

Conference
Health and Safety at Work in the
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Implementation of
Legislation and
Monitoring Mechanism

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1. Legislation

- **Treaty on the Functioning of the EU
Art. 151 to 153**
- **EU Framework Directive on S+H at Work
89/391/EEC and its daughter and
"independent" Directives**
- **EU Guidelines and Standards**
- **EU Recommendation on Occupational
Diseases**
- **ILO Conventions**
- **National legislation**

Legislation

Why do we need legislation on OSH ?

- For the sake of the employee
- For the sake of the employer
- For the sake of the society
- Because OSH prevention pays
- Because good safety practice means good business
- Level playing field for all employers

Legislation

On average in EU Member States:

**Occupational accidents cost
about 4% of their GDP**

2. Implementation

Needs Organisational measures such as:

- **Body/Persons in charge**
- **Systems in place**
- **Policies**
- **Targets**
- **Strategies**
- **Capacity building (personnel, training)**
- **Monitoring**

Implementation

On a National level

- **Authority in charge**
- **National Policies**
- **National Strategies**

Implementation

On a Company level

- **Employer's Policy on OSH**
- **Employer's Strategy on OSH**
- **Establishment of a Safety Management System**
- **Risk Assessment (written) in place.**
- **Appointment of persons in charge (Internal Services), use of External Services, setting the budget, employees training needs, means of implementing, etc.**

3. Policy

- **The importance attached to OSH**
- **The OSH level wanted to be achieved**
- **The standards to be met**
- **The culture to be developed**
- **The responsibilities of the Board, Management, Supervisors, Employees**
- **The attitude for OSH training**
- **The importance for employee involvement**

Policy

- **Expresses decisiveness and willingness**
- **It is a clear statement of will**
- **Should be understandable by those whom it is addressed to**
- **Should be transparent and easily accessible to be read by all employees**

4. Targets

Necessary:

“ You can’t manage if you can’t measure”

Examples:

- **Number of accidents**
- **Number of occupational diseases**
- **Number of near misses**
- **Level of compliance to Law**
- **Number of activities, participation etc.**
- **Opinion of workers (surveys)**

5. Strategy

Important to cooperate with the employees to design the strategy so as to achieve the targets by :

- **setting priorities**
- **applying methods**
- **addressing key issues**
- **Allocating human and material resources**

as due to limited resources, it is not possible to pay equal attention to all issues.

Strategy

To be taken into account (especially for national authorities) when designing the strategy:

**The European Commission
Communication**

**“On a EU Strategic Framework on
Health and Safety at Work 2014-
2020”**

6. Components of the Strategy

- **Internal Services, persons in charge**
- **Training**
- **Consultation/Cooperation with Employees**
- **Arrangements for provision of Occupational Health Services**
- **Promotion of good practice, research and development**

Components of the Strategy

- **Prevention Activities**
- **Cooperation nationally, internationally (authorities, NGO's, companies)**
- **Participation /Following activities at EU/international level**
- **Follow progress**

Compliance

Directive 89/391/EEC

“on the introduction of measures to encourage improvements in the safety and health of workers at work”

Art. 5(1)

“ The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work “

Compliance

Two ways for the employer to check compliance:

- **Self control with the use of internal/external services**
- **Inspection by Labour Inspectors**

Inspections

Basis

- **Criteria for inspections set by the EU Senior Labour Inspectors Committee**
- **ILO Convention No. 81 on Labour Inspection, which is based on the tripartite model**
- **National Practices, Documents, etc.**

Inspections

- **Planning (Statistics, methods, history)**
- **Announced/Unannounced inspections**
- **System Inspection (inspect documents for Safety Management System, Risk Assessment)**
- **Workplace Inspection**
- **Inspection Note /Letter (includes fixed and planned measures according to findings)**
- **Follow up**

Inspections

- **Initial meeting with the employer**
- **Call the Employees Representatives**
- **System and workplace inspection – Employer's and Employees' Representatives present**
- **Findings/Conclusions on the inspection- ERs present**

Risk Assessment

Provided for, by the Framework Directive

Art. 9

“ The employer shall :

(a) be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks; “

Risk Assessment

Rating of workplaces
according to risk:

Risk= (Probability)x(Consequences)

Training of Workers

Art. 12 of the Framework Directive:

“The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job:”

Information to workers

Art. 10

- “1. The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive, in accordance with national laws and/or practices which may take into account inter alia, of the size of the undertaking and/or establishment, all the necessary information concerning:-**
- (a) The safety and health risks and protective...**
 - (b) The measures taken pursuant to Art. 8(2)”**

Consultation

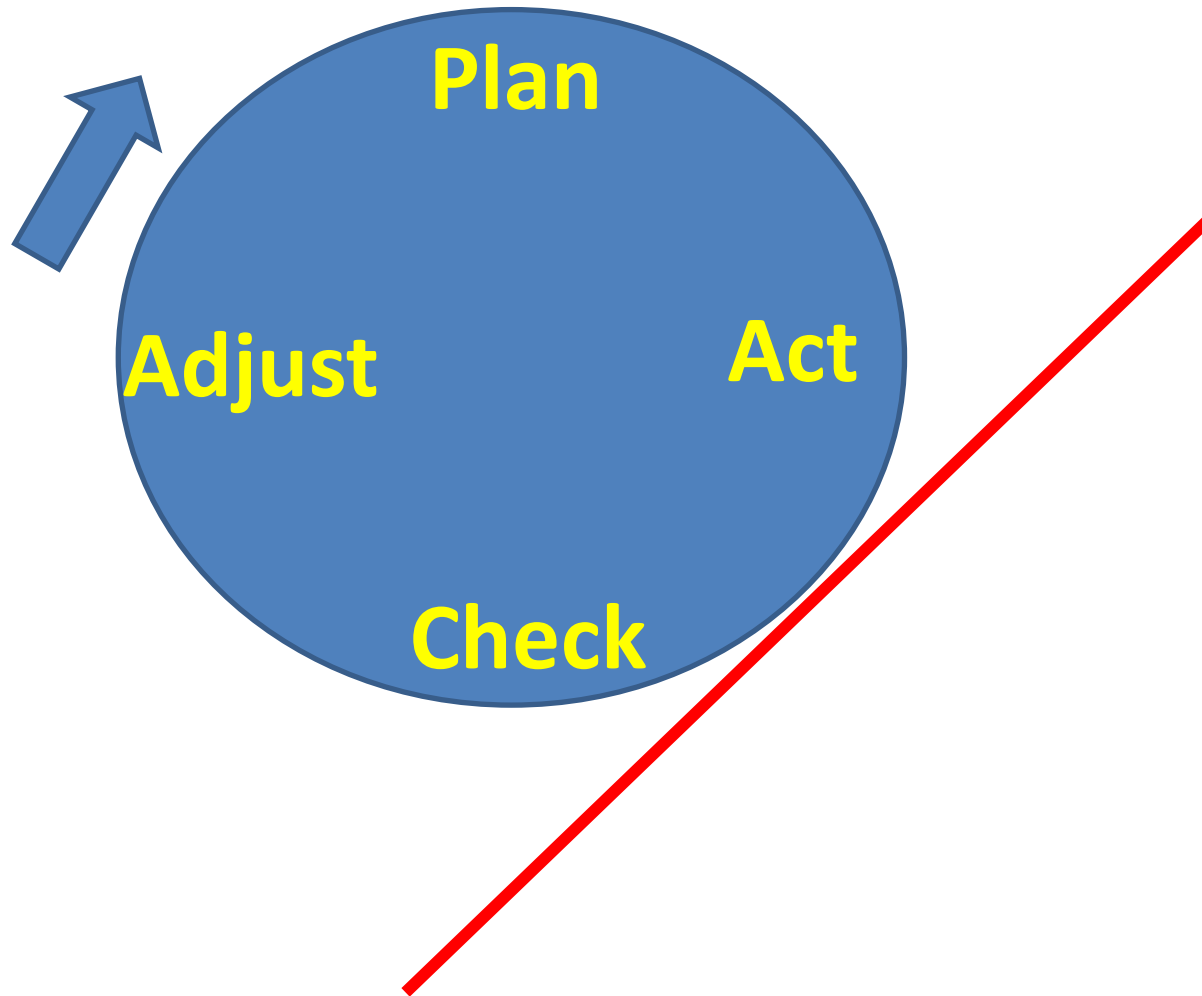
The cornerstone for every successful strategy

Art. 11 Consultation and participation of workers.

“ Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work”

Safety Management System

The Management Cycle



Prevention

Contributes to the development of safety culture

“ An ounce of prevention is worth a pound of care “

More than true when referred to the working environment

Prevention

- **Lectures/Seminars**
- **Meetings**
- **Conferences**
- **Ceremonies**
- **Provision of Information through printed material, manuals, posters, IT means, etc.**
- **Cooperation with others**

Mainstreaming OSH into other policy areas – National Level

- **Education**
- **Employment**
- **Social Insurance and Insurance bodies**
- **Environment**
- **Transport**
- **Agriculture**
- **Industry**
- **Others as feasible**

Mainstreaming OSH into other policy areas – Company Level

- **Strategic Planning**
- **Production**
- **Quality Control**
- **Environment**
- **Sales**
- **Marketing**
- **Etc.**

Cooperation

- **With other bodies/establishments**
- **Police**
- **Fire fighting services**
- **Public Health Services**
- **Local Authorities**
- **Neighbouring establishments**
- **Others, as feasible**

External Services

Art. 7 “3. If such protective and preventive measures cannot be organised for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist competent external services or persons.”

- Operate as Safety Consultants**
- Can be very useful to the employer if utilised suitably**
- Should be considered by the Labour Inspectorates as an extension to their services**

7. Monitoring

- **A mechanism/system to record the progress toward achieving the targets**
- **Reporting at prescribed time intervals or when necessary**
- **In numbers if possible**
- **To compare sectors/enterprise conformity levels and/or sections in same enterprise**
- **To evaluate the statistics and conclude on the trends**

Monitoring

No rule exists what to monitor, definitely the targets.

Examples:

Number of accidents - total

Number of accidents - per type of accident

Number of occupational diseases and types

Number of near misses

Number of non conformity cases

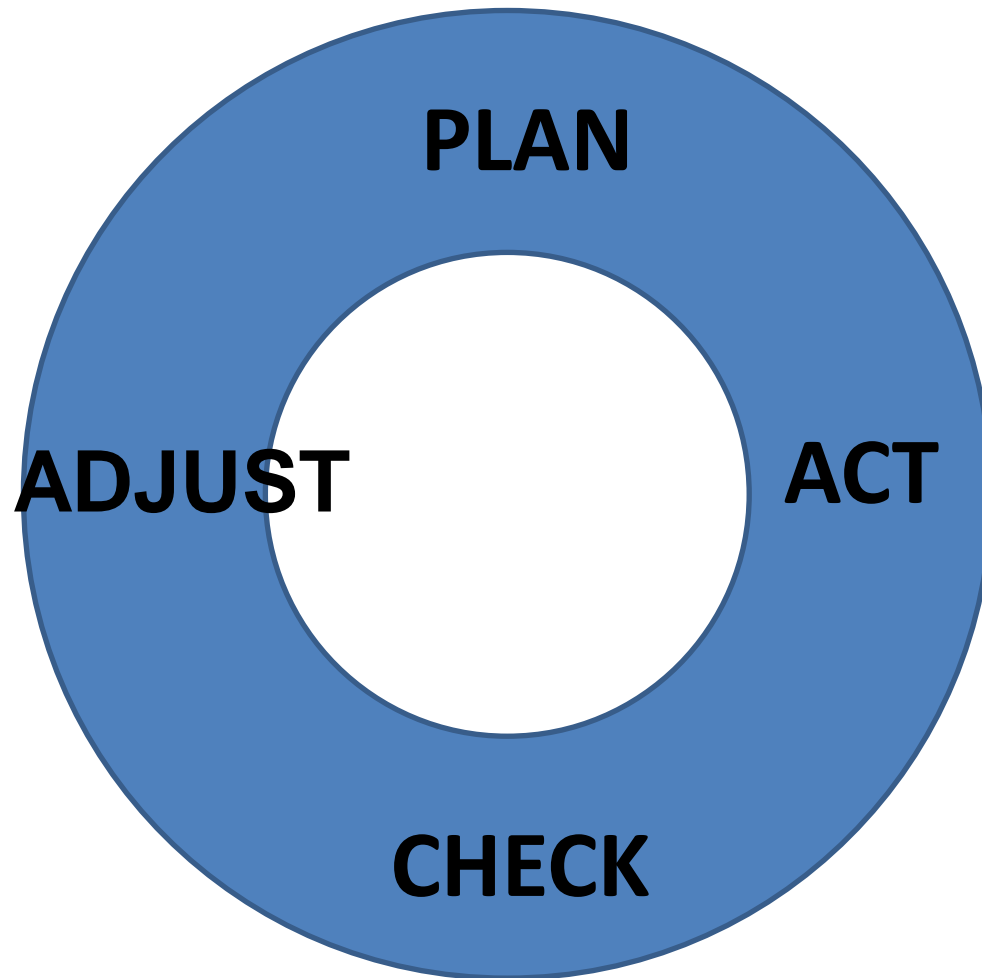
Number of seminars, attendants

Monitoring

- **Budget assigned for OSH**
- **Number of articles in various mass media**
- **Number of notices/letters sent by the Labour Inspectors**
- **Opinion of the workers of the enterprise**
- **Opinion of the labour force as taken by surveys**

Monitoring

Remember the Management Cycle:



8. Conclusion

For an effective implementation of the legislation on OSH:

- Declare your policy**
- Set targets**
- Draw your strategy to achieve your targets**
- Monitor the progress regularly and adjust if necessary**

**“ We can’t change the wind but
we can adjust the sails”**

Thank you all !