

European Confederation of Independent Trade Unions (CESI) – Europe Academy
European seminar

OCCUPATIONAL SAFETY AND HEALTH IN THE PUBLIC SECTOR IN EUROPE: NEW CHALLENGES

New working rhythms and their impact on health

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Concluding round table: « *How do unions position themselves in the light of the new realities of the world of work?* »

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INTRODUCTION :

The proposed topic – « *The positioning of unions in the light of the new realities of the world of work* » - may be summed up in three questions:

1. ***Where do we stand?*** This leads us to review the situation of the « world of work ».
2. ***Are we witnessing the advent of a new unionism in the different European countries?***
Which boils down to identifying the challenges and the issues the unions have to deal with.
3. ***What can be done?*** This leads us to identify what actions can be considered within the framework of the European Union.

I – STATUS REPORT: The emergence of a « new world » with various rapid transformations of work which deeply disrupt the relationships between people and their work.

These mutations, which may be a sign of the advent of « flextime work », materialise as different phenomena touching different fields concerning different sectors; they may be grouped in one category system: the 8 D's ».

The « 8 D's »	FIELDS CONCERNED
1. DEFLATION	The field of MONEY . Budgets decrease.
2. DESTRUCTURING	The field of ORGANIZATIONS and SERVICES : - Change from « pyramidal » organizations to a « network » ; - Appearance of professional nomadism.
3. DELOCALISATION	
4. DEMATERIALISATION	The field of ACTIVITIES and TASKS : The development of teleworking thanks to information and communication technologies.
5. DEPERSONALISATION	The field of AGENTS : - They become interchangeable; - They no longer find a meaning in what they do.
6. DESIMPLICATION	

7. DE-UNIONIZATION	The field of the COMMUNITY of work . The rates of unionization vary from country to country ¹ : <ul style="list-style-type: none"> - France and Estonia : 8%, - Spain : 15%, - Germany, the Netherlands : 20%, - Austria and the United Kingdom : 30% - Italy : 35%, - Luxembourg : 40%, - Belgium : 54%, - Sweden : 75% - European Union average: 23%
8. DESYNCHRONISATION	The field of TIME (the 4th dimension in the space-time reference frame in Einstein's physics of relativity). Working time is deeply altered : <ul style="list-style-type: none"> - Dispersion, - Rhythm, - Intensity.

II – FOR A RENEWED INVENTIVE UNIONISM which will be able to identify the new issues resulting from ongoing mutations and meet their challenges.

This renewed unionism will have to increase the vision of its place and its role by freeing itself from narrow, reactive or fruitless conceptions, stemming from routine thinking and overused clichés of the past.

II-1 – Freeing oneself from conceptions stemming from routine thinking and overused clichés of the past either by « improving », reviewing or breaking away from them:

1. Whether it concerns « *corporatist unionism* » or the « *dogmatic unionism of social transformation* » :
 - a. « *Corporatist unionism* » restricts its activity to the defence of the workers' interests of its professional field and does not take into account the general context of society nor its consequences for workers.
 - b. « *Dogmatic unionism of social transformation* » considers that the social organisation of work constitutes an alienation which must be fought against, and that workers who are victims of the exploitation of their employers must be emancipated.
2. Whether it concerns the « *unionism of opposition and claims* » or the « *unionism of collaboration* » :
 - a. The « *unionism of opposition and claims* » is based on a CONFLICTING conception of the relationships with employers, who are primarily considered as OPPONENTS or ENEMIES.
 - b. The « *unionism of collaboration* » is suspected of being a passive unionism of « collusion » with employers primarily aimed at endorsing their decisions.

¹ This concerns the global rate of unionisation. Cf. <http://www.clesdusocial.com/les-taux-de-syndicalisation-en-europe>

II-2- For a renewed unionism: the advent of an INVENTIVE UNIONISM of CRITICAL and CONSTRUCTIVE PARTICIPATION and of SERVICES.

In the field of occupational safety and health, the need for this new unionism is blatant.

II-2-1-This 21st century unionism is vested with four roles:

1. Three EXTERNAL roles toward its employers :
 - a. A role of« WHISTLEBLOWER »: This identifies and reports the risks, the threats and the dangers.
 - b. A role of « CONTRADICTION »: This analyses the problems, feeds the debates and supports the controversies.
 - c. A role of « NEGOTIATOR »: This formulates proposals which it justifies, asserts and defends.
2. An INTERNAL role towards its members: a role of « a union of services² » in which it provides services which may take various forms :
 - a. Financial help,
 - b. Legal help,
 - c. The securing of professional paths.

II-2-2- A unionism of OPENING:

1. This rests on a VISION which associates :
 - a. Values,
 - b. Convictions
2. This rests on a STRATEGY and PROJECTS implying :
 - a. Objectives,
 - b. Methods of action.

III – WHAT CAN BE DONE AT THE EUROPEAN LEVEL ABOUT OCCUPATIONAL SAFETY and HEALTH (OSH) OF PUBLIC AGENTS? THE WORKING HYPOTHESIS AND CONCEIVABLE MEASURES

III-1- The working hypothesis:

1. *It is necessary to start from the « field » and the « existing law » :*
 - a. The field means observations and testimonies showing « the stake of the facts »,
 - b. The « existing law», means « the stake of the texts »
2. *Why ?*
 - a. Because it is an aim of democracy to replace conflicts with dialogue,
 - b. Because a state under the rule of law needs constant improvement of the State's Law,
 - c. Because a goal of the Civil Service is to see to the public interest and to defend it, the public agent is the holder and the guarantor of the quality of services of public interest.
 - d. At a moment when the European Union and thus the social European model are exposed to severe unprecedented tensions, it is appropriate if not necessary, for

² See « Le syndicalisme de services : une piste pour un renouveau des relations sociales », note de veille n°190, Centre d'analyse stratégique, août 2010, 10p.
http://archives.strategie.gouv.fr/cas/system/files/noteveille190_syndicalisme_de_services.pdf

each European worker to remember what he owes to Europe as regards OHS, and realizes what this first rate innovation represented (directive 89/391) when adopted 27 years ago !!....

3. *How to proceed?*

- a. Examine the topic by applying a global and integrated approach, since the identification of the factors determining health require such an approach. See e.g. the « rainbow » model of Dahlgren and Whitehead of 1991³.
See Appendix: « *Working conditions: what definition? »*
- b. Identify the directives concerning the OSH. There are at least three directives:
 - On the working time,
 - On occupational safety and health,
 - On informing and the consulting of workers.
- c. Identify and propose measures likely to be taken into account in the framework of the seven great strategic objectives of the « strategic frame of the European Union regarding occupational safety and health (2014-2020) »⁴.

III-2- Potential measures: 4 key proposals

Nota: *These measures do not prevent the Member - states from taking initiatives in the framework of the responsibilities they have, such as the setting up of management schemes on the quality of occupational safety and health.*

Such schemes exist⁵, but it is not known what Member - states have set up schemes of this kind. If such is the case, the number of states that have resorted to them could be counted on the fingers of a single hand...

PROPOSAL N° 1: Introduce useful definitions in the directives
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Five concepts would deserve to have their definition introduced into European law:

1. « **HEALTH** », which the World Health Organisation defined in 1946 in the preamble of its constitution as « a complete state of physical, mental and social well-being and not only as the absence of disease or infirmity ».
2. « **PSYCHO-SOCIAL RISK** », which does not exist in the 89/391 directive, since in 1989, this notion did not exist.
3. « **WELL-BEING AT WORK** », which would allow the introduction of an « index number measuring well-being at work ».
4. « **QUALITY OF LIFE AT WORK** ».
5. « **WORKING ATMOSPHERE** ».

PROPOSAL N° 2: Under the heading of EU-OSHA and/or EUROFOUND, set up expert groups working on selected TOPICS or KEY- THEMES

³ <http://inpes.santepubliquefrance.fr/10000/themes/ISS/determinants-sante.asp>

⁴ Ref. Communication of the Commission of the European Parliament, the Council, the European Economic and Social Committee and the regional committee relating to a strategic frame of the European Union in the field of occupational safety and health (2014-2020), COM(2014) 332 final.

⁵ For example the British norm BS OSHA 18001 and 18002, or the Canadian norm BNQ 9700-800.

1. The DEFINITION of « **BURN-OUT** » (in French « professional exhaustion syndrome »). This definition would allow consideration of legal recognition of this severe and costly illness as a professional disease⁶.
2. ADMINISTRATIVE PERFORMANCE AND WELL-BEING AT WORK. How to reconcile the two?

PROPOSAL N°3: Adopt MINIMAL prescriptions on the MEANS to be put into place in order to make a health policy at work EFFECTIVE.

The best European texts are of no practical interest if the means for their application are neither planned nor gathered by the Member- states.

It is necessary for the European principle of the minimal prescriptions to be applied not only to NORMS, but also to MEANS, in order to guarantee the application of texts.

Some **MINIMAL NORMS for MEANS** should appear in European texts about occupational safety and health:

1. A minimum ratio of inspectors in OSH as well as occupational physicians (for example, one doctor for 1,000 agents) ;
2. The setting up of a specific professional OSH stream in the system of staff management ;
3. The setting up of a « Social balance sheet » for each administration including a specific chapter dedicated to OSH, together with a chapter on working conditions with relevant associated indicators.

PROPOSAL N°4: Improve the program of evaluation of the Commission for the implementation of the strategic framework 2014-2020 of the EU.

Two practical measures would deserve to be usefully considered in this light:

1. Systematize the joint missions EU-OSHA and EUROFOUND,
2. Enable the missions taking place in Member- states to enter local services and :
 - Once there, have free discussions with the executives and the agents working there ,
 - Obtain useful documents that can be found there (for example, « charter of values » or « charter for working time »)

APPENDIX : WORKING CONDITIONS : WHAT DEFINITION? THE WORKING HYPOTHESIS OF FEDERATION GENERALE AUTONOME DES FONCTIONNAIRES (FGAF)

Source : « *Livre blanc sur les conditions de travail des fonctionnaires et des agents publics* », Hervé Garlet et José Razafindranaly, 2014, ISBN : 978-2-9549157-0-8

⁶ This process has been running in France since January 2014. At that date the consultancy firm Technologia approved by the labour department launched an appeal to recognize the « burn-out syndrome » as a professional disease on the initiative of its director-founder Jean-Claude Delgènes. Cf. <http://www.appel-burnout.fr/> et <http://www.technologia.fr/blog/wp-content/uploads/2014/01/Etude-burnout-apports-quantitatifs.pdf>. Since then, several French parliamentarians have proposed that the French law should confirm this recognition.