



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 2012

The 18 Employer and Employee signatories of the European autonomous Social Dialogue “**Agreement on workers’ health protection through the good handling and use of crystalline silica and products containing it**” are reporting this year for the third time on the application of the agreement which was negotiated within the “Negotiation Platform on Silica“(NePSi) and signed¹ by the Employer and Employee representatives of the signatories (see list enclosed as Annex I)² on 25 April 2006. The multi-sectoral European Social Dialogue Agreement (ESDA) aims 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.

As acknowledged during a high-level European Commission Social Dialogue conference in Warsaw in November 2011, the Agreement on Silica is a well functioning autonomous ESDA, and one of the best examples for the implementation of such agreements. Indeed the signatories are strongly committed not only to adopt good practices for the handling and use of crystalline silica but also to monitor and report every two years, for the first time in 2008, key performance indicators on its application to a bi-partite Council set up by the Parties. The signatories would like to emphasize in this report their strong belief that the monitoring and reporting system put in place, as well as the set up of permanent bodies such as the Council and Secretariat to monitor the implementation and solve interpretation issues after the signature of the Agreement are key strengths of the NEPSI ESDA compared to other existing European social dialogue agreements.

It is thanks to its elaborated structure that, in 2012 for the third time, the NEPSI Council efficiently collected at site level and compiled, quantitative information on the application of the Agreement within the signatory sectors. The purpose of this 2012 report is to provide the results of the reporting exercise and assess what implementation progress has been made since 2010.

In June 2010, the NEPSI Council assessed that:

- The application of the agreement which is well under way, improves continuously and already demonstrates concrete results;
- The lack of participation in some countries, especially in the new Member States, remains an issue to be solved;

¹ 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.

² 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. With this addition, the ESDA counts to date 18 signatories.

- Continuous efforts should be made to improve the training and information of the Employees potentially exposed to RCS on the General Principle and the task sheets. It should be investigated why the training on specific task sheets presents lower results than the training on the general principle;
- More information on R&D projects made in the area of exposure to RCS should be included in the next Summary Report, especially R&D progresses on process substitution, if relevant;

Like in 2010, the 2012 reporting was carried out in a period still economically very difficult for some sectors. The Signatories however very positively acknowledge the steady increasing involvement and commitment. The targets for improvement detailed above have all been fulfilled (see chapter 5).

According to its article 12 (1), the agreement is automatically renewed for a consecutive two-year term, until 2014. The Agreement remains open for signature at any time by other industry sectors.

The signatories wish to call for a renewed EU funding and support to make this agreement a long term success.

All Executive Summaries on the implementation of the agreement are publicly available³.

1. Promotion of the SDA

At national level

Five workshops have been organised with the help of the European and national sector associations to promote the ESDA at national level and increase participation in the reporting of implemented good practices.

- The first workshop was multisectoral and took place on 7 April 2011 in Sofia, Bulgaria. It was organised thanks to the cooperation of the Bulgarian Chamber of Mining and Geology (BMGK) and the Bulgarian Association of Producers of Inert Materials (BAPIM). With speaker representatives from the NEPSI Secretariat, IMA-Europe, Euromines and UEPG, it gathered 39 participants from the metallic and non-metallic mineral, aggregates, coal, cement, ornamental stones and ceramics sectors representing associations, ministries and health organizations.
- The second multisectoral workshop took place on 22 September 2011 in Prague, Czech Republic. It was organised thanks to the cooperation of the Czech Mining Association (Těžební unie ČR), the Czech Foundry Association (Svaz sléváren ČR) and the European Mining Association (Euromines). With speaker representatives from Euromines and CAEF, it gathered 43 participants representing 29 companies, 5 national associations of the mining, glass, ceramics and foundry sectors, the Czech trade union for glass, ceramics, jewellery industry and porcelain), and a University.
- The third workshop which took place on 28 September 2011 in the context of a foundry fair in Kielce, Poland, was specific to the foundry, glass and ceramics sector. It was organised thanks to the cooperation of the Polish Chamber of Commerce for Foundry (OIG) and gathered 55 participants from the foundry, cement and sand minecrafts industries, as well as two guests from the Polish NEPSI Council.

³ www.nepsi.eu

- The fourth multisectoral workshop took place on 14 October 2011 in Bucharest, Romania. It was organised thanks to the cooperation of 8 national associations representing several signatory sectors (see full list on <http://www.nepsi.eu/home/news-events.aspx>). With a speaker representative from the NEPSI Secretariat, it gathered 66 participants of the cement, aggregates, glass, ceramics, metallurgy, mortar sectors, from the national associations and also from the national Institute of Public Health, the Public Health Direction, the National Research Institute for cement, lime and other minerals and the National Research Institute for mining safety.
- The fifth workshop was a multisectoral event organised on 18 October 2011 in Wroclaw, Poland, thanks to the cooperation of Euromines, of the Polish Employers organisation (Polska Miedz) and the Polish Cement association. With a speaker representative from Euromines, 52 participants attended the event, representing the regional and national authorities, research institutes, Polish trade unions from the metal, construction, wood and cement industry, trade associations and 26 companies.

With synergies from all social partners, these events have been very welcomed and were the first opportunity to discuss awareness-raising about respirable crystalline silica at national level in some countries. As preliminary analysis, they seem to have had a beneficial impact on the national participation to the reporting exercise in some sectors.

At European level

The ESDA has been presented on behalf of NEPSI in two events organised by the European Commission, DG Employment. IMA-Europe gave a presentation to the other European and national social partners during an extraordinary European Liaison Forum on 19 May 2011 and jointly presented the ESDA with EMF at the European Commission Social Dialogue conference on 24th-25th November 2011 "Negotiation, consultation and autonomy of EU Social Partners-20 years of the Social Partners' Agreement".

The signatories received in June 2011 an official application to join NEPSI from the Employer representatives of the agglomerated stones sector (A.St.A⁴). Due to the fact that their European Trade Union counterparts from the construction sector are not a party of this agreement, the application could not be accepted. Some contacts, initiated by the aggregate sector, have therefore been organised with the construction sector. IMA-Europe and EMF were invited on behalf of NEPSI to give a joint presentation on the ESDA at the European social partners of the Construction sector meeting held on 20 March 2012. The presentation, for the first time, of the results of the agreement to the construction sector was well received. Although the construction sector is not a signatory to this agreement, as a follow-up of this first step fruitful meeting, the NEPSI Signatories will keep the dialogue open with the construction sector. A.St.A has decided to voluntarily implement and promote the Agreement.

Some NEPSI activities have been financed through European Commission (EC) Budget Heading 04.03.03.01 *Industrial Relations and Social Dialogue*.

In order to promote the Good Practice Guide annexed to the Agreement and thanks to the EC grant, since 2010 NEPSI has developed 13 task sheets of the Guide into 13 Picture Exposure Mix (PIMEX) Videos which compare the levels of exposure of a worker when performing a task according to the Guide's recommendations versus any other practice. Nine of the videos have been developed into 21 languages and have been included in a promotional NEPSI DVD with all relevant documents and a toolbox in all languages. The four remaining videos have been developed in English, German and French. All the videos are publicly available on www.nepsi.eu.

⁴ A.St.A, the European Agglomerated Stones Association, see www.astaeurope.com

Four new task sheets on power tools used in dry conditions have been included in the Good Practice Guide in 21 languages. One additional task sheet for power tools used in wet conditions has been adopted and will be included in the Guide.

It is worth mentioning **two national initiatives** which help promoting the Agreement:

The Norwegian industry branch have voluntarily translated and promoted to their members the NEPSI Good Practice Guide in Norwegian and have developed their own documents to help industry implementing the Good Practices in accordance with Norwegian regulations.

For more information, see www.norskindustri.no/miljoe-hms-veiledninger/forebygging-av-helseplager-fra-arbeid-med-kvartsstoev-article3647-258.html

In Germany, the INDINA project has been initiated since 2009 in cooperation with the Berufsgenossenschaft Metall and the employer Gienanth GmbH to create the best possible health and safety protection at the workplace for employers and employees. The activities named in the INDINA paper have, among others, a focus on the decrease of quartz fine particulates in line with the social dialogue agreement. This campaign has been evaluated positively by the employers and employees at Gienanth GmbH.

2. NEPSI Ad Hoc Working Group

As decided by the NEPSI Council in June 2010, a NEPSI Ad Hoc Working Group has been set up in 2011 to discuss ways to demonstrate the effectiveness of the ESDA.

The participants acknowledged that the positive impact of the agreement signed in 2006 is difficult to demonstrate due to the fact that the health effects of exposure to RCS are observable over many years of exposure.

Upon their recommendation, the NEPSI Council concluded 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 also recommended to inquire about the possible involvement of European agencies, such as EU-OSHA, in helping finding out about evidence of the effectiveness of the Agreement. The NEPSI Council agreed to monitor publicly available data on occupational RCS exposure at national level, although data collected at national level should be cautiously analysed since they are often collected by national authorities in order to focus on problematic situations and do not reflect mean exposures and trends in the whole sector.

2. Organisation of reporting

To facilitate the biennial collection and consolidation of data on the application of the Agreement (article 7 of the Agreement) and to ensure that the same instructions and guidance on reporting are provided to all, the reporting of data is done via a secure online system available in 22 EU languages. The online reporting tool has been upgraded in 2011 to simplify the process for companies which have a single site or multiple sites to report for. The guidance documents for system users were adapted accordingly and are available in 22 languages on www.nepsi.eu.

The online reporting system has proved technically efficient as no data loss or crash occurred. In general, new users of the system found the reporting quite straightforward, while former users had some trouble understanding the new features.

It is noted that there were less interpretation issues in 2012 related to the indicators on risk assessment, exposure monitoring, and training, as well as measures provided or implemented

during previous years. To harmonise what companies were already doing in practice, it had also been clarified that all headquarter offices should be reported as separate sites.

The online system was open for site reporting from 16 January to 16 March 2012, 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 16 March 2012 in order to correct incoherencies and chase late respondents.

3. Scope of the Agreement

As decided in 2010, it was asked to all companies to include headquarter Employees and report headquarter offices as separate sites. Some companies were already including them in practice, some others not. The reporting instructions therefore clarified that headquarters were to be included this year to ensure a harmonised reporting practice, and because parts of the headquarter employees do also frequently visit sites and should be considered. This clarification may partly explain a slight increase in the number of invited and reported sites.

A closer examination to the numbers shows that the initially estimated number of 2 million workers covered by the agreement was largely overestimated. In addition to this over-valuation, the 2009 economic crisis, which led to an average decrease of 10 to 15% of the workforce, still has an impact today. It is indeed assessed that in 2011 the headcounts of the NEPSI companies has still decreased in some sectors, i.e. ceramics, while it remains comparable to the 2009 figures in some other sectors.

Since 2010, each EU signatory association is striving to obtain an accurate estimation of the workforce covered by their EU sectoral report compared to the total workforce of the sector. All sectors are still in the internal process of better assessing the number of member companies and sites they represent. The estimation of the covered workforce, when available, is thus indicated in the “Voluntary Answers” section for each EU signatory.

Considering the above explanations, 8% additional sites have been invited in the NEPSI data collection as a whole across all sectors. The whole NEPSI Report now represents 498 583 Employees in total, i.e. 8% additional reported Employees than in 2010.

4. Morose economic context

Some particular sectors (e.g. the foundry, the aggregates, the expanded clay, ceramics) highlight that the economic context remains difficult in their industry, which obviously had some impact on the reporting. Other sectors note that the situation is roughly stable since 2009 although some plants may have closed here and there. One direct result is a decrease in the number of sites and workers in some sectors. Indirectly, like in 2010, it is worth noting that many companies did not work at full capacity during a short period, and often rigorously reduced all administrative burdens that were not absolutely necessary for the vital functions of the companies. Reporting has sometimes been victim of this policy. We should keep this economic background in mind when evaluating the results of the reporting.

5. Newcomers and learning curve

With 7 257 sites being invited to report in NEPSI (8% more than in 2010 and 39% more than in 2008), 6 367 sites have completed a report, thus representing a 10 % increase in reported sites compared to 2010 and a 34% increase compared to 2008.

This steady increase is a successful achievement in itself and demonstrates the long term and constant commitment of the signatories and a growing awareness around crystalline silica. Over years, it is observable that the agreement is now reaching not only sectors with high potential risks, but also secondarily concerned sectors with less potential risks.

Considering the normal learning process where newcomers constantly join in and are less advanced in implementation, the global performance of the sites formerly involved will necessarily be diluted. For this reason, identifying and assessing the improved application of the agreement from sites involved from the beginning is not an easy task.

The increased percentage of “Employees potentially exposed who are covered by risk assessment” (92% in 2012 versus 91% in 2010) gives two pieces of information: sites formerly involved in 2008 have maintained their application of the Agreement while the newly involved ones seem to have stepped into the process with a good level of application of the Agreement. This gives an indication of the good level of awareness raised around the Agreement within the signatory industry sectors.

6. 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.

The agreement is today applied voluntarily beyond the EU-27 borders, e.g. in Norway, Switzerland, Croatia, Serbia, Turkey, Peru, and the USA.

7. Improving KPIs

Upon request from the NEPSI Council 1 of June 2010, the figures over the training of Employees have been analysed. From companies’ feedback, it appeared that companies misinterpreted the question. Employees are in most cases indeed trained on the recommended specific good practices, but this is usually done via the company’s own training package and work instructions, and not by handing over the specific task sheets extracted from the Good Practice Guide. The Good Practice guide task sheets are generally considered as too vague and are the basis for companies to draft their own instructions. In this context, many companies did not reported Employees as trained on the specific task sheets of the

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”

Agreement, while they were nevertheless trained on the good working practices. This misinterpretation has been clarified in the Reporting Guidance documents.

There were also reporting inconsistencies with some sites which have sometimes not reported having performed “risk assessment”, “exposure monitoring”, “health surveillance”, “training” or “implemented measures” if it had been done prior to 2011 while they did report in 2010 having performed all these items. These misinterpretations have also been clarified in the Reporting Guidance documents: as long as the measure taken is not overdue and that there have been no changes in the processes, materials used, national legislation, the site can state that employees are covered even if the measure has not been conducted again in 2011.

These clarifications can partly explain the improvement of the related figures in 2012. It is worth noticing that they however remain ongoing issues as not all plants have corrected their interpretation yet. There is still room for improvement and will need further communication.

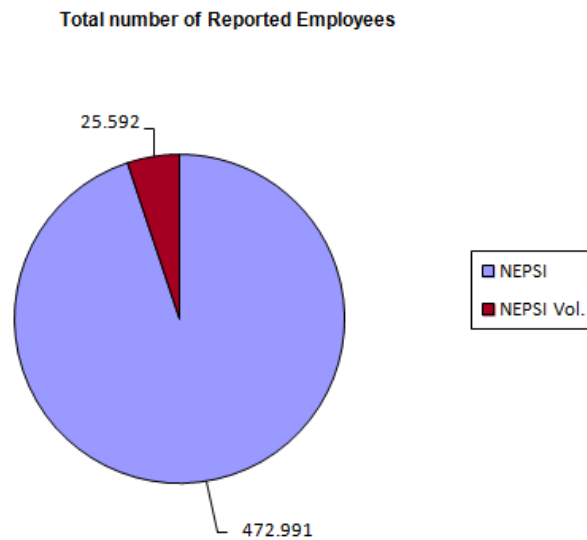
An error on the way the KPI on the percentage of potentially exposed workers “covered by Health Surveillance Protocol for Silicosis” is calculated in the reporting software has been spotted for the first time in 2012. As indicated in the Agreement Annex 3 “Reporting Format”, the number of potentially exposed workers covered by this specific health surveillance should be calculated against the number of potentially exposed workers for which the risk assessment requires this Health Surveillance Protocol for Silicosis. In the Reporting software, this KPI is however calculated against the total number of potentially exposed Employees. In the past, the number of potentially exposed workers which should be covered by and actually receive the specific health surveillance for silicosis was then afterwards part of the analysis. In 2012, to allow for comparison and waiting for a NEPSI Council decision, the reports remained unchanged however an extra KPI has been added, which represents the missing KPI.

8. Results

- **The total number of sites for which complete data was provided is 6 367 (vs. 5 789 in 2010).**

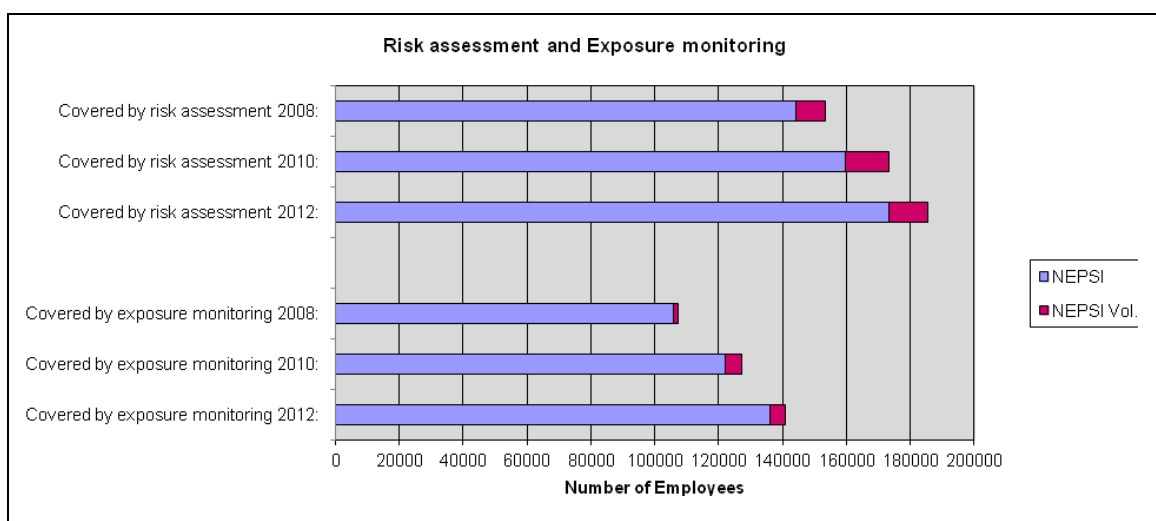
Among these, 320 provided data as EU/Non-EU Voluntary reporting (which represents 57 additional sites having voluntarily provided data)

- The total number of Employees reported is 498 583 (vs. 462 215 in 2010). Among these, 25 592 were reported as EU/Non-EU Voluntary reporting



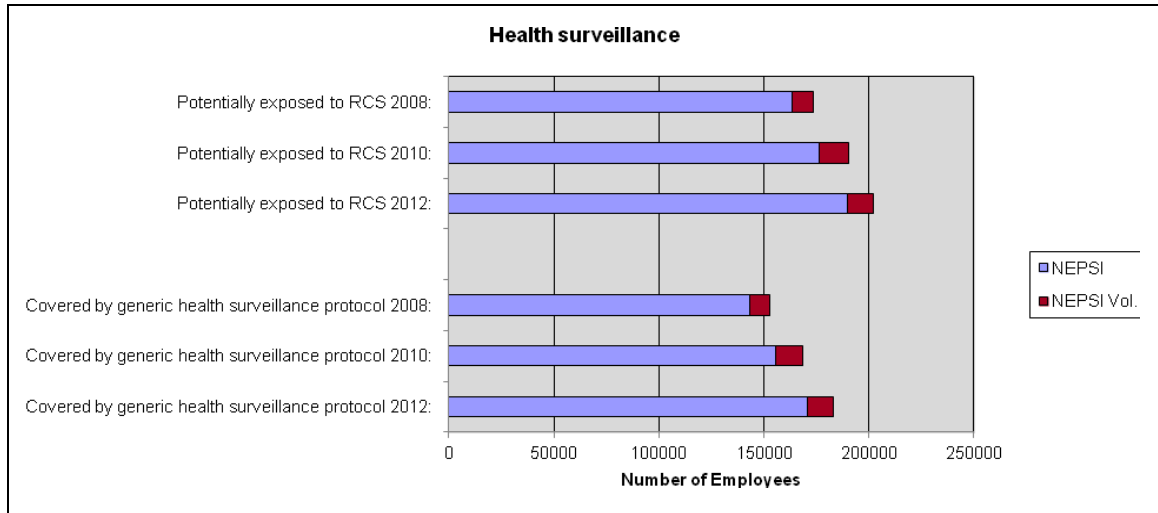
- The total number of reported employees estimated to be potentially exposed to Respirable Crystalline Silica is: 202 251 (40.6%)

- Among the total number of employees⁶ estimated to be potentially exposed to Respirable Crystalline Silica, 185 627 (92%) were covered by Risk Assessment (representing 11% more employees than in 2010) and 140 996 (70%) were covered by exposure monitoring in 2012 (representing 6% more employees than in 2010).



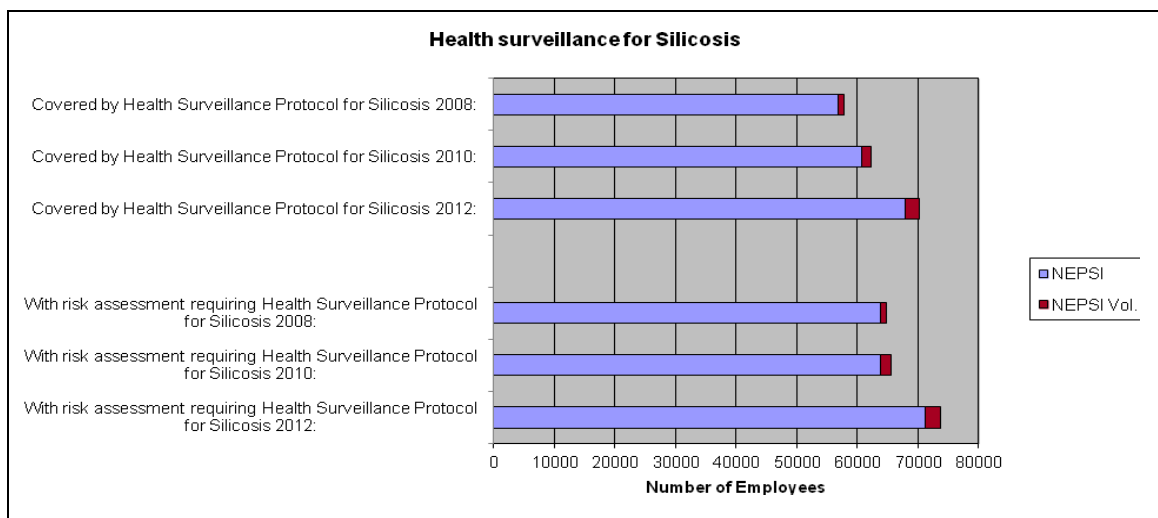
⁶ i.e. reported non-voluntarily and voluntarily

- Among the total number of employees estimated to be potentially exposed to Respirable Crystalline Silica, 182 794 (90%) were covered by generic health surveillance in 2012 (representing 8% more employees than in 2010).

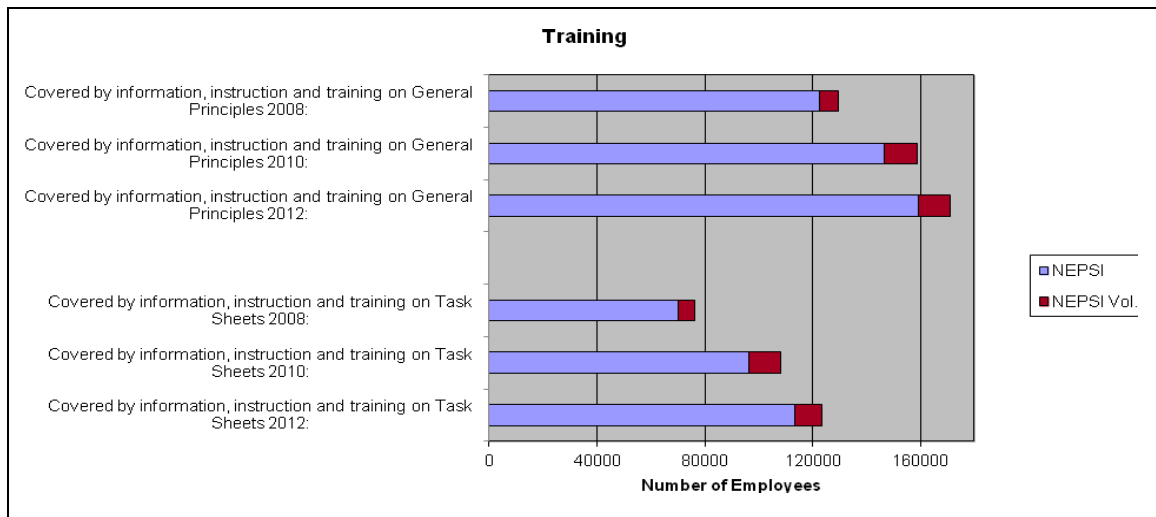


- Among the total number of employees estimated to be potentially exposed to Respirable Crystalline Silica, 73 609 (36%) were assessed as requiring Health Surveillance for Silicosis. Among the latter, 70 104 (95%) were effectively covered by Health Surveillance for Silicosis in 2012.

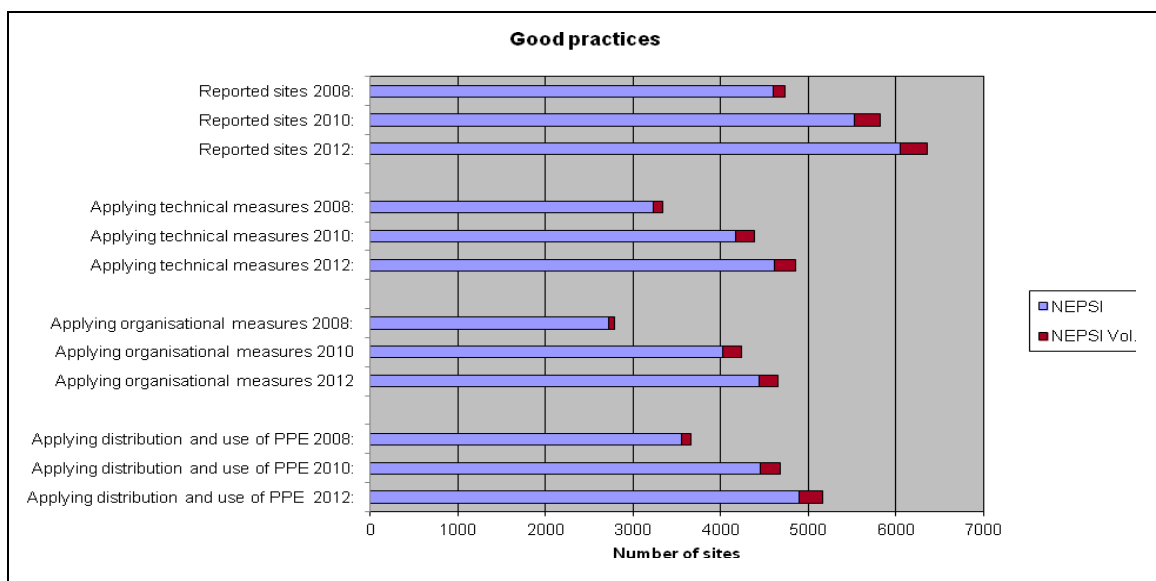
In 2010, this figure also amounted to 95% employees estimated to be potentially exposed to Respirable Crystalline Silica and effectively covered.



- Among the total number of employees estimated to be potentially exposed to Respirable Crystalline Silica, 170 964 (85%) received information, instruction and training on General Principles of prevention and 123 386 (61%) were covered by information, instruction and training on the Task Sheets included in the Good Practice Guide (Annex I of the Agreement) in 2012, representing respectively 8% and 14% more employees than in 2010.



- Among the total number of sites for which reporting has been completed, 4 856 (76%) apply technical measures to reduce the generation / dispersion of fine particles at source, 4 660 (73%) apply organisational measures and Personal Protective Equipment is distributed and used on 5 168 (81%) of them.



The NEPSI 2012 results (including Voluntary) show that the identified targets for improvement were reached:

- The number of reported sites has increased with 578 additional sites (10% more than in 2010) and 36 368 more Employees are covered (8% more than in 2010);
- The percentage of Employees potentially exposed to RCS and covered by risk assessment is reaching an average of 92%.
- 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.
- General training and information were provided to 85% of the Employees potentially exposed to RCS and training on the task sheets to 61%.

8. NEPSI Council Conclusion

The NEPSI Council endorses the NEPSI 2012 Summary Report. The NEPSI Council acknowledges the good 2012 reporting results and all the more welcomes the overall improvement of the key performance indicators in the present difficult economic context. The reporting targets on the application of the agreement identified in 2010 have all been achieved.

However, the signatories regret that the conclusions and related activities agreed by the NEPSI Council in 2011 to assess the effectiveness of the autonomous Agreement could not be implemented due to a lack of funding.

The NEPSI Council concludes that redoubling efforts to find proof of the effectiveness of the NEPSI Agreement in terms of workers' health protection now constitutes one of most pressing priorities. The NEPSI Council therefore requests the drafting of a project aiming at gathering concrete evidence of the effectiveness of the agreement and assessing its success on the ground. An EC social dialogue grant should be requested for that project.