

ETUC Resolution on the upcoming EU Occupational Safety and Health strategy in light of Covid-19

Adopted at the Executive Meeting of 9-10 December 2020

Background

One of ETUC's priorities, during the current mandate of the EU institutions, is to contribute to define a new EU strategy on Occupational Safety and Health (OSH) for 2021-2027, respondent to the needs of the European Union and citizens.

As a result of the pressure from the European trade union movement, the European Parliament and the Council, the European Commission announced, in its work programme for 2021, the launch of a new EU strategic framework on health and safety at work, "drawing lessons from the Covid-19 pandemic and against the backdrop of the changing world of work"¹. This is a great opportunity for the EU, and the member states, to implement principle 10 of the European Pillar of Social Rights, giving workers "the right to a high level of protection of their health and safety at work."

Based on the lessons learnt from the current strategic framework, and considering new and emerging risks, the ETUC Executive Committee, in October 2019, adopted a position on what the future strategy should include.² The ETUC position included nine priorities: 1. Promote new and improved national OSH strategies; 2. Social partner involvement; 3. Support implementation in micro, small and medium-sized enterprises and enlarging the scope of the EU OSH strategy to self-employed; 4. Enforcement; 5. New work patterns; 6. Prevent work-related diseases, accidents, violence and harassment; 7. Improve statistical data collection and OSH evidence base; 8. Strengthen international cooperation; and 9. Mainstream OSH.

These priorities are still very valid. However, given the new and severe challenges posed by Covid-19, it is important to consider the lessons learnt³ from this pandemic and update our call on the upcoming EU Occupational Safety and Health strategy, also from a gender perspective. This resolution sets out these new demands, which together with the position from 2019 will constitute the ETUC position for the new OSH strategy.

Principles and priorities for the new EU OSH strategy in light of Covid-19

Covid-19 has become the biggest health, economic and social challenge in the history of the European Union. The new EU OSH strategy should, from the onset, acknowledge that the Covid-19 pandemic is not only a public health issue but very much an occupational health issue. Potentially a specific chapter of the strategy should be dedicated to this. The workplace provides fertile ground for the transmission of the virus. Therefore, if the EU, and its member states, fail to guarantee health and safety provisions for all workers, it will be more difficult to provide essential activities during lockdowns. Thus, also slowing the economy's exit and recovery from the crisis.

Since the Covid-19 outbreak, workers in many sectors have continued to be physically present at the workplace, such as in healthcare, elderly care, education, transport,

¹ [Commission Work Programme 2021- A Union of vitality in a world of fragility COM\(2020\) 690.](#)

² [ETUC position on a new EU strategy on Occupational Safety and Health](#), adopted at the Executive Committee Meeting of 22-23 October 2019

³ Based *inter alia* on the ETUC Covid-19 Watch briefing notes on national OSH measures: <https://www.etuc.org/en/publication/covid-19-watch-etuc-briefing-notes>

manufacturing, construction, cleaning industry, retail, agriculture and the food manufacturing industry. Other workers have been working from home in varying degrees. These two different situations have created different challenges and risks, but both share one common feature, namely the **employers' duty** – as laid down in the **1989 EU Health and Safety Framework Directive**⁴ – to ensure the health and safety of their employees regardless of where they work.

Evidence shows that **some economic sectors became true vectors for the spread of Covid-19**. Major Covid-19 outbreaks, such as the one at the meat factory in North Rhine-Westphalia in Germany last June, have drastic social and economic consequences with many workers infected, with the virus spreading into local communities, and authorities being forced to trigger lockdowns in nearby districts. These situations must be avoided in the future. ETUC calls on the European Commission to investigate (eventually through EU-OSHA and the European Centre for Disease Prevention and Control, ECDC) which factors, aside from deplorable housing and working conditions, have contributed to workplaces in certain sectors becoming vectors for the spread of Covid-19.

Employers should strictly apply the appropriate **preventive measures**. These are identified through risks assessments and risk management, as foreseen by the Framework Directive. This approach should involve the workers and trade union representatives. Such actions will help to achieve a safe and healthy workplace, in particular in terms of physical distancing and availability of proper hand sanitizers, personal protective equipment and adequate ventilation of work centers. It is also important to undertake a **gender approach** on OSH, also noting that women are over-represented in many highly exposed categories of work and sectors. The employers should also ensure risk assessment and take consequent preventive measures, also considering the organisation of work, managing other risks emerging as a result of the Covid-19 pandemic, whether it being psychosocial or ergonomic risks inter alia when teleworking or working from home.

The rules and principles of the Framework Directive need to be fully applied. **Supporting and implementation measures** (through legislation, collective agreements and guidance), including the application at company level of the **EU-OSHA guidance** “on coming back to work protecting the health and safety of workers”⁵ - including sector-specific guidance - are also necessary. The social partners were involved in developing this guidance, and it is important that the Member States fully apply it in order to tackle the physical and psychosocial risks connected to the pandemic. The success of the EU exit strategy and plan for recovery will largely depend on OSH appropriate policies and measures, involving trade unions, the labour inspectorate and occupational doctors engaged in the health surveillance at the workplace. Financial support to OSH policies is also needed for guaranteeing a successful exit strategy. Such economic policies should not be considered as a cost but as an investment.

The pandemic has highlighted the need to improve the existing regulatory EU OSH framework and to have new legislation in place. Shortly after the outbreak, the Covid-19 virus was categorized in the so-called **Biological Agents Directive**.⁶ While this was a welcome move, there is a need to assess if there is room for improvement in the classification system of the Directive. The Directive explicitly covers all workers when exposed to biological agents, this aspect is not however very specific and not properly applied in the Member States' implementation of the Directive. The Directive should also be urgently updated to be fit for purpose in terms of dealing with a pandemic.

⁴ [Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work](#)

⁵ [COVID-19: Back to the workplace - Adapting workplaces and protecting workers](#)

⁶ [Directive 2000/54/EC on the protection of workers from risks related to exposure to biological agents at work](#)

ETUC is also calling on the European Commission to urgently ensure that work-related Covid-19 infections are compensated in the corresponding social security system. Therefore, the **Commission Recommendation concerning the European schedule of occupational diseases**⁷ should be revised to specifically include Covid-19 as applying to all workers who are exposed to infection without adequate protection. The burden of proof on the worker, to show that Covid-19 infection was due to exposure at work, should not a priori prevent the achievement of the corresponding social security compensation. Therefore, the hurdle for the recognition of Covid-19 should be low. While fully respecting the national competencies of the arrangement of the social security system, the possibility to transform the Recommendation into a Directive should also be explored.

The **role of the tripartite EU Advisory Committee on Safety and Health at Work (ACSH)** is key for both the Biological Agents Directive and the issue of Covid-19 as an occupational disease.

The pandemic is also having an impact on the mental health of workers, not the least in the health care sector and other essential services sectors. Psychosocial risks are increasing with the fear of job loss, the fear of being infected, the isolation resulting from working from home, the lack of social support from managers and co-workers, the increased time pressure and workload, and the risk of violence. More investment in mental health is urgent, and research is needed on the long-term effects of teleworking from an OSH perspective. However, there is also a need for an EU **Directive on psychosocial health risks** to clarify the employers' duty in preventing and dealing with these risks and organise work in such a way that it creates good conditions for the employees. ETUC has, together with Eurocadres, launched a platform to campaign for such a legislative initiative at EU level.⁸

Moreover, ETUC has been calling for an EU **Directive on work-related musculoskeletal disorders** (MSDs). This issue has become more urgent during the Covid-19 pandemic due to the significant rise of teleworking and work from home, which has had an impact on MSDs. ETUC is also the official partner of the EU-OSHA campaign "Healthy Workplaces – Lighten the Load".⁹ In the light of the pandemic, the Agency will adapt the campaign to the impact of telework, with a specific gender dimension.

The Covid-19 crisis has exposed the vulnerability of **non-standard workers, including platform workers, and self-employed workers**. It shows the importance in ensuring the same quality OSH standards for all types of workers. These workers should therefore fall under the scope of protection of OSH legislation and policies. It is equally important to pay attention to the situation of workers with disabilities and chronic diseases.

The crisis has also uncovered and exacerbated the deplorable working and living conditions of **mobile and migrant workers**, including seasonal workers, in Europe, with unsafe workplaces and unsanitary accommodation. They are therefore easy targets for the virus. The new strategy should therefore address the specific conditions of these workers by reiterating employers' obligations. It should set out the protective and precautionary measures needed to ensure their decent working and living conditions, including e.g. quality accommodation, safe transport and decent meals. There should be a close cooperation between the European Labour Authority and EU-OSHA also in this regard.

⁷ [Commission Recommendation 2003/670/EC concerning the European schedule of occupational diseases](#)

⁸ [EndStress.EU](#)

⁹ [Healthy-Workplaces.EU](#)

The correct and full application and **enforcement** of occupational safety and health rules is key in order to limit the spread of the virus and to get economic activities back to normal again. Labour inspectorates should be strongly involved, both in enforcement of OSH measures aimed at preventing Covid-19 infection as well as in developing guidance and assistance to employers and workers. Particular attention should be given to high-risk sectors, such as healthcare, services, education and transport. Member States have to provide adequate support to labour inspectorates – and live up to the ILO recommendation of 1 labour inspector per 10 000 workers. Also, the role of trade union workplace health and safety representatives should be strengthened. Finally, social partners should be properly involved in designing and implementing sound health and safety measures at all levels, in accordance with the rules and principles of the EU Framework Directive.

If rules and regulations are not properly implemented and enforced, **the right to withdraw labour** should be applied. This right, as stipulated by the 1989 OSH Framework Directive, grants workers the possibility to refuse to work if they face serious and immediate danger. The employer should not require workers to return to work until he has taken measures to remedy the danger. Workers should be guaranteed and supported in the exercise of their right to withdraw labour.

Due to the pandemic, and the measures implemented to contain it, many cancer treatments have been postponed, increasing the risks for workers of late diagnosis. ETUC calls on the European Commission to include **occupational cancers** in its forthcoming Europe's Beat Cancer Plan and in the OSH strategic framework. The Commission has proposed Binding Occupational Exposure Limit Values (BOELs) on Acrylonitrile, Nickel compounds and Benzene as part of an update to the Carcinogens and Mutagens Directive (CMD). Whereas this initiative is welcomed, ETUC calls on the co-legislators to also extend the scope of the CMD to substances toxic for reproduction and to hazardous medicinal products. In order to push for these demands, ETUC has joined the EPSU-led campaign 'Stop Cancer at Work'.¹⁰

¹⁰ [StopCancerAtWork.EU](https://www.stopcanceratwork.eu)