the MS to set up a more efficient system.

Description of the expected Outcome

By applying a common risk-based approach for inspections in all Member States the administrative burdens for businesses could be further reduced.

Progress

The measure is still "under consideration" and DG Employment is in the process of deciding the procedure for this measure; it is considered important that the measure is analysed by the Senior Labour Inspectors' Committee.

Comments on effect

The interviewed experts agree that this measure will reduce the administrative burdens and that - with the right approach - the likelihood of risks increasing in workplaces as a result of making the visit more efficient is low.

It is suggested that inspections should be made more efficient by combining two principles:

- High risk sectors should be targeted for inspection
- "Cowboys"/black sheep (e.g. non-compliant companies) should be targeted

²⁵ Interview with Lieven Monserez

This combined, risk-based approach will have the advantages that burdens for compliant enterprises are reduced and that resources for inspections are focused on ensuring safety where the risks are highest. The disadvantage is of course that some businesses could 'lean back' and rest because they are not considered high risk. Hence, a two-pronged approach with random checks to prevent non-compliance among companies not specifically targeted is needed.

There are several examples of this type of risk-based approach from Member States which constitute good practice and which could provide inspiration for a common European approach:

A good example of this approach is the Danish "smiley system" where an initial check is made of all business and a 'smiley face' (angry, medium, happy) is given. In other words, individual businesses are rated according to their previous performance. The follow-up visits are based on the smiley rating, with businesses performing poorly being subject to more frequent and in-depth inspections. This system has been put forward by the ILO as a good practice approach²⁶.

Another MS that has already quite some experience in terms of a more risk-based approach to labour inspection is the United Kingdom. On the basis of, inter alia, the good practice of the UK Health and Safety Executive (HSE), common principles for inspection and enforcement has been defined²⁷:

Box 1 UK common principles for inspection and enforcement

- "Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;
- All regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted;
- No inspection should take place without a reason;
- Businesses should not have to give unnecessary information, nor give the same piece of information twice;
- The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions;
- Regulators should provide authoritative, accessible advice easily and cheaply;
- When new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed;
- Regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work, and
- Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene where there is a clear case for protection."

Taking into account the Hampton Review²⁸, the Health and Safety Executive of England and Wales has recently reformulated its principles of enforcement. They are now as follows:

²⁶http://www.ilo.org/wcmsp5/groups/public/ed_norm/relconf/documents/meetingdocument/wcms_103485.pdf

²⁷ P. Hampton, "Reducing administrative burdens: effective inspection and enforcement", HM Treasury, 2005, page 7.

²⁸ Ibid.

1. **Proportionality:** Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (dutyholders) expect that action taken by enforcing authorities to achieve compliance or bring dutyholders to account for non-compliance should be proportionate to any risks to health and safety, or to the seriousness of any breach, which includes any actual or potential harm arising from a breach of the law;
2. **Targeting:** Targeting means making sure that contacts are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are last well controlled; and that action is focused on the dutyholders who are responsible for the risk and who are best placed to control it – whether employers, manufacturers, suppliers or others;
3. **Consistency:** Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends;
4. **Transparency:** Transparency means helping dutyholders to understand what is expected of them and what they should expect from the enforcing authorities. It also means making clear to dutyholders not only what they have to do but, where this is relevant, what they don't;
5. **Accountability:** Regulators are accountable to the public for their actions. This means that enforcing authorities must have policies and standards against which they can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.²⁹

The Spanish region of Aragon has also applied a more targeted approach to labour inspection visits since 1999. The objective has been to identify businesses with health and safety problems, and to demand that these businesses introduce effective prevention measures. By comparing the number of accidents in each company with the total number of accidents in the sector, businesses with the same activities could be compared. About 1.7% of companies were found to be responsible for 32% of all accidents.

These companies were confronted with their poor record. They were asked about the large number of accidents, the remedies put in place and if they needed any assistance. It was also made clear to them that their performance was worse than that of their competitors, and that was clearly effective; most businesses soon took action. The approach was found to be hugely successful. The number of accidents in the companies concerned fell by an average of 30% per year. Other Spanish regions have followed the example set by Aragon, in some cases with even better results.

The businesses where performance remained poor participated in the Good Occupational Risk Prevention Practices Programme. This programme included meetings with businesses in the same industry who operated successful prevention policies. Some of the companies giving advice had only recently improved their performance and could therefore share recent experience³⁰.

The Dutch Labour Inspectorate is currently undertaking a more pro-active approach to labour inspection visits, as described in the box below.

²⁹ Health and Safety Executive, "Enforcement Policy Statement", February 2009, pages 3-6.

³⁰ Dutch Ministry of Social Affairs and Employment, "Towards Effective Intervention and Sector Dialogue in Occupational Safety and Health", 2004, pages 9 and 10

Box 2 Dutch Labour Inspectorate approach

Based on the results of the risk assessment conducted by means of an occupational risk model (ORM)³¹ the main health hazards and the main risk factors can be determined for each sectoral activity. The ORM was developed by an international consortium of leading scientists at the request of the Dutch Ministry of Social Affairs and Employment. The model helps companies to pinpoint the risks and take action to reduce accidents. It contains exposure data on activities and specific working conditions for the Dutch workforce. The ORM provides insight into the causes and consequences of occupational accidents. Measures to prevent these accidents are also outlined, including the costs involved. In the first instance the risk management system is intended for individual companies. The Labour Inspectorate expected them to use the results to reduce occupational safety hazards effectively and efficiently by choosing the most cost-effective risk-reducing group of measures. Employers, employees, and the government can also use the results to further develop occupational safety policy. The system also makes it possible to distinguish between sectors, company sizes and the track records.

Based on the results of the ORM, the Labour Inspectorate can target its inspection visits based on the following principle: "Soft where we can; hard where we must." ("Zacht waar het kan, hard waar het moet"). In practice, this means, for instance, that the labour inspection visits can be targeted to those sectors that pose the highest risks in terms of occupational health and safety. The analysis can also help determine the characteristics of employers who take the least care in observing the health and safety legislation. In this way, it is possible to determine who "the cowboys" in a given sector are who should thus be the real targets of inspection visits. In this way, the Dutch Labour Inspectorate aims to keep the number of pro-active labour inspection visits at 20,000 visits a year³².

2.2.4. Improving the guidance for construction site enterprises

Description of the measure

A Guidance document on safety and health requirements at temporary or mobile construction sites is in preparation by the Commission in cooperation with the tripartite "Advisory Committee on Safety and Health at Work". It aims at helping stakeholders to better understand and apply in practice the regulations concerning temporary and mobile construction sites. The suggested guidelines would not constitute a derogation/modulation in the Directive and does not require a modification of the legislation.

Description of the expected Outcome

The document will contain examples and best practices to help companies in the field to correctly apply the rules in a more efficient way. If companies know how to easily deal with the issues, notably to identify what risks the workers are exposed to, how to establish the different health and safety documents required, etc., the need for external consulting and expertise is expected to be reduced.

Progress

The measure is still "under preparation". DG Employment reports that the guide is currently in the final stages of editing and is to be published and implemented shortly. The guide is aimed directly at companies but MS are free to adapt the guide to national specificities.

³¹<http://www.arbeidsveiligheid.arboportaal.nl/index.php?objectID=344&SZW=ej7m5p5damsiv269ou4peogug2>.

³² Arbeidsinspectie, "Jaarverslag 2007", page 9 and "Jaarplan 2009", page 10.

Comments on effect

The measure is not controversial and only positive effects (or, in the worst case scenario, no effects) are expected from improving the guidance for companies.

2.2.5. Easing the drafting of risk assessments on health and safety in businesses

Description of the measure

Guidance, tools and check-lists on risk assessment have as their aim to make it easier for businesses to draw up proper risk assessments through simple tools and checklists. The suggested guidelines would not constitute a derogation/modulation in the Directive and do not require a modification of the legislation.

Description of the expected Outcome

At EU level, action on this measure has been taken by the European Agency for Safety and Health at Work (OSHA) which is developing an interactive on-line risk assessment ("ORA") tool, to facilitate the risk assessments made by SMEs. It is expected that the tool will improve the companies' abilities to perform risk assessment and at the same time increase awareness of risk assessments among employers.

No other activities under this measure are currently reported as being considered.

Progress

The measure is still "under preparation" but significant progress has been made with the development of the ORA tool. DG Employment considers the ORA to be a very important measure, in particular in micro-enterprises, because it covers all elements of the risk assessment. The tool is seen as potentially having a very significant impact since public authorities and social partners are working together, and because it aims to be a very practical tool - free of charge, easily accessible, and sector specific. The tool is expected to be available by the end of 2010 or the beginning of 2011.

Once implemented, the tool is expected by OSHA and DG EMPL to entail important savings for SMEs and help increase the safety of the workers.

Comments on effect

The interviewed experts agree that the ORA is potentially an important tool but emphasise that the tool must be of a very high quality if it is to make a difference. Marks of quality include:

- High degree of tailoring to eg. national and sector specific requirements, which means including MS and trade organisations in drafting national versions
- Being accessible in all local languages
- Language must be layman's language to make it easily understandable to companies
- Drafted from a business perspective
- Easily accessible to companies at a local level – eg. SMEs are not able to find the guidelines in the large and complex structure of the EU web-pages
- It should be short – a 100 page long guideline will not be read
- Include checklists and questionnaires

Some doubt is expressed by several experts as to whether the tool developed by OSHA will actually be sufficiently simple and sector-specific to be used widely by enterprises.

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For a further discussion of tools for risk assessment, in particular ORA, and examples of other forms of guidance and tools, cf. section 3.4 of this report.

2.2.6. Improving ways to handle key information on carcinogens

Description of the measure

The Directive on carcinogens foresees the obligation to carry out a risk assessment for a number of substances and define information on substances that should be made available to competent authorities. The review of that Directive and the number of substances it covers is under way. It will in particular focus on whether risk assessment and notifications can be improved, in order to maintain safety standards and suppressing unnecessary burdens, if any. Since it is not clear what kind of changes are foreseen in the simplification, it is not possible to assess whether modifications to legislation would be needed.

Description of the expected outcome

No description is available at this point in time.

Progress

The measure is still “under preparation”, as DG Employment is in a preparatory stage of a future EU initiative to amend this directive, based on an external study of potential economic and social impact of a future initiative. The aim will be to include some new substances in the directive. It is however not clear at this point how and to what extent such a revision will have an effect on administrative burdens.

Comments on effect

Few comments from experts relate to this measure, but one comment relates to the fact that several different registers of employees who work with carcinogens exist in the different professional sectors. Harmonisation of this at EU level would be desirable although difficult due to different traditions between MS.

Table 3 Summary of proposed measures for reducing administrative burdens

Suggested simplification	Measures	Expected outcome	Modification/ Existing Derogation	State of Progress	Likely impact for workers' prevention: positive/negative
Exempting very small firms from having to produce a written assessment of the risks to health and safety (Directive 89/391/EEC)	Exempt very small firms undertaking certain low risk activities from having to produce a written risk assessment	Significant burden reduction for very small enterprises	Existing	Under consideration. DG Employment is studying the possible effects of this measure	Negative
Facilitate lighter transpositions by Member States of the Health and Safety of Workers Framework Directive (Directive 89/391/EEC)	Better guidance by explaining the relevant provisions that allow for flexibility in the implementation	Facilitate the transposition and enforcement and thereby facilitate burden reductions for businesses in each Member State	No legal basis needed to introduce measure on MS level	Under consideration. No concrete action has been taken as yet	Uncertain
Making labour inspection visits more efficient (Directive 89/391/EEC)	A common approach to labour inspections and to further facilitate exchange of Good Practices through the activities of the Senior Labour Inspectors' Committee (SLIC)	By applying a common risk-based approach for inspections in all Member States the administrative burdens for businesses could be further reduced	No legal basis needed to introduce measure on MS level	Under consideration. DG EMPL is in the process of deciding the procedure for this measure	Positive
Improving the guidance for construction site enterprises (Directive 92/57/EEC)	Guidance document on safety and health requirements at temporary or mobile construction sites	Support to companies to identify what risks the workers are exposed to, how to establish the different health and safety documents required, etc. Expectations is that the need for external consulting	No legal basis needed to introduce measure on MS level	Under preparation. The guide is currently in the final stages of editing, and will soon be implemented	Positive

Suggested simplification	Measures	Expected outcome	Modification/ Existing Derogation	State of Progress	Likely impact for workers' prevention: positive/negative
		and expertise will be reduced, hence cost savings			
Easing the drafting of risk assessments on health and safety in businesses (Directive 89/391/EEC)	Guidance, tools and check-lists on risk assessment have as their aim to make it easier for businesses to draw up proper risk assessment through simple tools and checklists	Development of an interactive on-line risk assessment ("ORA") tool, to facilitate the risk assessments made by SMEs	No legal basis needed to introduce measure on MS level	Under preparation. The tool is expected to be available by the end of 2010 or the beginning of 2011	Positive
Improving ways to handle key information on carcinogens (Directive 2004/37/EC)	A review of the Directive and the number of substances it covers is under way.	No outcome identified yet The review will in particular see if risk assessment and notifications can be improved, in order to maintain safety standards and suppressing unnecessary burdens, if any	N/A	Under consideration, studies will be launched	N/A

2.3. Key findings

The EU Action Programme on reducing administrative burdens in the European Union, presented by the Commission in 2009, proposed eight measures for reducing administrative burdens in the priority area *Working Environment*. Of these, two have already been adopted and will not be considered further in this study.

For the six proposals still under preparation, the following key findings were made:

Exempting very small firms from having to produce a written assessment of the risks to health and safety

This proposal is by far the most controversial, as it concerns one of the fundamental obligations of the *acquis*, namely that of companies having to produce a written risk assessment. It is still under consideration/preparation and will be subject to in-depth study by DG EMPL before any concrete action is taken. Overall, a complete removal of this obligation for the smallest companies is not met with approval from experts. Instead, a more differentiated, risk-based approach and/or simplified approach is generally favoured. The effects of cutting down on OSH obligations will be discussed further in the following section.

Facilitate lighter transpositions by Member States of the Health and Safety of Workers Framework Directive

The measure is still under consideration and no concrete action has been taken. There is general agreement that this is a crucial point and that understanding of the purpose of the law and the possibilities for implementation should be given more attention. The effect of such a measure on the prevention effort is uncertain.

Making labour inspection visits more efficient

The measure is still under consideration. There is widespread agreement that this measure will reduce the administrative burdens and that - with the right approach - the risk that the prevention effort will be adversely affected as a result of making the visits more efficient is low. A number of good practice examples of "risk-based" approaches are available from Member States and could serve as inspiration for a common EU approach.

Improving the guidance for construction site enterprises

A Guidance document on safety and health requirements at temporary or mobile construction sites is in preparation by the Commission in cooperation with the tripartite "Advisory Committee on Safety and Health at Work". The document will contain examples and best practices to be used by companies in the field to correctly apply the rules in a more efficient way and is not expected to have any negative consequences (rather, positive) for the level of OSH.

Easing the drafting of risk assessments on health and safety in businesses

Action on this measure has been taken by the European Agency for Safety and Health at Work (OSHA) which is developing an interactive on-line risk assessment ("ORA") tool. This on-line tool is intended to facilitate the risk assessments made by SMEs, reducing the workload and can therefore not be foreseen as having any negative impact on OSH - rather, the contrary. Questions have however been raised about how useful the tool will actually be for the companies.

Improving ways to handle key information on carcinogens

A review of the Directive and the number of substances it covers is under way. It will in particular consider whether risk assessment and notifications can be improved, in order to maintain safety standards and suppressing unnecessary burdens, if any. However, at this stage it is not possible to determine which effects this will have.

3. COSTS AND BENEFITS OF COMPLIANCE WITH OSH OBLIGATIONS

The initiatives aimed at identifying and reducing the administrative burdens in the area of working environment and employment relations focuses on the *cost aspect* of OSH regulation. The *benefits* that enterprises achieve from complying with OSH obligations were not considered. This section looks into what these benefits are, whether such benefits can be quantified, and the extent to which companies – especially SMEs - actually live up to their OSH obligations. Ways to measure the outcomes of OSH management (indicators) and tools to support risk assessment are also discussed. Finally, the effects of cutting down on OSH obligations are considered.

3.1. OSH compliance and financial benefits

A number of common success factors have been identified in businesses that demonstrate the links between health, safety and productivity (e.g. a good working environment, high-quality levels of co-operation between management and employees etc.)³³. However, establishing a cause-effect relationship between an effort to improve OSH and quantifying the benefits of that effort, is often not easy - especially where SMEs are concerned. For instance, a British study on benefits of effective management of OSH found that “SMEs rarely systematically or comprehensively track the costs and benefits of undertaking a particular initiative, particularly where health and safety is integral to management...In general, it proved very difficult to identify organisations within the SME sector that could fulfil the criteria of being able to quantify business benefits as a result of health and safety initiatives”.³⁴ A recent literature review carried out by EU-OSHA came to the same conclusion, finding few studies that focused specifically on OSH interventions within SMEs and the business benefits of linking OSH with economic performance.³⁵

The high costs of work-related accidents and health problems are well-documented. It was estimated that in EU27 in 2007, accidents at work resulted in minimally 83 million calendar days of sick leave, and work-related health problems led to a minimum of 367 million calendar days of sick leave³⁶.

The costs of accidents are of particular concern to SMEs, which account for 82% of all occupational injuries and 90% of all fatal accidents. The impact of a serious OSH incident could be catastrophic for a small enterprise. A serious incident can lead to closure of a business due to the direct costs of dealing with the incident or the loss of contracts and/or customers. For example, research has shown that 60% of companies that have a disruption lasting more than 9 days go out of business. The relative impact is greater than on comparable large enterprises, and it is far more difficult for SMEs to recover from an OSH incident; key workers cannot be easily or quickly replaced; short-term interruptions of business can lead to loss of clients and important contracts; and even small incidents and cases of ill health can multiply the level of sickness absence.³⁷

Thus, there are direct and measurable benefits associated with good OSH management in the form of *reduction of the costs* associated with accidents or work-related health problems. Types of costs which can be reduced through improved OSH include for example:

³³ Department of Labour New Zealand (2007) 'How Health and Safety Makes Good Business Sense'

³⁴ Health and Safety Executive (2006)

³⁵ European Agency for Safety and Health at Work (2009a), p. 9.

³⁶ Eurostat (2010), pp. 8 and 10. These figures do not include the persons that expect never to work again.

³⁷ European Agency for Safety and Health at Work (2009a)

- reduced sick pay and absenteeism for workers due to accidents and illness
- reduced compensation claims
- fewer stops in production
- lower insurance premiums

In the scientific literature, there is consensus about the fact that workplace health promotion pays off for companies by reducing medical costs and decreasing sickness absenteeism from work.³⁸

Such reduction of costs represents the traditional way of looking at the economic benefits of improving OSH but benefits can also be considered from an “intangible assets” point of view. Thus, it can be claimed that OSH is a part of the intangible assets of a firm, for instance by improving the company’s reputation. Corporate social responsibility (CSR) becomes more and more important in a global perspective, since people increasingly want to consume in a responsible way. The way staff is treated in companies is a part of CSR³⁹. Other important benefits mostly associated with *improved productivity* through better OSH stem from factors such as:

- improved organisation of work
- good working environment, increased employee satisfaction
- reduced staff turnover.

Whereas reductions in costs such as those outlined above (reduced sick pay etc.) can often be relatively easily measured as they are directly visible, the intangible benefits may not always be easily measured. Assessment of costs and benefits is further complicated by the fact that, often, several initiatives taken at company level are implemented at the same time (for example health and safety actions taken along with measures in the field of human resource and/or restructuring of working methods within the company etc.). This makes it difficult to link a specific (OSH) initiative to a specific effect, such as improved productivity equalling increased profits.

In the interviews, a number of **examples of OSH management** were cited as being beneficial for productivity and economic performance of companies:

Measures to decrease the **number of accidents through better organisation of the workplace** can have a positive impact on productivity. This was especially highlighted in the construction sector. One way of doing this is to ensure that the site is well organised. If the daily work is well planned and if the construction site is cleaned every day, the risk of accidents decrease, and the productivity is likely to increase as the work flows better, with fewer interruptions. The construction sector also often suffers from **bad coordination** among the different companies working at the construction site. Bad coordination can affect productivity directly in the sense that the companies get in each other’s way and are thus less effective. Insufficient coordination may also affect the psycho-social working conditions, resulting in more sick leave, more resignations and a consequent decrease in productivity.

In other sectors, where the majority of the work is carried out in offices, **good work positions** (ergonomics) are highlighted as important for avoiding repetitive strain injuries, muscle strains, chronic back pain and the like, which may all decrease productivity if the worker becomes incapable of for instance using a mouse or is in great pain while doing so.

³⁸ Sockoll et al. (2009), p. 52.

³⁹ Interview with Guy Ahonen, Finnish Institute of Occupational Health

On a national level, the UK Health and Safety Executive runs a better business campaign, where tools are presented on how to increase security in the work place. In addition, good practise examples from enterprises are provided. Below is presented an example of a UK scaffolding company which has reaped benefits from increasing security at the work site:

Box 3 Reaping benefits from increased OSH – an example from the UK

A UK scaffolding company wished to expand its business and realised that to make this transition, the materials and services provided needed to be efficient and of the best quality.

The company therefore did the following:

- Employed an external safety advisor who visits once a month, to provide specific health and safety advice
- Invested in high quality scaffolding that has a life span of 25 years (considerably longer than many other systems on the market)
- Trained all employees in the safe use of the scaffolding
- Started discussing health and safety issues on a day to day basis – as ‘part of the culture’

The following benefits were reaped:

- Reduction in insurance premiums from £36,000 to £15,500 over four years
- Enabled Data Scaffolding to move the focus of the business from the domestic housing market to major construction projects with higher returns
- More efficient working because the ease of use enables two men to complete the same work as three men, saving approx £70 per man day, per job

Source: Health and Safety Executive, UK, www.hse.gov.uk

Another factor that may not directly affect enterprises’ productivity, but rather their reputation and thereby possibly their sales, is the safety standards and working environment at **subcontractor sites**. More and more production takes place in supply chains where it is necessary to make demands on subcontractors in order to avoid unethical work procedures which may compromise the company’s reputation⁴⁰.

It is however also important to not only look at the companies’ productivity, but to also consider the general health of the society. For instance, work-related cancer is not necessarily a problem for enterprises’ productivity, as it takes years to develop after the exposure. Here, the cost to society of treating a cancer patient as well as the general health level of society is at stake, rather than the direct cost to enterprises.⁴¹

Finally, when considering the financial benefits of OSH, it must be taken into account that the socio-economic context differs between MS, with quite considerable variations in insurance and social security systems. An illustrative example of this is the difference in the obligations of companies to pay employees while they are on sick leave⁴². The box below provides some examples from several Member States.

⁴⁰ Interview with the Danish Institute for Working Conditions

⁴¹ Interview with European Trade Union Institute (ETUI)

⁴² Interview with Laurent Vogel, ETUI.

Box 4 Examples of employers' sick pay obligations, selected MS

The Netherlands: Employers are liable for payment of wages for the first two years of sick leave absence, with some variation of this practice normally incorporated in the conditions of employment. A generally accepted rule is that the employer will pay 170% of the salary in total for two years: usually 100% in year one and 70% in year two. Employers with fewer than 100 employees will insure against sick leave payments, while larger ones will self-insure.

France: Provided the employee has had at least one year of employment, social security will pay a partial reimbursement after the first 3 days of sickness. Depending on the Collective Bargaining Agreements (CBA) in place, the employer will pay for the first three days and/or is required to maintain the salary during a certain period defined by law or as outlined in the CBA. On average, employers pay between 30 and 90 days of sick leave. They take out insurance to pay a minimum amount to employees after 90 days of sick leave. This frequently totals 80% of the employee's gross salary, including social security.

Germany: Employees can count on full payment by the employer for the first 42 days of sick leave absence. After 42 days, statutory health insurance pays for 70% of gross salary (or a maximum 90% of net earnings) up to a specified maximum. Additional short-term sickness insurance bought by employers is not common practice.

Hungary: The employer is obliged to pay sick leave for the first 15 days. After this period, employees are entitled to sick pay, amounting to between 60% and 70% of the average daily wage, depending on the length of employees' health insurance contributions, paid by the National Health Insurance Fund.

Ireland: Employees generally have no right under employment law in Ireland to be paid while on sick leave. Consequently, it is at the discretion of the employer to decide his/her own policy on sick pay and sick leave, subject to the employee's contract or terms of employment.

Sources:

Netherlands, France, Germany: AON Consulting (2010): The European Sick Leave Index: Fresh Insights into Sick Leave Absence

Hungary: EWCO, European Working Conditions Observatory, "Stricter sick leave rules results in insurance savings", <http://www.eurofound.europa.eu/ewco/2009/10/HU0910029I.htm> (updated March 2010)

Ireland: The Irish « Citizens Information » website, http://www.citizensinformation.ie/categories/employment/employment-rights-and-conditions/leave-and-holidays/sick_leave

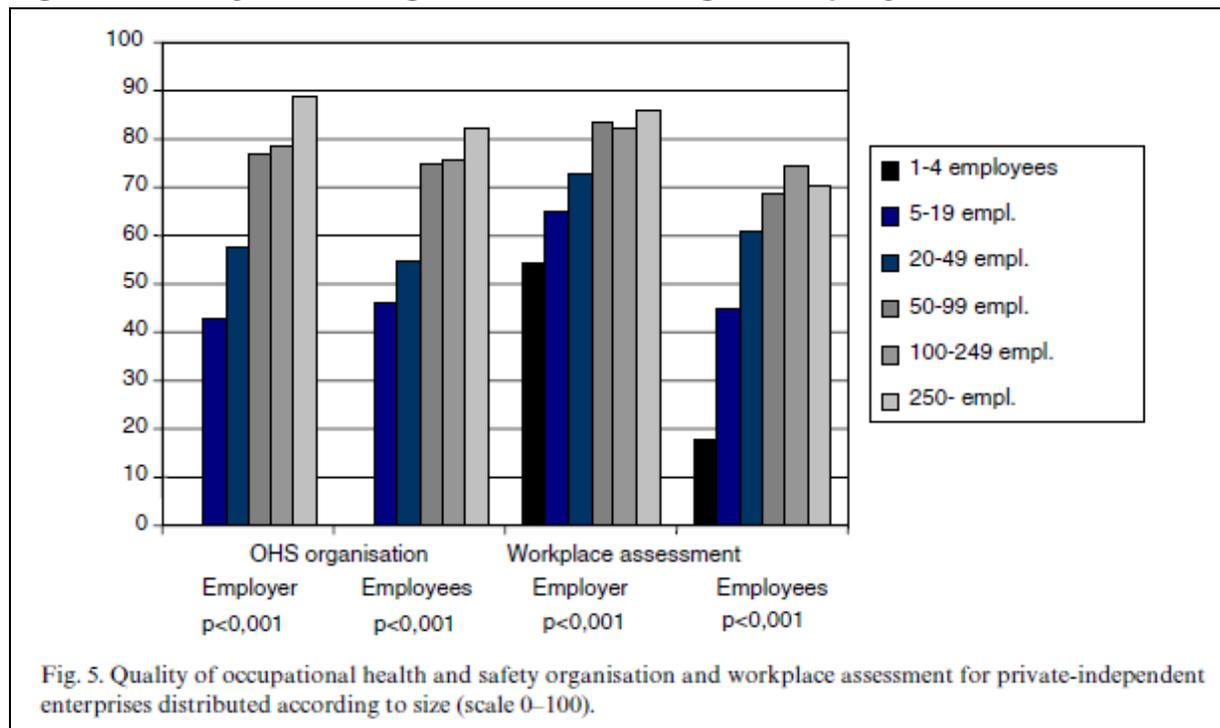
Sick pay is one of the most important cost factors for companies in relation to OSH, and these striking differences in the sick pay rules imply that there is no common EU-wide determinant of the costs to employers of absenteeism due to employee sickness. Thus, the direct financial benefits for employers of investing in OSH will vary considerably. This means that it may, to some extent, be irrelevant to try to argue this point broadly across EU since the differences in national context call for specific national arguments towards employers. However, it also means that the importance of making companies aware of other types of benefits in addition to those directly related to reduced costs of absenteeism – in particular the "intangible" benefits discussed above – increases.

3.2. Safety management obligations in SMEs

An issue that comes across very clearly from the literature is that the size of the company has a significant impact on the extent to which safety management obligations are carried out, and their quality. For instance, a Danish study found that the quality of OSH activities in the enterprise was closely related to the size of the enterprise, as illustrated in Fig. 1 below. Thus, the study concluded that "In all enterprises, both public and private, the quality of health and safety management systems and workplace assessment is remarkably higher in large than in small enterprises"⁴³.

⁴³ Sørensen et al. (2007), p. 1046.

Figure 1 Quality of OSH organisation according to company size

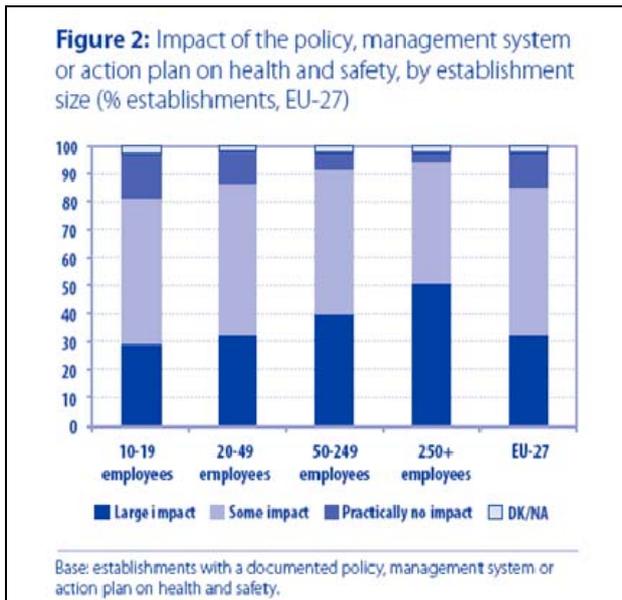


Source: Sørensen et al. (2007), p.1052.

A recently published OSHA study (ESENER)⁴⁴ found that a documented OSH policy, established management system or action plan exists in the majority of establishments in the EU (76%), but with a higher incidence noted in larger establishments. The ESENER study also found that the larger an establishment, the more likely it is to judge the documented policy as having a large impact. Thus, 16% of establishments with 10 to 19 employees ascribed practically no impact to these measures compared with only 3% of establishments with 250 or more employees (cf. Figure 2, below). This picture was largely the same across all sectors of activity.

⁴⁴ European Agency for Safety and Health at Work (2010). The report uses the term « establishment » since it covers both private and public organisations, with 10 or more employees.

Figure 2 Impact of documented OSH policy by size of establishment

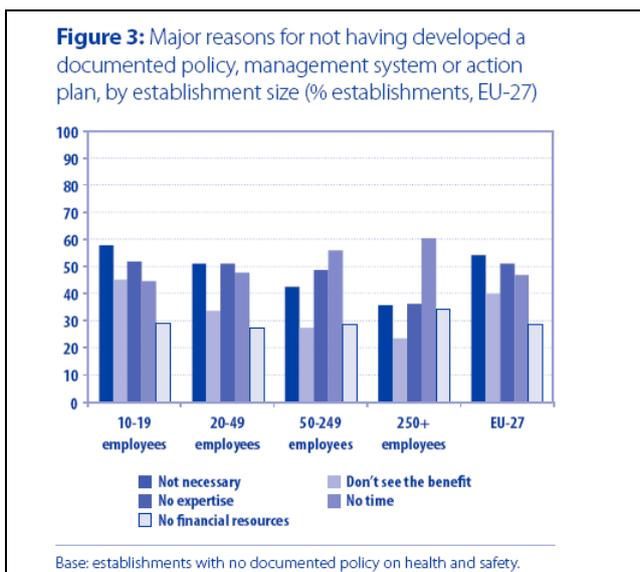


Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, European Risk Observatory Report, p. 23.

The reasons provided by the respondents in the ESENER survey for not having developed a documented OSH policy (cf. Figure 3, below) included:

- documented policy is not necessary on account of the health and safety risks in the establishment
- don't see the benefit
- lack of expertise to develop a documented policy
- lack of time
- lack of financial resources.

Figure 3 Major reasons for not having developed a documented OSH policy, by size of establishment



Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, European Risk Observatory Report, p. 24.

Interestingly, there was quite a difference in the significance of these reasons between different sizes of companies, as can be seen from Figure 3. The smaller the company, the more often the reasons “not necessary” or “don’t see the benefit” was given. The report raises the question whether the prominence of these responses, in particular among the smaller establishments, is in fact linked to an absence of risks or is actually associated with a lack of awareness. “Lack of expertise” was also a factor that was more important for smaller establishments than for larger ones. On the other hand, “lack of financial resources” did not differ much between different company sizes, whereas “lack of time” was actually more prevalent in larger establishments. The study concludes that knowledge-related barriers (lack of awareness, lack of expertise or don’t see the benefit) become more important as company size decreases, whereas resource-related barriers (lack of time or financial resources) are more important in the larger enterprises.⁴⁵

This distinction between barriers related to lack of awareness and knowledge versus barriers related to resources is interesting, as a lack of resources is often cited as a major reason for problems of complying with OSH obligations in SMEs (cf. also below). But perhaps it is, after all, more a question of motivation and awareness.

The interviews carried out in connection with this study largely support the findings reported above. Several interviewees offer explanations along the same lines, namely that the larger the company, the easier it is to implement safety management obligations. One interviewee aptly formulated the core of the problem: In small companies, there are two kinds of risk: one kind is related to the company’s branch or industry, and determined by the kinds of activities the company carries out – i.e., it is not related to company size. The second kind is the specific risk that stems from a lack of adequate management and culture of OSH management in the company, and which is often found in small companies⁴⁶.

SMEs face the same issues as larger companies, but have a smaller workforce to handle the issues. Larger companies often have a health & safety engineer responsible for carrying out safety management obligations, which is not the case in most SMEs. Especially the smallest companies are often run by an owner-manager who often does not have the resources, and in many cases neither the skills nor the inclination, to effectively implement OSH measures. Procedures and planning is often informal and not necessarily written down. Literature also points to a “preference for informality and an antipathy towards external regulation”⁴⁷ as a barrier to proper implementation of OSH activities in small enterprises. A report from the European Network for Workplace Health Promotion stated that “SMEs have great difficulty in putting these regulations [the Framework Directive 89/391/EEC and the transposed national measures] into practice. Smaller businesses are often only motivated to fulfil statutory requirements by the threat of punitive action”⁴⁸.

Results from the ESENER study show that the overwhelming majority of workplaces carry out a workplace check or similar measure in the context of a risk assessment⁴⁹, with 87% of respondents indicating that such checks are carried out in their establishment. As could be expected, there was a positive correlation with company size, but the difference between the smallest and largest size classes was small (approximately 10%), cf. Figure 4 .

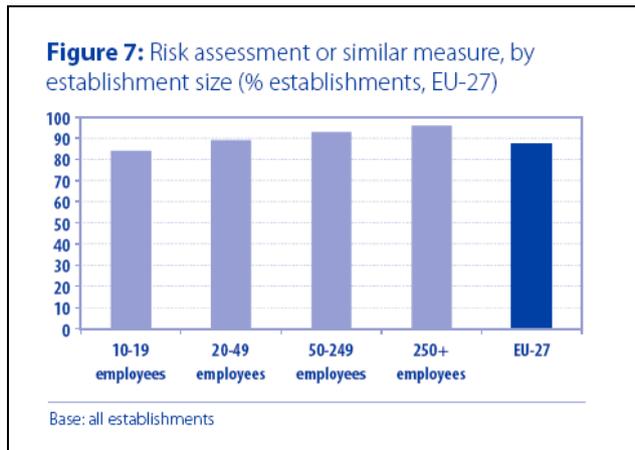
⁴⁵ European Agency for Safety and Health at Work (2010), p. 24.

⁴⁶ Interview with Laurent Vogel, ETUI

⁴⁷ Arrowsmith et al (2003) , cited in Vickers et al. (2005)

⁴⁸ The European Network for Workplace Health Promotion (2001a), p. 6.

⁴⁹ European Agency for Safety and Health at Work (2010), p. 26. Risk assessment is a ‘formal procedure’ in that there are clear guidelines setting out the key steps and there is a legal obligation to make a written record. However, in order to be able to explore more ‘informal’ procedures that are likely more prevalent among smaller establishments, ESENER asked whether workplaces are ‘regularly checked for safety and health as part of a risk assessment or similar measure’.

Figure 4 Risk Assessment or similar measure, by size of establishment

Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, European Risk Observatory Report, p. 26.

Behind these positive numbers, however, remain doubts concerning the quality of such checks, the proportion that actually carry out a risk assessment rather than just a check, and the type of health and safety culture in the enterprises⁵⁰. According to interviewees there is, however, a tendency in several MS towards more and more small and micro-companies complying with the rules. In this respect, social partners and professional (industry) organisations play an important role in providing guidance and support to the SMEs and micro-enterprises⁵¹.

The ESENER survey also shows a wide difference between countries in the level to which enterprises contract risk assessment to external service providers. In general, smaller enterprises are more likely to contract out their risk assessment, but in some countries (e.g. Denmark and UK), even the smallest sized enterprises (10-19) usually carry out their risk assessment themselves. There is nothing wrong with contracting out risk assessment when there is a need for specialist expertise that is not available in-house, or when there is a legal obligation (as there is in Belgium and Austria, for example), but there are two main concerns. Firstly, there is a possibility that in contracting out their risk assessment, firms are at the same time contracting out their responsibility and that they are being instructed in the measures to take by someone who is not as familiar with their work as they are. Secondly, there is concern regarding the quality of the services available to enterprises⁵².

3.3. Indicators for measuring OSH effort and outcome

OSH is not usually viewed as a contributory factor to the economic viability of an organisation, as compliance with government guidelines, regulations and laws are generally perceived as the primary objective of an organisation's OSH activities. Awareness of the connection between effective OSH and the resulting financial benefits therefore could, and should, be improved⁵³, as discussed in the previous sections.

⁵⁰ European Agency for Safety and Health at Work (2010), p. 28.

⁵¹ Interviews with European Association of Craft, Small and Medium-sized Enterprises (UEAPME) and Institute for Occupational Safety and Health of the German Social Accident Insurance (IFA/DGUV).

⁵² European Agency for Safety and Health at Work (OSHA), written responses to questionnaire.

⁵³ European Agency for Safety and Health at Work (OSHA) (2009) 'Occupational safety and health and economic performance in small and medium-sized enterprises: a review

In terms of setting up indicators for measuring the effectiveness of OSH, the following indicators, which would measure outcomes directly, were highlighted during the expert interviews carried out for this study:

- Reduction of accident-rates compared with working hours
- Reduction of accidents
- Reduction of sick leave

With respect to indirect indicators of work-related illness, such as cancer and other long term diseases, they are clearly important. However these indicators suffer from long latency and can be influenced by a multitude of factors, which means that data, though widely collected, is less reliable than for the direct indicators.

The challenge for any measurement system will be to connect OSH policies, measures and activities to the outcome. To achieve this it will be necessary to also develop output indicators (activities such as risk assessment, trainings, support etc) and input indicators (cost of activities), in order to evaluate the possible link between outputs and outcomes, as well as an analysis of the costs of OSH policies, compared to direct workplace savings in terms of reduced outcome indicators.

In an ESENER survey carried out in 2009, OSHA decided to examine effectiveness of OSH by investigating one level below the direct outcomes such as accident rates and sick leave, and focus on examination of the management practices and procedures in place at the workplace. The indicators chosen for the management survey questionnaire⁵⁴ included notably existence of **procedures** (such as a documented policy, management system or action plan on OSH; routine analysis of sickness absence; existence of measures to support employees' return to work) and existence of **measures** (such as carrying out workplace checks; actions taken to follow up risk assessment, etc.). It also entailed **management** practices (such as to what extent OSH was discussed at high level management meetings), thereby also including the organisational/cultural aspects of H&S at work.

The survey⁵⁵ concludes notably that **line managers'** commitment is regarded as a key success factor in management of OSH, and also that larger establishments report a higher use of all types of **OSH services** such as: safety expert, occupational health doctor, general OSH consultancy, ergonomics experts, psychologists. Enterprises that do not have an OSH policy or do not carry out risk assessments or similar measures, report that these are not necessary or that they lack expertise as the key reasons. This was more frequent among smaller enterprises and in certain countries (cf. the discussion in section 3.2 of this report). Interestingly, legal complexity was not reported to be a main obstacle for the adoption of OSH policies.

Worker surveys with descriptors such as **Work satisfaction** or **Possibility of improving skills** could also contribute to better understanding the reasons behind lower productivity, by exploring and establishing the link between OSH measures and changes in direct indicators.

It could further be relevant to look beyond enterprises' productivity and focus on **social or sectoral inequalities in health**, investigating further if certain industries are more prone to work-related diseases than others.

⁵⁴The questionnaire can be found at http://osha.europa.eu/en/riskobservatory/enterprise-survey/questionnaires/ESENER-MM_final_20090219.pdf. The results of the survey are documented in the ESENER report referred to several times in this study: European Agency for Safety and Health at Work (2010)

⁵⁵ Ibid.

For instance, ETUI⁵⁶ states that construction workers experience more cases of work-related cancer, accidents etc. than other industries. In the table below, perceived OSH concerns per sector are illustrated, as reported in the ESENER survey.

Table 4 Health and safety concerns and sectors where they are most frequently reported to be of some or major concern (% establishments, EU-27)

ISSUES (%EU-27 AVERAGE)	SECTOR
Accidents (80%)	Construction (90%)
	Electricity, gas and water supply (87%)
Work-related stress (79%)	Health and social work (91%)
	Education (84%)
MSD's (78%)	Electricity, gas and water supply (87%)
	Health and social work (86%)
Noise and vibration (61%)	Mining and quarrying (84%)
	Construction (82%)
Dangerous substances (58%)	Electricity, gas and water supply (75%)
	Mining and quarrying (73%)
Violence or threat of violence (37%)	Health and social work (57%)
	Education (51%)
Bullying or harrassment (37%)	Health and social work (47%)
	Education (47%)

Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, Summary, p. 7.

It is possible that more targeted indicator systems would be beneficial, given the differences present between sectors, company sizes etc. Even if some key indicators need to be comparable between sectors, targeted indicators will be necessary in order to enable real causal analysis of costs and benefits, which would be directly relevant to companies considering to increase their investment in OSH work. For example, inputs (costs) and activities (outputs) will inevitably differ between measures to reduce accidents in the construction sector (such as inspections, check-lists, safety equipment) and to reduce work related stress in the educational sector (such as counselling, support measures, adaptation of work organisation etc). These differences need to be taken into account when developing an indicator and measurement framework, in order for monitoring to be relevant for companies' decision-making with respect to OSH investment.

3.4. Tools for risk assessment

As discussed in section 2.2.5 above, easing the preparation of risk assessments by companies is important for reducing administrative burdens, but is also an important element in improving the awareness and capabilities of companies – in particular SMEs – in the field of OSH. Although the ESENER survey showed that more than 80% of small companies carry out some form of risk assessment or similar measures, doubts are expressed concerning the quality of such checks, the proportion of companies that

⁵⁶ Interview with Laurent Vogel, ETUI

– actually carry out a risk assessment rather than just a check, and also concerning the impact (use) of such checks (cf. section 3.2, above). Thus, combining tools and guidance for risk assessment with efforts to increase awareness of companies of the link between OSH and the resulting direct and indirect benefits could help improve the overall level of OSH, in particular in smaller companies.

There are already many risk assessment tools and methodologies available to help enterprises and organisations assess their health and safety risks. The most common risk assessment tools are checklists that help to identify hazards. Other kinds of risk assessment tools include: guides, guidance documents, handbooks, brochures, questionnaires, and 'interactive tools' (free interactive software, including downloadable applications which are usually sector-specific). These tools can be either generic or branch/risk-specific⁵⁷.

The table below provides a few selected examples of available tools and guidance for risk assessment.

Table 5 Examples of tools and guidance on risk assessment

MS/ Organisation	Description of instrument	Reference
OSHA	The ORA tool, a web-based interactive risk assessment tool intended to help micro and small enterprises to put in place a risk assessment process – starting with the identification and evaluation of workplace risks, through decision making on preventive actions and the taking of action, to monitoring and reporting.	http://osha.europa.eu/en/campaigns/hw2008
OSHA	OSHA also provides a campaign on Risk Assessment which might be useful especially for national governments as well.	http://osha.europa.eu/en/campaigns/hw2008
UK	The Department for Business Enterprise & Regulatory Reform (BERR) has drawn up The golden rules of good guidance. The purpose of the guidelines is to ensure that the employer receives guidance that is: <ol style="list-style-type: none"> 1. Based on a good understanding of users 2. Designed with input from users and their representative bodies 3. Organised around the user's way of working 4. Easy for the intended users to understand 5. Designed to provide an appropriate understanding of how to comply with the law 6. Issued in good time 7. Easy to access 8. Reviewed and improved 	http://www.berr.gov.uk/files/file46950.pdf .
UK	Via the Homepage of the Health Service Executive (HSE) employers in a number of sectors have easy access to the sector-tailored information they need to comply with to accomplish the risk assessment. The advice is based on not over-complicating the process by paying attention to the following five steps: <ul style="list-style-type: none"> • Identify the hazards; • Decide who might be harmed and how; • Evaluate the risks and decide on precaution; • Record your findings and implement them; • Review your assessment and update if necessary. 	http://www.hse.gov.uk/risk/
IE	In Ireland the labour inspectorate can communicate information by e-mail, i.e. requests for additional information from employers. The labour inspectorate can also send improvement notices and directions of improvement plans by e-mail. The improvement notice, in particular, may include directions on the necessary measures to be taken to remedy the contravention or to comply with the notice. This can save the employer time or effort.	N/A

⁵⁷ <http://osha.europa.eu/en/practical-solutions/risk-assessment-tools>

The most commonly highlighted tool is the Online interactive Risk Assessment (OiRA/ORAs) tool currently being developed by OSHA. ORAs build on a Dutch initiative and is as previously described a web-based interactive risk assessment tool that can help micro and small organisations to put in place a risk assessment process – starting with the identification and evaluation of workplace risks, through decision making on preventive actions and the taking of action, to monitoring and reporting. The tool aims to be:

- free of charge,
- easily accessible,
- sector specific,
- targeted and,
- easy to understand.

The ORAs are being developed in support of the Community Strategy 2007-2012, which points to the development of a “package of instruments which guarantee a high level of compliance with the legislation” as being among the priorities for national strategies. This includes the “development of simple tools to facilitate risk assessment”.⁵⁸ The ORAs are not yet available, but they are in the state of being finalised and are expected to be publicly launched by the end of 2010. The tool is designed to be developed and ‘owned’ by the sectoral social partners at EU and national level. In terms of the content of the tool, social partner collaboration is used to ensure that the tool responds to the real needs of small organisations in any particular sector (in the Netherlands there are now 111 sectoral variants of the risk assessment tool, each tailor-made to the needs of its particular sector). Social partner ‘ownership’ of the tool is also seen by OSHA as crucial in encouraging widespread take-up and use of the tool at enterprise level⁵⁹.

Both the national focus and the sector focus are also seen by the other interviewed experts as being of great importance, if the needs of the enterprises are to be met with a tool for risk assessment. For instance, it is important to understand the different risks in different industries, just as it is important to highlight the positive (sector-specific) outcomes of complying with OSH to the management of companies. However, even though the ORAs tool aims at being sector-specific and targeted, several interviewees state that a considerable national adaptation of the tool is also needed in order for it to be relevant for companies. Such a national adaptation is not just a question of language, but also of adapting the tool to national systems and cultures. This is especially due to the fact that the prevention systems differ among MS.

Developing tools such as the ORAs at EU level is a good starting point for developing awareness and guidance. However, a national and sector-specific strategy is seen as much more effective than any EU initiative, because there are so many differences which make it impossible to define a very precise and specific tool at EU level⁶⁰. Thus, as indicated by the experts, a tool developed at EU level cannot address the needs of companies in specific national and sectoral contexts. A considerable further development effort is required, involving national authorities and social partners. In order to support the implementation of the OSH legislation at national level in the best possible way, the further development and adaptation of any generic EU tool needs to take place as a concerted effort within the context of a national strategy.

⁵⁸ COM(2007) 62 final, p. 5.

⁵⁹ European Agency for Safety and Health at Work (OSHA), written responses to questionnaire

⁶⁰ Interview with the European Trade Union Institute (ETUI)

A method which could be used in parallel with developing a tool is to increase the internal dialogue at the work places. This is being done in the Netherlands, where the social partners work together with the labour inspectors when drafting the collective bargaining agreements. The input in the collective bargaining agreements then becomes very specific and tailored to the sector in question. In addition, the employers are bound by the agreements to implement the agreed provisions.

3.5. Effects of cutting down on OSH obligations

The benefits to companies of high-quality OSH are clear, and small companies are particularly vulnerable to losses resulting from low OSH standards (cost of accidents, disruption of productions, worker absenteeism, etc.).

The most important reason for employers to address health and safety seems to be the fulfilment of legal obligations (90% of all establishments cite this as a major reason⁶¹). As discussed in section 3.2, SMEs already disproportionately (compared to larger firms) tend to view a documented OSH strategy as unnecessary, or as not providing any benefits. The motivation of these companies to make an effort as regards OSH management if the legal obligations were cut down is not likely to increase. This would imply that employers would tend to take fewer preventive measures, which logically would result in more work-related accidents and illness.⁶² This is supported by the expert interviews, as several interviewees indicate that the health and safety culture of the companies will be affected by cutting down safety management obligations⁶³, as it may not be considered important to pay attention to a healthy working environment if there are no legislative measures in place.

At the same time, small firms are more likely to manage their business on a day-to-day basis, reacting to needs and challenges as they arise, whereas larger firms tend to have well established procedures, policies and management systems in place. The ESENER survey (cf. section 3.2) shows that this is the case for management of OSH. Larger firms are more likely to continue to manage OSH as just one of their business risks (together with environmental and financial risks, for example) and to integrate it in their management systems. Smaller firms, acting less strategically, will be more likely to reduce or stop their preventative measures.

Cutting down on safety management obligations would initially save the enterprises costs, but in the long run, it may result in higher costs arising from work related accidents or illness, such as staff absence, administrative costs, compensation, decreased productivity, recruitment and training, etc. In SMEs and micro-enterprises, these costs may occur fairly seldom, but when they occur the effect can be of such magnitude that an accident may actually result in closure for the enterprise⁶⁴. The relative impact is greater than on comparable large enterprises; key workers cannot be easily or quickly replaced and short-term interruptions of business can lead to loss of clients and important contracts⁶⁵.

Reducing or eliminating the requirement for a written risk assessment will also have important legal implications for the workers, as the documented risk assessment is essential for strengthening worker' participation in risk mitigation, and as documentary evidence in case of an accident (the absence of a written risk assessment in the case of an accident may also increase the company's liability and thus potentially have even greater consequences in terms of damages).

⁶¹ European Agency for Safety and Health at Work (2010), p. 51.

⁶² European Agency for Safety and Health at Work (OSHA), written response to questionnaire

⁶³ E.g. The European Federation of Building and Woodworkers (EFBWW)

⁶⁴ European Agency for Safety and Health at Work (OSHA) written response to questionnaire

⁶⁵ European Commission: Impact assessment of Community Strategy 2007-2012 on health and safety at work, SEC(2007) 215..

Contrary to what might be expected, even interviewed employers' organisations are not in favour of completely abandoning the requirement for a written assessment, precisely for the reasons outlined above. UEAPME, representing the SMEs, however believes that the obligations will need to be simplified if SMEs and micro-enterprises are to have a chance of complying, as the demands right now are too high and too complex. In particular, sectors which are less exposed to work-related accidents could have fewer demands than risk-intensive sectors.

3.6. Increasing awareness of effective compliance with OSH measures

Interviewees generally agree that campaigns are an effective way of raising awareness of the link between OSH measures and resulting financial benefits. At European level, especially OSHA has been working with awareness-raising campaigns, including the annual European Campaign⁶⁶, which has distributed 4 million pieces of information material in all official Community languages. The financial benefits of OSH measures are a common theme running through the campaigns, whatever the topic. Main success factors for these campaigns are involvement of intermediaries (e.g. sector-level organisations, banks, insurers, trade unions and business representatives) and engagement of the media. The ESENER survey shows that when seeking information, most companies turn to contracted OSH experts, the labour inspectorate, official institutes, or they use in-house services. The practice in some countries shows that there is scope to increase the role and influence of insurance providers, employers' organisations and trade unions⁶⁷.

The European Federation of Building and Woodworkers⁶⁸ acknowledges that it is important to promote the link between good OSH management and financial benefits, but in order for enterprises to relate to it, the message should be conveyed through storytelling from employers. The psycho-social aspect should be highlighted – how a good psycho-social working environment leads to better quality of products. The link might be difficult to measure, but is nevertheless important to report and describe.

However, communicating the relevance of incorporating economic evaluations of health and safety interventions or programmes to SMEs can be a challenging process because of the diverse nature of SMEs. They can operate as dynamic and flexible enterprises, with the ability to innovate, or they may be more traditional, based on family involvement and rooted in local business environments. They can be 'start-ups', young businesses which are generally viewed as fragile organisations striving to succeed. Consequently, attempts to persuade SMEs to link OSH to economic performance would need to take account of these differences.

Referring to the discussion on financial benefits of OSH compliance in section 3.1, SMEs need to be shown both the direct benefits – reducing the high costs of 'bad' OSH – and the more intangible benefits of good OSH management. Thus, the following factors can be seen as important for motivating SMEs to invest in the health and safety of employees:

- Seeing that health and safety is an integral part of being a 'good business'
- Maintaining/improving their reputation
- Achieving higher productivity - especially by reducing absence
- Keeping within the law, hence avoiding punitive action from government bodies
- Avoiding the expense of accidents
- Containing insurance costs

⁶⁶ <http://osha.europa.eu/en/campaigns>

⁶⁷ European Agency for Safety and Health at Work (OSHA), written response to questionnaire

⁶⁸ Interview with the European Federation of Building and Woodworkers

- Meeting client demands
- Being a 'good' employer⁶⁹

Many different forms of communication have been used with SMEs, including:

- Providing visual information (leaflets, publications, the Internet, newsletters)
- Focus Groups/workshops/seminars/conferences/presentations/Safety and Health Awareness Days (SHADs)
- E-mail/electronic content
- Inspections/ site visits/one-to-one support
- Conversations
- Interviews (telephone/face-to-face)
- Surveys
- Good Neighbourhood Schemes/Sharing best practice

While all of the above have worked to a certain degree, research has shown that face-to-face communication, SHADs and the general use of intermediaries are usually the most successful in influencing the behaviours of SMEs, due to the nature of the information to be conveyed⁷⁰.

This is supported by several interviewees, who highlight that it is very important that campaigns are directly aimed at the enterprises⁷¹. In Germany, the German Institute for Occupational Safety and Health (DGUV) has visited individual SMEs to highlight the importance of OSH and explain the link between OSH and productivity. This is however a very time-consuming approach which is supplemented by SHADs/SME information days, where companies are invited according to their industry⁷².

Several of the interviewed experts however doubt the effectiveness of awareness-raising campaigns carried out at EU level, as conditions vary significantly in the different MS (cf. section 3.1, including the example of the differences in sick leave payments). These differences between MS mean that, for example, an argument referring to a better OSH record leading to lower insurance premiums for employers may be highly motivational in some MS and less so in others, due to differences in social security and insurance systems. The threat of legal sanctions by authorities if OSH obligations are not met may also have different effects in different MS due to both the variations in legal set-up (the extent of legal sanctions embodied in the national regulation), and to the variations in the effectiveness of labor inspection. For these reasons, campaigns referring both to the positive impact of OSH on the financial performance of companies and to negative sanctions may be much better illustrated at national level, as they would be too general at the EU level⁷³.

⁶⁹ European Agency for Safety and Health at Work (2009a), p. 13

⁷⁰ European Agency for Safety and Health at Work (2009a), p. 13.

⁷¹ The Health and Safety Laboratory (HSL) and Institute for Occupational Safety and Health of the German Social Accident Insurance (IFA/DGUV), among others.

⁷² Interview with the German Institute for Occupational Safety and Health (DGUV)

⁷³ E.g. interview with Laurent Vogel, ETUI

3.7. Key findings

Establishing a direct cause-effect relation and quantifying the benefits for companies of investing in OSH is generally difficult. Traditionally, benefits of good OSH management are defined in terms of direct effects in the form of reduction of costs, for instance through:

- reduced sick pay and absenteeism for workers due to accident and illness
- reduced compensation claims
- fewer stops in production
- lower insurance premiums

However, benefits can also be considered from an “intangible assets” point of view, for instance improved company reputation (CSR). Other important benefits mostly associated with *improved productivity* through better OSH stem from factors such as:

- improved organisation of work
- good working environment, increased employee satisfaction
- reduced staff turnover.

The size of companies has a significant impact on the extent to which safety management obligations are carried out, and their quality. Smaller companies are less likely than larger establishments to have a documented OSH policy or an established OSH management system, and at the same time knowledge-related barriers (lack of awareness, lack of expertise or not seeing the benefit of OSH management) play a bigger role in smaller companies.

There are considerable variations in insurance and social security systems across EU MS, which lead to very different cost/benefit structures. For instance, the sick pay costs to employers vary significantly, which may affect the level of motivation to invest in improved OSH. This could indicate that the differences in national context call for specific national arguments towards employers rather than a “standardised” EU approach. It also means an increased importance of making companies aware of other types of benefits in addition to those directly related to reduced costs of absenteeism – in particular the “intangible” benefits.

OSH is not usually viewed as a contributory factor to the economic viability of an organisation, since it is rather compliance with government guidelines, regulations and laws which is seen as the rationale for OSH policies. In order to increase awareness of the connection between OSH and economic viability and productivity, it will be necessary to establish indicators (at the level of input, output and outcome) and to assess the costs and benefits of OSH investment in the workplace. Cost benefit analysis needs to be done at sector level, and possibly also by company size, in order for it to be relevant for decision making.

Combining tools and guidance for risk assessment with efforts to increase awareness of companies of the link between OSH and the resulting direct and indirect benefits may be the most effective way to improve the overall level of OSH. As regards tools for risk assessment, the most advanced tool that has been identified is the ORA web-tool currently being developed by OSHA. A number of Member States have various guidance and tools available, but none has been identified which offers more advanced features than the ORA tool. However, the tool will have to be adapted to the national context and to individual sectors in each MS in order to be effective.

Cutting down on OSH obligations, for instance, as proposed in the Commission’s Action plan for reduction of administrative burdens, by eliminating the requirement for a written risk assessment, is assessed as not being feasible, as it may have a detrimental effect on the level of OSH in small companies. Instead, introducing risk-based approaches based on the specific risks associated with sectors and types of companies, preferably combined

with simplified procedures, seems a more productive way forward.

Raising awareness of OSH issues through communicating the benefits of good OSH management to SMEs can be a challenging process because of the diverse nature of SMEs. Direct and targeted communication such as face-to-face communication, safety & health awareness days and the use of intermediaries (e.g. sector-level organisations, banks, insurers etc.) are usually the most successful in influencing the behaviour of SMEs, due to the nature of the information to be conveyed. The effectiveness of awareness-raising campaigns carried out at EU level is however questioned, as conditions vary significantly in the different MS with respect to, in particular, social security and insurance systems and the legal set-up and operational effectiveness of labour inspection. Campaigns need to be adapted to the national context to be effective.

4. EMERGING RISKS, NEW WORKING PATTERNS AND NEW PREVENTION MEASURES

The focus of this chapter is on new and increasing risks at workplaces, in particular those associated with new working patterns, and the extent to which this calls for new prevention measures.

4.1. Emerging risks

The occupational safety and health status of the EU workforce is affected by several factors, such as the changing demographic structure, the spread of new technologies and a reduction in the importance of certain economic sectors, and the emergence of others. This is bringing about changes not only in the numbers of jobs in each sector, but also in the types of jobs that are available. The age profile of the workforce is changing and new technologies are creating new categories of employment.

A number of *emerging* risks are identified in the literature. Emerging OSH risks are identified by OSHA⁷⁴ as risks that are both new and increasing, where *new* means that:

- the risk was previously non-existent and is caused by new processes, new technologies, new types of workplace, or social or organisational change; or
- a long-standing issue is now considered to be a risk due to new scientific knowledge or a change in public perception, and

the risk is *increasing* if:

- the number of hazards contributing to the risk is rising; or
- the likelihood of exposure to the hazards is rising; or
- the effects of the hazards on workers' health are getting worse.

The main categories of new and emerging risks include:⁷⁵

1. Risks related to musculoskeletal disorders (MSDs), physical inactivity, and multifactor risks
2. Risks related to psychosocial issues
3. Risks predominantly related to dangerous substances, new technologies, and physical issues

The causes of those risks may be new technologies and production processes, e.g. nanotechnology, biotechnology; new working conditions, e.g. higher workloads, work intensification from downsizing, poor conditions associated with migration for work, jobs in the informal economy and emerging forms of employment, e.g. self-employment, outsourcing, or temporary contracts.⁷⁶

⁷⁴European Agency for Safety and Health at Work (OSHA) (2007)

⁷⁵ European Parliament (2009), « New Forms of Physical and Psychosocial Health Risks at Work », IP/A/EMPL/FWC/2006-205/C1-SC1 ; OSHA (2009) "New and emerging risks in occupational safety and health", European Risk Observatory, December 2009 ; ILO (2010) « Emerging risks and new patterns of prevention in a changing world of work »

⁷⁶ International Labour Office (ILO) (2010)

It is a common characteristic of these emerging risks that they mostly belong to the category of health problems and occupational diseases rather than accidents – i.e. they are typically the result of longer-term negative impacts rather than of discrete occurrences. In fact, according to recent statistical data⁷⁷, the occurrence of accidents at work is decreasing, whereas work-related health problems are on the rise: the occurrence of non-fatal accidents with more than three days of sick leave decreased in EU15 from 4% of workers in 1999 to 2.9% in 2007, and the number of fatal accidents (also in EU15) fell from 5275 persons in 1999 to 3580 persons in 2007⁷⁸. During the same period, however, the occurrence of work-related health problems increased from 4.7% of workers in 1999 to 7.1% in 2007⁷⁹. Among these work-related health problems, musculoskeletal problems were most often reported as the main problem (60%), followed by stress, depression or anxiety (14%).

This is also recognised by the experts interviewed in connection with this study, who point to musculoskeletal disorders and psychosocial factors (mainly work-related stress, and to a lesser extent violence and harassment) as the most important emerging risks at the moment. While these risks are not new, they are increasing in importance and concern about them is growing. As pointed out by the EP 2008 study on New Forms of Physical and Psychosocial Health Risks at Work, the notion of a tolerable risk level has changed in modern societies. This means, for instance, that the focus on musculoskeletal disorders is not only caused by new risks, but also by a new type of risk perception⁸⁰.

4.2. Musculoskeletal disorders

As mentioned above, musculoskeletal disorders (MSDs) remain by far the most common of all reported work-related health problems in the EU15, affecting millions of European workers across all employment sectors. The occurrence of musculoskeletal problems as the most serious work-related health problem affected 4% of workers in 2007, up from 2.5% in 1999⁸¹.

Musculoskeletal problems have traditionally occurred most often in workers with manual work (with construction and agriculture workers among those most affected, along with workers in the health and social sector) and least frequently among high-skilled non-manual workers⁸². However, musculoskeletal disorders are not only caused by heavy or repetitive manual work. The changing nature of work in many sectors, not least the growing use of computers and automated systems which causes an increase in sedentary work or prolonged standing and/or sitting at work, results in increased physical inactivity. In industry the emphasis on lean production leads to less walking (e.g. to fetch supplies) in order to maximize output⁸³. This means increasing time spent in a fixed body posture, increasing the risk of musculoskeletal disorders.

⁷⁷ Eurostat (2010)

⁷⁸ The total number of fatal accidents in EU27 was 5580 in 2007, but there are no comparable EU27 data for 1999.

⁷⁹ Based on figures from 9 European countries (Eurostat, 2010)

⁸⁰ European Parliament (2009), p. 4.

⁸¹ Eurostat (2010), p. 65.

⁸² Eurostat (2010), p. 61.

⁸³ European Parliament (2009), p. 4.

Box 5 Definition and prevalence of MSD

Most work-related MSDs develop over time and are caused either by the work itself or by the employees' working environment. They can also result from accidents, e.g. fractures and dislocations. Typically, MSDs affect the back, neck, shoulders and upper limbs; less often they affect the lower limbs.

Health problems range from discomfort, minor aches and pains, to more serious medical conditions requiring time off work and even medical treatment. In more chronic cases, treatment and recovery are often unsatisfactory.

The Fourth European Survey on Working Conditions (ESWC) showed that the most prevalent health problems reported are backache, with 24 %, and an almost similar percentage (22.8%) report muscular pains. It can thus be concluded that MSDs affect a significant part of the active population.

4.3. Psychosocial risks

After musculoskeletal problems, stress, depression or anxiety is the most frequently reported health problem. Interestingly, as opposed to musculoskeletal problems which generally increase with age⁸⁴, the proportion of workers reporting stress, depression or anxiety as their main problem is highest between the ages of 25 to 44 years⁸⁵. Psychosocial factors have now been generally acknowledged as global issues, affecting all professions and workers⁸⁶. Psychosocial OSH risks are often the result of technical or organisational change⁸⁷ and are generally associated with new working patterns. Thus, increased flexibility and precariousness of work, work intensification, as well as working relations involving bullying and mobbing are some of the factors behind a rise in work-related stress disorders⁸⁸. We shall revert to the issue of new working patterns later in this chapter.

The estimates for the economic impact of psychosocial risks vary across Member States, but, in general, they point to very high costs.

- A recent study concluded that the 'social cost' of just one aspect of work-related stress (job strain) in France amounts to at least two to three billion euros, taking into account healthcare expenditure, spending related to absenteeism, people giving up work, and premature deaths (Trontin et al., 2010).
- Levi (2002) estimated that in the EU-15, the cost of stress at work and the related mental health problems was on average between 3% and 4% of gross national product, amounting to €265 billion annually.

Psychosocial risks and work related health problems can often lead to long sick leaves and absenteeism. It is also frequently the case that reintegration to the labour market after a period of sick leave is difficult for those affected, and the tolerance for stress and normal work pressure might be hampered for an extended time period or permanently. Thus, the costs incurred by psychosocial work related health problems can be very high both for the individual, for the employer and for society.

⁸⁴ Eurostat (2010), p. 59.

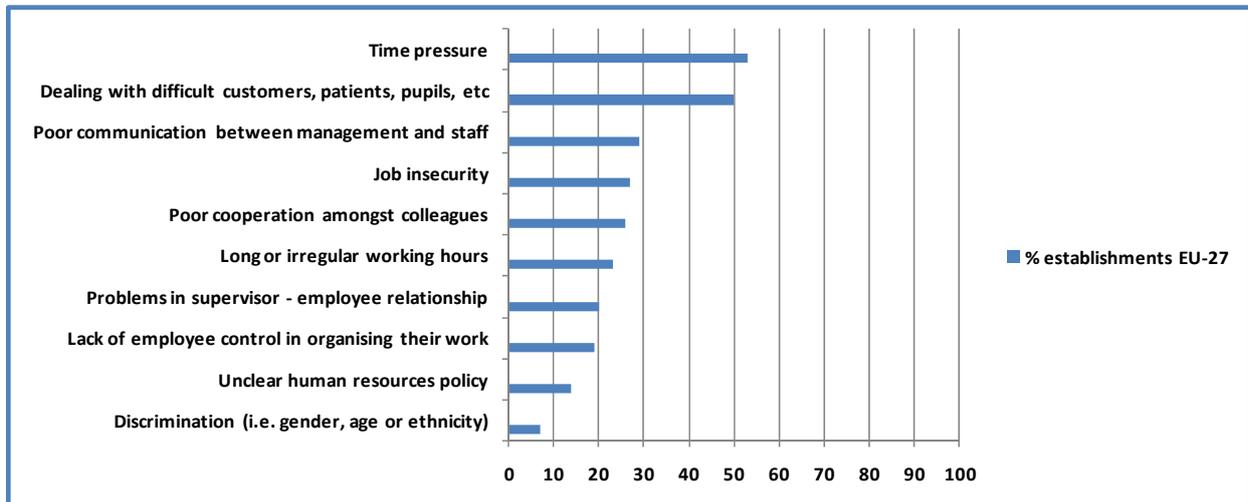
⁸⁵ Ibid, p. 67.

⁸⁶ ILO (2010), p. 11.

⁸⁷ European Agency for Safety and Health at Work (OSHA) (2007)

In recent years, more and more resources have been put into prevention of psychosocial risks, and it has been given significant management attention. In Fig. 5, managers were asked to rate to their concerns regarding factors contributing to psychosocial risks, and as can be seen some factors was a concern for over half of the surveyed managers.

Figure 5 Managers' concerns as regards factors contributing to psychosocial risks at work (% establishments, EU-27)



Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, Summary, p. 7.

4.4. Other emerging risks

One new risk pointed to by a number of the interviewed experts is *nanotechnology* and nanomaterials. Nanotechnology has applications in a number of areas including health care, biotechnology, clean energy production, information and communications, chemical, electronic and military industries, agriculture and construction.

It is expected that by 2020 approximately 20% of all goods manufactured around the world will be based to some extent on the use of nanotechnology. However, it is an emerging technology and the information on the risks associated with the manufacturing and uses of nanomaterials is still limited⁸⁹. On the basis of initial findings, the potential health risks include inflammatory diseases of the lung, secondary effects on the cardiovascular system, tumours, and possible adverse effects on the brain⁹⁰.

There is a however a big knowledge gap between advances in the application of nanotechnology and its impact on health (as well as on the environment). Due to the extensive and highly diversified use of nanomaterials in industry, the number of workers exposed is also difficult to estimate.

Biological risks arising from the application of new technologies can affect workers in many sectors, ranging from health care, emergency and rescue workers to those employed in agriculture, waste management and the biotechnology industry.

⁸⁸ ILO (2010), p. 11.

⁸⁹ ILO (2010)

⁹⁰ European Parliament (2009), p. 23.

In the biotechnology industry, those engaged in the development of new products and genetically modified organisms can be at particular risk⁹¹.

Occupational *noise-induced* hearing loss and issues related to working with silica dust etc. is being reported as a distress that is more and more frequently seen. This increasing occurrence could indicate that prevention measures related to this risk are still not properly in place⁹². These risks can, in other words, be classified as “old risks that haven’t been solved yet”.

4.5. New working patterns

The literature suggests that new working conditions, such as higher workloads, work intensification from downsizing, poor conditions associated with migration for work, and jobs in the informal economy may play a role for new risks.

On a general level, the age profile of the workforce is changing, new technologies create new categories of employment and globalisation means that health threats that were once distant now easily spread around the world in a short period of time.⁹³

Society is evolving under the influence of new technology and of shifting economic and social conditions, meaning that workplaces, work practices and production processes are constantly changing. Working environments have changed considerably during the last ten years and are continuing to evolve as a result of the following trends:

- Growth in the service sector, with the attendant increase in ergonomic and psychosocial risks;
- Increase in part time and temporary jobs;
- New employment trends, including the increase in self-employment, outsourcing and increased employment in SMEs;
- Demographic change and the ageing of the working population;
- The need to maintain employability through training and greater interest in autonomous work;
- Changing management structures – organisations becoming flatter, smaller and leaner;
- Increasing participation of women in the workforce;
- New technology, such as the ever-growing importance of information and communication technology;
- Increasing work intensity and work load.

The main changes in work patterns leading, mainly, to increased psychosocial risks can be summarised under the following headings⁹⁴:

⁹¹ ILO (2010)

⁹² Interview with Finnish Institute of Occupational Health

⁹³ European Agency for Safety and Health at Work (OSHA) (2009) “ Outlook 1 – New and emerging risks in occupational safety and health”, European Risk Observatory.

⁹⁴ Headings inspired by European Agency for Safety and Health at Work (OSHA) (2007) and supplemented with input from expert interviews carried out for this study.

New forms of employment contracts and job insecurity

The use of atypical and temporary employment contracts can affect workers' health and safety in several ways. Workers on precarious contracts tend to carry out the most hazardous jobs, work in poorer conditions and receive less OSH training. Working in unstable labour markets can give rise to feelings of job insecurity and increase work related stress. Experts also point to the fact that an increasing proportion of work is being outsourced/subcontracted to outside organisations. This tendency leads to less clarity in terms of responsibility which makes health and safety management more difficult. The construction sector is often cited as an example of a sector where this is a particular concern.

An ageing and more fragmented workforce

Europe's workforce is getting older as a consequence of an ageing population and higher retirement ages. Older workers tend to be more vulnerable to hazards resulting from poor working conditions than younger employees. The failure to provide ageing workers with lifelong learning opportunities also increases the mental and emotional demands made upon them. This may affect their health and increase the chance of work-related accidents.

The workforce is also becoming more fragmented (more women, more migrant workers, increasing proportion of older workers), meaning that the mindset and the monitoring and prevention tools that were fit for typically male occupations and in more homogeneous workforces, may miss the factors and risks which affect other types of workers.

Work intensification

Many workers are handling growing amounts of information, and having to cope with higher workloads, more complexity, and greater pressure at work, which may in some cases also lead to longer working hours. Some workers, particularly those employed in new forms of employment or highly competitive fields, tend to feel less secure. For example, these workers may fear having their efficiency and output assessed more closely, and hence tend to work longer hours to finish tasks.

Poor work–life balance

Uncertain casual work, high workloads and variable or unpredictable working hours, especially when there is no possibility for the employee to adjust them to their personal needs, can lead to a conflict between the demands of work and private life. Increasingly unclear boundaries between work life and private life, especially due to new communication technologies which mean that some employees are available to their employer round the clock, is also emphasised by experts as a consequence of the altered ways of working. This disproportionately affects women as they still predominantly take care of raising children, domestic chores etc. The result is a poor work–life balance, which has a detrimental effect on a worker's well-being.

High emotional demands at work

This issue is not new, but it is of great concern, especially in the growing and increasingly competitive healthcare and service sectors. Bullying at work is identified by experts as a contributing factor to the increased emotional demands being made on workers. The problem of violence and bullying can affect all occupations and sectors. For both the victims and witnesses, violence and bullying result in stress and may seriously affect both mental and physical health.

Box 6 New working patterns and their prevalence

A higher frequency of atypical contracts can contribute to work related stress, and other psychosocial problems. These contracts include fixed-term and part-time contracts, on-call contracts, zero-hour contracts, contracts for workers hired through temporary employment agencies, and freelance contracts. In 2005, the total proportion of the workforce in EU-25 on atypical contracts was 40% and fixed term work accounted for 14%.⁹⁵

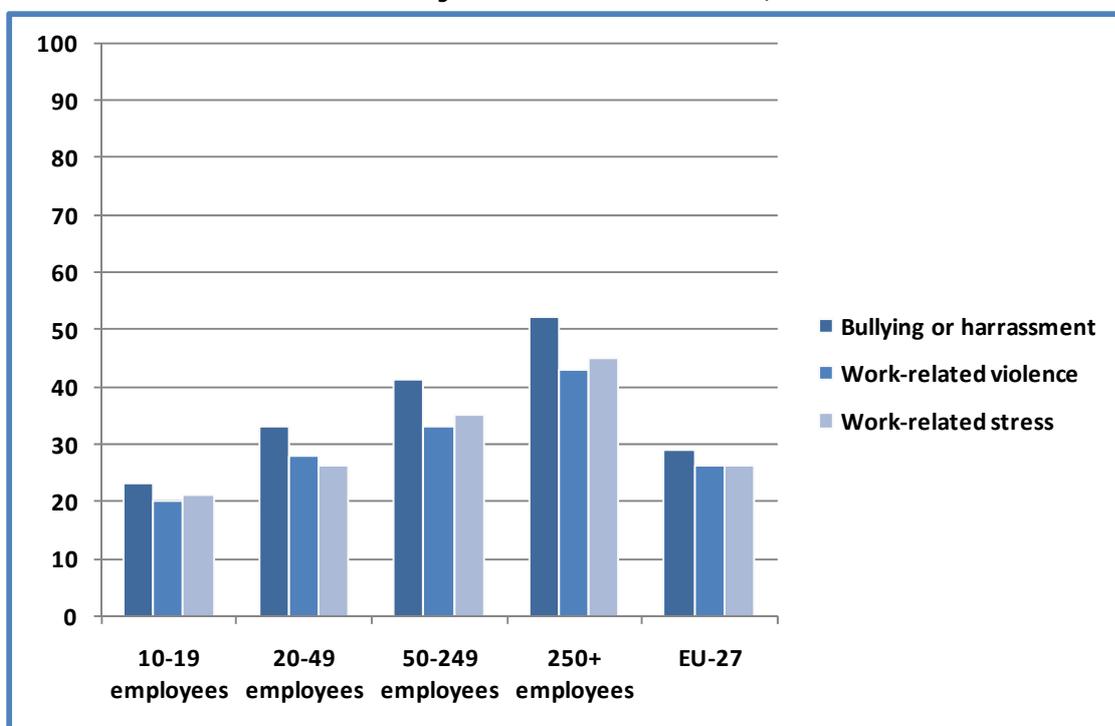
An ageing workforce could be more vulnerable to demands for flexibility and continuous development, as well as accidents.

Intensified work and demands for higher productivity can lead to increased pressure and to workers feeling an imbalance between work and private life.

Comprehensive OSH management systems should be able to ensure that psychosocial factors are properly assessed and managed, much as other OSH risks are. Traditional prevention and control tools are still effective if applied correctly to well known hazards and risks, such as those arising from hazardous chemicals, machinery and tools, manual handling and biological agents. However, these tools need to be complemented by strategies and tools designed to anticipate, identify, evaluate and control emerging risks arising from changes in the world of work, as well as from innovative technologies.

However, there is evidence that many firms do not integrate measures such as stress prevention in their overall OSH management. Frequently such measures are considered the responsibility of human resources departments and are taken forward as projects independently of the management of more 'traditional' risks. In response to this, some countries have legislated to bring management of psychosocial risks explicitly within the scope of legislation on OSH (e.g. Italy). The figure below illustrates responses from management on whether procedures are in place, emphasising the need for more consolidated efforts in this area, particularly in SMEs.

Figure 6 Procedures to deal with work-related stress, bullying or harassment and work-related violence, by establishment size (% of establishments, EU-27)



Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, p. 46.

⁹⁵ http://europa.eu/legislation_summaries/employment_and_social_policy/growth_and_jobs/c10312_en.htm

4.6. New prevention measures

In relation to new risks it is also relevant to highlight new prevention measures. This section outlines some of these measures and why they can be important to the general improvement of OSH management. Important to bear in mind however is that new prevention measures should not necessarily be viewed as exclusive to new risks, but should be seen as a way to incorporate a general workplace strategy for OSH management including both new and existing risks.

Examples of new prevention measures:

- On-going evaluation and a further development of safety management adjustable to new risks.
- A commitment from the workplace management to encourage active employee participation in the area of OSH through dynamic management systems.
- Networks and exchange of best practice.
- Guidance and practical support in areas of new risks where employers have little past experience of management strategies.

In 2001, the European Week on Safety and Health at Work focussed on accident prevention, and in 2002 a report was published which sought to collect and evaluate information on new trends in accident prevention.⁹⁶ More recently, institutes such as the Health and Safety Executive have developed specific Management Standards⁹⁷ in the area of e.g. work-related stress which comes under psychosocial risk in the workplace.

Inevitably, new risks call for new prevention measures. New risks, as mentioned in previous sections, are connected to various factors such as a general globalisation of work; the downsizing of companies without OSH management structures in place; subcontracting and the development of atypical contracts, as well as work intensification and its consequences. Although stressed that prevention measures therefore should be developed in a flexible manner in order to adapt to these changes in working life⁹⁸, prevention measures should nonetheless cater for both existing as well as new risks. Related to this, an expert suggests that new risks may receive more attention than existing risks, and that there is reason to be cautious of this variation in engagement.⁹⁹ A different perspective is that new risks, in particular those of a somewhat sensitive nature¹⁰⁰ (in particular psychosocial risks such as work-related stress or harassment) may be more difficult for employers to approach and deal with due to a lack of experience, and/or lack of an integrated OSH management which encompasses both physical accident preventions as well as psychosocial risk prevention.¹⁰¹

The European Agency for Safety and Health at Work identifies a 'circle of continuous improvement'¹⁰² in relation to successful accident prevention and highlights in particular the importance of evaluating prevention measures as well as encouraging improvements in the area of prevention measures. If these elements are neglected, there is a chance that the circle will be broken as continuous learning is disregarded. This in turn will effect the development of successful prevention of risks.

⁹⁶ European Agency for Safety and Health at Work (OSHA) (2002): New trends in accident prevention due to the changing world of work

⁹⁷ See <http://www.hse.gov.uk/stress/standards/>

⁹⁸ European Agency for Safety and Health at Work (OSHA) (2002): New trends in accident prevention due to the changing world of work p.7

⁹⁹ Saari, J (2001) cited in European Agency for Safety and Health at Work (OSHA) (2002): New trends in accident prevention due to the changing world of work p.9

¹⁰⁰ European Survey of Enterprises on New and Emerging Risks (ESENER), European Agency for Safety and Health at Work (OSHA) (2009) p. 11 http://osha.europa.eu/en/publications/reports/en_esener1-summary.pdf

¹⁰¹ Interview with European Agency for Safety and Health at Work (OSHA)

¹⁰² European Agency for Safety and Health at Work (OSHA) (2002): New trends in accident prevention due to the changing world of work p.14

A key element of prevention measures highlighted both in various literatures¹⁰³ and by interviewees is that of a solid involvement of employees through strong management commitment. Active participation of employees through dynamic management systems can be a way to respond to, and prevent, new risks. The 2002 report suggests that involving all members of staff in risk assessment and prevention activities and the 'use of the perception of people involved in the work can lead to the identification of hazards and risks at a very early stage.'¹⁰⁴ In turn, within working environments subject to new challenges, this participation and shared awareness can potentially produce an activity level around new risks and ways to avoid them. On a similar note, a representative from the European Federation of Building and Woodworkers¹⁰⁵ suggests that the development of prevention measures should not just be up to the experts (scientists, ergonomists, etc) but rather that solutions should be sought that make sense in the work place, and it is here that ongoing dialogue and discussions between employers and employees is essential.

An interview with an expert from the Finnish Institute of Occupational Health¹⁰⁶ points to another prevention measure by means of industry networks such as e.g. the Finnish Zero Accidents Forum. The above-mentioned report¹⁰⁷ also highlights this same element, namely the benefit of networking both internally within companies (e.g. via intranet, newsletters, cross-branch meetings etc) and externally from company to company, nationally as well as internationally. The encouragement and the platform for exchange of best practice, access to seminars as well as the use of tangible materials and toolkits can be a way to support the development of raising awareness and a place to seek advice and shared problem-solving. With regards to the participatory aspect of the measure of networks, it is crucial to remember however that networks might only be used by those companies already committed and active in the field of developing, implementing and maintaining prevention measures. An expert from the Confederation of Danish Industry¹⁰⁸ suggests this exact point of concern; if not carefully executed, best practice and cooperation is only a motivation for those companies already actively dedicated to OSH management and with an interest in new prevention measures. Thus it is important to focus on the motivational aspect rather than just on the expected results of a higher standard of measures.

Additionally, a coherent policy (mission statement, practical implementations, programmes and clear communication) from a committed top management can influence the overall safety culture by motivating staff commitment, and thus enabling a growing sense of security at the workplace.¹⁰⁹

Furthermore, fostering employee empowerment through higher responsibility at the workplace, can lead to reduced accident rates and risk behaviour.¹¹⁰ Perhaps it could also be suggested that risks of a psychosocial nature would be further prevented by focussing on employee empowerment and an increase of more autonomous jobs.

Specifically in relation to psychosocial risks, the recent ESENER survey presents findings suggesting that 42% of management representatives feel that psychosocial risks are more difficult to deal with than physical, accident-related risks.

¹⁰³ See Arocena, P et al (2008), Gallagher, C., et al (2001) and European Agency for Safety and Health at Work (OSHA) (2002)

¹⁰⁴ European Agency for Safety and Health at Work (OSHA) (2002): New trends in accident prevention due to the changing world of work p.19

¹⁰⁵ Interview with Rolf Gehring, European Federation of Building and Woodworkers

¹⁰⁶ Interview with Guy Ahonen, Finnish Institute of Occupational Health

¹⁰⁷ European Agency for Safety and Health at Work (OSHA) (2002)

¹⁰⁸ Interview with Anders Just Pedersen, Confederation of Danish Industry

¹⁰⁹ European Agency for Safety and Health at work (OSHA) (2002): New trends in accident prevention due to the changing world of work p.16

¹¹⁰ Arocena, P et al (2008) p. 1382, The impact of prevention measures and organizational factors on occupational injuries: Safety Science 46 (2008) 1369–1384

Related to this, 38% of establishments in the EU27 have used information or support from external sources when dealing with psychosocial risks at work.¹¹¹ In turn, guidance and support in this area seems crucial as well as the promotion of openly discussing other possible prevention measures of psychosocial risks. In the United Kingdom, the Health and Safety Executive have developed specific Management Standards in the area of work-related stress. These standards cover six key areas of work that, if not properly managed, can lead to poor health, lower productivity and increased sick leave¹¹².

Table 6 Factors that make dealing with psychosocial risks particularly difficult (% establishments EU-27. Establishments that state that – compared to other safety and health issues – it is more difficult to tackle psychosocial risks.)

FACTOR	%ESTABLISHMENTS EU-27
The sensitivity of the issue	53%
A lack of awareness	50%
A lack of resources (time, staff or money)	49%
A lack of training or expertise	49%
A lack of technical support or guidance	33%
The culture within the establishment	30%

Source: European Agency for Safety and Health at Work (2010): European Survey of Enterprises on New and Emerging Risks (ESENER): Managing safety and health at work, Summary, p. 11.

Finally, this table suggests that a push to support companies in dealing with the sensitivity of the area, as well as understanding more about the actual consequences to their staff, and ultimately to their functioning and productivity, could lead to positive developments of incentives for prevention measures in the area of psychosocial risks. Additionally, by dealing with the aspect of a comprehensive and all-encompassing OSH management strategy which deals extensively with both physical, accident-related risks as well as psychosocial risks, the 'lack of resources' factor could also be made less prominent. In other words, and in line with comments from the European Agency for Safety and Health at Work¹¹³, ensuring that all aspects of safety and health at workplaces are managed and dealt with using a common strategy, should be beneficial to both employer and employees.

¹¹¹ European Agency for Safety and Health at Work (OSHA (2009) p. 14-15

¹¹² See: <http://www.hse.gov.uk/stress/standards/>

¹¹³ Interview with William Cockburn and Eusebio Rial Gonzalez, European Agency for Safety and Health at Work (OSHA)

4.7. Key findings

The three most important groups of new and emerging risks are related to musculoskeletal disorders (MSDs), physical inactivity, and multifactor risks; risks related to psychosocial issues; and risks predominantly related to dangerous substances, new technologies, and physical issues.

Whereas the incidence of accidents are decreasing, work related health problems and diseases are in fact increasing, and the majority of these can be described as emerging risks. Musculoskeletal disorders are by far the most common all reported work-related health problems, followed by psychosocial disorders (stress, anxiety) etc., which are generally associated with new working patterns, including new forms of employment contracts and job insecurity, an ageing and more fragmented workforce, work intensification, poor work–life balance, and high emotional demands at work.

Other emerging risks are associated with for instance nanotechnologies and biological risks. In particular in the case of nanotechnologies, knowledge of their impact on health is still limited, which makes it difficult to address the risks.

As regards the emerging and new risks, it is assessed that they are in fact covered by the existing legislation and, to some extent, by existing prevention measures (in particular as regards physical factors.).

New risks, in particular those of a psycho-social nature, call for new prevention measures. Such prevention measures should be developed in a flexible manner in order to adapt to the changes in working life that cause many of these new risks. However, prevention measures should nonetheless cater for both existing as well as new risks. In fact, new risks may receive more attention than existing risks, and there is reason to be cautious of this neglecting “old risks”. A key element of new prevention measures is active participation of employees through dynamic management systems. However, a large share of management representatives feels that psychosocial risks are more difficult to deal with than physical, accident-related risks. Guidance and support in this area is crucial and should be part of a comprehensive OSH management system which deals with both physical and accident-related risks as well as psychosocial risks.

5. CONCLUSIONS AND POLICY RECOMMENDATIONS

The background for this study was the proposals currently being considered for reducing administrative burdens in the field of health and safety at work. The study looked at the potential effects of these proposals, and explored whether proper compliance with OSH obligations is beneficial not only for the individual worker, but also for the sustainability and efficiency of workplaces. The study is based on comprehensive desk research as well as interviews with experts and stakeholders from across Europe.

The proposals to reduce administrative burdens

The EU Action Programme on reducing administrative burdens in the European Union, presented by the Commission in 2009, proposed eight measures for reducing administrative burdens in the priority area *Working Environment*. These proposals were the background for this study. Of the proposals put forward, two have already been adopted. The remaining six proposals are still under preparation. Of these six, the proposal relating to *exemption of very small firms from having to produce a written risk assessment* is by far the most controversial since the obligation to produce a written risk assessment is one of the cornerstones of the legislation. The proposal is questioned or outright rejected by most experts, and the consequences of such a measure will therefore undergo in-depth study and consideration by the Commission before any action is taken.

The remaining proposals are considerably less disputed. For two proposals - *Improving the guidance for construction site enterprises* and *Easing the drafting of risk assessments on health and safety in businesses* - concrete action has been taken. Thus, a guidance document on OSH requirements at temporary or mobile construction sites is in preparation, and OSHA is developing an interactive on-line risk assessment tool which is intended to facilitate SME risk assessments. Both measures relate to improving guidance and helping the companies improve their health and safety effort and are therefore largely uncontroversial, although the utility for the companies of developing a risk assessment tool at European level has been called into question. The proposals regarding *facilitating lighter transpositions by MS of the Framework Directive* and *making labour inspection visits more efficient* are still under consideration. The effect of such measures is uncertain, although there seems to be widespread agreement that, given the right approach, making labour inspection visits more efficient should not pose a risk to the effectiveness of the prevention effort. As regards the last proposed measure on *improving ways to handle key information on carcinogens*, a review of the Directive is under way but, at this stage, it is not possible to determine which effects such a measure would have.

Summing up, only one of the proposals for reducing administrative burdens is seen as very likely to have a negative effect on the level of OSH, namely elimination of the requirement for a written risk assessment for the smallest enterprises. This proposal is assessed as not being feasible, as it may have a negative effect on the level of OSH in small companies.

Instead, a simplified or basic risk assessment is proposed. This would reduce the level of complexity for companies and would be especially relevant for companies without specific risks. At the same time, a sector specific approach is suggested as risks and therefore risk assessments differ significantly between sectors, for instance between construction, agriculture, and retail. This requires a high level of guidance on the part of the implementing authorities and it is suggested that global sector or branch level risk assessments are produced, preferably through the involvement of sector-specific organisations.

- *Rather than eliminate completely the requirement for the smallest companies to produce written risk assessments, it is recommended to introduce risk-based approaches adapted to the specific risks associated with sectors and types of companies, preferably combined with simplified procedures for the smallest companies.*

Costs and benefits of compliance with OSH regulations, and efforts to increase awareness and compliance

OSH is not usually viewed as a contributory factor to the economic viability of an organisation, since it is rather compliance with government guidelines, regulations and laws which is seen as the rationale for OSH policies. A key problem in this respect is that establishing a direct cause-effect relation and quantifying the benefits for companies of investing in OSH is generally difficult. This is particularly true for SMEs which often do not keep track of the costs and benefits of undertaking a particular health and safety initiative.

However, some economic benefits of improved OSH can be rather easily determined. These are the benefits that can be defined as direct effects in the form of reduction of costs directly associated with accidents and ill health, for instance through:

- reduced sick pay and absenteeism for workers due to accident and illness
- reduced compensation claims
- fewer stops in production
- lower insurance premiums

These are, however, not the only economic benefits which may result from improved OSH. Benefits can also be considered from an “intangible assets” point of view, for instance improved company reputation (CSR). Other important benefits mostly associated with *improved productivity* through better OSH stem from factors such as:

- improved organisation of work
- good working environment, increased employee satisfaction
- reduced staff turnover.

In order to increase awareness of the connection between OSH and economic viability and productivity, it will be necessary to establish indicators (at the level of input, output and outcome) and to assess the costs and benefits of OSH investment in the workplace. Cost benefit analysis needs to be done at sector level, and possibly also by company size, in order for it to be relevant for decision making within the companies.

- *Few studies focus specifically on OSH interventions within SMEs and the business benefits of linking OSH with economic performance. More research in this area is needed, in particular focusing on SMEs and demonstrating more clearly the benefits, in terms of concrete, quantifiable indicators.*
- *In this connection, it is pertinent to encourage SMEs to take steps to more systematically collect information to better monitor their organisation's economic performance in relation to OSH, including having a separate budget for safety and health*

The size of companies has a significant impact on the extent to which safety management obligations are carried out, and their quality. Smaller companies are less likely than larger establishments to have a documented OSH policy or an established OSH management system, and at the same time knowledge-related barriers (lack of awareness, lack of expertise or not seeing the benefit of OSH management) play a bigger role in smaller companies.

Documenting the economic benefits of good OSH is made more difficult because of the considerable differences between insurance and social security systems across EU MS, which lead to very different cost/benefit structures. For instance, the sick pay costs to employers vary significantly, which may affect the level of motivation to invest in improved OSH. This could indicate that the differences in national context call for specific national arguments towards employers rather than a “standardised” EU approach. It also means an increased importance of making companies aware of other types of benefits in addition to those directly related to reduced costs of absenteeism – in particular the “intangible” benefits.

Combining tools and guidance for risk assessment with efforts to increase awareness of companies of the link between OSH and the resulting direct and indirect benefits may be the most effective way to improve the overall level of OSH. As regards tools for risk assessment, the most advanced tool that has been identified is the ORA web-tool currently being developed by OSHA. A number of Member States have various guidance and tools available, but none has been identified which offers more advanced features than the ORA tool. However, the tool will have to be adapted to the national context and to individual sectors in each MS in order to be effective.

As regards tools for risk assessment, the most advanced tool that has been identified is the ORA web-tool currently being developed by OSHA. A number of Member States have various guidance and tools available, but none has been identified which offers more advanced features than the ORA tool. However, the tool will have to be adapted to the national context in each MS in order to be effective.

- *The differences between national contexts and between sectors call for a decentralised system for adaptation to the specific contexts of sectors and countries. This may take as a point of departure a concerted and co-ordinated effort at EU level (such as the ORA tool) but necessitates extensive involvement of national stakeholders, in particular the social partners and the national authorities responsible for OSH.*

Communicating the benefits of good OSH management to SMEs can be a challenging process because of the diverse nature of SMEs. Direct and targeted communication such as face-to-face communication, safety & health awareness days and the use of intermediaries (e.g. sector-level organisations, banks, insurers etc.) are usually the most successful in influencing the behaviour of SMEs, due to the nature of the information to be conveyed. The effectiveness of awareness-raising campaigns carried out at EU level is however questioned, as conditions vary significantly in the different MS with respect to, in particular, social security and insurance systems and the legal set-up and operational effectiveness of labour inspection. Thus, general campaigns at the EU level may be too general, while campaigns adapted to the national context are seen as more effective.

- *Awareness campaigns towards SMEs should as far as possible use direct communication and interaction. Using intermediaries such as sector organisations, banks, insurers etc. is recommended, as these are already in contact with the enterprises and have often established a level of trust and knowledge of the enterprise which may be helpful in conveying the message*

New risks and new prevention measures

In the area of OSH, a number of new (or emerging) risks are becoming increasingly important. Overall, a risk is considered new if it was previously non-existent and is caused by new processes, new technologies, new types of workplace, or social or organisational change; but it can also be a long-standing issue which is now considered to be a risk due to new scientific knowledge or a change in public perception.

The three most important groups of new and emerging risks are related to musculoskeletal disorders (MSDs), physical inactivity, and multifactor risks; risks related to psychosocial issues; and risks predominantly related to dangerous substances, new technologies and physical issues.

Whereas the incidence of accidents is decreasing, work related health problems and diseases are in fact increasing, and the majority of this increase is related to factors which can be described as emerging risks. Musculoskeletal disorders are by far the most common of all reported work-related health problems, followed by psychosocial disorders (stress, anxiety) etc., which are generally associated with new working patterns, including new forms of employment contracts and job insecurity, an ageing and more fragmented workforce, work intensification, poor work–life balance, and high emotional demands at work.

Other emerging risks are associated with for instance nanotechnologies and biological risks. In particular in the case of nanotechnologies, knowledge of their impact on health is still limited, which makes it difficult to address these risks.

As regards the emerging and new risks, it is assessed by the authors of this report that they are in fact covered by the existing legislation. To some extent, they are also covered by existing prevention measures (in particular as regards physical factors.). However, a number of new risks, in particular those of a psycho-social nature, call for new prevention measures. Such prevention measures should be developed in a flexible manner in order to adapt to the changes in working life that cause many of these new risks. However, prevention measures should nonetheless cater for both existing as well as new risks. In fact, new risks may receive more attention than existing risks, and there is reason to be cautious of neglecting “old risks”. A key element of new prevention measures is active participation of employees through dynamic management systems. However, a large share of management representatives feels that psychosocial risks are more difficult to deal with than physical, accident-related risks.

- *The traditional OSH tools need to be complemented by strategies and tools designed to anticipate, identify, evaluate and control emerging risks arising from changes in the world of work, as well as from innovative technologies.*
- *Priority should be given to informing and guiding enterprises about psychosocial risks and how to tackle them. There is a need for further guidance and toolkits and for specialist expertise in this area.*

As for the current Community strategy on health and safety at work, it does address the issue of new risks. However, due to the lack of detail in the strategy it is not possible to assess to what extent it may be effective in reducing the costs of work-related accidents and diseases with respect to these new risks. Most of the initiatives needed to reach the objectives of the strategy are to be implemented “downstream”, not by the Commission but by e.g. national authorities implementing national strategies.

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ANNEX 1: INTERVIEWS

Name	Position	Organisation	Country
European Commission Officials			
Maria-Theresa Moitinho de Almeida ¹¹⁴	Deputy Head of Unit	DG Employment, Social Affairs and Equal Opportunities, Unit F.4: Health, Safety and Hygiene at Work	EU
Francisco Alvarez Hidalgo	Policy Officer	DG Employment, Social Affairs and Equal Opportunities, Unit F.4: Health, Safety and Hygiene at Work	EU
Jan-Willem Ebeling	Legal Officer	DG Employment, Social Affairs and Equal Opportunities, Unit F.4: Health, Safety and Hygiene at Work	EU
Malgorzata Stadnik	Socio-Economic Analyst	DG Employment, Social Affairs and Equal Opportunities, Unit F.4: Health, Safety and Hygiene at Work	EU
EU Agency Officials			
William Cockburn	Senior Project Manager	European Agency for Safety and Health at Work, Risk Observatory Unit (OSHA)	EU
Eusebio Rial-González	Head of Unit	European Agency for Safety and Health at Work, Risk Observatory Unit (OSHA)	EU
Jean-Michel Miller	Research Manager	The European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)	EU
EU Organisations			
Rolf Gehring	Political Secretary, Safety and Health	European Federation of Building and Woodworkers (EFBWW)	EU
Laurent Vogel	Director	The European Trade Union Institute, Health and Safety Department (ETUI)	EU
Liliane Volozinskis	Director, Social Affairs	The European Association of Craft, Small and Medium-Sized Enterprises (UEPME)	EU
Member State organisations and officials, individual experts			
Anders Just Pedersen	Manager	The Confederation of Danish Industry	Denmark
Guy Ahonen	Professor	Finnish Institute of Occupational Health	Finland
Kari Björke	Deputy Director	Ministry of Trade and Industry	Norway
Roxane Gervais	Psychologist	The Health and Safety Laboratory (HSL)	United Kingdom

¹¹⁴ The four listed DG EMPL officials were interviewed together.

Name	Position	Organisation	Country
Peter Hasle	Senior Researcher	National Research Centre for the Working Environment	Denmark
Sven Timm	Prevention Officer	Institute for Occupational Safety and Health of the German Social Accident Insurance (IFA/DGUV)	Germany
Jos Verbeek	Senior Researcher	Finnish Institute of Occupational Health	Finland
Eero Priha	Manager	Finnish Institute of Occupational Health	Finland
Lieven Monserez	Lawyer, Expert in Employment and Social Security Law	Laga Law Firm	Belgium

Potential interviewees contacted but not interviewed

Name	Position	Organisation	Country	Reason
Mr Walther Cerfeda	Confederal Secretary	ETUC	EU	Due to the respondent's vacation this interview could not be confirmed.
Mr Stephane Pimbert	Director General	INRS (Institut National de Recherche et de Sécurité)	France	Not available for interview
Ms Zofia Pawlowska	Head of OSH Management	Central Institute for Labour Protection (Centralny Instytut Ochrony Pracy - CIOP)	Poland	Respondent felt she was not applicable.
Ms Marianne de Troyer	Senior Researcher	Université libre de Bruxelles Centre de recherche METICES	Belgium	Respondent did not wish to participate

ANNEX 2: INTERVIEW GUIDE

Introduction

The aim of the study is to investigate the importance of OSH as a contributing factor to the economic viability of an organisation. The request for the study is rooted in the Commission's action programme for reducing administrative burdens and the effects this may have specifically in the area of OSH.

Please note that this interview guide is comprehensive and that it contains questions which are not relevant for all interviewees. The interviewer will choose the questions which appear most relevant given the interviewee's background.

Reduction of administrative burdens – effects of the derogations to information duties

The Commissions' action programme for reducing administrative burdens in the EU outlines measures in the area of OSH, notably in terms of derogations to information duties.

The following derogations have been proposed (not yet adopted):

- Exempting very small firms from having to produce a written assessment of the risks to health and safety
- Facilitate lighter transpositions by Member States of the Health and Safety of the Workers' Framework Directive
- Making labour inspection visits more efficient
- Improving the guidance for construction site enterprises
- Easing the drafting of risk assessments on health and safety in businesses
- Improving ways to handle key information on carcinogens

1. How is each of these derogations expected to affect:

- a. The employers (admin cost savings)?
- b. The prevention and reduction of work-related accidents and diseases in general?

[Note: The measures mentioned by the EP are related to Directives 89/399, 92/57, and 2004/37.

- *Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work*
- *Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites*
- *Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work*

Safety management obligations in SMEs

2. Are enterprises' safety management obligations carried out to a satisfying extent, particularly in SMEs? What are the main problem areas? Who (which departments/functions) are typically dealing with safety management obligations in small and large companies?
3. What effects would it have to cut down the safety management obligations
 - a. On the goal of preventing and reducing work-related accidents and diseases?
 - b. On enterprises?
 - c. Would it affect SMEs more/less? Why?

Increasing awareness among employers of effective compliance with OSH measures

4. Can you provide any examples of the link between productivity and OSH?
5. What could be a good indicator for measuring the effectiveness of OSH (in addition to the ones already in use)?
6. Are you aware of any on-going (and/or future) initiatives to increasing awareness among employers of the connection between OSH measures and resulting financial benefits?
7. How could awareness be increased, in your opinion?
8. Are there any tools for risk assessments in connection with OSH that could be used to increase the awareness? For instance Member State-specific initiatives?

Community OSH action programmes and planned legislative measures, particular focus on new risks

9. Which new/emerging risks would you highlight? Why? *[first ask, then prompt: new risks could be e.g. stress, work intensification, muscular-skeletal disorders]*
10. Do new working patterns lead to new risks? In which way? *[Remember to ask about atypical contracts: if temporary contracts are increasingly used, it could mean increased insecurity in the job situation leading to a decrease in the physical well-being. Another example could be increasing demands for productivity, putting more pressure on workers and leading to stress]*
 - a. If yes, are these working patterns related to specific sectors, age groups, socio-economic groups, economic sectors or the like?
 - b. If yes; do these new working patterns and new risks call for new prevention measures? What are the relevant factors that need to be taken into account in terms of tackling these new risks?

-
- 11.** Are there any current initiatives regarding the Community OSH action programmes and planned legislative measures in reducing costs of work-related accidents that should be highlighted here?

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT ECONOMIC AND SCIENTIFIC POLICY **A**

Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Economic and Monetary Affairs
- Employment and Social Affairs
- Environment, Public Health and Food Safety
- Industry, Research and Energy
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