



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
July 2018

1. Introduction

In 2018, for the sixth time, the Employer and Employee Signatories (see list enclosed as Annex I) have reported on the application of the European Social Dialogue “**Agreement on workers’ health protection through the good handling and use of crystalline silica and products containing it**” signed¹ on 25 April 2006.

A bi-partite Council set up by the signatories is monitoring the evolution of the application 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, minimizing 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 2016.

In the period June 2016 till June 2018, the NEPSI Secretariat and the Signatories cooperated constructively with the authorities in the frame of the revision of the Carcinogens and Mutagens Directive (CMD) related to respirable crystalline silica (RCS). The amendment of the Directive (Directive 2017/2398 OJ L 345) includes ‘Work involving exposure to respirable crystalline silica dust generated by a work process’ with a Binding Occupational Exposure Limit (BOEL) Value of 0.1 mg/m³. An important achievement here is the recognition of NEPSI Social Dialogue Agreement through the mentioning of NEPSI Good Practices Guide as a *valuable and necessary instrument to complement the regulatory requirements and to support their effective implementation* (Recital 19 of Directive 2017/2398).

On the occasion of the 10th Anniversary of the NEPSI Agreement, on 16 June 2016, the NEPSI signatories signed a joint declaration confirming their desire to continue working together for enhanced workers’ health protection. Consequently, NEPSI members developed the idea of a 5-year roadmap starting from 2018 to further develop the Agreement. The roadmap will be subject of a European Commission grant request in September 2018.

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 2018 summary report.

2. NEPSI Activities from June 2016 to June 2018

2.1. NEPSI 10th Anniversary Conference

On 16 June 2016, a Conference celebrating the 10th Anniversary of the signature of the NEPSI Agreement was organized in Brussels with 85 participants from different sectors and countries. The Conference concluded the two-year communication campaign financed by the European Commission (VP 2014 001 0390).

¹ In accordance with the EC Treaty, Article 139 [III-212], published in OJ C 279, 17.11.2006

On the occasion of the Conference, we were honored to receive a video message from Mrs Marianne Thyssen, Commissioner for Employment and Social Affairs congratulating the NEPSI signatories for their work over the last 10 years:

“The NEPSI Agreement deserves praise for leading to lower levels of exposure through spreading Good Practices which employers have actively bought into. And it has helped to increase the knowledge of the health effects of RCS. Crucially, it has and still is complementing European legislation in the field of worker protection. Setting limit values through EU legislation is instrumental for protection of workers' health. But it is the quality of implementation and enforcement on the ground [...] that will determine whether lives are saved. That is where we see the true value of the bottom-up approach, which has driven the success of NEPSI”.

At the Conference, the results of an independent study commissioned by the European Commission were presented. In summary, the study concludes that: “The NEPSI Agreement helped employers to implement a more coherent risk management strategy to control the risk of exposure to RCS, by either introducing new procedures or improving already existing health and safety procedures. The exposure monitoring is an area where the NEPSI Agreement has prompted employers to do it more consistently and has provided harmonised guidance on sampling methods, valuable in national situations where no clear indication was provided. Increased knowledge and awareness was the area where all stakeholders perceived the NEPSI Agreement had the greatest impact. The bottom-up approach of the Agreement ensured commitment from employers, encouraging them to go beyond legislative requirements”.

A video summarising the Conference was produced and is available from www.nepsi.eu.

2.2. NEPSI promotion - meetings and presentations

The NEPSI Council met twice on 10 November 2017 and on 2 February 2018 and developed the idea of the roadmap on the future of NEPSI explained here below.

The NEPSI secretariat made many presentations on the principles and results of NEPSI in the context of the new legislation at different events: DDR (demolition, decontamination, recycling) Forum on 4 June 2017, Standing Working Party of the Extractive Industry (SWPEI) on 8 November 2017, Workshop on health and safety at PVC converters and recyclers” on 29 May 2018, and at each meeting of the Social Dialogue Committee for the Extractive Industry.

On 17 November 2017, a training session on the NEPSI Agreement and the reporting of the key performance indicators was organised in Brussels for the attention of the new signatory sectors, notably.

The NEPSI Agreement and Good Practices are referenced in the good practices of the website www.roadmaponcancerogens.eu which has been launched and developed by the Dutch Presidency of the Council in 2017.

A Thought Leader article entitled “The NEPSI Agreement continues to improve workers’ health protection” was published in the June 2017 issue of the Parliament Magazine.

2.3. Respirable Crystalline Silica: Amendment of the Carcinogens and Mutagens Directive

Over the last two years, NEPSI has been actively involved in the discussions on the amendment of the Carcinogens and Mutagens Directive (CMD) regarding RCS. Five joint position papers were developed and shared on NEPSI website. After long discussions with all the responsible actors in the EU institutions, the revision of the CMD has resulted to the inclusion of ‘Work involving exposure to respirable crystalline silica dust generated by a work process’ in Annex I of the Directive with a Binding Occupational Exposure Limit (BOEL) Value of 0.1 mg/m³ in Annex III. The amendment was published in the Official Journal L 345 of 12 December 2017 and numbered Directive 2017/2398. Directive 2017/2398 enters into force as of 16 January 2018 and the date of transposition in Member States’ laws is 17 January 2020.

Article 18a of the revised Directive specifies that the European Commission will evaluate the need to modify the BOEL value of 0.1 mg/m³ as part of the next evaluation of the implementation of the Directive.

The NEPSI Agreement is recognized in Recital 19 as “*a valuable and necessary instrument to complement the regulatory requirements and to support their effective implementation*”.

NEPSI signatories are currently supporting a stronger recognition and impetus to social dialogue agreement and NEPSI in the text of the Directive through the second wave proposal of the Directive.

The European Parliament Employment Committee proposed in April 2018 in its final report a new Article 13(a) which reads: “The Commission shall encourage the social partners to conclude social dialogue agreements providing guidance and tools to support the effective implementation of the employers’ obligations laid down in this Directive. Those agreements shall be listed in Annex IVa. That list shall be regularly updated.”

The NEPSI Social Dialogue Agreement would be the first SDA listed in the new Annex IVa. This insertion gives recognition to the value of good practices for workers’ health protection, such as NEPSI good practices, and it acknowledges all the efforts the partners have put into place to improve occupational health protection over the last 12 years.

This specific recognition of the value of social dialogue agreements, and the NEPSI Agreement, was notably obtained thanks to the strong support of Member of Parliament Mr Claude Rolin who was the shadow rapporteur of the first wave of CMD amendments and is rapporteur of the second wave.

At a plenary session of the European Parliament, Mr Rolin made the following statement:

“I commend the social partners who, in a preventive approach, negotiate sectoral agreements aiming to better protect the workers from carcinogenic agents. The NEPSI Agreement is an excellent example and I can only hope that others will follow the same way. In the field of health & safety at work, the keywords must be “prevention and dialogue.”

The second wave amendment of the Carcinogens and Mutagens Directive is currently in interinstitutional negotiations.

2.4. Roadmap on the future of the NEPSI Agreement – EC grant

NEPSI social partners are encouraged by the positive recognition received from the authorities and have engaged to a 5-year roadmap to further develop the Agreement. **Within this roadmap, NEPSI engages to support the implementation of the Carcinogens and Mutagens Directive and to prepare for future evaluation of the binding occupational exposure limit for respirable crystalline silica.** In addition, NEPSI will focus on specific actions to progress, improve and extend the scope of the Agreement. More specifically the roadmap includes the:

1. Development of a specific action/training programme and guidance for Small and Medium-Size Enterprises (SMEs) and the new generations of workers, and up-to-date information/communication on RCS exposure control for different audiences.
2. Review of the Good Practice Guide and Task Sheets and their update when necessary.
3. Development of a detailed standardized Respirable Crystalline Silica Measurement Methodology.
4. Continuation of the KPIs Reporting, enhance the participation through continuous awareness, promote the Agreement in co-operation with HSE specialists.
5. Review of the Agreement and the Good Practice Guide to check language coherence with the amended Carcinogens and Mutagens Directive (2017/2398).

This roadmap will be subject to a request for EU funding in September 2018 (EC Social Dialogue Call 01).

2.5. New NEPSI Signatories

Since 2016, NEPSI has welcomed three new employer organisations who joined on a voluntary basis and were formally approved by the NEPSI Council: ECSPA (European Calcium Silicate Producers Association), ERMCO (the European Ready Mixed Concrete Organisation), ASTA Worldwide (the Agglomerated Stones Association).

The continuous involvement of new members shows the engagement of the industry towards the good management of respirable crystalline silica and the safe use of crystalline silica containing products in the workplace. NEPSI is always open to new signatories.

3. NEPSI 2018 results

The participation in the 2018 NEPSI KPIs reporting is very good with around 20% more reported sites. 85% of the sites invited to report actually provided their KPIs. This is a better reporting percentage than in 2016.

The new joining sectors – ECSPA (European Calcium Silicate Producers Association), ASTA Worldwide (the Agglomerated Stones Association) and ERMCO (the European Ready Mixed Concrete Organisation) – count for approx. 2/3 of the new reported sites (824 out of 1211 new reported sites), and 1/3 of the additional employees.

In the 2018 reporting, the following points can be highlighted:

- The number of reporting sites (7.445 sites) has increased by almost 20% in comparison to 2016.
- The percentage of potentially exposed workers of 40,8%, in 2018, has remained steady since the first reporting in 2008.
- An overall increase of all Key Performance Indicators is observed, except for the training indicators (general training and training on task sheets), which may be explained by the fact that the new signatory sectors had not much time to organize specific trainings since their recent joining.
- ✓ The percentage of potentially exposed workers covered by **risk assessment** is 95,5% in 2018, compared to 95% in 2016 (and 88% at the first reporting in 2008).
- ✓ The percentage of potentially exposed workers covered by **exposure monitoring** is 78,9%, compared to 73,3% in 2016 (and 64,5% at the first reporting in 2008). This is a great achievement.
- ✓ In 2018, 91,4 % of the employees were covered by **generic health surveillance**.
- ✓ In 2018, 97,7 % of potentially exposed workers whose risk assessment indicate that they require **Health Surveillance Protocol for Silicosis** were actually covered by this health surveillance. This percentage has improved by 10% since the first reporting in 2008.
- ✓ The percentage of potentially exposed workers covered by information, instruction and **training on General Principles** is 88,7% in 2018, a slight decrease compared to 2016 (90%) but still much better than at the first reporting in 2008 (75%).
- ✓ The percentage of potentially exposed workers covered by information, instruction and **training on specific task sheets** is 65,9% in 2018, which could still be improved, although it is much better than the first reporting in 2008 of 42,8%.

This indicator suffers sometimes from interpretation issues as some companies apply it *stricto sensu* and do not take into account trainings which would be based on the principles of the NEPSI good practices guide but not necessarily on specific task sheets.

2018 NEPSI KPIs:

	2008	2010	2012	2014	2016	2018
Number of Sites	5.102	6.395	6.922	7.184	7.550	8.785
Number of reported Sites	4.607	5.526	6.047	5.951	6.234	7.445
% of Reported Sites:	90,3%	86,4%	82,8%	82,8%	82,6%	84,75%
Number of Reported Employees:	410.909	438.113	440.159	440.159	433.411	445.923
% of Employees potentially exposed to RCS:	39,8%	40,3%	40%	40,1%	39,5%	40,8%
% covered by risk assessment:	88%	90,4%	91,5	93,5%	95%	95,5%
% covered by exposure monitoring:	64,5%	69%	71,7%	73,4%	76,3%	78,9%
% requiring health surveillance for silicosis	39%	36,2%	37,5%	39,9%	43%	44,2%
% covered by generic health surveillance:	87,5%	88%	90%	89,1%	90,7%	91,4%
% covered by Health Surveillance Protocol for Silicosis:	34,7%	34,3%	35,7%	37,9%	41,4%	43%
% covered by general training :	75%	83%	84%	88%	90%	88,7%
% covered training on Task Sheets:	42,8%	54,6%	60%	65,1%	67,5%	65,9%

3. NEPSI Council Conclusions

Compared to 2016, and on a longer timeframe since the first reporting in 2008, almost all Key Performance Indicators are in continuous improvement.

An increase of sites and reported sites is noticed, which can be partially linked to the reporting of new members. In total 7445 sites have submitted a report; which means an increase of around 20% compared to 2016. The new joining sectors count for approximately two third of the newly reported sites and one third of the additional employees.

The percentage of potentially exposed workers is around 40.8% in 2018 and is remaining steady since 2008 and over the following years.

We observe an overall improvement of almost all Key Performance Indicators, except the training on task sheets which is not optimal. This aspect could be improved with a renewal of the reporting system and the clarification of the KPIs. The NEPSI 5-year Roadmap (2019-2024) approved by NEPSI Signatories which includes, notably, a review of the good practices and tasks sheets and the development of new training tools will be helpful in this respect.

Annex 1: Signatories and NEPSI Secretariat Contact Details

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