

Meeting:	MEETING OF THE BUREAU OF THE GOVERNING BOARD
Date:	5 July 2012
Time:	09.00 h – 17.00 h
Venue:	Inbisa A meeting room. Gran Vía 35, E-48009 Bilbao

FINAL MINUTES

1. *Adoption of the draft agenda (B/12/A2) – for adoption*

The Chair welcomed all members present and invited for comments on the draft agenda. The Director informed about that the Agency would provide an update on the situation as regards Croatian observers in the Board. Ms Breindl, on behalf of the governments' group, mentioned they would have comments on the advisory and expert groups. Mr Alvarez made a formal remark regarding item 10 stating that the document circulated had not been endorsed yet.

CONCLUSION: The agenda was adopted.

2. *Draft minutes of the last Bureau meeting of 19 March 2012 (B/12/M1) – for adoption*

The Chair introduced the item and asked for comments on the draft minutes. **Mr Lūsis** asked why point 5 in item 4 of the minutes was missing. The answer was that there was nothing to report on this point.

CONCLUSION: The draft minutes were approved without any amendments.

3. *Director's progress report, including update on seat agreement (B/12/02) – for decision*

The Chair asked the Director to introduce the item, who introduced the report and updated on the following issues not included on the report:

a) Building situation and seat agreement:

As agreed it was a standing item in the agenda. Contacts with regional and national authorities have continued. Resources and Services Centre is preparing the workplan for the project establishing the criteria for the new premises and considering different scenarios to carry out the market survey and the tendering procedure to be launched. The project has two objectives: reducing the rental related expenditures and improving the Agency's staff working conditions (noise, air conditioning, repair works of an old building, etc.).

b) Re-organisation in Agency:

The Director informed of her decision to move the ICT team from Resources and Services Centre (RSC) to Communication and Promotion Unit (CPU). Reasons were: improve efficiency, as ICT and website related staff includes experts in the same field, and there are more and more projects/products (OSH-wiki, OiRA) which are internet-extranet based, thus bringing together experts working on similar tasks has a number of advantages. Another reason was that ICT was more and more an operational rather than an administrative activity.

c) Cooperation with EUROFOUND:

Cooperating closely with EUROFOUND on the development of the older workers project and at the point of signing an action plan for cooperation 2012/13.

COMMENTS FROM THE GROUPS:

Mr György valued the agreement with EUROFOUND very positively and kindly requested more information on the content of the agreement. **Mr György** also asked for the Bureau to see the action plan before it would be signed.

Mr Alvarez considered the action plan was very important and relevant, especially in the context of the inter-institutional discussion. The Commission acknowledged that by means of the agreement, EU-OSHA and EUROFOUND were avoiding any possible overlapping.

Regarding the issue of the seat agreement, **Mr Alvarez** reminded that there was some pressure on Agencies, under point 9 of the inter-institutional agreement, to get seat agreements in place and kindly requested more detailed information regarding the exact status of the discussions and contacts with national authorities.

The Director assured that for the Management Group the signing of a seat agreement was a priority. **Ms Murillo** informed that EU-OSHA was very aware of the concern of the IWG for the Agencies' seat agreements and recalled that the Agency has participated actively in the provision of the Agencies' network's contribution to the IWG work on the host countries' support to new Agencies right from the outset of their establishments. She also stressed that the lack of seat agreement has been noted by the Court of Auditors in its last report, acknowledging as well the efforts done by EU-OSHA to get a seat agreement. She said that a formal agreement was about to be reached end 2011 before the general elections in Spain and that the Agency is striving for the negotiations to continue with the new government. **Ms Murillo** also detailed the numerous exchanges of communications with local authorities, Spanish authorities, ministries, cabinets, etc. The Bureau was also informed about the contacts with OIB and the different steps that need to be taken (market survey, negotiated procedure for expert support...). **Ms Murillo** emphasised that the priority was to find a place with better conditions for staff and a positive impact on the administrative expenditures (reduction of administrative costs).

Mr De Meester asked if the possibility of teleworking or flexi-working in order to optimise the limited available place had been considered. The Director assured that any option of flexi-work and facilities would be explored in order to reduce the rent and make efficient use of the space but in a context of team-based work teleworking was not in the agenda at the moment.

Mr Lūsis, regarding page 7, requested clarification about the implementation of the budget. **Ms Murillo** explained that a budgetary report is produced prior to the monthly management meeting with the units' estimations until the end of the year and stressed that there is a strong commitment from the management to continue monitoring and ensuring good budget implementation. The concrete figures will be sent to Mr Lūsis, for his reference (done on the day of the Bureau).

Ms Breindl, regarding the specific objective 1 on page 2, requested information on how the Board would be involved in the drafting of the final report's recommendations coming out of the Seminar on Research Priorities on 10 May in Paris. **The Director** informed that the draft report would be sent to the Board for input and feedback.

CONCLUSION: The Director's progress report was noted by the Bureau.

4. Amendment to AMP 2012 (B/12/03) – for recommendation

The Chair asked the Director to introduce the item¹. **The Director** informed that the European Parliament, acting on a proposal from its Employment Committee, allocated €2,000,000 to the European Commission for a pilot project on "Health and safety of older workers". The Commission proposed that the Agency carried out the project. **Ms Copsey** informed about the background, current status and scope of the project. As no additional staff could be recruited some other activities would need to be reduced, postponed or reoriented.

The Bureau was asked to provide an opinion on the suggested amendment which could be transmitted to the Board, when the amendment is submitted for adoption by written procedure.

COMMENTS FROM THE GROUPS:

WORKERS:

Ms Kirton-Darling welcomed that the European Parliament entrusted the Agency with such an important project but expressed the workers' concern that other activities were affected within a long-term work programme, more concretely mainstreaming OSH into education, gender issues and road transport. Providing the Agency with financial resources for new activities without additional staff has a negative impact on the implementation of agreed work programmes.. **Ms Kirton-Darling** also requested information about how "road transport" would continue to be a priority. Regarding the current campaign focused on leadership and workers' participation, **Ms Kirton-Darling** requested information about the delay on factsheets and case studies related to workers' participation, considered as key outputs. **Mr György** expressed his concern on adopting this decision by written procedure and setting a precedent on cutting or dropping some activities.

EMPLOYERS:

Ms Schweng also approved the "older workers" project, but she would like to know the results or outputs of it, as this was not stated in the work programme. On the other hand she considered very positively the issue of rehabilitation before retirement, whereas the issue of alternative career models for certain professions/sectors

¹ http://extranet.osha.europa.eu/92659/11887/12108/19474/copy_of_2012-meeting-2-march/presentations/item-4-older-workers-project-120705.pptx/view

should not be included. **Ms Schweng** stressed that the employers' approved the "return to work" approach. She also suggested that the Director would explore the possible synergies and overlapping among projects to reduce the impact of the cuts on the work programme. **Mr Engels** asked about the role of the Governing Board in the project. **Mr De Meester** highlighted the importance of integrating this project with other Agency activities in order to make the best use of the investment.

GOVERNMENTS:

Mr Lüs expressed his approval to the project, and acknowledged the difficulties in deciding on the impact on other activities. In this line, he asked about the plans for those affected activities, especially for "mainstreaming OSH into education" which he considered of high importance. **Ms Breindl** pointed out that the holistic point of view was necessary but asked to have the practical OSH tools kept in mind. **Ms Breindl** also requested more information on the outputs of mainstreaming OSH into education, which were not included in the work programme. Regarding the procedure, **Ms Breindl** enquired if there would be room for discussion before sending the amendment by written procedure.

COMMISSION:

Mr Alvarez congratulated the Director for the way the reorganisation and re-prioritisation had been done and particularly thanked for taking on board all the Commission's recommendations on the holistic approach, as all the essential elements had been incorporated into the project. Regarding the resources, **Mr Alvarez** acknowledged that the issue had been dealt with in the most realistic and pragmatic way and welcomed all the project re-orientations and adjustments proposed. **Mr Alvarez** concluded that **the Commission** fully supported the proposed amendment.

DIRECTOR:

The Director highlighted that the project is a pilot one, and therefore it was impossible to cover all the sectors. In the two years there would be an opportunity to define the important issues. **The Director** also assured that the Board would be informed and involved in the project. The pilot project will start with a call for tender to commission external contractors (drafting of work programmes and description of tasks) but there will be no "products" in 2012, as they are expected in 2013-14.

Regarding the concern on cutting on some activities, **the Director** explained that it had been of course difficult to reorganise the work in CPU and PRU but it was necessary. **Ms Copsey** clarified that there would be a reorientation of the work load but the issue of workers' participation in relation to the campaign remained as top priority. Reports will be finalised and published, they will not be cancelled but mainly re-scheduled.

Regarding the "Road Transport" activities, **Ms Schneider** explained that a lot of input had already been made, the support had not diminished but other alternative ways of input had been implemented: e.g. providing publications, presentations and support materials rather than sending a staff member to attend national events or meetings in person. As for the existing and on-going activities, for instance the "gender issues" a lot of information for different age groups was available and could be integrated into the older workers project.

The Director suggested that the power point presentation should not be circulated but used for internal discussion as scoping and planning was not final. **Ms Murillo** clarified that it would be possible that the 2 Million Euro would be considered as assigned revenue and therefore treated separately from the rest of the Agency's budget.

CONCLUSIONS:

1. The groups agreed to allow one week for internal consultation and to provide their feedback in written (12 July).
2. The Agency staff will prepare an explanatory note to be used for the written procedure.
3. The implications for the 2013 management plan will be discussed at the next Governing Board meeting on 3 December.

5. *Action plan on evaluation of EU-OSHA (B/12/04) – for agreement*

The Chair asked the Director to introduce the item and asked the Bureau for comments. Following the evaluation carried out by IES in November 2011, the Bureau was presented an excel table providing an overview of the suggested actions to follow up on the evaluation findings. **The Director** explained that there was a close link to the formulation of the new EU-OSHA Strategy and most of the recommendations will have to be followed up in that process. There were no comments from the groups.

CONCLUSION: The Action plan on evaluation of EU-OSHA was adopted with no comments.

6. Campaign on practical solution for psychosocial risks (B/12/09) – for discussion

The Chair asked the Director to introduce the item. **The Director** explained that in 2011 the Governing Board agreed that the campaign theme for 2014-15 would be psychosocial risks, which was reflected in the 2012 management plan. The Bureau was presented two key documents: An ex-ante assessment of the campaign and a campaign content paper. **Ms Milczarek** continued presenting the details of the Campaign.²

COMMENTS FROM THE GROUPS:

WORKERS:

Ms Kirton-Darling stated the following comments from the Workers':

- Psychosocial issues are becoming more and more relevant in the current context of economic crisis.
- Should avoid any confusion and overlapping with general public health and should focus on work related risks.
- Emphasis should be on precarious work and its impact and not merely appear in the first page of the background document, and focus particularly in vulnerable workers.
- Stress has to be one of the priorities, and request fact sheets for the campaign, case studies and company examples/solutions.
- More emphasis on examples of workers' participation is needed.
- Workers' require a good practice catalogue and comprehensive product list.

EMPLOYERS:

Ms Schweng considered that the paper was not balanced enough, as it only addressed the negative consequences of reorganisation and restructuring. The employers' considered that the paper should also reflect the positive aspects (teleworking, flexible working time, etc.). **Ms Schweng** also considered that the outcomes were not clear and recommended seeking synergies to make best use of resources. **Mr De Meester** agreed that the paper focused too much on negative aspects and it was important to have evidence based definition of risks. **Mr De Meester** considered important to use the positive approach and methodology, especially important for SMEs where work flexibility is one of the major stressors.

GOVERNMENTS:

Mr Lūsis considered that the scope of the campaign should remain open and not be focused on specific sectors. On the whole the governments' agreed on the paper.

COMMISSION:

Mr Alvarez stated that psychosocial issues were very important for the Commission and would pay special attention it, in particular with relation to small and micro sized enterprises. He also considered it wise to promote the positive aspects and avoid the tendency of highlighting the negative parts, especially in communication. **Mr Alvarez** also agreed that it was necessary to differentiate between the general public health and the OSH related psychosocial risks.

Mr Smith took the opportunity to offer more details on the products, which were organised in three groups: at first level (European level) it is a website tool in all languages for micro and small sized enterprises to assess the situation of their work places and offer practical solutions. Second level (intermediaries) is the OiRA tool module and on the third level the Focal Points are invited to use the campaign to promote the existing tools at national level.

CONCLUSION: The Bureau agreed that the Agency staff would redraft the document emphasising the "good aspects" and it would be discussed again at the next Bureau meeting on 3 October 2012.

7. Short list of activities for ex-ante assessment (B/12/05) – for agreement

The Chair asked the Director to introduce the item.³ **The Director** presented the Bureau the list of activities that should be assessed before the Bureau meeting in October. At the Bureau meeting in October the Bureau will decide – on the basis of the ex-ante assessments – on which activities to include in the draft strategy to be presented to the Board. The Bureau was invited to agree the list of activities the Agency should assess before the Bureau meeting in October with any amendment considered necessary.

COMMENTS FROM THE GROUPS:

WORKERS:

The workers' had no comments.

² http://extranet.osha.europa.eu/92659/11887/12108/19474/copy_of_2012-meeting-2-march/presentations/item-6-campaign-psychosocial-risks-bureau-120705.ppt/view

³ http://extranet.osha.europa.eu/92659/11887/12108/19474/copy_of_2012-meeting-2-march/presentations/item-7-short-list-of-activities-120705.pptx/view

EMPLOYERS:

Mr De Meester made a remark on the way the data from ESENER is used, in particular when different countries are compared. **Ms Schneider** replied that the sensitivity of these data was well known, and secondary analysis had been commissioned to assess the results in the context of national specificities and OSH systems, as well as a more in-depth post-survey of a selected number of enterprises (also mentioned in the Director's progress report). **Mr Engels** asked for one or two examples of articles for the OSH wiki.

COMMISSION:

Mr Alvarez reminded that EU-OSHA strategy should be in line with the EU strategy, the Commissioner has the intention to adopt the next strategy by June 2013. The Commission considered that the paper was a good framework for future activities and supported it.

GOVERNMENTS:

Ms Breindl asked for clarification on the ex-ante assessment of the "economic aspects of OSH". On the other hand, **Ms Breindl** reminded that the OSH wiki is not a priority activity for the governments.

The Director clarified that the "economic aspect of OSH" included several aspects and the mentioned one was one of starting projects but there would be more in the future.

CONCLUSION: The Bureau agreed on the short list of activities and the comments from the groups were noted.

8. *Conflict of interest (B/12/06) – for discussion*

The Chair asked the Director to introduce the item. **The Director** explained that the initiative followed a request by the European Parliament urging the Agencies to provide, via their websites, information necessary to ensure transparency and, in particular to make available on their website the list of the Members of their Governing Boards with their Declaration of Interests. The Director informed that that initiative had been developed in close coordination with other agencies. EUROFOUND already discussed an approach similar to that one with their Bureau and the form suggested to the Bureau was identical to the one used by EUROFOUND and the Fundamental Rights Agency. Publishing the declarations will have to be followed at a later stage by a policy on conflict of interest, but this should await on-going work in the Heads of Agencies' network. The Bureau was invited to provide its comments on how to follow up on the requests from the European Parliament.

The groups in general considered that the declaration was too detailed (personal data) and suggested a shorter and simpler declaration, as it was not felt necessary to use the same form as in other agencies. It was also mentioned that it is necessary to define "conflict of interest". **The Director** stressed that EUROFOUND had accepted the document as it was. **Ms O'Brien** reminded that the issue of conflict of interest was being closely scrutinized by MEPs.

Mr Alvarez agreed in principle with the proposal of keeping it simple at this stage, but he considered better to consult with the Commission's experts.

CONCLUSION: The Agency will follow up on the legal and data protection issues involved and the groups' comments.

9. *Implementing rules for probationary period, annual appraisal report and management report (B/12/07) – for recommendation*

The Chair asked Ms Murillo to introduce the item. **Ms Murillo** reminded that at the previous Bureau meeting held on 19 March 2012, the Commission urged the Agency to adopt the Commission's implementing rules for the appraisal and probationary period for the Director of the European Agency for Safety and Health at Work. The Bureau was therefore proposed to launch the procedure for the adoption of the Decision concerning the appraisal, probationary and management reports for EU-OSHA Director and for this purpose, to adopt the Commission template for such decision.

COMMENTS FROM THE GROUPS:

The groups in general considered that it was somehow difficult to evaluate someone who they did not directly work with. **Ms Murillo** clarified that the Director's work could be evaluated on the basis of the Director's progress reports, budget implementation reports, Court of Auditors' reports, etc. A discussion followed on the convenience of appointing representatives in each group to discuss together with the Commission and set up a set of criteria to evaluate the Director's performance.

CONCLUSIONS:

1. The “Management probationary period report” of the Director was adopted.
2. The interest groups and the Commission will set up a sub-group composed by a representative from each interest group and the Commission to revise the “report model”, make proposals of amendments and draft a set of criteria for evaluation of the Director.
3. The proposal of amendments and the set of criteria agreed by the sub-group will be discussed in the next Bureau meeting on 3 October 2012.
4. The Bureau gave a positive recommendation with regards to adopting the Commission decision on appraisal of the Director.

10. Inter-institutional Working Group (B/12/08) – for information

The Chair asked the Director to introduce the item.⁴ **The Director** presented the joint statement and common approach adopted by the IWG. The aim of the IWG was to get from a case-by-case approach to agencies to an approach guided by an overall vision of the role of agencies in the Union, while recognising the importance of agencies in delivering the policies. It also outlines a number of measures to further improve the contribution from the agencies to achieving EU policy objectives.

The Common Approach does not reflect all the areas discussed but those where there was agreement to take action. It is legally non-binding but it is intended to be taken into account in the context of future decisions following a case-by-case analysis.

Implementation of the agreement will involve the three Institutions, the Heads of Agencies’ network and the individual agencies. The Joint Statement urges the agencies to streamline their activities and increase their performance by implementing the principles in the approach which are within their remit. The Commission will have to prepare a roadmap for the follow-up to the approach. The agencies will be involved in the implementation.

The Director also informed about the conclusions about the agencies’ Boards, regarding size, composition and representation, changes in the voting rules, issue of conflict of interest, increasing role of Bureaus, etc.

COMMENTS FROM THE GROUPS:

Ms Kirton-Darling stated that the workers’ main concern were the size of the Boards and the issue of tripartism. **Mr György** agreed that tripartism needed to be maintained and emphasised the important role of the social partners. There was concern about the sentence “*One representative from each Member State, Commission representation and, where appropriate, a fairly limited number of stakeholders’ representatives*”.

Ms Schweng shared the workers’ concern on tripartism and composition of Boards and the limited number of stakeholders. Regarding the issue of efficiency, **Mr Engels** highlighted the importance of stakeholders and national networks as links so that EU-OSHA can get the message to the workplaces.

Ms Breindl agreed to the arguments stated by workers’ and employers’. The Focal Points network depends on the national networks, which are mainly the social partners.

CONCLUSIONS:

1. The Bureau will coordinate a common position with the other two tripartite agencies on the “Draft Joint Statement” of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, based on the common Board position approved in November 2011.
2. The common statement will be sent to Mr Barroso before November 2012.
3. The Bureau will be provided with a list of contact persons in CEDEFOP and EUROFOUND.
4. This issue will be dealt with again in the next Bureau meeting on 3 October 2012.

⁴ http://extranet.osha.europa.eu/92659/11887/12108/19474/copy_of_2012-meeting-2-march/presentations/item-10-iwg-120705.pptx/view

11. Any Other Business

a) Attendance of Croatian representatives at next Board meeting:

The Director informed that for the Board meeting in December, meeting representatives from Croatia should be invited as observers. The Commission has been enquired on how to proceed in order to identify the relevant representatives, and two options have been discussed:

- Limited to social partners: via social partners at European level
- Via Croatian government

CONCLUSION: The Commission will be in touch to clarify this issue. The Bureau will be informed accordingly.

b) Advisory and expert groups:

Ms Breindl informed that some members of the Advisory group considered that the groups are not working within the framework of their mandates. Some expert group members doubt whether they are needed any more. **Ms Breindl** also informed that some of the governments' group members believed there was a need to develop in the new EU-OSHA strategy a new structure and definition for advisory and expert groups.

Ms Schneider offered an overview of the existing structure and activities of the expert and advisory groups on-going at present. **Mr Smith** informed that an advisory group meeting had been deliberately set up linked to the campaign kick-off meeting, to bring FOPs together and see how EU-OSHA works and the link between the strategic and practical levels.

CONCLUSION: A document detailing the existing working groups and the work foreseen for the following years under the new strategy will be prepared and presented at the 1st Bureau meeting in 2013 for discussion.

c) Introduction seminar for new Board members:

The Director informed that the first introduction session for new Board members was organised in March 2012 after the first Board meeting of the year with very positive feedback from the Board members. **Mr Bejer** informed that it was intended to organise this session on an annual basis, and thanked the Bureau for suggesting the idea.

Mr Lūsis asked for access to Bureau minutes for Board members. **Mr Bejer** reminded that all the Bureau meeting minutes are available for all Board members through extranet, but nevertheless the Board members would receive links to the minutes via email.

The Chair closed the meeting.

Present:

Chairperson: Gertrud BREINDL (Governments' representative)

Commission: F. Jesús ÁLVAREZ

Workers: Károly GYÖRGY
Judith KIRTON-DARLING

Employers: Christa SCHWENG
Kris DE MEESTER
François ENGELS

Governments: Renārs LŪSIS

EU-OSHA: Christa Sedlatschek, Andrew Smith, Elke Schneider, Françoise Murillo, Jesper Bejer, Brenda O'Brien, Marta de Prado, Malgorzata Milczarek, Sarah Copsey