



## Working Conditions Policy Board

COCT Secretariat-General, 3 November 2016

### **Opinion of the COCT standing policy group on standardisation in the occupational health sector**

Occupational health is setting ever greater store by standardisation work<sup>1</sup>, which is developing apace. This is usually justified: a certain number of technical spheres require this type of regulation. But it is more questionable when standardisation is introduced into a sphere covered by social dialogue or law.

In 2013 ISO began work on drafting a standard, ISO 45001, on occupational health and safety management systems. Alongside other countries and the International Labour Organisation, France voiced its opposition to the draft standard (through a letter from the Ministry of Labour and unanimous resolution on the part of the social partners during the occupational diseases and accidents at work committee meeting within the National Health Insurance Fund for Salaried Workers (CNAMTS), etc.)

And yet, although the participating members rejected it on two successive occasions, in 2014 and 2016, at a meeting in Toronto last June the decision was made to present this standard again with a view to its publication in the second half of 2017.

Meeting within the Working Conditions Policy Board (COCT) standing policy group, the French State and the social partners would like to express their opposition to the draft standard ISO 45001 on occupational health and safety management systems, and more generally their views on the place of standardisation in the occupational health sector.

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<sup>1</sup> In the meaning of the decree of 16 June 2009, standards refer to texts that are drawn up by consensus, in the general interest, and which are voluntary. Standardisation work is conducted within technical committees in which the voluntary stakeholders come together to jointly draw up the standard. Standards are adopted by "consensus" which, in practice, normally entails qualified majority voting conditions which have been predefined amongst the stakeholders.

## **1- Technical standardisation can play an effective part in meeting the prevention objectives of the 3rd occupational health plan**

The social partners' intention was to give precedence to primary prevention in the 3rd occupational health plan.

Technical standards can be useful tools for promoting occupational health. They present the economic and social merits of guaranteeing products and services that comply with quality standards.

In the occupational health sector, standards are used as part of the Community-wide "new approach"<sup>2</sup> to workplaces, equipment and machinery. These standards have a strong multiplier effect and can help to reduce occupational risks in practice. Technical standards also exist in the electricity, physics, noise and chemical spheres.

Mention must be made, however, of the particularly high number of certified standards applicable in France. Across all sectors, by our reckoning, there are 33,400. What's more, standards are becoming increasingly international in scope<sup>3</sup>. They therefore form an immense set of texts of such complexity that the task of getting firmly to grips with them appears just as daunting a task for employers – SMEs/microbusinesses in particular – as it does for employees.

To be effective, the public authorities and social partners must genuinely be involved in standardisation work in the occupational health sector. This implies having intervention means to hand, sharing information about past and future work and coordinating action.

As provided for in the 3rd occupational health plan, the COCT must allow for organisation of "*overall monitoring of the action taken by the stakeholders (particularly the State, accidents at work-occupational diseases sector and social partners) in terms of standardisation, with a view to strengthening the impact of the stances adopted by France, improving coordination of the means implemented and making information on the subject more accessible*"<sup>4</sup>.

A coordinated strategy in terms of standardising occupational health management appears vital as far as everyone is concerned. The COCT standing policy group, a social dialogue body bringing together the public authorities, employers' and employees' representatives, must constitute the forum for regular information exchange and coordination on this topic.

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<sup>2</sup> Concerning regulations on workplaces, equipment and machinery, the "essential health and safety requirements" laid down in the European directives are implemented through standardisation as part of the so-called "new approach". A company that complies with "harmonised standards" is presumed to conform to said essential requirements. The aim is to facilitate convergence on the single market. That said, not all of the occupational health standards come under this procedure, and a significant proportion of standards applicable in the sector are "off-mandate", which means they fall outside the scope of the directives.

<sup>3</sup> ISO publishes around 19,500 international standards. In 1984, 80% of standards were French; now over 90% of them are European or international. In the occupational health and safety sector, the "new approach" is contributing to the development of European standards.

<sup>4</sup> Occupational health plan (2016-2020), page 38.

## **2- The discussion process bearing on the ISO 45001 draft standard illustrates the need to set limits on the extent to which standards can intervene**

Beyond the question of the number and geographic source of standards, it is their subject that sometimes raises the most challenging difficulties. In the past, standards used to concern products primarily, but they have now branched out to encompass cross-cutting sectors: management, social relations, services and societal aspects.

As far as occupational health and safety is concerned, standardisation brings an added source of complexity with regard to the applicable rules. The phenomenon also raises a major democratic problem, for:

- the guarantees associated with regulatory production and social dialogue are not found in standardisation procedures. In particular, the adoption of standards does not take on board the degree of legitimacy and representativeness of the stakeholders<sup>5</sup>;
- The idea that a standard is exclusively voluntary is at odds with the reality of guidelines associated with supply chains, public purchasing and the legal reporting requirements of large companies, which may entail a de facto obligation for subcontractors to apply the standard, when access to standards is expensive. As for cross-cutting or social standards, such distribution is likely to jeopardise the application of legal rules relating to working conditions;
- Certification resulting from certain standards would not provide sufficient assurances that legislation has been complied with in substantive terms. There are few guarantees that the principles provided for by the standard will be put into practice – fewer, at any rate, than in the case of regulations that are subject to scrutiny by the administration and judge.

The example of the draft standard ISO 45001 is typical of the development of cross-cutting standards. The French public authorities and social partners have voiced their opposition several times, and yet the draft was put back on the table during the Toronto meeting back in June 2016.

Not only that, it is already being extended: ISO is poised to bring out a new text bearing on psychological health and safety in the workplace. This draft standard, as with the previous one, must be rejected.

At European level, the Advisory Committee on Health and Safety at Work has made no secret of its reservations over a draft standard ISO 45001, which risks giving an "*illusion of safety at the workplace*", and "*producing greater bureaucracy and burdens especially for SMEs*" and microbusinesses<sup>6</sup>.

Work is continuing at international level on standard ISO 45001 despite the risks and limitations inherent in this draft. The COCT standing policy group, made up of the French public authorities and social partners, points out that occupational health management already calls on the processes provided for by the regulations (Labour Code) and social dialogue (within the Health, Safety and Working Conditions Committee (CHSCT) at enterprise level, but also at inter-professional and sector level); its intrinsic human and social dimension puts it on a par with other activities where standardisation is simply not appropriate.

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<sup>5</sup> This fact is exacerbated by "workshop agreements", i.e. reference documents concluded at French, European or international level through a fast-track procedure, without necessarily involving the institutions concerned.

<sup>6</sup> Draft opinion of the ACSH on standardisation – Doc.779-EN (2016) adopted on 1 June 2016.

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The fact that the road to the adoption of draft standard ISO 45001 has been a bumpy one highlights the need to ensure joint mobilisation and monitoring on the part of the public authorities and social partners, so that they may take a united and coherent stand within an international context.

Meeting within the COCT standing policy group, they underscore their intention to structure their actions with a view to making their views heard on any standard to do with occupational health and safety.

***This document was debated and adopted by the COCT standing policy group.***

***The COCT's members are trade union organisations (CGT, CFDT, CGT-FO, CFTC, CFE-CGC) and employers' organisations (MEDEF, CGPME, UPA, UNAPL, FNSEA) that are representative at inter-professional national level, the French State (Ministry of Labour – DGT – and Ministry of Agriculture - SAFSL) and the CNAMTS (Directorate of Occupational Risks).***