



Application of the European Multi-Sectoral Social Dialogue Agreement on Workers' Health Protection through the Good Handling and Use of Crystalline Silica and Products Containing It

Executive Summary
September 2014

In 2014, the 18 Employer and Employee signatories (see list enclosed as Annex I)¹ are reporting for the fourth time on the application of the European autonomous Social Dialogue **“Agreement on workers’ health protection through the good handling and use of crystalline silica and products containing it”** signed² on 25 April 2006.

A bi-partite Council set up by the Parties is monitoring the evolution in the application of the multi-sectoral European Social Dialogue Agreement (ESDA) and is assessing whether the Agreement reaches its three-fold objective of protecting the health of employees occupationally exposed to respirable crystalline silica at the workplace, minimising such exposure by applying Good Practices and increasing the knowledge about potential health effects of respirable crystalline silica as well as about Good Practices.

Through the present Summary Report, the signatories wish to report on their activities since 2012, on the progress made towards achieving the Agreement’s goals and on the possible areas of improvement they may identify.

In the period June 2012- June 2014, the NEPSI Secretariat and the signatories have invested a lot of efforts in finding ways to finance the NEPSI activities. This funding is essential to raise awareness of the ESDA, develop projects aimed at evaluating the benefits of the Agreement, and enhance its application. Despite limited funding which prevented the signatories from conducting an important project on finding concrete evidence of the ESDA effectiveness, a number of dissemination activities nevertheless took place and continued to make the Agreement a lively commitment.

A key strength of the Agreement remains the online reporting by industrial sites of eight Key Performance Indicators, every two years. Through this process, the NEPSI Council compiles quantitative data that allow the partners to monitor the state of application of the agreement. The results of the reporting exercise are presented in this 2014 report.

In June 2012, the NEPSI Council assessed that³:

- “The 2012 reporting results were good and the overall improvement of the key performance indicators was all the more welcome in the difficult economic context. The reporting targets on the application of the agreement identified in 2010 had all been achieved;

¹ As planned by Article 13 (1), the Agreement remains open for further signature. The European Expanded Clays Association (EXCA) joined NEPSI on 17 June 2009.

² In accordance with the EC Treaty, Article 139 [III-212]

1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.

2. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 137, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.

The Council shall act by qualified majority, except where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 137(2). In that case, it shall act unanimously.

³ Excerpt from the minutes of the NEPSI Council meeting of 14 June 2012.

- The participation in the application of the Agreement and the reporting of key performance indicators in some countries, especially in the new Member States, could still be monitored and improved;”
- Finding proof of the effectiveness of the NEPSI Agreement in terms of workers’ health protection was identified as a one of most pressing priorities. The NEPSI Council requested the drafting of a project aiming at gathering concrete evidence of the effectiveness of the agreement and assessing its success on the ground. It was envisaged to request an EC social dialogue grant should be requested for that project.”

The 2014 reporting was once again carried out in an economically difficult period for most sectors which witnessed a significant reduction of their workforce in Europe, as well as some closures or mergers of industrial sites. The Signatories wish to highlight that this decline of the workforce and industrial sites is only partially visible in the presented figures due to the fact that a number of new sites joined the reporting for the first time, demonstrating the continued dynamism of the Agreement. In addition to this observable spill-over effect whereby the Agreement is indeed reaching more companies and sites, the Signatories very positively acknowledge the steady improving trends of the key performance indicators.

The involvement of companies is increasing along the years, and this is made possible thanks to a regular re-assessment and an EU-wide communication effort with the excellent cooperation of the national and European associations of the concerned sectors. It seems however that to prevent a status quo, more targeted national awareness-raising activities should take place.

The signatories regret the lack of financial support which prevented them from conducting during the past two years a European project to prove the concrete effects of the Agreement on the workers’ health. Indeed, the request for a European grant for such a project was refused by the European Commission. Such a request for EU funding dedicated to the support of social dialogue outcomes will be renewed to help the partners intensifying their awareness-raising and communication activities, and reaching new companies.

According to its article 12 (1), the agreement is automatically renewed for a consecutive two-year term, until 2016. The Agreement remains open for signature at any time by other industry sectors.

The Executive Summaries on the implementation of the agreement are publicly available⁴.

1. Search for an appropriate funding to support the ESDA

In the period June 2012- June 2014, the NEPSI Secretariat and the signatories have invested efforts in finding ways to finance the NEPSI activities.

A first project proposal « *Fonctionnement 2011-2012 du Conseil et du Secrétariat NEPSI, et exercice de rapport 2012 sur l’application de l’Accord de dialogue social Européen sur la silice* » had been submitted under the European Commission Directorate General for Employment call for proposals VP/2011/001, under the budget line 04.03.03.01, but was refused.

A second project proposal « *A study to strengthen the impact of the implementation of the European Social Dialogue Agreement on Workers' Health Protection Through the Good*

⁴ www.nepsi.eu

Handling and Use of Crystalline Silica and Products Containing it » had been submitted under the European Commission Directorate General for Employment call for proposals VP/2013/001, under the budget line 04.03.03.01, but was also refused.

A number of meetings were organised along 2012-2013 with European Commission DG Employment officials to highlight the importance of the financial support to the ESDA. Indeed, there is no official existing structure to support the implementation of the Agreement on the long term: the Agreement is multisectoral and not attached to any sectoral social dialogue committee. It is therefore more difficult for such an informal platform to obtain the financial support needed to coordinate the necessary actions, including the meetings.

In this discussion, the NEPSI partners received an expressed support from the European Social Dialogue Committee for the Extractive Industries (SSDCEI). Since most of the social partners of the SSDCEI are signatories of the Agreement, the Committee indeed closely follows the developments of the Agreement and its follow-up, and its members are regularly informed of the NEPSI activities. A SSDCEI letter was sent in August 2013 to the European Commission in support of the NEPSI partners' request to DG Employment to explore the feasibility of allocating one additional meeting per year to the Social Dialogue Committee for the Extractive industries in order to organise the annual NEPSI Council meeting. This possibility was unfortunately discarded by the European Commission.

In the meantime, the Employer signatories decided to constitute a financial provision which allowed for the minimum coordination activities and for the 2012 and 2014 Reporting to take place. Unfortunately, all other significant projects were put on hold.

2. NEPSI Council activities

Despite the lack of European Commission financial support, three annual meetings of the NEPSI Council were organised, with their respective preparatory meetings of Employers and Employees. They took place in Brussels on 14 June 2012, on 13 May 2013 and on 18 June 2014.

The 2012 and 2014 NEPSI Council meetings were focused on the discussions on the results of the biennial Reporting on the application of the Agreement. The 2012 and this 2014 NEPSI Executive Summaries resulting from these meetings are available at:
<http://www.nepsi.eu/reporting/executive-reports.aspx>

In the 2013 NEPSI Council meeting, the partners discussed the need for a project to find proofs of the effectiveness of the Agreement, and the objective and detailed content of such a project. A grant request was consequently submitted to the European Commission in August 2013.

3. ESDA dissemination activities

NEPSI Executive Summaries in several languages

As a follow-up of the adoption of the NEPSI 2012 Summary Report, the public NEPSI 2012 Executive Summary was translated in English, French and German and made available on the website: <http://www.nepsi.eu/reporting/executive-reports.aspx>

Additional task sheets of the Good Practice Guide

As a complement to the task sheets on the use of portable tools in dry processes, a new task sheet on wet processes "2.1.14e - Wet processing of mineral work pieces containing crystalline silica using hand-held power tools" was approved by the NEPSI Council in June 2012 and included in the Good Practice Guide in English, German and Dutch. Due to budget restrictions, the new task sheet cannot yet be made available in other languages.

For the same financial reasons, the following additional task sheets prepared by the Belgian National Action Committee for health and safety in construction (CNAC-NAVB) could not be translated in English to allow the NEPSI experts to consider them for inclusion in the Good Practice Guide:

- Sawing sidewalks slabs with a table saw
- Making grooves using a portable grinder
- Cutting concrete pavers and borders
- Polish concrete floors
- Using a handheld jackhammer
- Drilling holes with a portable drill

Article success story in DG EMPL newsletter

An article dedicated to the success story of the Agreement on Silica was included in the special edition of the EU Social Dialogue newsletter, a part of the success stories on 31 sectoral social dialogue achievements at European level. Published 3 times a year, this newsletter provides a broad picture of developments in European social dialogue, which is being developed at cross-industry level and through 43 sectoral social dialogue committees.

This publication is available online in English only:

<http://ec.europa.eu/social/main.jsp?catId=737&langId=en&pubId=7687&type=1&furtherPubs=yes>

The selected success stories, including the one on the Agreement on Silica, were advertised during the European Thematic Liaison Forum on “15 Years of EU Sectoral Social Dialogue – Quo Vadis?”, organised in Brussels on 11 December 2013.

ESDA on Silica as EU OSHA 2012-2013 campaign partner

NEPSI has been a partner of the EU-OSHA 2012-2013 campaign on “Working together for risk prevention”.

The Agency’s campaign for 2012-2013 placed special emphasis on the importance of leadership by top management and owners working in tandem with active worker participation focused on risk prevention. As a long standing relation of cooperation between the Employees and the Employers of 16 European industries, the signatories of the Agreement have proven that “Working Together”, in particular in the area of risk prevention, not only helps to understand the issue, but also to find practical solutions and to boost their implementation.

The Campaign and its publications were promoted on the NEPSI website and within the eighteen European Employer and Employee associations’ membership. The campaign was advertised and discussed during an annual meeting of the NEPSI Council.

More information can be found at: <http://hw2012.healthy-workplaces.eu/en/about/campaign-partners/detail?id=european-network-for-silica-nepsi>

Contacts with construction sector, invitation to present NEPSI results in the SSDC

Following the well-received presentation, for the first time, of the results of the agreement to the construction sector in March 2012, the NEPSI Signatories decided to keep the dialogue open with the construction sector.

4. Status of the project to demonstrate the ESDA effectiveness

As concluded by the NEPSI Council in June 2012, finding proofs of the effectiveness of the NEPSI Agreement in terms of workers’ health protection was highlighted as a priority.

An Ad Hoc Working Group met twice in 2011 in order to discuss ways to demonstrate the effectiveness of the ESDA. It acknowledged the difficulty to demonstrate at this stage the positive impact of the agreement due to the fact that the health effects of exposure to RCS are observable over many years of exposure. Upon its recommendation, the NEPSI Council concluded in 2012 that a demonstration of concrete results could be made through the collection and advertisement of examples of companies implementing the recommended good practices at the workplace. It was agreed to develop a project proposal aiming at demonstrating with concrete evidence the Agreement's effectiveness.

The details of the project were agreed at the NEPSI Council meeting of June 2013 and the NEPSI Secretariat prepared and submitted in August 2013 the project application for a European Commission grant. In November 2013, the NEPSI partners were officially notified that the project proposal was refused for the following listed reasons:

- "The methodology proposed does not sufficiently guarantee that the aim will be achieved. Several elements were deemed problematic in this respect, including: the sampling method; the lack of transparency and hence controllability of results; the fact that the methodology does not sufficiently allow verifying actual implementation of the good practices put forward in the agreement and hence the impact of the agreement on workers' health; the fact that the dissemination measures seem to anticipate the outcomes of the study, etc.
- In addition the added value of the proposed study as compared to the existing mandatory reporting of key performance indicators was not sufficiently explained or demonstrated."

Although not agreeing with the European Commission's assessment of the proposal and still convinced of the added-value of the project, the partners were unable to pursue the initiative.

5. Organisation of Reporting

Article 7 of the Agreement requires information to be collected at site level according to the format developed in the Agreement as Annex 3 and consolidated at EU sector level before being communicated to the NEPSI Council once every two years. To facilitate the collection and consolidation of data for sectors totalising thousands of sites and to ensure that the same instructions and guidance on reporting are provided to all, the reporting is done via a secure online system available in the 22 EU languages of the Agreement.

The online reporting system has proved technically efficient as no data loss or crash occurred. Many users, new or accustomed users alike, mentioned that the system is very easy, clear, user-friendly and efficient to use.

The online reporting tool had however not been upgraded for the 2014 reporting exercise and presented incompatibility issues with some web browsers, therefore creating difficulties or discouragement for some companies to enter their data. A timely update of the system will be needed before the 2016 Reporting to avoid discouraging sites from reporting their data.

Site Reporting and Consolidation

The reporting requirements and the data consolidation process are detailed in the NEPSI 2008 Summary Report.

The online system was open for site reporting from 15 January to 14 March 2014, during two months as requested by most of the users. The European and national associations devoted one month and a half to closely assess the data received as of 14 March 2014 in order to check incoherencies and chase late respondents.

Misinterpretation issues

Due to the internal turnover within companies, it is noted that there are some recurrent misinterpretation issues: several sites being reported into one report; confusion between

“potentially exposed” and “exposed” workers above the national OEL; mistaken declaration of workers as not covered by risk assessment, health surveillance or training if these did not take place in the immediate previous year instead of taking into consideration when they took place before and still remain valid. It is considered that these misinterpretations do not put at stake the main results of the 2014 reporting. It is recommended to continue communication activities to clarify the misinterpretations.

6. Scope of the Agreement

It should be kept in mind that “number of sites” indicates the total number of sites which were enrolled in the online reporting system by their company and therefore invited to report, while “number of reported sites” indicates the total number of sites for which a report was effectively completed. As a result, the percentages of reported sites given below are high and percentages of reported sites in the EU/Non-EU Voluntary reports even rise up to 100% because voluntary sites that ask to be invited do complete their report.

Since 2010, headquarter offices are more harmoniously reported as separate sites, since some of their Employees may also frequently visit sites and should be considered.

As the initially estimated number of 2 million workers covered by the agreement was overestimated, since 2010, each EU signatory association is striving to obtain an accurate estimate of the workforce covered by their EU sectoral report compared to the total workforce of the sector. When available, the estimate of the covered workforce, is thus indicated in the “key notes” section for each EU signatory.

It is worth mentioning that some companies operate in several sectors and sometimes report under different EU or national signatory sectors, depending on the way they are structured at national level and/or for historical reasons. This may sometimes partly explain why some sectors do not apparently have full report coverage of their Employees.

7. Impact of the economic crisis on the workforce headcount

All sectors are highlighting that the economic crisis has had a very visible impact on the 2013 workforce headcounts in all the represented sectors. A large number of companies have indeed reduced their workforce since 2012; several companies have sold or merged sites; some companies have even closed sites, either temporarily or definitely. It is also to be noted that, some companies have also withdrawn their membership from national and/or EU associations.

This economic downturn is however partially compensated by a large number of new sites joining in the process and new Employers being covered by the Agreement. A spill-over effect is taking place, as EU and national associations manage to progressively reach and convince more companies to participate in the process. Although it is not immediately perceivable in the figures, this trend was identified by all sectors through a detailed analysis conducted on the results of individual companies and national associations.

Due to this compensating trend, the whole NEPSI Report now represents 464 786 Employees in total, i.e. an overall reduction by 7 % of reported Employees compared to 2012.

Despite this difficult economic background to be kept in mind when evaluating the reporting results, the signatories are pleased to note that since 2008, 32% more sites and 9% more employees are being reported.

8. Regular personnel turnover and need for continuous communication

With a reporting taking place every two years, a regular internal staff turnover is taking place at company level. Moreover, with new sites joining in, newcomers are regularly involved for the first time. This results in the fact that some of the misinterpretation issues listed above may sometimes occur again.

These misinterpretations remain overall sporadic and do not affect the overall quality of the results. The signatories perceive them as a signal that continuous communication efforts are thus needed.

8. Trends in KPIs

Compared to 2012, and on a longer timeframe to 2008, all Key Performance Indicators prove to be steady or having improved:

- the percentage of potentially exposed workers of around 41% in 2014 is remaining steady since 2008 and over the following years;
- the percentage of potentially exposed workers covered by risk assessment is 93% in 2014, representing an increase by 1.5 % since 2012 and by 5 % since 2008;
- the percentage of potentially exposed workers covered by exposure monitoring is 71.5% in 2014, representing an increase by 1.5 % since 2012 and by 10 % since 2008;
- in 2014, 95 % of potentially exposed workers whose risk assessment indicate that they require Health Surveillance Protocol for Silicosis are actually covered by this Protocol: this percentage remains steady compared to 2012 and has improved by 6 % since 2008. The stable percentage of 5% of the workers not receiving the specific health surveillance is due to the periodicity of the health surveillance campaigns, the remaining workers actually receiving the appropriate health surveillance on the following year after the reporting period. Companies usually indicate that some employees were not yet covered by the specific health surveillance at the time of the reporting and will however be provided with it on the following year. The objective of matching both figures is considered as achieved
- the percentage of potentially exposed workers covered by information, instruction and training on General Principle is 88.4 % in 2014, representing an increase by around 4 % since 2012 and by 14 % since 2008;
- the percentage of potentially exposed workers covered by information, instruction and training on specific task sheets is 66 % in 2014, representing an increase by around 5 % since 2012 and by 22 % since 2008;

Considering the learning process, with newcomers constantly joining in and being less advanced in implementation, one can expect that the global performance of the sites formerly involved will necessarily be diluted. In this respect however, the steady or increased percentages of all Key Performance Indicators give two pieces of information: sites formerly involved since 2008 have maintained or improved their application of the Agreement, and the sites having joined in more recently seem to have reached a similar good level of application of the Agreement. This gives an indication of the good awareness created around the Agreement and of the commitment within the signatory industry sectors.

The signatories wish to highlight that the last three KPIs on the implementation of technical or organizational measures and on the use of Personal Protective Equipment have not been included. Indeed, since they are calculated against the total number of reported sites, which also sometimes include sites with no exposure risk, they are of limited use as they do not allow to assess whether measures were taken where needed.

9. EU/Non-EU Voluntary Reporting

In compliance notably with Article 7(1) of the Agreement⁵ and in order to support the growing application of the Agreement beyond its scope, each sector was invited to use the system to collect reporting data on the application of the Agreement on sites which are not under its scope, i.e. fulfilling one or more of these criteria:

- Not situated in the EU-27;
- The workers are not directly or indirectly represented by one of the signatory European trade union federations;
- The company is not directly or indirectly a member of one of the signatory European industry associations.

In most cases, data provided voluntarily were consolidated in distinct sector reports entitled: EU/Non-EU Voluntary Report. For each sector, when such a report exists, it is also copied below and its scope is clearly explained.

As the reporting is done on data for the years 2012-2013, since Croatia joined the EU in July 2013, for the purpose of the NEPSI 2014 Reporting exercise, it was decided to keep the reporting of data for Croatian sites under “Voluntary Reporting” for this reporting exercise.

The agreement is today applied voluntarily beyond the EU-28 borders, e.g. in Norway, Switzerland, Serbia, Turkey, and the USA.

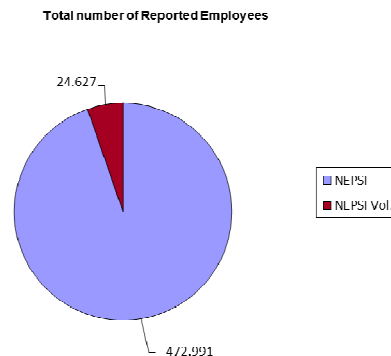
10. Results

The total number of sites for which complete data was provided is: 6 268 (vs. 6 367 in 2012).

- Among these, 317 provided data as EU/Non-EU Voluntary reporting (which represents 3 less sites having voluntarily provided data compared to 2012)

The total number of Employees reported is: 464 786 (vs. 498 583 in 2012)

- Among these, 24 627 were reported as EU/Non-EU Voluntary reporting



The total number of reported employees estimated to be potentially exposed to Respirable Crystalline Silica is: 188 563 (40.6%). This percentage remains stable compared to 2012.

⁵ “The Employers and Employees with the support of the Workers representatives shall jointly and continuously strive to respect the Good Practices, and to improve their application”

The Key Performance Indicators at the bottom of the reports provide a clear picture of the overall performance in applying the prevention and protection measures recommended in the Agreement to identify and reduce exposure to respirable Crystalline Silica at the workplace.

The NEPSI 2014 results (including Voluntary) are the following:

- **The number of invited sites has increased by 254 additional sites (3.5% more than in 2012)**
- **The number of reported sites (6 268) has decreased by 99 sites (2% less than in 2012) and 464 786 employees are reported in 2014 (7% less than in 2012). This apparent overall downward trend needs to be considered in parallel with the spill-over effect on new joining sites: a large number of newcomer sites indeed joined the Reporting for the first time in 2014 and might be hidden in the overall figure. These new sites are partially compensating for the reduction of former sites and employees which would otherwise be more important.**
- **The percentage of Employees potentially exposed to RCS and covered by risk assessment is reaching an average of 93% (1.5 % more than in 2012).**
- **95% of Employees potentially exposed to RCS with risk assessment requiring a specific health surveillance protocol for silicosis are indeed covered by such a specific health surveillance protocol for Silicosis. This percentage remains stable compared to 2012.**
- **General training and information were provided to 88% of the Employees potentially exposed to RCS and training on the task sheets to 66%.**

11. NEPSI Council Conclusion

The NEPSI Council positively acknowledges the good 2014 reporting results. Eight years after the signature of the Agreement, the steady improving trends of the key performance indicators demonstrate a real and long-lasting commitment of the signatories to its implementation and a good consistency in the data. Despite a difficult economic context which was reflected in a significant decline of the various signatory sectors' activity and workforce in Europe over 2012-2013, still many new companies joined in the reporting process.

With the achieved results, the NEPSI Council concludes that the implementation of the agreement is reaching a certain degree of maturity. To further progress from this point on, more tailor-made communication and awareness-raising efforts would be needed towards:

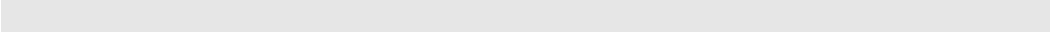
- Central, Eastern and Northern European countries where the participation of companies in the reporting can still be improved, including Croatia as a new Member State;
- Western European countries where, eight years after, the new personnel in companies and associations may benefit from a renewed training and awareness-raising campaign;
- Smaller-sized companies in general.

The NEPSI Council therefore requests the drafting of a project proposal aiming at raising awareness of the Agreement towards those that have not yet been reached. Such a project should integrate the following complementary activities:

- a. a series of training workshops or multilingual webinars towards certain targeted countries;
- b. the translation of the Agreement and its annexes in Croatian; the translation of the task sheets of the Good Practice Guide specific to some sectors not currently available in all EU languages;
- c. a technical refresh of the reporting IT tool to avoid technical problems for companies when reporting their indicators and assuring the necessary software update;
- d. an increased sharing of national, sectoral, or local awareness-raising initiatives or best practices in the implementation of the Agreement.
- e. a summarizing conference in Brussels to assess the results and ensure visibility of the campaign.

An EC social dialogue grant will be requested for that project.

The NEPSI Council will also keep up the open dialogue with the construction sector.



ANNEX I: Signatories and NEPSI Secretariat Contact Details

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