

October 2003

B/03/M3

**MINUTES OF THE MEETING OF THE BUREAU OF THE
ADMINISTRATIVE BOARD, 11 SEPTEMBER 2003**

Present:

Mr Remaeus (Chairperson), Mr Lopes, Ms Alexopoulou, Mr Sapir, Ms Breindl, Mr Fernández Sánchez, Mr Konkolewsky, Ms Murillo (item 6) and Mr Bejer (Secretariat).

The meeting noted apologies received from Mr Biosca de Sagastuy, Ms Waltke and Ms Schweng.

Item 1: Adoption of the revised Draft Agenda (B/03/A3)

On the request of Ms Breindl it was decided to discuss the SME assessment under Any Other Business.

The agenda was adopted.

Item 2: Draft minutes of the meeting of 4-5 June (B/03/M2)

Mr Lopes pointed out, that he was present at the June meeting.

Ms Alexopoulou asked the sentence “The Chairperson pointed out that the Commission should avoid clashes like this one” under item 8 to be reworded as follows: “The Chairperson pointed out that clashes like this one should be avoided”.

(Ms Waltke has after the meeting asked for the following amendments:

1. Under item 4, Migrant/Foreign workers amend bullit 1 (Regarding the risk assessments ...) as follows: “Regarding the focus on risk assessment, it is difficult to see what can be done within this project due to the multitude of work situations”.
2. Same paragraph, bullit 2 should read: “The project should focus on case studies instead”.
3. Under item 4, Research on Noise add: “Ms Waltke supported the idea of a database as well” after the sentence “Ms Alexopoulou agreed that it was important”.
4. Under item 4, European Week on Noise, add “on the ototoxic effects” after “and the statements must be qualified”.

With these amendments the minutes were adopted.

Item 3: Director’s Progress Report (B/03/10)

While referring to the Report the Director added the following information:

- Regarding the discharge for the financial year 2001, the European Parliament's Budgetary Control Committee has expressed its favourable opinion on giving the discharge and the issue is now awaiting the plenary vote. Once the European Parliament's final opinion is available the Agency will communicate it to the Bureau members.
- The Agency has due to vacancies in its Administration Unit been in a difficult situation for some time. Following the termination of the contract of the current head of administration a new manager was under recruitment.
- Though the Commission had only proposed a 12 per cent increase in the Agency budget for 2004, it seems that the European Parliament's first discussions in the Social and Employment Affairs Committee are more favourable to the Agency.
- The complexity of planning for 2004 has been reinforced following the Council decision to decide the 2004 budget in two phases: First a decision on the EU-15 budget before the end of 2003 and then a decision on the EU+10 budget in March 2004. This means that the Agency will not now the final amount of resources available before March 2004, while work for 2004 has to be planned before the end of 2003.
- The need for a proper arrangement on subsidies and seating issues with the local authorities (Biscayan, Basque and Spanish). The Agency needs to know the amount of subsidies it can count on.

On the request of Mr Sapir the Director furthermore informed:

1. The purpose of the ERANAET activity is to exchange information on research programming and establish cooperation among national research coordinators. There is therefore no overlap to other forums, which typically coordinate research applications. The Agency will not invest major resources in the activity but work as a facilitator. A report from the meeting in September will be made available to the Bureau members. The next meeting will be held in Paris soon.
2. The work on the OSH monitoring project is preparatory work which can be integrated into the Risk Observatory. As the discussions on the Risk Observatory will take place in February the results from the OSH monitoring project should be available for this discussion.
3. The meeting 18/19 September in the CSR-OSH project is an internal Agency-Topic Centre meeting.

On Ms Breindl's request the Director informed about the follow-up to the June Bureau decision on the next steps regarding the Risk Observatory. There has been a minor delay in the recruitment, but the recruitment of the staff is now in place. An internal brainstorming meeting has taken place, and the work on the Risk Observatory will be the 1st priority for the new Head of the Working Environment Unit, Mr Paoli.

Item 4: Seminar Conclusions (B/03/11)

The item was divided in two: First the conclusions as regards the Work Programme 2004 were discussed, afterwards the conclusions regarding the future network structure were discussed.

Work Programme 2004

Mr Bejer presented the Conclusions from the Planning Seminar the day before as regards the Work Programme 2004. These can be found here:

<http://extranet.osha.eu.int/livelink/livelink.exe?func=ll&objId=127743&objAction=browse&sort=name>

Agriculture and Migrant Workers' projects

The Director commented that considering the enlargement, he would strongly recommend that the Agriculture project be given higher priority than the Migrant/Foreign Workers project.

The Chair supported the comments given on the priority of the Agriculture project.

Mr Sapir commented that the workers' group wanted to address the migrant workers' issue somehow. The project could be postponed but not cancelled. Then the migrant workers could be addressed as part of the Agriculture project.

Mr Lopes supported the view that both the Agriculture project and the Migrant/Foreign workers project were important.

Ms Alexopoulou clarified that the term "migrant" in the EU terminology refers to a worker coming from a 3rd country.

The Director responded that he would be in favour of including migrant workers as a special target group for the Agriculture project.

(As a consequence of the discussions the project has been taken out of the draft work programme. However, a revised project sheet is enclosed for future use).

The Economic Incentives project

Mr Sapir pointed out that the Accession Countries have limited experience with accidents insurance systems and that they therefore look for information on how such systems work. If the project is to be successful, it would be necessary that all countries are prepared to let their national systems evaluate.

Ms Breindl commented that what the Accession Countries need is very specialised information within the social security field, which the Agency is probably not able to deliver.

Ms Alexopoulou remarked that the economic incentives issue is specifically mentioned in the Community Strategy and therefore should be a priority.

On the basis of the discussion the Director proposed that the issue be handled in an alternative way by arranging a conference or a seminar. The Dutch presidency is preparing a conference in September 2005 on prevention tools, which is of great interest to the Agency. In the draft programme it is foreseen to have a workshop on economic incentives. Therefore the Agency will discuss with the Dutch presidency if it would be possible to take the responsibility for this workshop and extend it to a full day. The workshop will focus on the effectiveness of economic incentives in a broader sense than insurance systems. Following the workshop a publication (e.g. a Forum) and a web-feature would be prepared.

Risk Observatory

Mr Sapir clarified that when it is said that the Risk Observatory is a high priority it should be interpreted as a high priority to reach a decision on the observatory – but not necessarily a high priority in establishing the observatory.

Ms Alexopoulou stated that for the Commission the Risk Observatory was a priority issue due to the Community Strategy.

Ms Breindl agreed with Ms Alexopoulou on behalf of the governments' group.

The Director remarked that the Agency is in a dilemma position. On the one hand the strategy is clear: A Risk Observatory must be established. On the other hand the Agency lacks the necessary resources as no funds have yet been made available by the Commission.

The future of the Agency Focal Point network

On the basis of the discussions at the Planning Seminar the day before the following opinion were expressed:

Mr Sapir remarked that there was a need for document explaining the context of the reform of the network. Furthermore, Mr Sapir stated that the concept of flexibility must not lead to an Agency in which only an exclusive club of Member States participate.

The Director responded that the concept of flexibility in his view implies that a state does not have to participate in a project if they do not have relevant good practice cases to offer. Flexibility does not mean that states can opt out of projects in order to save resources.

Ms Breindl said that a better balance in the documents between Agency and Member State obligations should be sought. And it should be made clear that the Board cannot oblige Member States. Finally, the minimum requirements document must be examined requirement by requirement.

The Director remarked that it was the Focal Points who initially had asked the Agency to define minimum requirements. Furthermore, there is a need for an agreement in the government group on what to deliver to the Agency work.

Based on the planning seminar discussions and the comments from the Bureau the Director proposed the following steps:

1. The Agency prepares new draft documents for Focal Point network (and Focal Point host) consultation and discussion at an extra Focal Point meeting.
2. The documents will be presented to the Board in November for opinion
3. The documents will be:
 - a. Document setting the context for the current discussion of the network
 - b. Revised version of “preparing for enlargement”
 - c. Revised draft minimum requirements document (for Core Tasks and Additional Tasks), including a revision of the “Basic Requirement Document”
 - d. Guidelines for new Agency Expert Groups organisation
 - e. Model for annual Focal Point Work Programme

- f. Flowchart for organisation of Agency tasks to illustrate involvement of Topic Centres, Expert Groups, Agency and Focal Point Network
- g. Model for co-financing/procurement possibilities
- h. Principles for 3rd generation Topic Centres

Item 5 – Meeting dates 2004 (B/03/12)

The proposed meeting dates were agreed.

Item 6 - Any Other Business

Ms Breindl asked if it would be possible to diminish the administrative burden for the Focal Points in the assessment of the SME applications, e.g. by not having to fill in the evaluation form when it is obvious that the application is not eligible.

The Director remarked, that the Agency procedures are designed to comply with the legal requirements following the financial regulation.

Ms Murillo added that the same procedure was followed last year. As a curiosity it was mentioned that it is not the Focal Points with most applications, who have problems doing the assessments. The minimum requirements imply that each applicant has the right to an individual assessment and at the very minimum a reason for not being considered eligible. If an application is considered eligible, the strong and weak points of the application must be stated.

The Director finally informed that considerations are ongoing about revising the model to focus on a limited number of European/transnational model projects and dedicate more resources to communicate the results of the activities.

GOOD PRACTICE – (IM)MIGRANT WORKERS

Objectives

Improve access to practical information on OSH issues related to (im)migrant workers and improve coverage of diversity in the workforce within OSH. This includes: successful practices to reach (im)migrant workers; methods of improving awareness of legal obligations amongst employers and improving compliance in practice; and successful approaches to assessment and prevention of risks to (im)migrant workers.

(Im)migrant workers are a diverse group and include at least two groups, workers moving between European Union Member States to work and workers from outside of the European Union. The main focus of this project will be workers in manual trades and unskilled workers, in particular targeting sectors where they commonly work.

Output

The outputs will include:

- A case studies report, to be published in English, examining collaborative programmes and practices at different levels by intermediaries, including examples of successful risk assessment approaches that take into account diverse workforces
- A factsheet of the above report published in all official community languages
- A web feature on the above theme.

In addition, (im)migrant worker issues will be mainstreamed into other work programme activities, such as construction and agriculture. Gender issues will also be covered.

Background

- Agency Regulation Article 3.1a, 3.1.c and 3.1.h
- Community Strategy on Safety and Health at Work (1.)
- Commission's objectives on combating discrimination in the labour market on the basis of racial and ethnic grounds, for example, Proposal for Guidelines for the Employment Policies of the Member States (COM (2003) 176 final)

Context

Manual and unskilled (im)migrant workers typically work in sectors such as construction; agriculture; transport; domestic work; homeworking and service sector in the lowest level unskilled jobs, including cleaning, and in hotel and catering. OSH issues include: lack of access to these workers due to workers' mobility, undocumented labourers, language barriers, the seasonal and temporary nature of the work, and rural

location for agricultural workers; casual, unregulated nature of domestic work etc; lack of information on how to include (im)migrant workers in risk assessment and prevention activities; differences in culture and previous work circumstances and OSH culture; poorer safety and compliance record and lack of awareness by employers of their duties in some sectors where (im)migrant workers typically work; employers holding the work permits putting workers in a vulnerable position regarding raising OSH issues with employers; and the important OSH role of supervisors. The issue of different cultural approaches to OSH can also be an issue regarding employers or building owners who are from outside the EU. (This is a non-exhaustive list of issues and does not necessarily represent a list of priorities.)

User needs

Workplaces: practical information is needed for workplaces on OSH issues related to the employment of (im)migrant workers. This includes practical experiences covering risk assessment, prevention measures, information and training.

Exchange of existing guidance

Programmes and strategies: examples of good practices of how to cover the OSH needs of (im)migrant workers, how to reach (im)migrant workers and their employers with information, and experiences on how to increase awareness about legal obligations amongst employers and to improve compliance with OSH-requirements etc..

Target groups

Intermediary groups: including OSH organisations, social partners, (im)migrant worker organisations and support groups. Temporary worker agencies.

Organisation

The Topic Centre will produce a case studies report. This report will cover: examples of programmes and practices on accessing both (im)migrant workers and their employers and other significant persons in OSH management such as supervisors; risk assessment good practices; different groups of (im)migrant workers; different sectors where (im)migrant workers typically work - covering both male-dominated and female-dominated work areas; different types of organisations where applicable (e.g. NGOs, authorities, social partners). It should also include some background information about existing knowledge and good practice information in this area. The Focal Points will be asked to forward examples of cases to be included. Examples could also be used from countries and organisations outside of the EU, where applicable. Sources of background information include ILO and WHO. The results will be used to produce checklists and other practical tools for risk assessment.

The Agency will set up a web feature, following the format of previous features such as on accidents. The Topic Centre will collect and add the links. The Focal Points will be asked to forward examples of relevant national links. Providers of links will include OSH organisations and (im)migrant worker organisations

The Topic Centre carries out a literature scan of OSH-related academic information and guidance to be used as background to the report.

N.B. (Im)migrant worker issues will also be mainstreamed into other Agency activities, such as activities on construction and the agricultural sector project. Similar, attention will be paid to relevant gender issues.

Regarding employer compliance, contact will also be made with SLIC.

External Milestones

Report and Factsheet

When the draft report and factsheet are submitted to the Agency

Target publication date for report and factsheet in English

Target publication date for factsheet in language versions

Web feature

When the test web feature is sent to Focal Points for comment

When the web feature goes live

Data sources

OSH websites; websites of (im)migrant workers NGOs, etc., Focal Points, Commission, journals, publications etc.

Existing good practice from authoritative sources.

Quality assurance

Focal Points/expert group will monitor the work and provide comments. There will also be cooperation with the DG Employment of the European Commission and the European Monitoring Centre on Racism and Xenophobia (Vienna Agency).