



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 2007**

In May 2005, the "Negotiation Platform on Silica" made up of Trade Unions and Employers' representatives of 14 industrial sectors was launched. These sectors produce and use crystalline silica or materials /products / raw materials containing it that may potentially lead to respirable crystalline silica exposure. The objective of the negotiation was a European Social Dialogue Agreement (ESDA) aimed at 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.

Thanks to a strict discipline to abide to the fixed timetable and working rules and to a fair negotiation atmosphere, the Parties reached final agreement 9 months later. The resulting European Social Dialogue "**Agreement on workers' health protection through the good handling and use of crystalline silica and products containing it**" was signed on 25 April 2006 by all the industry sectors having participated in the negotiation. The European Commission morally and financially supported the project, qualifying it as innovative, and an EC budget was granted to cover the costs of the negotiation. The Agreement was published in the EU Official Journal on 17 November (2006/C 279/02).

**Reporting**

Although quantitative reporting on the application of the Agreement from site to European level according to Annex 3 of the Agreement is planned for the first time in 2008 and every 2 years from then on, the Parties decided to organise a preliminary reporting exercise in 2007 in order to maintain the proactive efforts already achieved towards a full application of the Agreement.

According to the instructions and recommendations given by the Council, the resulting Summary Report on the application of the Agreement is qualitative and provides a non-exhaustive series of actions towards application by the signatories and their Members in the EU Member States which were taken jointly by the social partners or individually by each of the Parties, since the entry into force of the Agreement on 25 October 2006. The Summary Report was approved by the members of the Council on 21 June 2007 in Brussels and forwarded to the Parties, the European Commission and national authorities responsible for workers' safety.

**Achievements**

Despite the short period covered by the report (25 October 2006 to May 2007), the achievements and actions taken to date are probably part of the greatest awareness campaign on respirable crystalline silica exposure ever organised by industry.

Immediately after the signature of the Agreement, all Parties involved started disseminating, advertising and explaining the final text. Efforts in this way would not have paid-off without a robust downstream organisational structure and a strong involvement of all those concerned. The "Negotiation Platform on Silica" became NEPSI, the European Network on Silica made up of three entities: the signatory Employer associations, Trade Union federations and their respective

Members in charge of applying the Agreement, the NEPSI Council to supervise the application and deal with interpretation issues and the NEPSI Secretariat to assist the Council and assure relations with public institutions, the press or the general public on its behalf.

On the day of its entry into force, the Agreement had been translated into the 20 official EU languages at that date. The translations were reviewed by Trade Unions and Employers' representatives of the sectors concerned in each country. Such an achievement notably ensures that the Good Practice Guide task sheets will easily be implemented at the workplace.

In addition to internal dissemination within all the NEPSI signatory associations and federations, a NEPSI website ([www.nepsi.eu](http://www.nepsi.eu)) was created to provide hands-on information to the signatories' members and to the public in general on the Agreement, the Good Practice Guide, European social dialogue, the NEPSI Council, the reporting procedure and the signatories.

The signatories drafted joint reading guidelines to the Agreement, a Questions and Answers document as well as advertising, training and information tools which are available on the NEPSI website. As from the day of the signature of the Agreement, the NEPSI Secretariat performed road shows addressing a wide range of stakeholders (H&S institutes, European and national authorities, company management, H&S practitioners, occupational physicians, works councils...).

At each sector level, essential dissemination and information actions were carried out, such as the dissemination of the final texts of the Agreement and Good Practice Guide to member associations and/or companies, dissemination of NEPSI joint reading guidelines and Questions & Answers document and information on the NEPSI website (a direct link to the NEPSI website was provided from most of the signatory's webpages). Presentations on the ESDA were given to the Health and Safety Committees, Boards and other relevant entities of the Signatory Associations. General workshops for the training of member associations or companies' representatives were organised by a majority of the signatory associations, and additional ones are planned in the future. These workshops were often open to all the NEPSI partners.

### **Implementation**

In organising the application of the Agreement, the Parties did not lose sight of the fact that the EC Treaty requires autonomous ESDAs to be implemented "in accordance with the procedures and practices specific to national industrial relations systems".

As industrial relations systems and collective bargaining practices in the EU differ from Member State to Member State, the first objective of the signatories was to create a strong awareness of the Agreement at national level in order to trigger immediate action from the competent authorities and industrial actors.

As a result, between 25 October 2006 and May 2007, negotiations for the inclusion of the Agreement in national collective bargaining agreements took place in Belgium and Italy. In Germany and the United Kingdom, the Parties benefited from the strong support and assistance of national authorities and state institutes which for example included the Good Practices recommended in Annex I of the Agreement in their own prevention policies. In other European countries such as the Czech Republic, France or Austria, the application of the Agreement is being handled jointly by national representatives of each of the Parties who keep the national authorities informed of their initiatives.

Application is already being achieved beyond its scope: while the Agreement is only applicable in the European Union, the Good Practices are starting to be voluntarily implemented worldwide by some multinational companies. Non-EU countries such as Norway are handling the translation and application of the Agreement between national representatives of trade unions and employers.

### **Future reporting**

At its meeting on 21 June 2007, the NEPSI Council agreed that although future reports will be quantitative, a qualitative report should continuously be updated, as the application situation is in constant improvement. Indeed the preliminary reporting exercise allowed determining the countries in which activities needed to be reinforced, and it confirmed the importance of the Agreement as an element of Social Dialogue in general, as it seems that discussions on the Agreement have triggered social dialogue discussions in sectors and countries where this has hardly occurred up to now.

In order to facilitate the route towards 2008 reporting as the next significant step in the application of the Agreement, the NEPSI Council decided that a reporting software should be sought in order to ensure a harmonised reporting procedure and collection of data as well as coherent results. Such a tool will allow to minimise the reporting effort and consolidation workload for sectors totaling thousands of sites, avoiding double reporting in case of multiple memberships and ensuring that the same instructions and guidance on reporting are provided to all, from the signatories at European level to each site applying the provisions of the Agreement. The reporting software will be operational by 1 January 2008.

The NEPSI Council calls upon all actors concerned to join forces for an effective and complete application of the Agreement and to collaborate, in the same way as for previous achievements, to further improve its application.