TUTB

NEWSLETTER OF THE EUROPEAN TRADE UNION TECHNICAL BUREAU FOR HEALTH AND SAFETY

N°14 JUNE 2000

NEWSLETTER

IN THIS ISSUE

ISSN: 1027 - 4693

EDITORIAL

Will workplace health and safety be watered down in European social policy ?

This *Newsletter* has repeatedly argued that the working environment is a specific area for action by the Community public authorities. Article 118A has gone, but most of its provisions have been re-enacted in the new articles 136, 137 and 138 of the Treaty which apply to the much wider field of social policy, education, training and youth. Signally, the Member States' commitment to work on harmonizing conditions in this field has been swept under the carpet and the Treaty makes no provision for a majority Council Decision to adopt common programmes to implement existing directives !

This, plus the setting up in 1995 of a European Agency based in Bilbao to be an information resource on health and safety, has led many to question where health and safety are headed in Community policies. The social policy agenda for the period 2000-2005, published by the Commission, is the first document to lay down programme guidelines which include health and safety. The Lisbon Conclusions talked about quality of employment but glossed over quality of the working environment.

The Commission's agenda lists ways of modernizing the European social model. Health and safety at work gets a look-in under the objective: "*anticipating and managing change and adapting to the new working environment*", which provides for promoting health and safety at work, and adapting legislation in the light of new knowledge and technical progress. It is covered by three actions: codifying and simplifying H&S legislation; adapting and improving H&S legislation taking into account ECJ case law and the changing world of work; and further developing the Community strategy on health and safety at work by issuing a Commission Communication. This third action scraped into the preparations for the agenda at the last minute, and took a unanimous call from the Luxembourg Advisory Committee to convince the Commission to put it in.

Never before in the social programme have health and safety policies been expressly made part of employment policy and no other. The foundations of this linkage could be seen in the mid-term report on the Community programme concerning safety, hygiene and health at work 1996-2000 (COM (1998) 511). One priority set for the period 1998-2000 was strengthening the link between a good safe working environment and the "*employability of labour*". Many misgivings were voiced about this shift in language from collective protection for workers to the "*employability of labour*" - a term favoured by employers which underpins an approach to employability as a means for selecting healthy workers rather than a policy of making workplaces fit for workers.

The social policy agenda now ties health and safety to the adaptability of firms and workers. This was a strand of the third pillar of the employment strategy guidelines laid down at the 1997 Luxembourg Summit which set two objectives: modernizing work organization to achieve a new balance between flexibility and security (of jobs ?), and supporting adaptability in firms by ensuring that any new regulations help reduce barriers to employment and foster structural change.

We believe that linkages between a policy to promote health and safety and changes in work organization not only should but must be forged. There is abundant evidence that changes in work organization (increased responsibilities and constraints) and job insecurity are harming workers' health. The musculoskeletal disorders and stress which poor work organization causes to workers are well-established (see the ETUC campaign). The Dublin Foundation and Bilbao Agency's reports show the extent of the suffering: one worker in three !

And yet the Commission's agenda contains conflicting and confused signals, because the self-same guidelines foreshadow a process of codifying and simplifying health and safety legislation. The BEST report, like the Molitor report, had already called for simplification of existing legislation. The Community Directives mainly laid down fundamental principles of prevention and organization. Simplification cannot be about dismantling a structure which actually needs strengthening to cope with current issues. Poor working conditions are harming not just workers, but also social protection systems and business. How many more times does it have to be said that this situation is all due to business and Member States' unwillingness to stump up the means needed. The continuing low rate of preventive service coverage (50% of workers are covered) and the lack of rights to be informed and consulted for workers in most European firms speak for themselves here. The TUTB has consistently highlighted worsening working conditions and the need for a policy based on feedback of shopfloor experiences, data collection and tripartite debate.

In September 2000, the TUTB is staging a joint conference with the Swedish SALTSA programme on "Working without limits? Reorganizing work and reconsidering workers' health", where researchers and trade unionists from across Europe will give thought to the linkages between work organization and health and safety in the light of available data and industry experiences. They will also map out ways forward for research and action on the organization of prevention and spelling out the role of workers.

The last Lisbon Summit called on the Commission to produce an annual report on the progress achieved and pledged to implement the (open) method of coordination as the means of "achieving greater convergence towards the main EU goals". Where in the agenda is there anything about including a better working environment in the EU's objectives (quality of employment) in the coordination method ?

We want the new programme to include a linkage between the Commission's and Council's remits. The Commission is responsible for following-up on how the Directives are being applied and improving them. The Council looks after the means of open coordination, i.e., setting indicators and benchmarks (there is already a core of European indicators, and others are to be framed on infrastructure), information gathering, setting concrete aims for improving the work environment and strengthening the infrastructure, as well as establishing national programmes for the improvement of working conditions.

That they must get their act together now is clear: the latest batch of statistics show that work-related accidents are on the up in some countries, while injuries related to repetitive and intense work are rising everywhere. ■

Marc Sapir, Director of the TUTB

TUTB NEWSLETTER

THE EUROPEAN TRADE UNION TECHNICAL BUREAU FOR HEALTH AND SAFETY was established in 1989 by the European Trade Union Confederation (ETUC). It provides support and expertise to the ETUC and the Workers' Group of the Advisory Committee on Safety, Hygiene and Health Protection at Work. The TUTB is an associate member of the European Committee for Standardization (CEN). It coordinates networks of trade union experts in the fields of standardization (safety of machinery) and chemicals (classification of hazardous substances and setting occupational exposure limits). It also represents the ETUC at the European Agency for Health and Safety in Bilbao.

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TUTB Newsletter no. 14 June 2000. The information contained in this issue is mainly as at 30 June 2000.
The **TUTB Newsletter** is published three times a year in English and French.

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Circulation: Géraldine Hofmann
Graphic design: Célia Carrera Schmidt, Cynthia Legrand
Printed in Belgium by JAC Offset

Greece : difficulty in putting the new regulatory framework into practice

Georges Spyropoulos*

After the United Kingdom, Italy and Spain[1], we now continue our review of national debates on the application of the new health and safety rules with an overview of the situation in Greece. The publication of a survey on the development of working conditions and the working environment over the past 20 years has revealed a serious gap: the legislative framework has been modernised, but the policies and means necessary to its implementation are lacking.

Health, safety and working conditions in Greece. Recent developments and future prospects (in Greek), Georges Spyropoulos ed. (Athens/Komotini, Ant. N. Sakkoulas Publishers, 2000), 390 pages, 6 000 drachmas.

On the occasion of the 20th anniversary of the presentation of a report by the International Labour Office to the Greek government containing the analysis and recommendations of a multidisciplinary team of experts on the situation regarding working conditions and the working environment in Greece, a group of ten Greek specialists (comprising academics, occupational physicians, ergonomics specialists and labour inspectors) conducted a study of the changes that have been brought about in this field in the course of the past 20 years. The survey, which has just been published, reviews the progress made during that period - in particular with regard to the institutional and legal framework for health and safety at work - and reveals the deficiencies and main problems facing Greece today, whether these concern the situation at the workplace, the mode of operation of public services and institutions (labour inspectorate, technical infrastructures for protection and prevention of occupational risks, education and research) or the participation of workers' and employers' organisations in prevention and protection activities.

In order to be understood, the efforts to modernise regulations on health and safety at work which have been made in Greece since 1985 on the initiative of the Greek legislator and which have been intensified since the beginning of the 1990s with the transposition of Community Directives, must be placed in the context of the development of the general economic, social and institutional framework during that period: the accession of Greece to the European Communities in 1981, the persistent world economic crisis, the rise in unemployment, the increasing globalisation of trade, the adoption of a series of laws designed to modernise and democratise industrial relations but also - more recently - to introduce a more flexible legal framework in the field, the progressive shift of employment to the tertiary sector, the calling in question of the stability and traditional framework of individual employment relationships, the growing use of new forms of work organisation, the massive advent of migrant workers, and the development of the black economy and undeclared work.

The transposition of the 1989 framework Directive and the other health and safety Directives, which has now been completed despite several years' delay, has not given rise to a real national debate; nor was it preceded by an overall assessment of its economic impact on undertakings and on the State budget. Furthermore, the establishment of a modern and ambitious legislative framework in the health and safety field has not been accompanied by the elaboration and implementation of a national policy for improving working conditions and the working environment vested with the necessary financial resources - particularly in the fields of technical and vocational training, education, research and information.

Although the employers' and workers' organisations have recently proved to be more active than they have been in the past - they decided at the beginning of the 1990s, for example, to set up and Joint Institute for Health and Safety at Work, vested with considerable resources - they are nevertheless unable to raise the awareness of their members or to train and mobilise them in the fight against occupational hazards. What is more, the participation machinery which has been established by the legislator in the health and safety field over the past 15 years is having difficulty in operating properly both in undertakings and in regional and national bodies, since the persons concerned are proving to be indifferent and unconvinced of its usefulness.

Recent surveys have shown that in order to implement the new institutional framework a large number of corporate managers (400 000) and worker representatives on health and safety committees (more than 500 000) need to be trained urgently and a considerable number of specialists are also needed (an estimated 2 500 safety engineers and 850 industrial physicians). However, since appropriate awareness-raising measures are lacking, training for employers and workers' representatives has been limited hitherto to the organisation of a few sporadic seminars. And as far as specialists are concerned there is a very serious shortage: the country only has some 30 industrial physicians with the proper specialisation,

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[1] Cf. *TUTB Newsletter* no. 13, March 2000, pp. 6-12.

and there are less than 70 undertakings with a qualified safety engineer.

After an unfortunate attempt at decentralisation, which was fortunately short-lived (1994-1999), and which only aggravated the endemic problems of the Greek labour inspectorate, the recent action by the Ministry of Labour to take over the external services of the labour inspectorate and to set up a national body of labour inspectors comprising an adequate number of technical and social inspectors demonstrates the State's will to apply social legislation effectively. However, improving the efficiency of the labour inspectorate will require a great deal more than the promulgation of a law. It calls, inter alia, for a break with the improvisations of the past, action to make the new status of the labour inspectorate a reality that is unanimously recognised and respected, measures to develop the programming of that body's activities and steps to establish an ambitious and coherent programme of training and further training for its executive officers. In parallel, steps will need to be taken to promote the creation of external services for protection and the prevention of occupational hazards - services which are as yet inexistent - that can help small and medium-sized enterprises, which form the vast majority of undertakings in Greece. And finally, action will have to be taken to considerably strengthen the coordination of the activities of the public services concerned, whether in the field of the labour inspectorate, the national social insurance scheme, or the preventive action of the Ministry of Health.

The survey which has just been published points out that the years that lie ahead will be decisive for the success of the efforts to be deployed in order to apply the standards and principles laid down in the new institutional framework in everyday practice. In view of the scale and complexity of the task, the active and informed participation of the trade unions, employers, various specialists and representatives of civil society will be more necessary than ever. ■

ASBESTOS

WTO asbestos ban hearing : update

The editorial to issue 13 of the *TUTB Newsletter* called attention to the importance of Canada's complaint against France's asbestos ban. No final verdict has yet been reached on the complaint, which is up before the World Trade Organization's (WTO) Dispute Settlement Body. However, leaks about the contents of the panel's report all point the same way. The report is due to be published in August, and will be examined in more detail as soon as it becomes available.

The merits

Informed sources suggest that the report will find that France's asbestos ban does indeed constitute a barrier to trade, but not one that is covered by the rules of the Technical Barriers to Trade (TBT) Agreement. This means referring back to the older GATT rules, i.e., the collection of agreements on international trade concluded in the WTO's multilateral predecessor and taken over by WTO when it was set up. The panel will say that the asbestos ban violates the GATT trade rules by distorting competition between national products and imported products, but that the ban may be justified by being on public health grounds.

It seems likely that the WTO Dispute Settlement Body will adopt the report, so France could keep its asbestos ban in place without fear of trade reprisals in the WTO. It also makes it less likely that Canada will now complain to the WTO against the EU's own asbestos ban.

The immediate practical spin-offs of such a decision can only be welcomed. Canada knew full well that, whatever way the WTO's decision went, the EU asbestos market's days are numbered. Even in Canada, where official policy is to promote controlled use, the asbestos market has all-but collapsed; almost all the production is exported, mainly to Latin America and Asia. Significantly, the asbestos lobby has now turned its attention to the developing world (with a conference scheduled in New Delhi in November 2000). Canada's WTO complaint was an attempt to strongarm other countries who might be tempted to "drop asbestos". But it was also looking to solve internal problems - there is a strong body of Quebec nationalist opinion for which the defence of asbestos is a test of the federal government's readiness to stand up for the economic interests of Quebec industry.

The procedure

The asbestos case was the first occupational health issue to come before the WTO, and showed how its rules, which favour global capitalism, and fundamental labour rights are pulling in opposite directions. The final outcome may be favourable to workers, but the procedure followed in the affair is disturbing.

The panel consisted of international trade specialists with no particular occupational health expertise. The procedure for appointing scientific experts was not open to scrutiny, and used particularly lax selection criteria as regards vetting for possible conflicts from financial interests or cooperation with the asbestos industry. The WTO secretariat has a pivotal role in what are supposed to be expedited proceedings held behind closed doors. The parties' submissions need not be published and may contain serious inaccuracies which cannot be put under the public spotlight. In this case, the Brazilian government refused to allow its own submissions to be made public. But there is a split in Brazil's coalition government between those who favour banning asbestos (led by the Environment Minister) and those who do not (notably the Governor of the State of Goais, who is a member of President Cardoso's PSDB party). The evidence is that the President's decision to back Canada's complaint was not discussed within the federal executive. This has given rise to the odd situation where the Brazilian government has announced an impending ban, while arguing for controlled use of asbestos in a confidential document to the WTO !

Stay alert

The WTO decision does not deal with the Technical Barriers to Trade Agreement, leaving the questions as to its scope hanging. The fact is that behind the idea of technical barriers to trade stands a vast array of national legislative, regulatory and technical rules covering areas of overriding interest like occupational health, public health, or environmental protection. There is nothing to stop complaints under the TBT agreement being levelled at other national health protection policies. So, close tabs must be kept on the role of the WTO. The European institutions must, as a matter of urgency, look at whether WTO rules square with Community policies in areas like environmental protection, public health or occupational health. There could well be a real danger that WTO procedures will ultimately bring into question Community levels of protection and EU states' discretion to introduce more protective rules. It is regrettable that most of the debates are focussing on narrow topics (asbestos, bovine growth hormones, patents on pharmaceutical products, etc.) when it is high time to look at the potential impact of the substantive rules and procedures introduced. That is not something the Commission or European Parliament has done.

The favourable outcome to this case hinges on three factors which will not necessarily occur in others.

■ One is the abundant scientific evidence for banning asbestos. The days when the asbestos industry could sway a large body of medical research to deny the dangers of asbestos or cast serious doubt on the existing evidence have long gone in many countries. The precautionary principle did not arise in the case of asbestos. It is a basic preventive measure in relation to a substance which has already killed hundreds of thousands of workers or their families.

■ The asbestos industry now stands virtually alone. A series of multinationals with interests in asbestos mining or manufacture have pulled out of the market (not least due to the fear of victims' lawsuits). The world asbestos market has become fairly marginal, even for the main producer countries, and the use of substitute fibre is increasing.

■ Upholding Canada's complaint would almost certainly have deepened the WTO's unpopularity. The pro-business daily, the "Financial Times" greeted the decision with a perceptible sigh of relief, saying "A judgment in Canada's favour would have brought down the wrath of environmental groups around the world (....). That in turn could have further weakened the WTO's credibility in the minds of politicians and the public" (FT, 15/06/2000). Arguably, the decision may also reflect a new balance of power following the success of last December's protests in Seattle. ■

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The TUTB website has a special, regularly updated page on this issue reporting on the latest developments : http://www.etuc.org/tutb/uk/asbestos.html.

Asbestos – refocusing protective measures on those who are now most at risk

On 27 July 1999, Commission Directive 99/77/EC introducing a ban on chrysotile asbestos Europe-wide was finally adopted. Based on this and on the Council Conclusions of 7 April 1998, DG Employment and Social Affairs started work on one of the last items still to be tackled at the European level: the protection of workers involved in handling the burden of the past, i.e. in maintenance, demolition and removal work during which exposure to asbestos will or is very likely to occur.

A proposal for a Council Directive amending the existing workers' protection Directive 83/477/EEC[1] was presented and discussed at the first meeting of the AHG 'Asbestos' of the Advisory Committee in May 2000. In parallel, the Commission initiated the social partner consultation procedure provided in Article 138 of the Amsterdam Treaty.

Proposal presented to the Advisory Committee

The draft proposal presented to the 'Asbestos' ad hoc group of the Advisory Committee on Safety, Hygiene and Health Protection at Work at its May 2000 meeting, makes provision for the long overdue abolition of the exclusion of certain branches/ workers from the provisions of the Directive[2] and contains a number of issues which are in line with the demands put forward by either the Council[3], the ETUC[4] or the Social and Economic Committee[5] :

- identification of a material presumed to contain asbestos must be carried out prior to any demolition, reconstruction or maintenance work;
- firms must provide evidence of their competence in the field of demolition and/or the removal of material containing asbestos; and
- the employer is required to provide an adequate training programme for all workers who handle, or are liable to handle, products or materials containing asbestos.

Other demands probably cannot be covered by this proposal for a Directive :

- continuous reviewal of the risks associated with commonly used substitutes and of the regulatory provisions including exposure limits and measurement techniques applying to these fibres; or
- reviewal of the existing regulatory provisions and initiatives in the Member States in respect of the need to provide information on the presence of asbestos, taking account of the respective responsibilities of employers and owners of premises.

But the proposal also contains a very crucial point which will not be accepted by the workers' group and which in fact was already rejected by the majority of the members of the ad hoc group at the May 2000 meeting. The proposal provides, for example, that certain types of work are to be exempted from the measures/provisions provided in a number of articles :

- work on asbestos coating, asbestos insulation or asbestos panelling during which the total exposure time of workers does not exceed two hours;
- work with asbestos cement;
- air monitoring, clearance inspection or the storage of bulk samples for identifying whether a material contains asbestos.

First of all, a statement to the effect that 'the total exposure time… does not exceed two hours' is totally unacceptable, since it does not take account of the actual nature of exposure. Secondly, there is no reason for excluding any type of exposure whatever from :

- the obligation for the employer to notify the competent authority of the types and quantities of asbestos used and the activities and processes involved in activities in which workers are or may be exposed… to dust arising from asbestos or materials containing asbestos, as well as the right for workers and/or their representatives to have access to the documents which are the subject of the notification[6];
- measurements of asbestos in the air at the workplace;[7]
- the demarcation of the work posts to be taken into consideration, prohibited access for workers who are not involved, specific hygiene measures, the wearing of appropriate working and protective clothing and the need for separate storage places, etc.[8];
- access for workers and their representatives to the results of measurements and the obligation for the employer to inform the workers concerned and their representatives if limit values are exceeded[9];
- regular monitoring of the health of the workers exposed[10]; and
- the obligation to keep an exposure register to which the doctors/authorities responsible for medical surveillance and the workers concerned have access[11].

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1 Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work, adopted on the basis of Article 100 (amended for the first time by Directive 91/382/EEC of 25 June 1991).

2 Sea and air transport workers have hitherto been excluded from the provisions of the Directive.

3 Council Conclusions of 7 April 1998 on the protection of workers against the risks of exposure to asbestos.

4 Resolution of the ETUC Executive Committee of 8 October 1998.

5 Opinion of the Economic and Social Committee of 24 March 1999.

6 Article 4

7 Article 7

8 Article 13

9 Article 14(2)

10 Article 15

11 Article 16

Even if the Commission is planning to reduce the actual exposure limit values to 0.2 fibre per cm^3 over an average exposure time of 8 hours for all types of fibres[12] for all existing types of exposure, and even if this reduction is in line with the demands of the Council, the Social and Economic Committee and the ETUC, it does not go far enough. When one considers the health risk which is still present through exposure to any asbestos fibre dust as well as the fact that the French industry seems to be able to apply an OEL of 0.1 fibre per cm^3, there is no reason whatever for establishing an OEL at a higher level in a new Directive.

Parallel consultation of the Social Partners

The Amsterdam Treaty provides that the Commission must consult the social partners at the European level on the possible orientation of Community action before presenting proposals in the social policy field (Article 138 of the Amsterdam Treaty). Since the protection of workers from the risks related to exposure to asbestos at work clearly falls within the social policy fields listed in Article 137, the Commission was obliged to launch the first stage of this consultation procedure. Since the Commission did not consult the Social Partners first but only parallel to the consultation of the Advisory Committee, the Employers decided to boycott the meeting of the ad hoc group. Depending on the result of the consultation of the Social Partners, the Commission can decide either to stop consulting the Advisory Committee or to continue to follow the usual procedure.

It is not yet clear in which order the Commission will follow these two procedures in future. This is the first proposal for a Directive (in this case, a proposal for amending an existing Directive) in the health and safety field for which the procedure laid down in Article 138 of the Treaty applies. The ETUC and UNICE, which represent workers' and employers' organisations respectively at the European level, have issued diverging opinions[13] on how this procedure should be followed. Discussions between the two organisations have commenced. ■

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[12] In the existing directive the limit value is 0.6 fibre per cm^3 for chrysotile and 0.3 fibre per cm^3 for other types of fibres respectively.

[13] See ETUC Position on the application of the Amsterdam Treaty in the field of Health and Safety at Work adopted by the Executive Committee on 16-17 September 1999, and UNICE Comments on consultation of the Social Partners in the framework of Community policy on the protection and safety of workers at work, 27 April 1998.

South African workers sue multinational in British courts

South African asbestos victims and their families will be allowed to sue their employer, UK multinational Cape plc, in British courts, after a House of Lords ruling put an end to interminable legal wrangling. It offers new hope that multinationals will think again about operating "double standards" on workplace health.

More than 2,000 South African workers employed by two subsidiaries of UK multinational Cape plc are affected. Cape was active in South Africa from the late 19th century up to 1979, chiefly in asbestos mining and processing. Its Blue Cape subsidiary operated a mill in Prieska, Northern Cape, while Egnep ran a mine in Penge (Northern Province).

Cape's activities were nothing short of a health disaster. In the Penge mine, 80% of black miners who died between 1959 and 1964 had asbestosis. The average age of the victims was 43. In Prieska, over half its former workers had asbestos-related diseases, as did one in twelve of the townspeople. In addition to the miners' work-related exposure, the failure to clean up the sites continues to create new victims.

Cape's management could not have been in the dark about their own company's figures, showing that exposure levels in South African mines and mills in 1948 were thirty times the maximum limit set by the 1931 British regulations.

Cape plc wanted the case heard in South Africa where compensation awards are far below UK levels. This callous gamble on "cost of human life" differentials could now fail with the five law lords' unanimous finding that the victims would probably have been unable to get the professional representation and expertise they needed in South Africa.

Cape plc has sold all its asbestos mines. It continues to operate in many countries and is a convert to the new "green capitalism". It is a major producer of construction materials, especially asbestos-free fibre cement boards and insulating materials. It apparently has no plans to pay the cost of cleaning-up its old contaminated operating sites.

The Global Asbestos Congress : pressure groups meet in Brazil in September 2000

The Global Asbestos Congress is a unique multinational and multidisciplinary event which will take place in September, 2000 in Brazil. The organisers aim to bring together people whose lives have been affected by asbestos: the active participation of asbestos victims, their carers, their legal representatives, politicians, social activists, medical professionals, government officials, environmentalists, civil servants, health and safety practitioners, academics, social workers, artisans, building workers and others will be encouraged. Entry to the conference will be free to asbestos victims.

Within this forum, we hope to examine national experiences, identify common problems, discuss responses and pinpoint effective solutions. Delegates from developed and developing countries will enjoy the opportunity to share personal and professional experiences. Topics to be covered include :

- diagnosis and medical treatment;
- compensation issues;
- multinational compensation claims, the management and removal of asbestos, contaminated land and buildings, the "just" transition from asbestos to non-asbestos technology, epidemiological research and national histories of asbestos use and misuse.

ABREA, the Brazilian asbestos victims group, the Ban Asbestos Network and IBAS (International Ban Asbestos Secretariat) are working together to plan the conference with the support of international groups, unions and academic institutions including the Society of Occupational and Environmental Health, the Mayor of and Secretary of Health of Osasco, the Brazilian Ministry of Health and trade unions in Canada, the US, the UK and Brazil.

The location of the conference is Osasco, a city 15 miles from Sao Paulo, Brazil. Osasco has been chosen as the location for the conference because it was for generations the centre of the country's asbestos cement industry. For fifty-four years, asbestos cement goods were manufactured at Eternit's Osasco factories; for fifty years asbestos-containing brake systems were made locally. There are few Osasco families who have not had direct experience of asbestos disease.

The plenary sessions, workshops, round tables, photographic and video exhibitions and poster presentations will take place from 18 to 20 September, 2000. A protest march and concert in memory of thousands of Brazilian asbestos victims will be held on the Sunday (17 September).

Last year, the EU signalled the eventual end to asbestos use throughout its Member States when it updated Directive 76/769/EEC on dangerous substances and preparations. From 1 January, 2005, the introduction of new applications of asbestos cement materials, friction products, bands, seals and gaskets will be prohibited. If asbestos cannot be used safely in Europe, how can it be used safely in South America, Asia or the Far East ? The EU's ban has made asbestos producers even more determined to reassure remaining customers that its policy of "controlled use" will protect workers. Scientific evidence and epidemiological data will be presented in Osasco which prove that industry's assurances are meaningless.

For further information on the Congress visit the **IBAS** website at : www.btinternet.com/~ibas or email **Laurie Kazan-Allen** at ibas@lkaz.demon.co.uk

ILO : new Maternity Protection Convention

The International Labour Organization adopted a new Convention on maternity protection at its International Labour Conference in Geneva on 15 June 2000. The Convention was a litmus test of the ILO's credibility (see *TUTB Newsletter*, No 13), because the employers' delegations, with the backing of some governments, had gone all out to roll back established social gains. The employers had tried to stave off minimum rules on the length of maternity leave, level of maternity pay, protection against dismissal of pregnant workers, etc., with a call for "flexible standards".

Vigorous campaigning by trade unions and a range of women's groups helped keep most of the gains made by Convention No 103 (1952) intact and improve on it. Even so, the new Convention is a step back by allowing exclusions to what are admitted to be a minimum set of fundamental rights. These exclusions normally have to be agreed by the government and "social partners"; but will that be a good enough guarantee ? In many countries, trade unions are not at arm's length from the government or pro-employer political groups. Also, women are often still very marginalised from the decision-making end of collective bargaining.

Britain backs employers' blocking tactics

The failure of their plans to roll back social standards led the employers' delegations to resort to procedural blocking tactics. A quorum of 267 votes and a majority of 221 in favour were needed to adopt the Convention. Despite 116 abstentions, a quorum was found and the Convention was adopted by a massive majority (304 for, 22 against). The Recommendation on Maternity Protection won a bigger majority still.

The tactics to scupper the quorum were supported by just one EU Member State: the United Kingdom. The British government's delegate broadly backed the attacks on the social and employment rights of pregnant workers in the name of "business development" (i.e., owners' profits). The British government was the one EU government to take the hardest pro-business line in the debate. In particular, it opposed an amendment by Denmark, Italy, Portugal and Sweden which would have allowed a father to take the unused portion of maternity leave in the event of the mother's death, sickness or hospitalization. The amendment was narrowly defeated by an alliance of employer and some government representatives (United Kingdom, Papua New Guinea, Morocco, Tunisia, Ivory Coast, etc.). The British government also stood out against an amendment tabled by Croatia, Finland, Norway, Portugal and Sweden giving parental leave rights to the mother or father. The United Kingdom - in league with the Islamic Republic of Iran and the USA amongst others - argued for certain categories of workers to be excluded from the scope of the Convention, in the face of opposition from the governments of countries like Guatemala and Croatia.

The other EU States voted for the new Convention, despite divisions on specific provisions[1]. Japan and Switzerland also abstained in support of employers' demands for enforced flexibility of rights.

The contents of the new Convention

Granted, the new Convention does contain a string of new rights. But how far they go may depend in part on provisions which allow exclusions or leave Member States the discretion to fill out the precise content of a right. So national developments will have to be monitored closely to see whether these provisions put question marks over the Convention's breakthroughs.

Areas of progress include :

- the scope of the Convention in principle covers all employed women;
- maternity leave is raised from 12 to 14 weeks[2];
- the minimum level of cash benefits on maternity-related leave (set, as in 1952, at not less than two thirds of previous earnings) applies to a wider range of medical benefits than before (when only basic social security benefits were covered);
- the period of protection against dismissal has been extended (Convention No 103 restricted it to the period of maternity leave; the new Convention extends it throughout pregnancy, maternity leave, pregnancy-related sick leave or complications, and a period following her return to work, set by the individual State). On the other hand, there is no longer absolute protection against dismissal: the worker can be sacked on grounds unrelated to the pregnancy.

On the downside, the failings include :

- no maternity leave for adoptions. The Latin American amendment providing for maternity leave for the adoption of a child under two was defeated. The EU governments were divided on this: Finland, Greece, Italy, Portugal and Sweden were for it; Belgium, Ireland, Luxembourg, the Netherlands and

1 European government delegations took deeply reactionary stances on some issues. So, an amendment backed by a majority of African and Latin American countries requiring breast-feeding workers to be provided with high standards of hygiene was roundly voted down by most of the EU countries.

2 The amendment upping maternity leave from twelve to fourteen weeks was tabled by six EU States (Germany, Austria, Greece, Italy, Luxembourg and Portugal), and supported by the workers' representatives plus the French, Spanish and Dutch governments.

the United Kingdom were against; Austria, Denmark, Spain and France abstained. The German delegation was out of the room when voting took place;

■ the Convention makes no provision for better working conditions or prevention policies to ensure healthy working conditions for pregnant workers. These measures are dealt with only in the Recommendation, and so are not mandatory. All there is, is a ban on forcing pregnant workers to perform work "which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child". This "prohibition on obliging" individuals is inconsistent with the overarching importance of collective prevention policies through which to create working conditions compatible with reproductive health.

Wanted : extensive ratification

Trade unions must lobby to get the new Convention ratified, taking care that its teeth are not pulled by the ratifying rules, and that more advantageous national provisions are kept. In the European Union, it could improve on the 1992 Community Directive on a number of counts, including :

■ a wider scope (unlike the Community directive, the Convention does not exclude domestic staff);

■ a longer period of compulsory leave: six weeks instead of two (although the Convention allows negotiated exclusions, which the directive does not);

■ the prenatal portion of maternity leave has to be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reducing the compulsory period of postnatal leave;

■ if a worker is dismissed for reasons unrelated to pregnancy or childbirth and its consequences or nursing, the burden of proof shifts to the employer (the United Kingdom attempted to block this provision). The Community directive is less clear-cut; it lets Member States lay down permissible grounds for dismissal, and require notice of dismissal to be given in writing;

■ the Convention confers a right to breast-feed (the right to one or more paid daily breaks or a paid daily reduction of hours of work to breastfeed). The Community directive makes no such provision.

Those provisions of the Convention which improve on Community law should be incorporated into the revision of the directive, because 14 of the 15 EU States supported them. The Commission now needs to be persuaded to honour its political undertakings and put forward a proposal for a revised directive in short order. So said the European Parliament by a hefty majority vote on a resolution on 6 July 2000 after discussion of Ms Elisa Damião's report on the 1992 directive (see box p.11).

The argument of poverty or the poverty of an argument

Significantly, the employers' delegations and their government allies played the poverty card at every end and turn in the debates on the Convention to push through antisocial proposals. But their reasoning was deeply flawed. Basically, it boils down to saying that women have to be made worse off (financially or in health terms) for Asian, African and Latin American countries to be better off. This argument is full of holes. Most of the countries concerned have sufficient output to provide a level of maternity protection far beyond the Convention's provisions. At best, it would only effect a limited redistribution of wealth towards women workers (e.g., going from benefits of two thirds of previous earnings to full pay for fourteen or more weeks' leave). Arguably, not only do low-grade labour standards not help wipe out poverty, they actually make it worse. Basically, poverty is a reflection of political, social and economic domination. Cutting back working women's rights can only reinforce the present situation where the material wealth of dependent countries is routinely siphoned off to dominant countries in a range of ways (profits of multinational corporations, capital salted away by national elites, debt servicing, worsening terms of trade for many tropical products, etc.). Asking women to give up basic rights to fund capital accumulation on the promise of "jam tomorrow" in the form of economic growth is a cynical nonsense. But it is an argument that could well pass muster in the International Labour Organization debates. ■

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European Parliament backs revision of the Maternity Directive

On 6 July 2000, the European Parliament discussed how the 1992 directive on the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding was being applied (see also the special report on application in *TUTB Newsletter* Nos 6 and 7). The debate centred around a report tabled by Ms Elisa Damião (socialist group, Portugal) which had previously been taken as evidence in a Social Affairs Committee hearing also attended by the TUTB and ETUC.

The European Parliament adopted the report by 200 votes to 27 with 4 abstentions. The main opposition came from British conservatives, isolated within their own parliamentary group (the EPP) on this. They wanted a greater focus on improving women's "employability" instead of rules to protect their health at work.

The European Parliament described the Commission report on the application of the directive as insufficient, dealing only with a technical summary of legal transposition. It called on the Commission to submit a proposal for a revision of the directive by the end of 2000, given the many shortcomings in its practical implementation. That new proposal should include the following improvements :

- an increase in maternity leave entitlement to 20 weeks, with a mandatory 8 week post-natal recovery period;
- a clearer definition of adequate allowance during maternity leave which should be at least 80% of the previous salary;
- a strict prohibition on dismissal during pregnancy and maternity leave and the requirement to reinstate a woman in her job or an equivalent job at the end of the maternity leave period;
- a prohibition on discriminating against women who are pregnant or on maternity leave as regards career advancement and improvement of working conditions.

The European Parliament wants the revised directive to include specific, binding provisions on work interruptions for breastfeeding, night work for pregnant women, and an entitlement to paid maternity leave for self-employed women workers. The Commission and social partners should pay special attention to the risks faced by pregnant workers and those who have recently given birth who are in non-standard employment.

Parliament also calls on the Commission to publish without further delay, and to make immediately available to Member States, the guidelines on risk assessment for workers covered by the directive. These guidelines, provided for in the 1992 directive, are an essential tool to supplement the general preventive measures laid down by the directive.

Parliament regrets that Member States have not spoken with a common EU voice in discussions and votes in the ILO on a revision of Convention No. 103, and also regrets that not all Member States voted at the recent session of the ILO Annual Conference to maintain at least the level of protection afforded under Directive 92/85/EEC.

Ms Damião's report, the minutes of proceedings and the European Parliament's resolution can be found on the EP's web site : www.europarl.eu.int/
Report from the Commission on the implementation of the Maternity Directive : COM (1999) 100.

Swedish working conditions survey highlights widening equality gap

The Moa project multi-disciplinary survey on modern working and living conditions run from 1995 to late 1997 studied organizational, psychological and ergonomic conditions, as well as physical and chemical factors, in 80 public and private workplaces. Investigators talked to employers and management, and sifted through written material on work organization. Equal numbers of two hundred men and women workers were selected for in-depth personal interviews and questionnaire surveys. The aim was to look closely into the tie-in between changes in work organization and working life at both organization and individual levels. The gender perspective was recognized as key from the outset, both for its impact on recruitment practices and work situations.

From the information collected, job clusters were identified which reflected similarities in changing work organization and working conditions of groups of workers. All the evidence pointed to growing differences between working conditions. In other words, social divides - as expressed by working conditions - were widening. No-one should be surprised at this, given the visible spread of inequalities in other areas (income, wealth, access to health care, life expectancy, operation of justice and prison systems, etc.). This Swedish research gives the lie to the upbeat official spin on the "information society" in showing that the new work patterns do not strike a balanced compromise between the different interests in the workplace. Anything but - it is abundantly clear that there are winners and losers.

The research is too detailed for a full treatment, so just the six main clusters identified by the researchers are described here.

1. **"Decent jobs"**. Men and women workers who have a good balance between work and private life. They enjoy good management and sufficient resources to do their job properly. They tend to work fixed hours, often in the private sector, and are generally office workers.

2. **"Boundaryless jobs"**. Work and leisure time merge. Work deadlines are tight. Jobs are gender-segregated. Individuals have a great deal of influence over their own work. This group includes project managers, consultants and media workers.

3. **"Locked jobs"**. Work is bound by the clock, and very stressful. Usually in sectors exposed to fierce competition. Workers may have many superficial customer contacts and little influence over their work. It includes check-out staff, call centre staff and bus drivers.

4. **"Exposed jobs"**. These are physically demanding jobs in a poor physical work environment (where the chemical and physical risks are greatest). Many people in these jobs suffer poor health despite being young.

5. **"Heavy, monotonous jobs"**. These are usually physically demanding jobs, often insecure and with monotonous duties. Workers are often passive in their leisure time and completely exhausted at the end of the working day. Job insecurity is often linked to privatisation and tender-based outsourcing. Heavy goods drivers and cleaners are in this group.

6. **"Restrained jobs"**. Workers who consider they are prevented from doing their actual job. These are usually found in the public sector. They have undergone restructuring and are increasingly paper-bound. Workers tend to be highly educated and in highly socially regarded professions. This group includes policemen, public prosecutors and care staff.

Researchers also looked at the increasing time pressure of work and individual control over work. Workload had increased in all the firms looked at, but especially so in women-dominated, sectors catering to the public (users, customers, etc.). The group where most changes related to "flexible working" included a hospital, schools, a supermarket, a large industrial firm and an IT firm.

The research took a hard look at the gender dimension of changing working conditions, and came to a series of conclusions :

- men who work in gender-mixed workplaces tend to share more of the unpaid housework with their partners than men in segregated jobs;
- the worst working conditions are often in women-dominated workplaces. The worsening quality of public service jobs is a key contributor here;
- men benefit more than women from a gender-mixed workplace;
- changes in work organization seem to have widened the gap between groups. Class differences have become more entrenched. Men's and women's situations are broadly alike where work and living conditions are the same. Which is about once in a blue moon ! ■

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Source : this article is based on Lena Skiöld's report in *Working Life. Research and development news*, No 3-2000. Other information supplied by Annika Härenstam, Project Director (Contact : annika.harenstam@niwl.se).

MSDs in Europe : evolution of the debate

In the context of the European trade union campaign led by the ETUC and the TUTB to raise awareness on MSDs we have produced and published several works including a Special Report on MSDs in Europe in our Newsletter of June 1999 and a poster presenting the main points of our campaign.

In the present article we review current developments in the debate that is continuing at the European level and some national activities which have been organised in the context of the European Week on MSD prevention. After that, we review the activities which the TUTB is carrying out within the framework of the trade union campaign.

See also our special MSD page on our website : http: //www. etuc.org/tutb/uk/msd.html

The fact that musculoskeletal disorders have been recognised and taken into account by the European institutions is the result of sustained trade union activities and negotiations[1]. The Advisory Committee in Luxembourg set up a working group and the Agency in Bilbao has chosen MSD as the topic of the European Seminar 2000. The reasons for which the trade unions attach such importance to MSDs are threefold. First, MSD incidence is very closely related to work organisation and work rhythm as well as to pay systems, which have been the subject of many struggles for decades. There are several types of MSDs which are not yet sufficiently covered by legislation. The risks of upper limb disorders are scarcely mentioned in the framework Directive, although it is well-known that their aetiology is multi-factoral, ranging from physical to organisational factors at the workplace. And thirdly, "alternative" employment contracts such as temporary and part-time employment contracts and sub-contracting are being used more and more and the pace of work is expected to intensify in the years that lie ahead. All of these factors are leading to a mental and physical overload for workers.

The MSD debate is continuing at several levels: the European Agency in Bilbao, the Advisory Committee in Luxembourg, the European Standardisation Committee and various groups of experts.

Several seminars bringing together groups of European experts have been organised in the context of the European Week. TUTB has contributed to 2 of these events.

A Swedish seminar

The Swedish National Institute for Working Life held a "workshop on normative actions concerning work-related musculoskeletal disorders" in Brussels from 2 to 4 May in the context of the "Work Life 2000" project. This seminar was part of the preparatory work for the "WorkLife 2000" conference which is due to be held in Sweden from 22 to 25 January 2001 within the framework of the Swedish Presidency of the European Council. It provided an opportunity for exchanging international and European expertise with a view to defining proposals for the measures to be taken to prevent MSDs.

A Dutch seminar

The Dutch Ministry of Employment and Social Affairs held a "European seminar on work-related upper limb disorders" in The Hague on 30 May with a view to debating the course of action to be followed to deal with the problem of upper limb disorders at the European level. This seminar was a follow-up to the collection of information on repetitive strain disorders[2] carried out by the Agency in Bilbao at the request of the Dutch Ministry of Social Affairs.

The experts invited to these 2 events - mainly researchers and policy-makers - were from all European countries as well as other continents. The conclusions reached at these 2 seminars were fairly similar: all participants agreed on the magnitude of the MSD problem both in Europe and at the international level, on the fact that risks are tending to increase, on the need to develop harmonised methods for assessing MSD risks and diagnosing related illnesses. However, no consensus was reached as regards developing new regulations in this field. The suggestions put forward focused on voluntary action and a range of preventive measures to be taken by firms and on the strategies of the Member States. The term "deregulation" was often mentioned. Instead of European strategies, the proposals put forward focused more on national measures with quantitative objectives as well as on agreements between the social partners.

Ergonomics and machine design

Progress is slow in the debate on technical standardisation - the integration of ergonomics and MSD prevention principles into the designing of machinery.

1 Cf. "Musculoskeletal Disorders in Europe : unions show a lead" by Giulio Andrea Tozzi in our Special Report : MSDs in Europe, *TUTB Newsletter* no. 11-12, June 1999, pp. 12-21.

2 Cf. *Repetitive strain injuries in the Member States of the European Union: the results of an information request*, European Agency for Health and Safety at Work, 2000.

Working group 4 (of CEN/TC 122) on Biomechanics is currently assigned the task of drawing up the standards on machinery-related MSD risks as a mandate under the Machinery Directive. Several draft standards are currently under elaboration: prEN1005 Parts 1, 2, 3, and 4 concerning the terms and definitions of human physical performance, manual handling of objects connected with machinery, force limits, and the evaluation of working postures respectively.

Main projects for European standards covering MSDs within the framework of the Directive on machinery :

- PrEN 1005-1 : Safety of machinery - Human physical performance - Part 1 : Terms and definitions
- PrEN 1005-2 : Part 2 : Manual handling of objects associated to machinery
- PrEN 1005-3 : Part 3 : Recommended force limits for machinery operation
- PrEN 1005-4 : Part 4 : Evaluation of working postures in relation to machinery
- PrEN 1005-5 : Part 5 : Risk assessment for repetitive handling at high frequency

A fifth project concerning the assessment of risks in the case of repeated handling at high frequency was submitted for consultation in June and comments are expected by the end of August[3]. There has been considerable delay in the elaboration of these standards; the third version of draft prEN 1005-2, for example, was recently rejected yet again by the members of the CEN, who disagree mainly on the maximum mass and the operator population to be taken into account. The first objection advocating reduction of the maximum mass is probably due to the fact that the reference masses quoted in a standard, although voluntary, can be used for compensation claims. And the second moot point concerns the female working population, which is not properly covered by the draft standard. And finally, it must be borne in mind that these draft standards are limited to MSD risks related to the use of machinery and do not cover working conditions in general.

At the political level we shall have to await the conclusion of the European seminar in Bilbao next October to see whether the Commission will take an initiative in the MSD field. The ad hoc group of the Advisory Committee will also be meeting after the event, next November. This will only be the second session of this group. But the European trade unions are determined to continue to put pressure on both the Commission and the CEN as well as on any other institution that can take political action in this field. ■

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[3] Cf. also the article by Aleid Ringelberg on "European standards and risk assessment for MSD : challenging the future" published in our Special Report : MSDs in Europe, *TUTB Newsletter* no. 11 - 12, June 1999, pp. 39-40.

TUTB activities

Seminar for evaluating the ETUC's MSD campaign : European and international perspectives Bilbao, 18-20 June 2000

This seminar was organised by the TUTB to assess the situation and provide a follow-up to the other workshops on the prevention of MSDs organised by the TUTB in London, Madrid, Amsterdam and Vienna. Various trade union activities were presented at the session providing a basis for sharing experiences and different approaches to the problems on hand. The purpose of the seminar was also to seek a more global understanding of the problem of MSDs through the contributions of representatives of the AFL-CIO, ILO and ICFTU. And 24 trade union health and safety officers from Spain, Sweden, Denmark, Norway, Finland, Germany, Italy, the United Kingdom, Luxembourg and Belgium represented some 20 national and European organisations.

Regulations and agreements

In its introductory presentation, the TUTB presented an evaluation of the campaign in terms of the original objectives, concluding that the campaign had been successful. All were agreed that both the regulatory approach and that of voluntary action must be pursued in order to ensure the broadest possible protection against upper limb disorders.

A sectoral approach to analysing and improving work processes in the long term

The reports on activities in the individual countries were then presented and followed by group work. The European Agency in Bilbao also had an opportunity to present its work on MSDs. Most participants considered that the results were more convincing where the sectoral approach was adopted, in particular in the textile sector, the metal, food and building industries, the transport sector the hotel and catering trade and the retailing and distribution sector. A wide range of activities had been carried out ranging from the production of publications and TV ads to the organisation of training courses, visits to victims at the workplace, the establishment of telephone help lines and the development of software for VDU work. The participants were of the opinion that a long-term approach must be adopted to the evaluation of working conditions and the improvements to be made, as was demonstrated by a 3-year pilot study in Italy, in which the trade unions were constantly involved together with health and safety experts in assessments carried out in undertakings in various sectors both at the stage of MSD risk identification and in the implementation of practical solutions at the workplace. In another study of similar cases in the metal sector in Luxembourg, collaboration with the authorities proved very fruitful.

In several countries the trade unions have introduced the MSD issue in sectoral collective agreements. The ways in which the various types of MSD are taken into account differ from one country to another due mainly to differences in compensation schemes and national incidence statistics. In some countries such as Germany, for example, upper limb disorders are not recognised so widely by occupational physicians, and the trade unions have been focusing their activities on back pain. In other cases, efforts have been concentrated specifically on upper limb disorders since there is already a Directive in force on the manual handling of weights (Italy) or because the percentage of VDU workers is very high (The Netherlands).

An ergonomic approach to MSD prevention

The final day of the seminar was devoted to the European and international dimension regarding both regulatory aspects and the pragmatic approach. Our Swedish colleagues presented the results of a national survey and shared their experiences in applying the Swedish provisions relating to ergonomics for preventing MSDs. This study revealed a slight increase in reports of fatigue by workers, low back pain and uncomfortable postures during 25% of their working time, women being most affected. In terms of regulations, the introduction of job rotation at supermarket cashdesks was regarded as an example of "job enlargement". The trade unions also provided practical solutions on construction sites.

OSHA draft standard still under discussion

Peg Seminario from the AFL-CIO then presented the historical context and current debates on the development of the draft ergonomic standard of the OSHA[1]. A total of 1.8 million cases of MSD have been reported in the United States, but the OSHA considers that the actual number could double that figure, whereas the trade unions reckon that it could be 3 or 4 times as high. 60-70% of the upper limb disorders reported affect women. Despite the magnitude of

1 OSHA proposed economic standard : http://www.osha-slc.gov/ergonomics-standard/index.html

the problem no federal regulations dealing with ergonomic risks have as yet been established. Peg Seminario was of the opinion that the main reasons for the employers' fierce opposition to the adoption of any standard of that nature are political rather than scientific, since they fear that regulation of that nature could give the government power to intervene in the organisation of work in undertakings and could also give workers participation rights. It was also underlined that the philosophy behind the federal OSHA standard itself contained more negative aspects than did the recently adopted Washington State Ergonomic Standard[2]. It is based on MSD reporting rather than on exposure to MSDs. Employers thus are not required to draw up any ergonomic programme until a case of MSD has been reported in the undertaking, i.e. action can only be taken when a worker has been affected, a system which places the focus on that individual worker. The ICFTU representative, Lucien Royer, stated that at the international level strategy must be focused on the ILO. The ILO representative, Ellen Rosskam, presented the various ILO instruments which deal, or can deal, with MSDs or ergonomics, and in particular Convention 127 on maximum weights, whose possible revision is currently under discussion since the relevance of a weight limit in Recommendation 128, Convention 155 on worker health and safety, and the draft standard on agriculture has been called in question. She also presented the ergonomic checkpoints approach.

A multiple intervention approach

The conclusions of the seminar stress the general trend towards deregulation, which is weakening government power on health and safety issues. Trade unions throughout the world must establish a multiple strategy for tackling MSDs. The organisational aspects of work were recognised as the main MSD risk factors and also the most complex to deal with. It is essential that the trade unions include health and safety and ergonomic aspects in negotiations on general work organisation.

Future activities were also announced such as the publication by the TUTB of a survey on MSDs in the textile sector carried out in collaboration with the European Textile Workers' Federation. At all events MSDs will obviously remain on the agenda of trade union policy, and projects for supporting exposed workers will be launched. ■

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Extracts from international interviews

In the framework of the seminar, Peg Seminario, Director of Regulatory Affairs in AFL-CIO and Ellen Rosskam, Training Officer in ILO, were interviewed by Marc Sapir and Theoni Koukoulaki. Several key elements of those interviews are set out below.

Peg Seminario, on health promotion programmes / behavioural safety / incentive and disincentive programmes in the US :
"*In the last decade we have seen a real explosion in a whole variety of programmes by employers to place the focus on the individual. These programmes have not dealt with workplace conditions. They are not a piece of a larger H&S programme. They have became the whole programmes. The more problematic are the disincentive programmes, which in many workplaces take the form of drug-testing policies and penalties for workers reporting injuries, even when it is a case of carpal tunnel syndrome or back pain. This has had a tremendous impact on injury reporting. In the United States the number of injuries reported has been dropping significantly for that reason in the last 5 years. The OSHA standard in its proposed form is triggered by MSD or symptoms reported to the employer. Although the rule doesn't allow discouragement of MSD reporting, these types of policies could continue to be implemented.*"

Ellen Rosskam, on how the ILO is addressing the MSD problem in the current SafeWork Programme :
"*Last September (1999), the ILO held a meeting with its tripartite constituents and experts around the world to find priorities for the SafeWork Programme. Ergonomics and attention to MSD were identified by many people as a priority area of focus. However, for the time being our specific activity dealing with this subject is liaising closely with the International Ergonomics Association. Through the IEA's network of experts we are running seminars using jointly developed tools such as 'Ergonomic Checkpoints'.*"

Highlights

In Denmark the trade unions succeeded, after many years of insistence, in including work-related low-back diseases in the List of Occupational Diseases (*) - Group E (diseases caused by physical strain) - as per 14 March 2000 with effect from April 2000. They realised that this could be a tool for combating the rising number of lumbar back problems which are not recognised as occupational diseases. However, there are still several very strict requirements for having back problems compensated. As a main rule for men, 8-10 tonnes is the average daily lifting quantity with single weights of 50 kg over a duration of lifting work of 8-10 years. There may be special circumstances connected with the lifting work which allow a reduction in the requirements regarding the duration of lifting work, the total daily quantity lifted, and the weight of each lift. For example, one reduction factor for the duration parameter is extremely heavy lifting (more than 15 tonnes per day), which can reduce the time to a maximum of 3-4 years. Requirements which very few people can meet.

More information on : *National Board of Industrial Injuries* Internet site in English :

http://www.ask.dk/English/Udgivelsereng/erhvervsygdforteng.htm (List of occupational diseases, Group E, item 11).

http://www.ask.dk/English/Udgivelsereng/Lænderyglide.htm (Guide to work-related low-back diseases).

2 Washington State Ergonomic Standard : http://www.lni.wa.gov/wisha/regs/ergo2000/default.htm

Establishing a Globally Harmonised Hazard Classification and Labelling System for Dangerous Substances and Preparations

An exercise that is being performed without the European Trade Unions

Since 1990, activities have been underway at the international level to establish a Globally Harmonised System (GHS) for classification and labelling of chemicals and mixtures in order to eliminate existing barriers to trade. The GHS is intended to become a 'practical and coherent standard' for chemical hazard communication within the transport chain, at the workplace and for consumers with - probably - significant impact on the chemical safety legislation of all countries. Even if some of the goals and effects envisaged may also be in the interests of trade unions (depending on the results), it must be borne in mind that the real driving force behind all of these activities is the free flow of goods and enhanced conditions for global trade in chemicals, which will not necessarily lead to higher or better health and safety standards. As a rule, the more parties involved, the lower the common denominator on which a compromise is finally found - good reason - one would imagine - for European trade unions to be involved in the procedure in order to maintain at least the H&S standards already attained. But this is far from the case !

A short history of relevant events and bodies involved

As a follow-up to the adoption of the ILO Chemical Convention (Convention N° 170), a project to harmonise existing systems for the classification and labelling of dangerous substances and preparations was initiated by ILO in 1990.

In 1992, the UN Conference on Environment and Development (UNCED) endorsed that project by establishing "Harmonization of classification and labelling of chemicals" as one of the six main areas for action (Programme Area B) identified in Chapter 19[1] of Agenda 21.

As a basis for action, Chapter 19 stated that "Globally harmonized hazard classification and labelling systems are not yet available to promote the safe use of chemicals, inter alia, at the workplace or in the home. Classification of chemicals can be made for different purposes and is a particularly important tool in establishing labelling systems. There is a need to develop harmonized hazard classification and labelling systems, building on ongoing work."

UNCED recommended as one objective that "A globally harmonized hazard classification and compatible labelling system, including material safety data sheets and easily understandable symbols, should be available, if feasible, by the year 2000."

Meanwhile, ILO had launched an initiative to establish a Coordinating Group for the Harmonization of Chemical Classification Systems (CG/HCCS) between ILO, WHO, UNEP, UN CETDG[2] and OECD within the International Programme on Chemical Safety (IPCS[3]). The establishment of this co-ordinating group was endorsed by the IPCS in January 1992.

During the International Conference on Chemical Safety (ICCS) in April 1994, the so-called Intergovernmental Forum on Chemical Safety (IFCS) was established, a *non-institutional arrangement* through which *government representatives* would meet to consider issues, provide advice and make recommendations to governments, UN agencies, intergovernmental organisations/bodies (IGOs) and NGOs involved in chemical safety.

In 1995, an even larger international umbrella programme was established, joined by all important *intergovernmental organisations* aiming at implementing Chapter 19 of Agenda 21. The Inter-Organization Programme for the Sound Management of Chemicals (IOMC) serves as a mechanism for co-ordinating efforts of WHO[4], ILO, UNEP, FAO, UNIDO, UNITAR[5] and the OECD, all of which have

1 Environmentally Sound Management of Toxic Chemicals, including Prevention of Illegal International Traffic in Toxic and Dangerous Products.

2 UN Committee of Experts on Transport of Dangerous Goods.

3 A joint programme between ILO, UNEP and WHO, established in 1980 as an intersectorally co-ordinated and scientifically based programme for implementing activities related to chemical safety.

4 Acts as the administrative agency of the IOMC.

5 The United Nations Institute for Training and Research - formally joint IOMC in 1998.

substantive programmes in the area of chemical safety.

The IOMC was designed to be a co-operative undertaking among intergovernmental organisations which, within the framework of their own respective constitutional mandates, work together as partners to promote international work.

The scientific and technical work of the IOMC is carried out through the existing structures of the participating organisations (e.g. the programme done by ILO, WHO and UNEP within the IPCS), either individually or jointly.

The activities which are undertaken within the framework of IOMC correspond to the six priority programme areas of UNCED, Agenda 21, Chapter 19 :

A. Expanding and accelerating the international assessment of chemical risks.
B. Harmonisation of classification and labelling of chemicals.
C. Information exchange on chemicals and chemical risks.
D. Establishment of risk reduction programmes.
E. Strengthening of national capabilities and capacities for management of chemicals.
F. Prevention of illegal international traffic in toxic and dangerous products.

Three organisations - OECD, ILO and UN CETDG - act as focal points, co-ordinate the current technical work of preparing harmonised proposals for classification criteria, test methods and hazard communication. The responsibilities are divided as follows :

OECD : Harmonisation of classification criteria for health and environmental hazards.

ILO : Harmonisation of hazard communication tools (labelling and safety data sheets); also provides the secretariat for the CG/HCCS.

UN CETDG : Harmonisation of classification criteria for physical hazards.

The overall planning and management of the GHS projects is done through the CG/HCCS, which was brought under the framework of the IOMC after this intergovernmental body was established.

Results so far and further steps

Substances

In November 1998, the OECD Chemicals Committee and the Working Party on Chemicals agreed on harmonised classification criteria for chemical substances for specific health and environmental endpoints[6]. Criteria for two missing endpoints[7] will be developed at a later date.

Mixtures

With regard to mixtures, an OECD Group of Experts (EG-Mixtures) was established to develop hazard classification criteria for chemical mixtures.

In line with the procedure for developing the document on hazard classification criteria for substances, the EG-Mixtures Group proceeded in a similar fashion to reach a compromise for classification criteria for mixtures. After analysing the existing classification systems including their scientific basis and criteria, the rationale and explanations of the mode of use (Step-1 document), the Group developed a proposal for a harmonised classification system as well as criteria for each endpoint (Step-2 document). The final version of this document is currently under discussion and expected to have been completed by the end of September 2000.

Hazard communication

In March 1998, the ILO Governing Body established a tripartite Working Group for the Harmonisation of Chemical Hazard Communication (WG/HCCS), and a report reviewing existing hazard communication systems (Step 1 Review Document - see above) was completed and approved by that Working Group. Work on the Step- 2 document was presented at the May 2000 meeting of the Working Group in Geneva. A proposal for a harmonised system is expected by the end of 2001 at the latest.

Implementation

At the end of the process, agreed documents are to be submitted to the IOMC CG/HCCS for endorsement and submission to the new GHS decision-making mechanism which will function under the UN Economic and Social Council. The IOMC CG/HCCS will compile an inventory of all agreed classification and hazard communication criteria, which will be incorporated into a Guidance Document ('Purple Book') corresponding to the present 'Orange Book' applied in the Transport of Dangerous Goods sector.

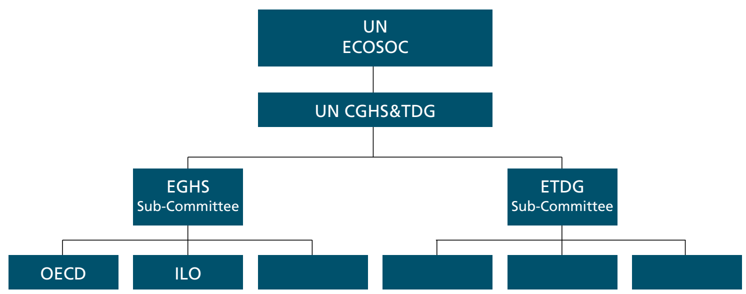
The new GHS decision-making mechanism will start to operate in 2001. The Guidance Document on GHS could be adopted by the Economic and Social Council in 2000 at the earliest, a certain transitional period of several years will probably be recommended for its practical implementation.

The GHS mechanism is a modification of the preparatory and decision-making system of the UN Committee of Transport of Dangerous Goods. The organisation chart (see Figure 1) shows the proposed structure for the proposed implementation mechanism for the GHS.

It is still unclear what will be the composition of the EGHS-Sub-Committee and the GHS/TDG Parent Committee. There are conflicting interests especially between the American and European representatives with regard to

FIGURE 1

Proposed Implementation Mechanism for the GHS



UN CGHS&TDG UN Committee on the Globally Harmonised System & Transport of Dangerous Goods
ETDG Experts on the Transport of Dangerous Goods
EGHS Experts on the Globally Harmonised System

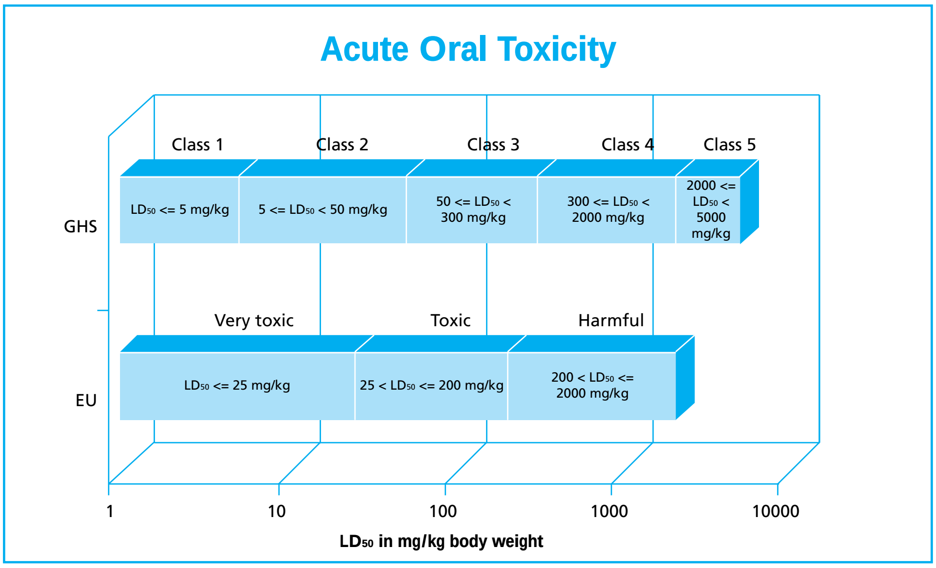
[6] Acute toxicity, carcinogenicity, skin irritation/corrosion, eye irritation/corrosion, sensitisation, germ cell mutagenicity, reproductive toxicity, aquatic environment.

[7] Target organ systemic toxicity and terrestrial environmental hazards.

the composition of the Committees. The Europeans are in favour of wide participation in both the Sub-Committee and the Committee, which would ensure influence for all Member States of the European Union. The NGOs obviously would be guaranteed the right to participate in the preparatory work. The role of the European Commission, on the other hand, is unclear, but if the normal rules applied for the moment in the Transport system were taken as a basis the Commission would only have an observer role.

Within the European Union no decisions have as yet been taken concerning the arrangements for co-operation between the Member States and the role of the Commission.

FIGURE 2



What do the current compromises and those envisaged mean from the European trade union point of view ?

There is not enough space here to discuss the consequences of all endpoints agreed so far, but the general problem may become clear with a few examples.

Let's take the criteria agreed for acute toxicity. The new GHS system will introduce 5 classes instead of the 3[8] categories established so far at the European level. Since the cut-off values[9] are different, substances classified under the EU system as very toxic, toxic or harmful either if swallowed, in contact with the skin or inhaled will fall into different classes under the GHS.

For example: under the EU system, substances classified as very toxic if swallowed must have an LD_{50} < 25 mg/kg; under the agreed GHS, these substances would be classified as either class-1 substances (LD_{50} < 5 mg/kg) or class-2 substances (LD_{50} between 5 mg/kg and 50 mg/kg). Substances classified hitherto as toxic if swallowed (EU: LD_{50} between 25 and 200 mg/kg) would in future be classified as either class-2 (see above) or class-3 substances (LD_{50} between 50 and 300 mg/kg), and, finally, substances classified hitherto as harmful if swallowed (EU: LD_{50} between 200 and 2000 mg/kg) would be classified under the GHS as either as class-3 (see above) or class-4 substances (LD_{50} between 300 and 2000 mg/kg). The logarithmic scale in the diagram (see Figure 2) shows all of the established categories.

With regard to the dermal route (see Figure 3), substances classified as very toxic in contact with the skin (EU: LD_{50} < 50 mg/kg) would be classified as class-1 substances (GHS: LD_{50} < 50 mg/kg). Substances classified hitherto as toxic in contact with the skin (EU: LD_{50} between 50 and 400 mg/kg) would in future be classified as either class-2 (GHS: LD_{50} between 50 and 200 mg/kg or class-3 substances (GHS: LD_{50} between 200 and 1000 mg/kg), and substances classified hitherto as harmful in contact with skin (EU: LD_{50} between 400 and 2000 mg/kg) would be classified under the GHS as either class-3 (see above) or class-4 substances (GHS: LD_{50} between 1000 and 2000 mg/kg).

Total confusion is already foreseeable for a transitional period - at least as far as end users and small and medium enterprises are concerned.

'So what?', you may ask. What is at issue are the possible consequences for the protection of workers' health and safety in view of the :

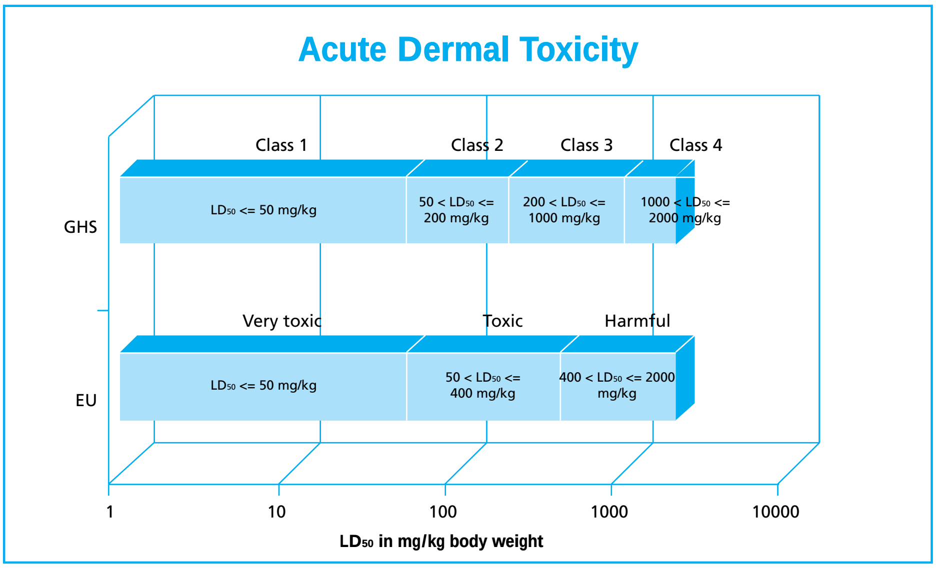
- re-classification of substances;
- changes in the legal obligations for employers;
- changes in the hazard communication provisions in terms of labelling and safety data sheets.

What possible consequences do I mean ?

8 A kind of fourth category for volatile substances with a high vapour pressure is currently being introduced in the EU classification system (at concentrations/ exposure times not exceeding 20 mg/l/4h) and a fourth category concerning oral toxicity ('moderately harmful' - LD_{50} between 2000 and 5000 mg/kg body weight) is also under discussion.

9 The doses or concentration ranges for which an LD_{50} can be established and which then, as a consequence, lead to a certain classification, such as, for example, an LD_{50} between 25 and 200 mg/kg body weight for a substance which would then be classified as toxic under the EU system and between 5 and 50 mg/kg body weight for a substance which would be classified as a class-2 substance under the GHS.

FIGURE 3



Re-classification of substances and mixtures

Substances

Looking exclusively at the established classes as such, a certain number of substances hitherto classified in a higher category at EU level would fall into a lower GHS category if the new system is implemented[10]. But this would obviously be too simple, so the GHS introduces a so-called 'Building Block Approach' to the effect that :

"*The application of the classification scheme may vary according to the circumstances, type of product and stage of the life cycle of the chemical.*"

Following at least the interpretation of the EU and its Member States, this will allow different user systems to choose whether to use all classes or combine several classes together or leave some classes out.

Furthermore, according to comments from EU Member States, the European Union's supply and use system would not apply the lowest class 1 alone[11], but would combine class 1 and 2, at least as long as the lowest GHS class 1 has a lower cut-off limit than the lowest EU category.

In terms of the existing EU system, this would mean, for example, that in the case of the acute oral toxicity, the new GHS classes 1 + 2 would correspond to the current 'very toxic' category and the LD_{50} cut-off limit for that class would be raised from 25 mg/kg to 50 mg/kg. As a consequence, more substances would be classified as 'very toxic' than before. Following that logic, Class 3 would cover a range of LD_{50s} from 50 mg/kg to 300 mg/kg which, according to the system of the European Union, would obviously be called 'toxic'. As the higher cut-off limit would be raised from 200 mg/kg to 300 mg/kg more substances would be called 'toxic' than before. The range from 300 to 2000 mg/kg would be called 'harmful'. The upper cut-off limit would be the same as that currently applied in the European Union.

As stated above, class 5 (range 2000 - 5000 mg/kg) does not as yet exist in the current EU system, and under the GHS it would only be used in special cases. It would cover substances which are relatively non-toxic, but the GHS would allow them to be classified in special cases when particularly vulnerable populations, such as children, are to be protected.

Mixtures

With regard to mixtures, things become even more complicated.

The harmonised rules for the classification of mixtures are still under preparation in the Group of Experts of the OECD. Members hope to achieve an agreement on the Step-2 document before the end of the summer, but there are several fundamental problems in particular with regard to the concentration limits of hazardous substances on the basis of which preparations/mixtures are then to be classified.

The points of departure of various systems such as the international transport system, the Canadian system, the US system and the EU system for acute toxicity classification vary widely. In the US the concept of classification is not used; the hazard is determined on the basis of a simple 1% cut-off limit (concentration of a hazardous ingredient), which then triggers the obligation for hazard communication.

Both the transport system and Canada use a calculation method based on the LD50 values of the hazardous ingredients. The EU uses general percentage cut-offs[12] taking dilution effects and cumulative effects into account if necessary. This also includes the possibility of going either above or below the general percentage cut-off value, a procedure which results in so-called 'specific concentration limits', on the basis of evidence that a substance within a mixture is regarded as less or more hazardous than others of the same hazardous category.

Agreement has been reached so far on the general principle that if a mixture is tested, it will be classified on the basis of the test results just as substances are (meaning that if there are test data available indicating that a mixture has a certain LD_{50} value, the mixture then has to be classified according to the hazard class it belongs to).

Problems arise when a mixture is not tested and should - in order to avoid additional animal testing - be classified on the basis of information available on components and their concentrations in the mixture. According to the so-called 'Step 2 Proposal for Harmonized Classification Criteria for Mixtures', for acute toxicity, two alternatives are currently under discussion.

Alternative 1: The LD50 of a mixture[13] where test data are available for all components is calculated according to the following formula :

$$\frac{100}{LD_{50\ mixture}} = \frac{C_A}{LD_{50A}} + \frac{C_B}{LD_{50B}} + \ldots\ldots + \frac{C_Z}{LD_{50Z}}$$

where: C = % concentration of classified components A, B, - - - Z in the mixture and LD_{50A}.etc. = the LD_{50} of component A etc.

Depending on the result of the calculation, mixtures have to be classified for their oral toxicity in class 1, 2 etc. according to the new GHS criteria when the resulting LD_{50} value falls into one of the following categories :

0	<	Class 1	≤	5
5	<	Class 2	≤	50
50	<	Class 3	≤	300
300	<	Class 4	≤	2000
2000	<	Class 5	≤	5000

Compared with this, in the current EU system (and the following example represents only the simplest case), a mixture[14] has to be classified as very toxic, toxic or harmful when swallowed according to the table 1, p. 21 (Annex II of the Preparations Directive 99/45/EC) based on the concentration(s) of the classified component(s).

This means, for example, that a mixture has to be classified as very toxic (T^+) when the concentration of a very toxic component (T^+) in the mixture is ≥ 7%. Compared with the ranges of the GHS classes mentioned above, the shift in classification (into either higher or lower categories) is illustrated in the Figure 4 (p. 21).

The diagram combines the EU and the GHS criteria for a 2-component mixture of which only one is classified.

The various grey boxes represent the EU system for mixtures as indicated in the above-mentioned table :

- the dark grey box represents all mixtures which have to be classified as very toxic because they contain a substance which is classified as very toxic (LD_{50} ≤ 25 mg/kg) in a concentration range of 7% to 100%);
- the two medium grey boxes represent all mixtures which have to be classified as toxic because they contain either :
  - a very toxic substance in a concentration range of 1% to 7%; or
  - a toxic substance (LD_{50} between 25 and 200 mg/kg) in a concentration range of 25% to 100%;

10 As illustrated by the Figures 2 and 3 (p. 19).

11 It would be used only by the transport system.

12 The percentage cut-off values vary according to the specific hazard(s) of the ingredient(s).

13 Mixtures or solutions composed of two or more substances in which they do not react.

14 Mixtures or solutions composed of two or more substances.

TABLE 1

Classification of the component if swallowed	Resulting classification of the preparation		
	T^+	T	X_n
T^+	concentration ≥ 7%	1% ≤ concentration ≤ 7%	0.1% ≤ concentration ≤ 1%
T		concentration ≥ 25%	3% ≤ concentration ≤ 25%
X_n			concentration ≥ 25%

- the two light grey boxes finally represent all mixtures which have to be classified as harmful because they contain either :
- a toxic substance in a concentration range of 3% to 25%; or
- a harmful substance (LD_{50} between 200 and 2000 mg/kg) in a concentration range of 25% to 100%.[15]

The diagonal lines running through the diagram from '0' represent the upper limits of the different classes of the proposed GHS classes 2 to 5 calculated according to the above formula, reduced for a mixture with one classified component to :

$$\frac{100}{LD_{50\ mixture}} = \frac{C_A}{LD_{50A}}$$

Class 1 (LD_{50} ≤ 5 mg/kg) has been dropped, statements of the various EU Member States' representatives to the effect that the EU will combine Class 1 and 2 of the GHS having been taken as a fact for the time being, so mixtures with an LD_{50} ≤ 50 mg/kg would be assigned to the highest new class.

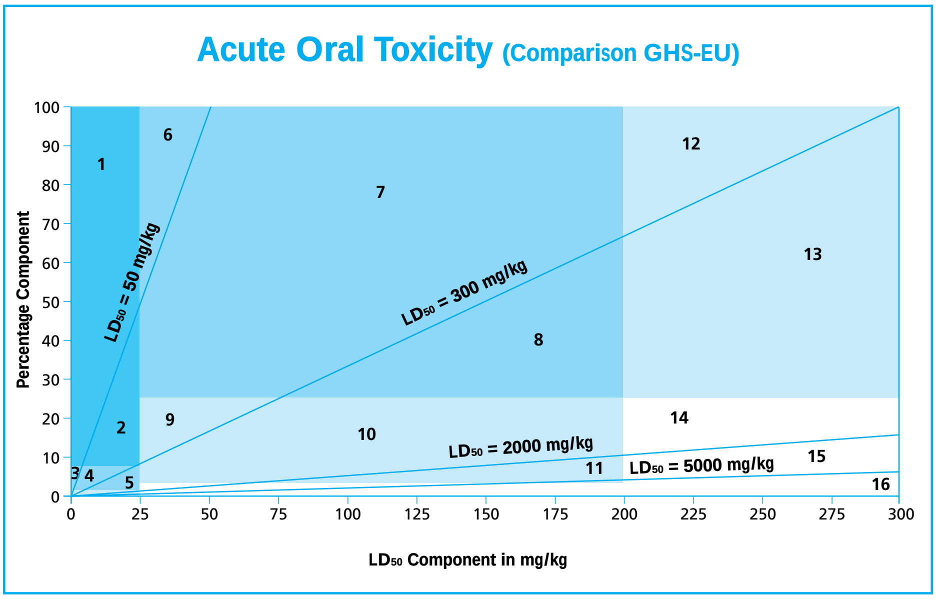
Thus, the area to the left of the line labelled "LD_{50} = 50 mg/kg" represents all mixtures classified as class 1 and 2 according to the GHS proposal, the area between this and the next line labelled "LD_{50} = 300 mg/kg" represents all mixtures classified as class-3 GHS, and so on. The table 2 (p. 22) summarises the changes for the existing EU systems which would result from the proposed GHS. The list is not complete and, in the case of some very small areas, not entirely correct because certain areas are too small to be shown in the above diagram, and the new system would also in general only apply to mixtures if an ingredient already classified is present in a concentration of 1% or more. But this is not really important, since the diagram is only intended to illustrate the general principle.

A similar diagram could of course be designed for the whole range covered by the EU system at the present time (up to a LD_{50} of 2000 mg/kg) or even for the whole range which the GHS is intended to cover (up to a LD_{50} of 5000 mg/kg), but these diagrams would be even more complex and would not add anything to the overall result, which is that the new classification system will lead to both over- and under-classification of mixtures compared with the existing EU system. From a precautionary viewpoint, we are less concerned about the fact that a certain number of mixtures would be classified in a class indicating a higher hazard. We are more concerned about those mixtures which according to the table 2 would be assigned to a lower class, then also indicating a lower hazard, although the hazard has not actually changed at all.

In the recent revision of this Step-2 document on the classification of mixtures, another alternative is foreseen which no longer works with the above-mentioned formula but operates in a manner similar to that established by the EU preparations Directive 99/45/EC (see above). According to this alternative, a mixture has to be classified in Class 1, 2 etc. if the components are present in the mixture over or within a certain concentration range. The cut-off values depend on the classification of the component(s). Since the underlying LD_{50} values on which the single components are classified are still different in both systems, this proposal will also lead to the re-classification of mixtures in both directions (more and less severe classification compared to the EU system[16]). However, the proposal has very little chance of being adopted, so I will not go into further detail here.

Since there are no figures available (at least in the TUTB) on the number of mixtures currently classified in one of the three categories existing Europe-wide, the question of how many mixtures would have to be re-classified under the new system is a matter of pure speculation.

FIGURE 4



[15] There should be a third light grey box for a mixture that contains a very toxic substance in a concentration range of 0.1 to 1%, but is practically impossible to see this in this diagram.

[16] Even if one has to admit that the amount of mixtures with a less severe classification would be smaller using this alternative.

TABLE 2

Area N°	Classification of mixture in the existing EU system	Classification under the GHS	Result
1	Very toxic	Combined Class 1/2	No change
2	Very toxic	Class 3	Less severe classification
3	Toxic	Combined Class 1/2	More severe classification
4	Toxic	Class 3	No change
5	Toxic	Class 4	Less severe classification
6	Toxic	Combined Class 1/2	More severe classification
7	Toxic	Class 3	No change
8	Toxic	Class 4	Less severe classification
9	Harmful	Class 3	More severe classification
10	Harmful	Class 4	No change
11	Harmful	Class 5	Less severe classification
12	Harmful	Class 3	More severe classification
13	Harmful	Class 4	No change
14	No classification[17]	Class 4	More severe classification
15	No classification[18]	Class 5	More severe classification
16	No classification	No classification	No change

From the point of view of the European Competent authorities, acceptance of the approach presented above would result in a system where all mixtures would look alike because a mixture would be classified as soon as the classified component exceeds 1 % cut-off. The EU and its Member States are afraid that this 'you-always-have-to-classify-a-mixture-as-soon-as-the-concentration-of-a-classified-component-exceeds-1%' approach would no longer give guidance to users about the real hazards of a chemical. In their view, it would be wasteful to invest in protection measures in cases where there is no real need for it. Since mixtures should be classified on the basis of test results where available, the EU also fears that the low cut-offs would inevitably also lead to excessive testing in order to avoid classification at low concentrations.

As stated above, from the trade union point of view, a more precautionary approach would not be our major problem. We are more concerned about major negative impacts which can already be foreseen in terms of legal obligations for employers and hazard communication (labels and safety data sheets).

Changes in legal obligations for employers with respect to worker health and safety protection

In Europe, hazard identification, classification and labelling of dangerous chemicals provide the foundation for a broad legislative framework covering dangerous chemicals from various aspects.

The handling and use of substances and preparations which are or should be classified as hazardous to human health and/or the environment (according to the criteria established in the main Directives on C&L of Dangerous Substances and Dangerous Preparations (67/548/EEC / 1999/45/EC)) are subject to a broad number of obligations for employers both before launching a production process and during the process.

These obligations cover risk assessment and risk management not only for the intended use or release of a hazardous chemical substance in a certain production process but also release as waste or unintended releases as well as a variety of preventive measures to avoid the handling and use of hazardous material as far as possible.

However, C&L is not only a tool for providing or communicating information on the hazardous properties of chemicals. Both the extent and the type of legal obligations for employers are normally directly related to the hazard classification, meaning less or less severe protective measures for substances with lower hazard categories and vice versa. And, conversely, the classification of a substance/mixture is regarded as a basic tool supporting employers and labour inspectorates in the ranking of the various hazards with a view to prioritising the preventive and protective measures which are required.

Thus, if substances/mixtures are re-classified in a lower hazard category, the legal obligations corresponding to the new system will very probably also have to be changed accordingly, as will the priorities concerning the avoidance of certain risks, even if the risks as such are the same as before.

This is true in particular where more (or less) severe protective and preventive measures are directly connected with the classification in a higher (or lower) hazard category, e.g. in the case of substances classified either as Category 1 or 2 carcinogens (under the scope of the carcinogen Directive) or as category 3 carcinogens (not under the scope of the carcinogen directive).

Changes in hazard communication provisions in terms of labelling and safety data sheets

In Europe, labels are abbreviations of what is known about substances and their hazards for human health and the environment, which use standardised pictograms (such as the skull and crossbones or the St. Andrew's cross) and phrases concerning both possible risks and first aid measures in the event of accidents (R- and S-phrases). As we all know, these are in most cases the only information to which workers and their representatives have access (even if they are entitled to more), so they play an important role in terms of hazard communication and prevention.

As a consequence of the re-classification discussed above, chemicals could be assigned symbols etc. indicating a different danger even if the potential danger has not changed. This could be confusing or misleading.

Secondly, the entire labelling system is being reconsidered due to the fact that the harmonised labelling rules are being developed in the ILO working group. The present systems applied throughout the world are very different and it is still unclear how much of the system applied in Europe at the present time can be retained for the harmonised system. Furthermore, the basic principles for confidential business information are also under consideration. In the European Union, it has hitherto been the practice that the names of the components of a mixture can be claimed to be confidential in a very limited number of exceptional cases - a major opportunity for industry in Europe and elsewhere to circumvent that information obligation.

So far so bad. But there is even worse to come.

The whole exercise at both OECD and ILO level has taken place without any representation of European trade unionists for the simple reason that the ETUC as such is not a member of TUAC[19] or the ICFTU. This is even more annoying because the workers' side has only nominated three of the four possible representatives. There is no intention to blame those representing workers' interests in the negotiations on a GHS. However, Europe as an entity is one of the major global players in the field of chemicals and we as European workers may gain nothing from the new system but we stand to lose a lot.

Even if the current negotiations - for the moment - only result in a legally non-binding recommendation, the European Commission and the Member States are taking the exercise very seriously, especially since chemicals policy is one of the cornerstones of legislation for the harmonised internal market. In other words: on the basis of the recommendation, the Commission will change the existing legislation on chemicals based on Article 95 (formerly Article 100a), which will then be harmonised (and binding!) throughout Europe.

If we take the experience of the ongoing dispute between Canada and France at the WTO as an example (even though the panel decision will probably be in favour of France), we do not want to be confronted with a situation where European health and safety and other requirements for the manufacturers/suppliers of can be considered barriers to trade. Even if they only take the form of a recommendation, the results of the negotiations will be regarded internationally as a mutually recognised standard, so if Europe does not adopt them (or adopts them in a different form), every other country could take the European Union (or Member States of the EU) to the WTO dispute settlement system.

As outlined above, European legislation on workers' health and safety protection is connected with the legislation on classification and labelling in a complex manner; it is difficult for anyone in Europe to get a clear picture of it with all its consequences - so how could certain (negative) implications be considered by somebody from the USA, Canada or Australia? Conversely, the same is true: it would be impossible for someone from Europe to evaluate the consequences for the USA, Canada or Australia in terms of workers' rights and protection.

One final remark. This is a very Europe-centric perspective. What a globally harmonised system for classification and labelling of dangerous substances and preparations would mean for workers and trade unions in developing countries and whether they would consider 'our' achievements as something worthwhile for them to adopt in their own countries is certainly a debatable point. Perhaps there will be an opportunity to discuss this and other related issues at the meeting of the Occupational Safety and Health Working Party of the ICFTU in November. ■

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17 This is only true for the moment. The result will change when the EU establishes its new 'moderately harmful' category (LD_{50} between 2000 and 5000 mg/kg).
18 *Idem.*
19 The Trade Union Advisory Committee to the OECD.

Publication of first list of indicative occupational exposure limit values under Chemical Agents Directive

On 16 June 2000, a Commission Directive with the first list of indicative occupational exposure limit values (IOELVs) under Council Directive 98/24/EC was published in the Official Journal. The list contains 63 substances, and Member States are obliged to introduce an occupational exposure limit (OEL) for these substances in accordance with national legislation and practice that takes the IOELV into account. The Directive is due to be implemented by 31 December 2001.

When the Chemical Agents Directive was adopted in 1998, the aim was not only to harmonise the legal basis of all Directives dealing with health and safety protection of workers at work in general[1], but also to revise and include in one single Directive at least three different Directives established so far in the field of workers' protection against chemical agents at work[2].

Beside these general objectives, Council Directive 98/24/EC also established two types of occupational exposure limits at the European level : binding occupational exposure limit values and binding biological limit values on the one hand, and indicative occupational exposure limit values (IOELVs) on the other.

It will be recalled[3] that the first type of limit values have to be established at the national level in such a way that they do not exceed the EU values. Besides health effects, these binding OELs also take feasibility factors such as economic and technical considerations into account. IOELVs, on the other hand, are, at least in theory, based purely on health criteria, and Member States are only obliged to establish a value at the national level if an IOELV has been established at the EU level. This means that, in certain circumstances, higher OELs can also be established at the national level.

After the adoption of Directive 98/24/EC, the Commission was confronted with a complicated situation with regard to indicative limit values already adopted under the previous Directive[4], because the new Directive repealed the former Directive but left in force the two Directives establishing indicative limit values. For the two lists could not simply be included within the framework of the new Directive because the procedure prescribed for establishing them had not been followed, at least in the case of the first list[5]. This is reflected in the list of IOELVs adopted last June, which contains all of the 22 substances of Directive 96/94/EC (the former 2nd list) and 41 substances for which in the transitional period THE SCOEL (Scientific Committee for Occupational Exposure Limits) had made recommendations and the Advisory Committee on Safety, Hygiene and Health at Work had delivered its opinion. In the case of the substances of the former 1st list (those of Directive 91/322/EC), the Commission has asked THE SCOEL to check whether any new scientific data is available and whether a short-term OEL or an STEL or a skin notation should be added.

The Member States have to draw up their national lists of OELs by 31 December 2001, the date on which Directive 96/94/EC will be repealed. ■

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Commission Directive 2000/39/EC of 8 June 2000 of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers against the risks related to chemical agents at work, *OJ* L 142, 16 June 2000, p. 47.

The complete list of IOELVs can be found on our website : http://www.etuc.org/tutb/uk/news&events1.html

1 Its predecessor - Directive 80/1107/EEC was based on the former Article 100 of the Treaty whereas Directive 98/24/EC - as a single Directive of Framework Directive 89/391/EEC - is based on the former Article 118A.

2 Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work;
Council Directive 82/605/EEC of 28 July 1982 on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work;
Council Directive 88/364/EEC of 9 June 1988 on the protection of workers by the banning of certain specific agents and/or certain work activities.

3 See our previous articles :
Chemical Agents Directive adopted, *TUTB Newsletter* n° 9, June 1998, p. 26; The ongoing debate on the Chemical Agents Directive, *TUTB Newsletter* n° 6, June 1997, p. 21; Proposal for Chemical Agents Directive back on track, *TUTB Newsletter* n° 5, February 1997, pp. 17-18.

4 Commission Directive 91/322/EEC of 29 May 1991 and Commission Directive 96/94/EC of 18 December 1996 - comprising the 1st and 2nd list of indicative limit values on the basis of Directive 80/1107/EEC.

5 The first list does not include possible Short Term Exposure Limit Values (STELs) either or skin notations.

Swedish case in the ECJ

Social rules curb free movement of chemicals

The Court of Justice (ECJ) ruling of 11 July 2000 in case C-473/ 98 Kemikalieinspektionen v Toolex Alpha AB raises key issues of principle.

It stemmed from a referral for a preliminary ruling from a Swedish administrative court relating to Sweden's Chemical Products Act 1985/426. Under this, regulations can be enacted to ban the marketing of chemicals on health or environmental protection grounds. Trichloroethylene was banned on 1 January 1996, although the chemicals inspectorate can grant exemptions.

A Swedish company, Toolex Alpha AB, was stopped from using trichloroethylene in March 1997 for failing to submit a plan showing when and how it would be replaced by a less dangerous substance. The chemicals inspectorate decision was appealed to an administrative court, which set the decision aside on the grounds that the Swedish law was not compliant with Community legislation. The chemicals inspectorate appealed, and the Administrative Court of Appeal made a reference for a preliminary ruling.

In its observations to the Court, the Commission took issue with the Swedish regulations, claiming that they effectively applied tighter classification rules to trichloroethylene than Directive 67/548, that Sweden was in breach of the procedure laid down in article 31 of the Directive and the article 30 obligation to allow the marketing of substances which meet the Directive's requirements.

The Commission argued that the existing Community rules (the 1967 Directive, the 1976 Directive on marketing restrictions and the 1993 Directive on risk evaluation of existing substances) between them rendered any national prohibition of trichloroethylene use superfluous or disproportionate.

In its judgement of 11 July 2000, the ECJ followed Advocate-General Mischo's Opinion of 21 March 2000. It rejected the Commission's arguments and focused essentially on the following points.

1. The Court said that the relevant Community legislation essentially comprised three instruments : the Directive of 27 June 1967 on the classification, packaging and labelling of dangerous substances, the Directive of 27 July 1976 relating to restrictions on the marketing and use of certain substances, and the Regulation of 23 March 1993 on the evaluation and control of the risks of existing substances. The Court established that far from harmonizing all the provisions on dangerous substances, these three directives in fact deal with specific aspects. The Classification Directive merely lays down information requirements for the general public - it does not harmonize the conditions for marketing. The Marketing Directive merely states minimum requirements for a limited number of substances. The Court said that "it clearly presents no obstacle to the regulation by the Member States of the marketing of substances that do not fall within its scope, such as trichloroethylene". Finally, the Risk Evaluation Regulation sets out to establish Community procedures for evaluating risks so as to identify substances which require immediate attention at Community level. It does not preclude national risk evaluation and management rules. In the absence of specific Community rules on trichloroethylene, therefore, Sweden was able to enact national provisions which take account of the risks related to it.

2. The Court held that the Swedish ban was justified under article 36 of the EC Treaty (now, after amendment, article 30). The Swedish regulation is undeniably a restriction on trade, but purely to protect the health and life of humans or the environment. The Swedish government put forward scientific evidence about the dangers of exposure to trichloroethylene. It "affects the central nervous system, the liver and kidneys. The fact that it is highly volatile increases the chances of exposure in circumstances that might result in damage to health. Inhaling the substance can cause fatigue, headaches, and difficulties with memory and concentration" (point 41 of the judgement). The Court endorses the Advocate General's submissions on a general principle of substitution. He was clear that "none of these (occupational health) Directives cover the case in hand, but what they have in common is that each places an obligation on the employer to implement measures to protect workers, in particular based on a general principle of prevention which consists in eliminating or reducing risks by replacing a dangerous substance with other less dangerous ones. The substitution principle is not unknown to Community law, so it is difficult to see, where a risk to health and the environment is established, why a national legislator should not base its legislation under article 36 of the Treaty on a recognized principle of Community law" (unofficial translation). The ruling expressly refers to the Framework Directive 1989 and the Carcinogens Directive 1990 to elicit a "substitution principle". As far as we are aware, this is the first ruling ever to entrench a general principle drawn from social directives to justify national measures restricting the free movement of goods.

3. Finally, the ECJ found that the Swedish regulation does not breach the proportionality principle, because it allows exemptions, provided exposure to trichloroethylene is not at unacceptable levels. ■

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Reference : Case C-473/ 98 *Kemikalieinspektionen v Toolex Alpha AB*. Advocate-General Mischo's Opinion, 21 March 2000, Judgement 11 July 2000.

Spain : prevention and environment stewards

The powers of prevention reps have been given a big boost in collective bargaining between Spanish trade unions and the Madrid regional government. Under an agreement reached on 17 February 2000, workers will be represented by "prevention and environment stewards". On top of their occupational health powers, the new stewards will also have a role in protecting the work environment and monitoring the workplace's impact on its external environment. They will be involved in environmental audits and in framing plans for waste reduction and recycling, energy efficiency, water saving and treatment, plans to replace polluting technologies, products and processes with other "clean production technologies". They are also guaranteed proper training. ■

Source : *Daphnia*, No. 21, May 2000.

First daily penalties in environment case

On 4 July 2000, the European Court of Justice (ECJ) imposed the first-ever daily penalty payments on Greece for failure to enforce a previous judgement in an environmental case. Daily fines are a form of penalty introduced by the Maastricht Treaty, which up to then had never been used.

The ECJ ordered Greece to pay a daily penalty of 20,000 euros from 4 July until such time as it complies with a ruling of 7 April 1992 against it (case C-45/91). The Court's judgement, which had never been acted on, found that the Greek authorities had failed to take the necessary steps to eliminate toxic and dangerous waste in the Chania region in breach of obligations laid down in two Community Directives of 1975 and 1978. On discovering the contravention, the European Commission asked the Greek government to perform its obligations. When it failed to do that, the Commission started fresh infringement proceedings against it in 1995 for failure to apply a judgement of the Court.

The ECJ did not rule just on the strict law of failure to transpose certain provisions of the two directives into internal law, but also examined the actual situation on the ground. It found that uncontrolled tipping of waste was still being carried out at the mouth of the Kouroupitos river, 200 metres from the sea in the Chania prefecture of Crete. This proved that the material steps needed to comply with Community legislation had not been taken. The ECJ ruling reasserted a key principle which it had previously enunciated in other environmental protection cases : that material environmental damage over a protracted period during which the competent authorities had failed to act is prima facie proof that the Member State concerned had overstepped the bounds of discretion left to it by a provision of a directive which sets an objective to be achieved without specifying the means. Applying a similar principle to occupational health would give the Community directives significantly more teeth.

Two similar cases are currently pending before the Court, where the Commission is again asking for daily penalty payments. One is against France (on night work by women), the other against Greece again, over recognition of diplomas. ■

Case C-387/97 Commission v Greece : Judgement of 4 July 2000, Opinion of Advocate-General Mr Ruiz-Jarabo Colomer submitted on 29 September 1999.

New offence of corporate killing in English law

A number of cases in which business activities have wreaked havoc with human life over the past ten years have never resulted in successful prosecutions in the British courts. The trial of P&O bosses after the sinking of the "Herald of Free Enterprise" just outside the port of Zeebrugge is one example. Another is the spate of accidents on Britain's privatized railways, which put astronomical profits before safety. Proposals had been made to reform the law (notably by the Law Commission in 1996). The October 1999 Paddington rail disaster (31 dead, more than 200 injured) created a sufficiently large groundswell of opinion to finally move the government to action. As the law stands, prosecution of privatized railway company managers would be unlikely to succeed. Within a month of the disaster, Railtrack, the infrastructure operator, was announcing record profits of £236 million and a 7% higher dividend to shareholders. One reason why the industry is so awash with cash is the drastic staffing cuts. The number of railworkers has fallen from 240,000 to 80,000 over the past twenty years, and much maintenance work is now outsourced.

Hard lobbying from a wide range of organizations has finally prompted the British Home Secretary to foreshadow a government bill on "corporate killing". Where a failing in the management system causes or contributes to someone's death, company executives may be liable to prosecution. Personal fault or gross negligence will not have to be proved if the organization or management of the company's business was not such as to guarantee the health and safety of its workers or people affected by its activities (e.g., users, the public, etc.). A consultation paper has been put out, and the exercise should be completed by late September. ■

Austria : far right suffers setback in Chambers of Labour

Austrian Chambers of Labour provide employee representation in a range of areas. They play a key role in workplace health and safety, act as consultative bodies, information and training centres, and help workers mount legal claims. Their governing bodies are appointed in elections in which all employees can vote.

The Spring 2000 elections were a political litmus test of the recently-formed Christian conservative/far right coalition government. The ultra-right wants to cut back the powers of Chambers of Labour.

The last elections were marked by a high turnout and a clear victory for opponents of government policy. The social democrats mustered 57.5% of the vote (up by 3.2%), while alternative and green candidates took 3% (against 1.7% in 1994). The "popular" groups (Christian conservatives) held onto their 26.2% share, while the ultra-right vote ("liberals") collapsed to 9.7% from 14.4% before. Only in Tyrol and Voralberg did supporters of the coalition government top the polls.

This is in marked contrast to the results for the Chambers of the Economy which represent employers' interests. Here, the coalition government was given a ringing endorsement by nearly 90% of the 200,000-plus employers who voted. The Christian conservatives grabbed 68% of the vote (up 1.2%), the far right 19.6% (down 1.7%), and the social democrat slate 9.8% (0.1%). ■

Japan's suicide rate points to worsening working conditions

Work-related suicide is a little-explored problem. But unions in different countries are starting to pay it closer attention as a bell-wether of worsening working conditions. Work-related suicides particularly reflect the uncaring attitudes of many workplaces, the pressure of competitive work practices, a rise in all forms of harassment, and the destruction of community spirit. In Belgium, the issue was put into the public forum by the screening of a documentary on the suicide of a Volkswagen factory worker in Brussels in May 1999.

Japan's Ministry of Labour has recently set guidelines on mental disorders and suicides due to work-related fatigue (*karo jijatsu*), essentially dealing with financial compensation: mental disorders and suicides which meet certain requirements will be classified as work accidents or occupational diseases. One of the Ministry of Labour's requirements is that the worker must have experienced a high level of psychological stress due to his or her work duties during the six months before showing the first symptoms of the disorder. The guidelines expressly cite chronically long working hours as a potential contributing factor to such stress. The number of applications for suicides to be recognized as qualifying for insurance rose from 18 in 1996 to 42 in 1998. But very few cases actually qualify for compensation (2 in 1996, 2 in 1997, 4 in 1998). These figures are ludicrously low set against the 32,863 registered suicides in Japan in 1998, and the sharp rise in suicides linked to financial problems or unemployment. Police Agency statistics attributed 1,877 suicides in 1998 to problems or difficulties at the workplace such as errors by the individual and reprimands by superiors.

Also, on 24 March 2000 the Supreme Court ruled for the first time that a company had a legal responsibility for the suicide of a 24 year-old employee caused by depression from overwork. Ichiro Oshima was employed by the advertising giant Dentsu, where he had to work extraordinarily long hours. A further twenty similar case of excessive workload-related suicides are currently before the Japanese courts.

These trends may tie in with a mounting tide of dissatisfaction with working life in Japan. The national survey on lifestyle preferences (carried out every three years on a sample of 5,500 people aged between 15 and 74) reports a steep rise in dissatisfaction with their working lives. The number of people who said they were unsatisfied or not very satisfied with regard to being able to work without worrying about losing their jobs had risen to 49.8% in 1999 from 26.9% in 1978 and 29% in 1990, while the number who were satisfied or more or less satisfied about the same thing has fallen from 33% in 1978 to 25.5% in 1990 and 13.8% in 1999. When questioned whether they were engaged in work which makes them feel useful or work which is suitable for them, 45.6% replied that they were unsatisfied or not very satisfied (against 37.6% in 1990 and 32.7% in 1978) while the number of people who were satisfied or more or less satisfied was down from 30.5% in 1978 to 20.1% in 1990 and 16.1% in 1999. ■

Sources : *Japan Labor Bulletin*, Vol. 38, No. 11 and Vol. 39, No. 5 and No. 6.

ECJ clarifies scope of VDU Directive

The Court of Justice of the European Communities gave its judgement in case C-11/99 Margrit Dietrich v Westdeutscher Rundfunk on 6 July 2000. It is the second ruling to interpret Work with Display Screen Equipment Directive 90/270 (the earlier one was in an Italian referral for a preliminary ruling, cf *TUTB Newsletter* No. 5, February 1997).

The judgement upholds Advocate-General Antonio Saggio's opinion (cf *TUTB Newsletter* No 13, March 2000), and dismisses the narrow interpretation of the Directive argued by Ms Dietrich's employer and the Dutch government.

On the scope of the Directive, the Court held that the idea of "graphic display" includes monitors for replaying film clips, so that work on monitors and the subsequent processing of digitalised film images is covered by the Directive. It also ruled that the notion of "control cabs for vehicles or machinery" (expressly excluded from the scope of the Directive) must be construed narrowly, and does not include workstations for processing filmed images.

The Court's interpretation is consistent with the objective of upwards harmonization, and aims to give the Directive teeth. In particular, the judgement notes that to construe the scope narrowly would deprive a significant number of VDU workers of the Directive's health protection provisions. What it establishes is that the Directive's provisions still apply regardless of the content or technical nature of the information displayed on-screen. ■

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TUTB publications in Portuguese, Italian, Greek, Spanish and Czech

The book entitled *Integrating Gender in Ergonomic Analysis. Strategies for Transforming Women's Work*, which was edited by Karen Messing, meets an important need in Europe. It presents concrete cases which show how inequality between men and women at work affects health at work. The cases presented were studied on the basis of transformation objectives. This work illustrates cooperation between a team of researchers, CINBIOSE, and the trade union organisations in Quebec. It shows that a link must be created between equality policies and policies on health at work.

Since its publication by the TUTB a year ago, this book has served as a reference in many debates. It has provided an opportunity for stimulating discussion on the gender dimension in trade union organisations and amongst a number of prevention professionals.

Like most other TUTB publications, this book was only available in French and English, but various initiatives were subsequently taken with a view to achieving wider circulation of this work in translation.

It was published in Portuguese following an agreement between the TUTB and the chairperson of the Committee on Equality at Work and in Employment (CITE), Ms Maria de Ceu da Cunha Rêgo. The CITE is a body attached to the Portuguese Ministry for Equality. The book was presented at a conference in Lisbon on 27 June 2000, in which 200 labour inspectors took part. Katherine Lippel, from the CINBIOSE team in Montreal and one of the co-authors of the book, also addressed the conference. The publication of the book in Portuguese is not an isolated event; it is in line with the political will to develop equality policies in depth. The Labour Inspectorate has made a clear commitment to promoting action in the industrial health field which takes account of the gender dimension and helps to make work posts accessible to both women and men in conditions compatible with their health. Other measures are planned for the next few months.

Furthermore, the CITE is planning to organise circulation of the book in Brazil and in Portuguese-speaking African countries. This explains the rather large edition of the Portuguese version (3000 copies).

To obtain the book in Portuguese,
Compreender o Trabalho das Mulheres para o Transformar
contact : CITE
Av. da República, 44-2°
P-1069-033 Lisboa
Fax : 21 796 03 32 - Tel. : 21 796 40 27
E-mail : cite@mail.iefp.pt

An Italian edition was published several weeks after the publication of the Portuguese translation following an agreement between the TUTB and the ISPESL (Higher Institute for Prevention and Safety at Work), which opted to circulate the book free of charge in order to reach as wide a readership as possible.

To obtain the book in Italian,
Comprendere il lavoro delle donne per trasformarlo
contact : Istituto Superiore per la Prevenzione e la Sicurezza del Lavoro
Dipartimento Documentazione Informazione e Formazione
Via Alessandria 220/E - 00198 Roma
Tel. : +39 06 4425 0648
Fax : +39 06 4425 0972
E-mail : ispesl.doc@infuturo.it
Website : www.ispesl.it

A Greek edition has also just been published following an agreement between the TUTB and the Greek Association of Women Engineers (EDEM). This association was created in 1995 and it unites women who work in a traditionally male-dominated profession. According to a survey conducted by the EDEM, 20 % of the persons recruited as engineers over the last 35 years have been women. The EDEM endeavours to promote equality and does not confine its action to the professionals it organises. The Greek edition contains a preface by Evi Batra, the President of the EDEM.

To obtain this book in Greek, contact :
EDEM
23-25 Rue Lekka - Athens
Tel. : +30 (0) 1-3247303, 3226010
Fax : +30 (0)1-3255425 - E-mail : edem@tee.gr
Website (in Greek and English) :
www.netsmart.gr/edem

In the context of the enlargement of the European Union it is particularly important for the trade unions in Western Europe and those in Central and Eastern Europe to share experiences on health and safety issues. In order to contribute to this exchange the confederation of Czech and Moravian Trade Unions has published two TUTB books : *Risk assessment at the Workplace. A Guide for Union Action* by Pere Boix and Laurent Vogel, and *Prevention at the Workplace (Sweden, Finland, Norway, Austria, Switzerland)*, by Laurent Vogel.

To obtain these books in Czech, contact :
Ceskomoravská Konfederace Odborovych Svazu
3, nám Winstona Churchilla - 113 59 Praha

Risk assessment at the Workplace. A Guide for Union Action by Pere Boix and Laurent Vogel has also been published in Spanish as the result of cooperation with the ISTAS - Trade Union Institute for Work, Environment and Health, in Valencia.
To obtain the guide in Spanish,
La evaluación de riesgos en los lugares de trabajo
Guía para una intervención sindical
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