



ICNIRP 7th International NIR Workshop

Edinburgh, United Kingdom, 9-11 May 2012



PROTECTION OF WORKERS

APPLICATION OF INTERNATIONAL RECOMMENDATIONS

Georges HERBILLON

European Commission DG EMPL B3





OUTLINE

Background (EU configuration)

Starting point for EU legislation (European Commission's point of view)

Exploring phase (preparation of draft legislation)

Examples directly relevant to ICNIRP

Conclusions





BACKGROUND INFORMATION (1/2)

European Union: 500 millions of citizens
 150 millions of workers

European Commission in charge of preparing EU law
 in charge of verifying that EU law is enforced in Member States (“Guardian of the Treaties“)

Treaty on the Functioning of the European Union

adopted

for general public, only recommendations can be
in the field of protection of health

for workers, binding legislation can be
established (Directives)





BACKGROUND INFORMATION (2/2)

Treaty on the Functioning of the European Union

For **workers**, on the basis of a proposal of the European Commission, the co-legislators (Council and European Parliament)

- may adopt Directives (binding provisions to be transposed into national legislation by all Member States)
- setting “minimum requirements“ for particular aspects

Member States may impose more stringent provisions


Member States are in charge of the implementation of the directive.





STARTING POINT FOR EU LEGISLATIVE ACTION

Expressed concern by population or group

 **Demand from Council or European Parliament** to European Commission (formally a “Resolution”).

This is a “political starting point“ to act for the Commission (preparing legislation)

 **Work can start** at Commission Services‘ level

Formally (for labour law):

- 1st consultation of Social Partners (workers and employers‘ groups)
- Impact Assessment (social, environmental and economical aspects)
- 2nd consultation of Social Partners

Informally: consultation of experts & stakeholders





EXPLORING PHASE

Expressed concern by population or group

.....

Informally: consultation of experts & stakeholders

This involves a lot of exploring work

- What do others do?
- Are there international recommendations?
- Are there standards?
- What would stakeholders like or what would they have problems with?
- Should additional studies be carried out (budget, tech. Specs., etc.)





EXAMPLE 1: DIRECTIVE 2006/25/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ARTIFICIAL OPTICAL RADIATION)

What did the Commission do?

- Look at ICNIRP guidelines
- Listen to stakeholders
- Copy/paste from ICNIRP
- Wrap it into a proposal for a Directive
- Submit to Council and European Parliament for adoption

STRAIGHTFORWARD

CONFORM TO “TRADITIONAL APPROACH”





EXAMPLE 2: DIRECTIVE 2004/40/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)

What did the Commission do?

- Look at ICNIRP guidelines
- Listen to stakeholders
- Copy/paste from ICNIRP
- Wrap it into a proposal for a Directive
- Submit to Council and European Parliament for adoption

STRAIGHTFORWARD

CONFORM TO “TRADITIONAL APPROACH”





EXAMPLE 2: DIRECTIVE 2004/40/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)

STRAIGHTFORWARD

CONFORM TO “TRADITIONAL APPROACH”

BUT ... !!!





EXAMPLE 2: DIRECTIVE 2004/40/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)

- Still in force (to be transposed by MS by 31 October 2013)
- Same pattern as for other directives (optical radiation, vibrations, noise)
- No flexibility !
- Reported “implementability” problems
 - medical MRI
 - some industrial activities

How to reconcile best available science with real life?

How to protect workers without hampering activities unduly?





EXAMPLE 2: DIRECTIVE 2004/40/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)

How to reconcile best available science with real life?

How to protect workers without hampering activities unduly?

**Challenge: How to make a good product
which matches the above objectives ?**





EXAMPLE 2: DIRECTIVE 2004/40/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)

Adopted approach is very similar to the current ICNIRP approach

From Paolo Vecchia's presentation:

The “product“ (recommendation/**legislative text**) must be:

- Based on solid science: **OK**
- Result of a consensus: **no choice (compromise?)**
- Updated to present knowledge: **OK but changing EU legislation requires heavy process**
- Stable in time: **OK**





EXAMPLE 2: DIRECTIVE 2004/40/EC
PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)

Adopted approach is very similar to the current ICNIRP approach

From Paolo Vecchia's presentation (next):

Product (recommendation/legislative text) must be:

- **Transparent in development : OK, Impact assessment, consultations**
- **Clear and concise: OK, legislation must be understandable**
- **Adequately conservative: OK for ICNIRP but problem for legislation**
- **Practically implementable: OK, in other words, enforceable, for all categories of workers.**





EXAMPLE 2: DIRECTIVE 2004/40/EC

**PROTECTION OF WORKERS EXPOSED TO PHYSICAL AGENTS
(ELECTROMAGNETIC FIELDS)**

Practically implementable: **OK, in other words, enforceable.**

Principles:

anticipate protection of exposed workers: favour training and preventive measures and reduce exposure at the source wherever possible

try to give a simple solution to a difficult problem (e.g. science needs to be “simplified” because of practical conditions)

all introduce flexibility wherever possible (set the rules but don't close the doors)

reduce the administrative burden on businesses wherever possible: introduce proportionality for risk assessment

give guidance to facilitate risk assessments (good practice guides)





CONCLUSIONS (1/2)

For RECOMMENDATIONS:

- Existence of international recommendations is very helpful
- Recommendations must be “user’s friendly” as much as possible
- Credibility is essential (independence)

For EU OCCUPATIONAL HEALTH AND SAFETY LEGISLATION:

- Use credible RECOMMENDATIONS
- Needs to be enforceable ... and needs to consider other social and economical aspects
- Therefore, needs to make some compromises with pure science ☺





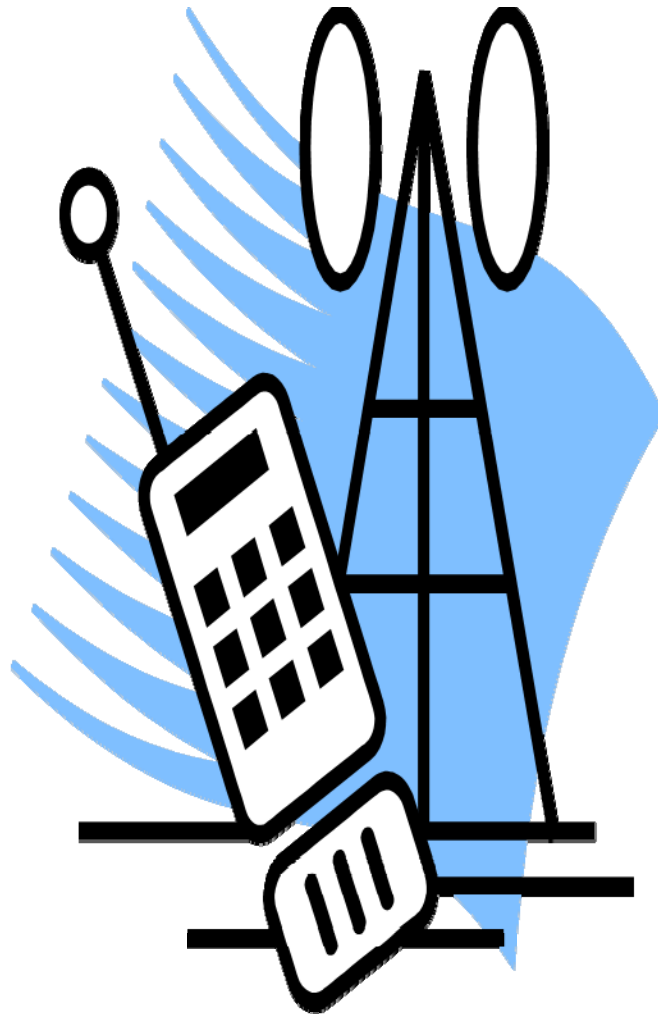
CONCLUSIONS (2/2)



Your role is

essential !





**I thank you
for your
attention**

