



European Federation
of Building
and Woodworkers



Mr Nicolas Schmit
Commissioner for Jobs and
Social Rights
European Commission

Sent by e-mail to: CAB-SCHMIT-ARCHIVES@ec.europa.eu

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International Workers' Memorial Day 2020: Recognising COVID-19 as an occupational disease

Dear Commissioner Schmit,

With all of Europe currently living under various guises of coronavirus lockdown, millions of workers continue to work hard to keep society functioning. They are going to work and exposing themselves and their households to this deadly virus.

Yet the vast majority are doing so without the (limited) security of knowing that if they contract COVID-19 in carrying out their essential work they will be protected. This is profoundly unfair. Workers need official recognition of COVID-19 as an occupational disease. Governments must be required to report and record work-related cases. Compensation schemes need to be set up to cover victims to work-related COVID-19 sickness and their families.

For International Workers Memorial Day, on 28 April 2020 we are calling on the Commission to do all it can to protect workers and ensure that COVID-19 is recognised as an occupational disease.

In the first instance this means revising the Commission Recommendation (2003/670/EC) concerning the European schedule of occupational diseases to specifically include COVID-19 as applying to *all workers* who are currently disproportionately exposed to infection.

In its current form the Recommendation does not cover adequately the different groups of workers exposed to COVID-19 as an occupational risk due to its pandemic dimension.

Code 407 of Annex I states:

“Other infectious diseases caused by work in disease prevention, health care, domiciliary assistance and other comparable activities for which a risk of infection has been proven.”

In the case of the current coronavirus pandemic this is wholly insufficient as millions of workers are being exposed across a wide range of occupations (see annex).

As you know, for several Member States the provisions of the Recommendation are automatically binding at national level. Yet even for other Member States this revision would be a clear statement of leadership from the EU that workers who continue to put themselves at risk doing essential work for us all must be respected and must be protected.

At national level, the European trade union family will also support action to ensure that all workers are protected by amending their occupation disease systems to include a rebuttal presumption. This would provide that where someone’s work assignment places them at risk of exposure to coronavirus, which is higher than for the general population, COVID-19 should be recognised and compensated as an occupational disease. The inclusion of a rebuttal presumption in the case of COVID-19 infections will mean that the exposure will be presumed to have arisen out of a person’s work.

Revising the Recommendation will be a first step towards showing workers the respect they deserve. It would ensure that if they are unfortunate enough to contract COVID-19, they have fair access to compensation. Workers should be focused on recovering, not worrying about whether they will face financial ruin for getting sick from work.

A new code specific for COVID-19, or enlarged to pandemic diseases, should be introduced to Annex I of the Recommendation. As indicative guidance a preliminary list of occupations that should be included in any such revision is annexed to this statement. European trade union federations stand ready to work with the Commission to further articulate this list to ensure that all workers are protected. This will also include establishing the types of work situations and tasks relating to job functions that lead to coronavirus exposure.

Across Europe the tangible benefit that collective bargaining makes to workers’ lives has been clearly demonstrated during this coronavirus crisis. In the sectors and enterprises with strong collective bargaining robust measures have been agreed with employers to protect workers’ safety as well as their economic security. Unfortunately, the crisis has also shone a light into the darkest corners of our economies where precarious arrangements have left many workers adrift. Widespread precarious work arrangements have hastened the economic collapse. It has become far too easy to part with workers at the first hint at a drop in demand, rather than try to find a solution in collaboration with them and their unions. As the Eurofound flagship report on labour market change highlighted last week, there has been an increase in ‘compound’ non-standard employment, such as very marginal part-time work, very short temporary contracts, working without a contract and casual work.

Too many workers have been forced to work on through this crisis and risk their health because they do not have access to full employment rights, social protection and representation. This must be remembered as we emerge from this immediate crisis and secure employment with robust sectoral collective bargaining must be supported unequivocally.

On International Workers' Memorial Day, we remember the millions of workers who die each year in workplace fatalities or as a consequence of workplace exposures. This year, as the world is gripped by a deadly pandemic it is imperative that the EU does the right thing. Workers are dying to save lives. As well as our thanks, they deserve our support.

COVID-19 must be recognised and compensated as an occupational disease.

Best regards,

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Annex

Workers at increased risk of COVID-19 include, but are not limited to, the following occupations:

- Critical trade union functions
- Critical trades
- Day care centres for dependents of front-line workers
- Education institutions
- Essential construction and infrastructure maintenance
- Financial institutions
- Food and beverage production and agriculture
- Funeral services
- Hardware and supplies stores
- Health care providers engaged in patient care
- Home-based care and services
- Hotels
- Journalists
- Laundry services
- Mail, post, shipping, logistics, delivery, and pick-up services
- Manufacture, distribution, and supply chain for critical products and industries
- Organisations that provide charitable and social services
- Petrol stations and businesses needed for transport
- Police, fire personnel, emergency medical technicians, or paramedics and all individuals employed and considered as first responders
- Professional services
- Property services, cleaners and security
- Residential facilities and shelters
- Restaurants for consumption off-premises
- Stores that sell groceries and medicine
- Supplies for essential businesses and operations
- Supplies to work from home
- Transport workers
- Workers in the electricity and gas sectors, especially the ones in inspection, operation and maintenance operations in powerplants and grids
- Workers on (essential) production lines