European frameworks to tackle health, change and restructuring

Claude Emmanuel TRIOMPHE
European frameworks to tackle health, change and restructuring

- Definitions
- EU legal framework
- Social partners’ initiatives
- Key policy papers
- Financial and non financial tools
- EU frameworks: potential and limits
Beside the umbrella of the Charter of Fundamental Rights, three main areas of legislation: occupational health and safety, information and consultation, restructuring.

**Occupational health and safety:** the framework directive (1989)
- Wide definition of occupational health, in particular in its article 5: “… a duty to ensure the safety and health of workers in every aspect related to the work”.
- Other concepts: risk assessment, continuous improvement, work to be adapted to individuals

**Information and consultation**
- The 1994 directive, recast in 2009, relating to European Work Councils: these councils to be informed and consulted in situations affecting the interests of workers, especially in terms of relocation, closure or mass layoffs;
- The 2002 directive, relating to the general framework for informing and consulting employees in the European Community aims to encourage social dialogue at company level
Restructuring
Beside the competition perspective, three main focus

  - special obligations for employers (information, consultation and encouragement to set up social measures covering things from prevention to compensation)
  - providing information to public authorities of the Member States

- Transfer of undertakings (1977, updated 2001)
  - regulation (turnover of employees following a merger, takeover, … etc.)
  - an obligation to respect labour contracts and their related rights
  - rights for workers affected by such operations

- Protection against bankruptcies (1980, updated 2002)
  - providing social guarantee funds (wages, benefits..)
Social partners initiatives (1)

Initiatives taken to tackle restructuring

Cross sector

- Following consultations started in 2002 by the Commission, EU social partners negotiated on restructuring and ended with a document called "Orientations for Reference", "signed" on 16 October 2003. But not real endorsement, no implementation.

- Bilateral seminars held in each 27 Member States (2006-2009). Final conference in January including a proposal for a “road map” in seven points: anticipating change, developing a shared diagnosis and agenda; assuring timely and relevant information and consultation; managing job transitions; preparing the workforce of the future; small and micro-enterprises; transformational change.

But no common conclusions or follow up.
Social partners initiatives (2)

Initiatives taken to tackle psycho social risks

*At cross sector level, two framework agreements*

- The Framework Agreement on harassment and violence at work (2007)

*Sector level, various initiatives in several sectors focusing on restructuring*

- Electricity, Automotive, Shipbuilding, Chemical industry, Furniture industry, Civil aviation industry, HORECA and catering, Textile, Local authorities)
- Handbooks and toolkits: Electricity toolkit for socially responsible restructuring and EMF handbook on transnational company restructuring
8. Main EU communications and policy papers (1)

Three categories:

- Policy papers on restructuring, including organisational change
- Policy papers on health, both occupational and public
- More general policy papers (employment, flexicurity, sustainable development, economic crisis, social cohesion, corporate social responsibility).
Restructuring and organisational change

- The *Managing change report* issued in 1998 – after the closing of the Reanult Vivoorde factory in Belgium. Among several recommendations, an annual report on managing change, including working conditions and employees’ health and safety.

- The Commission Communication *Restructuring and employment. Anticipating and accompanying restructuring in order to development employment: the role of the European Union (2005)* aiming at developing an integrated approach to restructuring (industrial policy, competition, environment, external policy..)

- The EU Commission Staff Working Document *Restructuring in Europe 2008: a review of EU action to anticipate and manage employment change*, mentioning among many other issues a need for a deeper analysis of the issues revealed such as the link between restructuring and health.
Main EU communications and policy papers (2)

**Occupational health**

- The most recent Communication on occupational health and safety emphasises the connection between social and economic policies on the one hand and health policies on the other. This Communication stresses the need for strengthening policy coherence in particular between public health, regional development and social cohesion, public procurement, employment and restructuring.

**Public and mental health**

- In 2005, the Green Paper “Improving the mental health of the population: Towards a strategy on mental health for the European Union” explains that “while good mental health increases work capacity and productivity, poor working conditions including the intimidation by colleagues lead to poor mental health, sick leave and increased costs.”
Main EU communications and policy papers (3)

Public and mental health at work

- In 2007 the White paper called *Together for Health: A Strategic Approach for the EU 2008-2013*
  - Holistic approach to achieving progress and sustainability in the lives of EU citizens.
  - Good health is recognized to be a key factor for economic growth.
- The *European Pact for Mental Health and Well-being* (2008):
  - Mental health has to be taken into account in workplace settings
  - The pace and nature of work is changing, leading to pressures on mental health and well-being.”
  - Measures to be taken include improving work organisation, organisational culture (...) as well as risk assessment and prevention programmes for adverse effects on the mental health of workers.
In the Communication *Towards Common Principles of Flexicurity: more and better jobs through flexibility and security* (2007), nine objectives, including among others:

- a better management of change and new social risks;
- easier transitions to good quality jobs for redundant workers.

In the Communication on the *Renewed social agenda* (2008) mentions on new risks particularly those related to stress, harassment and violence at work. It also recognizes that unemployment, low levels of education are associated with poorer health. It adds: “Existing legislation will need to be updated and streamlined in the light of emerging issues”.

In the Communication *on Mainstreaming sustainable development into EU policies: 2009 Review of the European Union Strategy for Sustainable Development* well being is one of the objective to be achieved and health is one of the criteria to be used in the report on managing sustainable development.
Financial tools and bodies

**Financial tools**

- The European Social Fund (ESF). For 2007-2013, aims at easing structural change, restructuring, adaptation of companies, workers and regions and their respective transitions.
- The European globalisation fund, has been created in December 2006 in order to address restructuring generated only by extra – and non intra – EU phenomena.

**Bodies and agencies**

- The European Monitoring Centre on Change (EMCC)
- Located in Bilbao, the EU-OSHA : European Agency for Safety and Health at Work

**Toolkits and toolboxes**

- *The European Restructuring toolbox*: handbook of good practices to better anticipate, prepare and manage restructuring
- *Toolkits for restructuring* is a document intended as a practical ‘toolkit’ to help actors
- *Checklist on restructuring processes*: set of comprehensive checklists of concrete actions
Potential and limits of EU frameworks

- A lot of available frameworks of diverse nature: legislation, social partners agreements and initiatives, policy papers, funding, tools etc…

- A large potential to address the link between change, restructuring, well-being and health.

- But still
  - Fragmented approach (restructuring/change; occupational or public health; employment; sustainable development etc..)
  - Link between those areas rarely explicit: they often ignore each other
  - Lack of integrated strategies, lack of stake holders willing to exploit the potential

Therefore actions have to be taken at several levels (see the ten main areas presented in the BG paper).