



Newsflash

Launch of multilingual thesaurus on occupational health and safety

The European Union information agency for occupational safety and health (EU-OSHA) has recently launched a multilingual OSH thesaurus. This tool consists of a list of 2 000 OSH-related terms, including synonyms, antonyms, definitions and some references.

The thesaurus has been integrated into the European Union Terminology Database (IATE), a project launched in 1999 to provide a web-based infrastructure for all EU terminology resources and to enhance the availability and standardisation of the information. The IATE has been used in the EU institutions and agencies since 2004 for the collection, dissemination and management of EU-specific terminology.

Available in all 25 EU languages, the thesaurus has been developed within the multilingualism framework – a cornerstone of EU-OSHA's work to make European workplaces safer, healthier and more productive. Multilingualism is a vital element of inclusive communication in the European Union and for any pan-European organisation. Making the information, analysis and tools available in multiple languages means that organisations can reach more people and spread their messages as widely as possible.



2 000
OSH-related
terms available
in all 25 EU
languages

Pay discrimination rife according to IndustriAll survey

An IndustriAll analysis of wages in the manufacturing sector, published in January, found that women are being paid significantly less than men for jobs requiring similar skills. Comparing job requirements in the household appliances and car manufacturing sectors, IndustriAll concluded that they involve similar responsibilities, physical effort, education levels and safety hazards. Yet there was a 20% pay gap in Germany and a whopping 32% in Romania in favour of the largely male-dominated car manufacturing industry. The example demonstrates how deep-seated gender bias in how we value different kinds of work continues to be the root cause of low pay for millions of women. This has been clearer than ever during the Covid-19 crisis, with essential workers like cleaners, carers, nurses and cashiers being amongst the lowest-paid occupations.

In addition to working in undervalued occupations, women typically hold lower-level positions and work fewer hours due to unpaid care responsibilities. Overall, women across the EU earn at least 14.1% less than men per hour, and the majority of Member States also lack efficient pay transparency measures. The European Commission's long-awaited proposal on an EU Pay Transparency Directive, published in March, is a step in the right direction but has some significant limitations, for example not containing specific provisions to promote collective bargaining on equal pay.



Exposure of
726
former miners
to toxic
substances
found to have
caused anxiety

Overall, women
across the EU
earn at least
14.1% less
than men
per hour



Extension of "anxiety" compensation model

In February 2021, a French court of appeal in Douai acknowledged that the exposure of 726 former miners from Lorraine to carcinogenic and toxic substances caused "anxiety", a judgement which gives each of them access to financial compensation of 10 000 euros. A notion existing in France since 2010, "*préjudice d'anxiété*" (mental distress, or "anxiety") was initially limited to asbestos workers. Defined as being "in a situation of permanent anxiety when faced with the risk of having an asbestos-related disease diagnosed", it allows for an employer to be found liable for failing to take the necessary measures to protect their workers' physical and mental health.

In France, the conditions for applying *préjudice d'anxiété* have been progressively expanded thanks to an evolution in case law in favour of a wider interpretation of this notion. The decision of the Douai Court of Appeal followed a Court of Cassation judgement handed down on 11 September 2019, which extends the scope of application beyond exposure to asbestos to all "harmful and toxic substances" engendering a high risk of developing a serious pathology.

Although the conditions may change from one jurisdiction to the next, employer liability is common to all EU Member States under the OSH "Framework Directive", which they are required to transpose into national law. The Douai judgement could be the start of a reassessment in other EU countries of the scope of this obligation.

Asbestos is responsible for at least **47 000** occupational cancer deaths a year in the EU



Unions call for updated limit values for asbestos and lead derivatives

In its response to the first-stage consultation with the social partners on the revision of the Asbestos at Work Directive and the Chemical Agents Directive, the European Trade Union Confederation (ETUC) has called on the European Commission to revise downwards the occupational exposure limits (OEL) for asbestos and for lead and its compounds.

According to the ETUC, the OEL currently in force for asbestos in the European Union (0.1 fibres/cm³) does not provide exposed workers with sufficient protection. Based on the recommendations of experts from the International Commission of Occupational Health (ICOH), the ETUC called for the establishment of a limit value of 0.001 fibres/cm³ for all EU Member States, i.e. half of the Dutch value, which is currently the lowest in the EU-27. In the view of the European unions, updating the OELs must be part of a wider plan aimed at eradicating asbestos in Europe, which is responsible for at least 47 000 occupational cancer deaths a year in the EU.

Lead and its compounds are reprotoxic substances, i.e. causing reproduction problems among exposed men and women. As such, they fall within the scope of the Chemical Agents Directive, where they are the only hazardous substances with a mandatory OEL and biological limit value. These EU limit values (150 µg lead/m³ and 700 µg lead/L blood) were set in the early 1980s and have not been revised since.

Court case over workers' right to stop work during pandemic

On 11 and 17 May 2020, more than 1 000 workers of the Brussels public transport provider STIB exercised their right to stop work for safety reasons, judging their work situation to be endangering their health in the context of the Covid-19 crisis. However, the STIB management did not recognise the exercise of this right, deeming that all these workers were sufficiently protected and that there was no serious and imminent danger. However, according to Sophie Remouchamps, the lawyer representing the workers, "the perception of the danger by the worker is subjective".

The case raises a number of fundamental questions regarding health and safety at work. One is the question of whether exposure to SARS-CoV-2 can be considered a "serious and imminent danger" – which determines whether the exercise of the right to stop work is justifiable. Enshrined in European and international law, the right applies to all European workers. Although transposed into Belgian law via Article I.2-26 of the Act on Well-being at Work, its terms of application are controversial, especially as no court has yet handed down any ruling on this issue. The consequences of this court case will enable the scope of this right to be clarified not only in Belgium, but also in those Member States where it has been neglected in the past.



54% of highly infected workplaces had staff working without the right PPE

1 000 STIB workers exercised their right to stop work for safety reasons



Poor employment conditions expose care homes to Covid-19

Unsafe working environments, precarious employment conditions and staff shortages have played a crucial role in the spread of Covid-19 in elderly care in Sweden, posing a severe threat to both the care home workers and the elderly residents. According to a survey by the Swedish trade union Kommunal – with responses from safety and workplace representatives from 50% of the country's elderly care homes – staff have experienced helplessness and frustration because their working conditions have not enabled them to provide the care they wish to.

In 54% of highly infected care homes, staff were working without the right personal protective equipment (PPE), and almost a third of the survey respondents suspected that staff had become infected during working hours. In one home where several residents had Covid-19, the employer had provided the staff with face masks made of vacuum cleaner bags. Kommunal's Chief Safety Officer blew the whistle, and with the support of the LO-TCO legal office, the case was brought to an administrative court, which ruled that the workers were entitled to proper FFP2 face masks.

Staff shortages in the elderly care sector have long been evident, and many homes have a high proportion of fixed-term employees, who often lack the financial security to say no to work. The survey shows that care homes with a higher spread of infection had a larger proportion of hourly waged staff.