



**Implementation of the European Social Dialogue Agreement on  
Workers Health Protection through the Good Handling and Use of  
Crystalline Silica and Products Containing it**

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# What place for social dialogue at EU level?

From informal relations to a strong institutional recognition...

## ART 138 of the EC Treaty

The Commission must:

- promote **consultation** of the social partners at community level
- take every useful measure to facilitate their dialogue.

On the occasion of a consultation, social partners can engage into a dialogue under art. 139.

At the social partners' request:  
EU Directive

## ART 139 of the EC Treaty

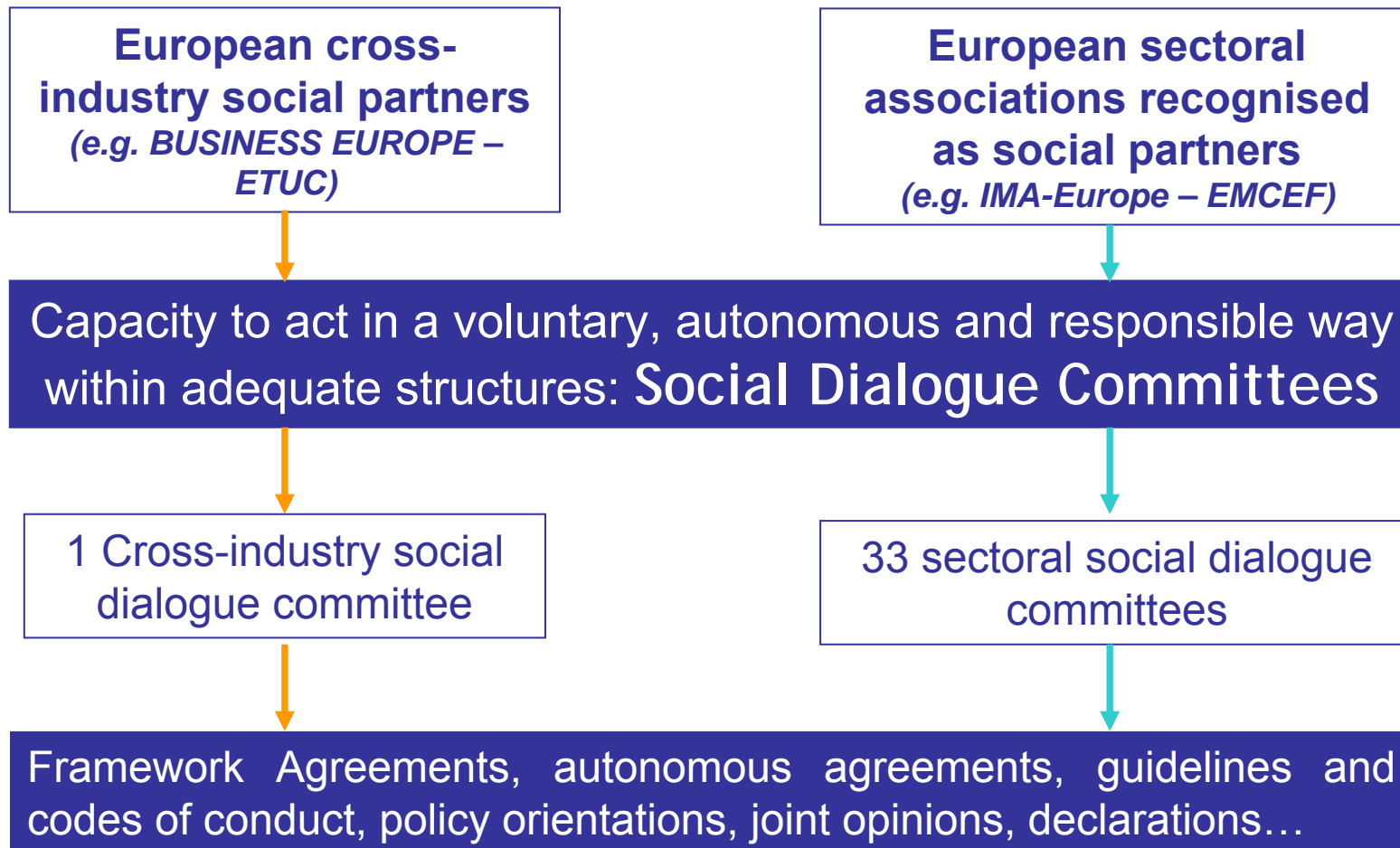
The Community level dialogue between the social partners can lead, if they wish so, to collective bargaining, including **agreements**.

The implementation can be made **either through an EU instrument or through national channels**.

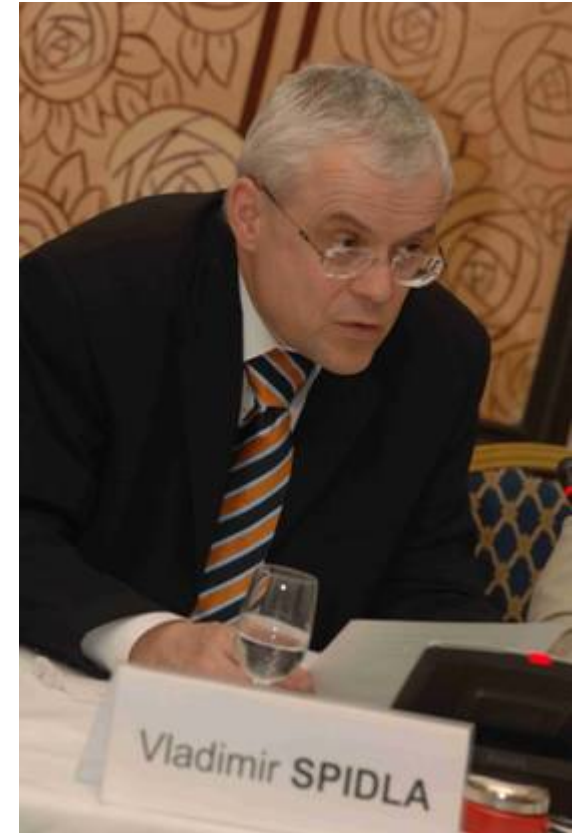
Autonomous agreements



# Actors, structures and acts



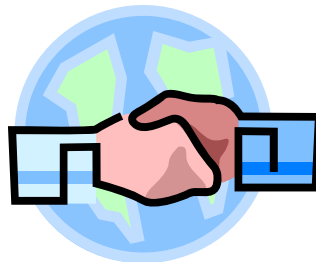
# 25 April 2006 - NEPSI Signature Ceremony





# An innovative Agreement

- **Fourth Autonomous SDA** after telework (2002), European licence for drivers carrying out a cross-border interoperability service (01/2004), and work-related stress (10/2004) Agreements
- **First multisectoral** European Agreement
- **First** Agreement also signed by **non-social partners** having successfully been scrutinised by the EC as representative of their sector
- **First** Agreement to be supported by a structured reporting process through a Council set up by the Parties
- **First** European Agreement **published in the Official Journal of the EU** (17 Nov. 2006, section C)



# The Signatories



**Aggregates** (UEPG), **Cement** (Cembureau), **Industrial Minerals** (IMA-Europe),  
**Mines** (Euromines), **Natural Stones** (EuroRoc), **Ceramics** (Cerame-Unie),  
**Foundry** (CAEF/CEEMET), **Glass fibre** (APFE), **Special** (ESGA),  
**Container** (FEVE) & **Flat Glass** (GEPVP), **Mineral Wool** (EURIMA),  
**Mortar** (EMO), and **Pre-cast Concrete** (BIBM)  
**with their Unions' representatives** (EMCEF & EMF)



# Principles of the Agreement

Carry out an **INITIAL RISK ASSESSMENT**  
Based on the results of personal **DUST EXPOSURE MONITORING**

Implement **Good Practices** (collective and if necessary personal protection measures)

Provide information, instruction and training to the workforce

Organise health surveillance

Monitor the application of the Agreement & Good Practices (site level)

**REPORT** on the application of the Agreement to a Council





# European Implementation



# Application of the Agreement

- ▶ **Compliance** with H&S European and national standards and directives which remain applicable at all times
- ▶ **Quantitative, bottom-up reporting** thanks to a form to be filled-in once every 2 years at site level and consolidated at company, country and sector levels, **KEY PERFORMANCE INDICATORS**

**Risk Assessment & Dust Monitoring**

**Health Surveillance** (generic & silicosis)

**Training** (general principles & task sheets)

**Good Practices** (technical/organizational measures & PPE)

**Signature**  
**25/04/2006**

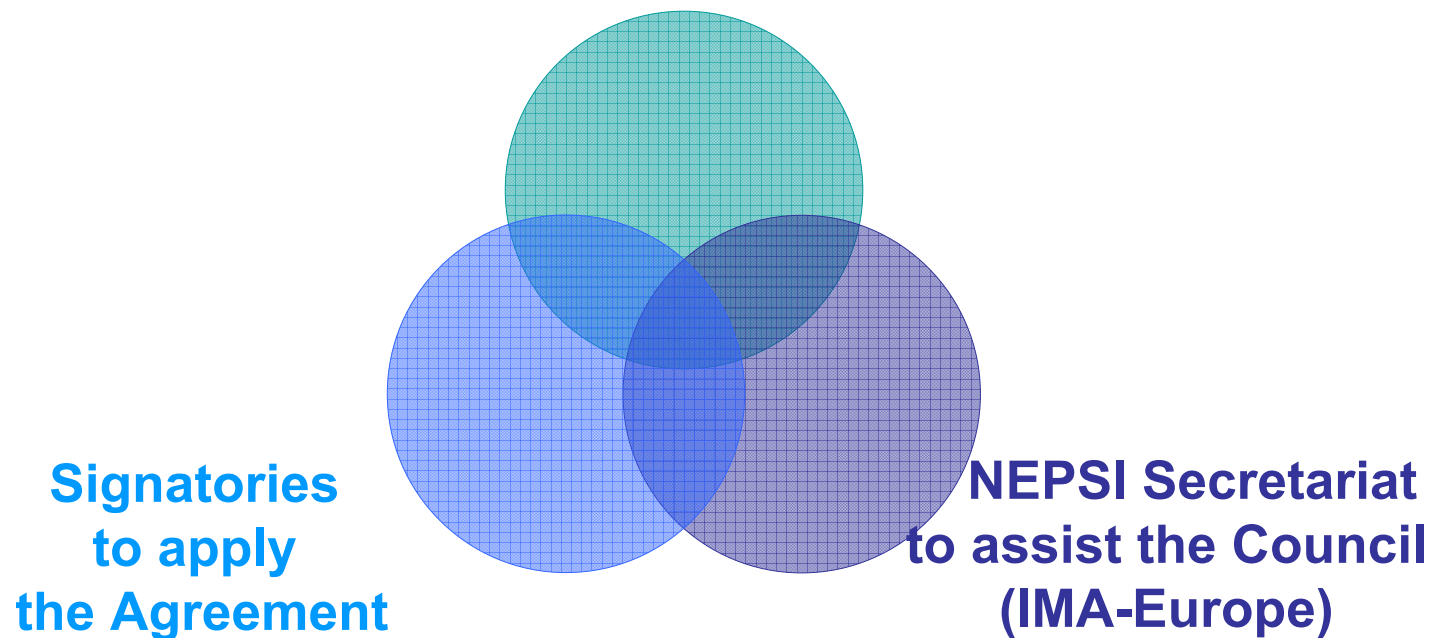
**Entry into force**  
**25/10/2006**

**First Report on application**  
**June 2008**



## From a negotiation platform to the European Network on Silica...

**NEPSI Council to supervise  
application and interpretation**





In the meantime... Keep the momentum going

## **NEPSI Secretariat and Signatory associations to:**

- ▶ Disseminate (translation into 20 languages)
- ▶ Advertise ([www.nepsi.eu](http://www.nepsi.eu))
- ▶ Explain (joint promotion, training and guidance tools)
- ▶ Structure (online reporting software)
- ▶ Qualitative preliminary reporting on the status of implementation in June 2007 at national and sector (EU) levels



## The European Network on Silica



HOME SIGNATORIES AGREEMENT GOOD PRACTICE GUIDE NEPSI COUNCIL REPORTING DOWNLOADS & LINKS

### WELCOME TO THE NEPSI WEBSITE!

Crystalline silica ( $SiO_2$ ) is an essential component of materials which have an abundance of uses in industry and are vital in many products and objects we use everyday: it is impossible to imagine houses without bricks, mortar or windows, cars without engines or windscreens, life without roads or other transport infrastructures and everyday items made of glass or pottery.



Although crystalline silica is ubiquitous in nature, the inhalation of fine dust containing a proportion of it may constitute a hazard that is limited to the workplace. Considering that such an exposure can be controlled, the main industries concerned by possible exposures to respirable crystalline silica agreed on appropriate and credible measures for the improvement of working conditions.

**NEPSI** is the acronym for the resulting European Network for Silica formed by the Employee and Employer European sectoral associations having signed the Social Dialogue **"Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it"** on 25 April 2006, representing 14 industry sectors i.e. more than 2 million employees and a business exceeding € 250 billion.

The 17 signatory organisations to date represent the aggregates, cement, ceramics, foundry, glass fibre, special glass, container glass, flat glass, industrial minerals, mineral wool, natural stones, mining, mortar and pre-cast concrete sectors. The Agreement remains open for further signatures.



[Download the NEPSI video](#)  
(Windows Media Player only)

### INTRODUCTION TO SOCIAL DIALOGUE

Art. 139 of the EC Treaty provides the possibility for management and labour to enter into contractual relations and notably to sign [European Social Dialogue](#) Agreements. Originally, joint social partners committees were established by the EC as consultative bodies, allowing relations between European representatives of workers and employers to adopt non-binding resolutions, declarations and joint opinions within these social partners



# National Implementation



# Transposition at national level

**Under Article 139 (1) & (2) EC Treaty, a European SDA creates a contractual relationship between management and labour**

i.e. binding to the EU the signatories and those who gave them a mandate

**As an autonomous SDA, the Silica agreement requires:**

**→ Implementation in accordance with the procedures and practices specific to management and labour in the MS (national industrial relations systems)**

Possibility to transpose the Agreement as it is at national level (e.g. inclusion in collective bargaining agreements)

# A challenge : Results and Expectations

**What cannot be expected**

**100% coverage**

**Same tool in each Member States**

**What the EC expects**

**Coverage by all signatory parties**

**Respect of national industrial relations traditions**

**Action in each Member State**

**27 different industrial relations systems**




# National SDA Implementation Germany

→ 2nd Meeting of the German BGs and representatives of the NEPSI signatories, Employees and Employers (19 March 2007)

- Establishment of a workplan for training sessions to be organised by mining, ceramics and metals BGs
- NEPSI Q/A to be translated into German
- National helpdesk to be provided by the BDI
- BG version of the Good Practice Guide to be printed in April
- Protocol for a system to share common German NEPSI concerns between representatives and with NEPSI secretariat to be established





# National SDA Implementation Norway

- ▶ **Cross sectoral project** dedicated to making a handbook on how to implement good practices,
- ▶ Especially help to **small companies**,
- ▶ The handbook is planned to be ready in **April 2008**



# National SDA Implementation Italy

- **NIS<sup>1</sup> recognised the Agreement** and the Good Practice Guide as necessary
- Will propose additional task sheets
- **NIS could monitor the Italian application** (award)
- Trade Unions' representatives require formal reference to the Agreement in the text of National Collective Agreements (*Contratti Collettivi Nazionali del Lavoro*).
- NEPSI guidance and training tools **translated into Italian**
- **Sectors' training of the management level**
- In **May** NIS organises **a conference on Silica**: NEPSI Secretariat has been invited to introduce the status of implementation

(1) Network Italiano Silice, part of INAIL: Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro

# National SDA Implementation UK

- **HSE representatives were observers in the SDA** Agreement negotiation meetings
- The Annex 1 of the SDA – Good Practice Guide Task Sheets were inspired by HSE's COSHH<sup>1</sup> Silica Essentials sheets

- No established arrangements for agreements at national level between the main employers and trade unions
- Collective bargaining is highly decentralised and limited in its coverage
- HSE chairs a twice-yearly “Quarries National Joint Advisory Committee” that includes representation from Trade Associations (Employers); Trades Unions; Professional organisations; Educational establishments; the national training body for the Extractives Industry; etc. etc.

<sup>1</sup> Control of substances hazardous to health



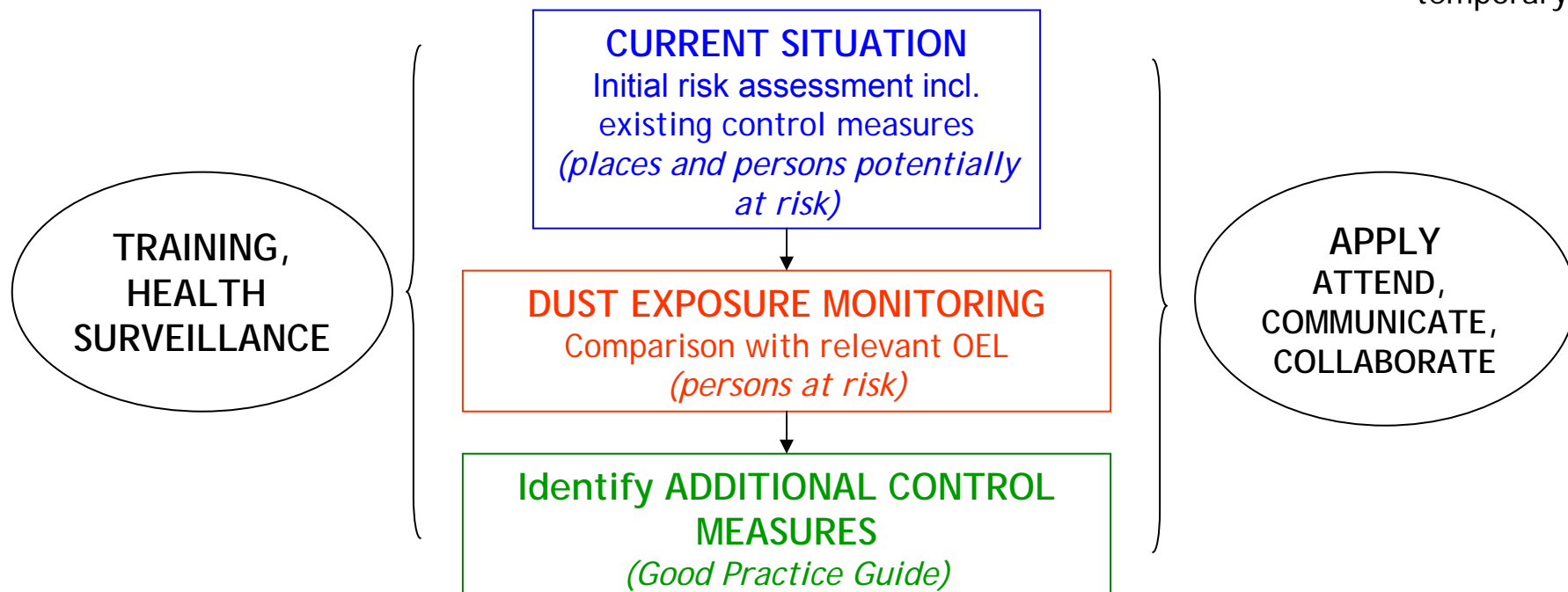
# Company Implementation

# Setting-up a management system

EMPLOYER

EMPLOYEE

incl. contactor,  
temporary, ...



External / Internal training provider  
Occupational Hygienist



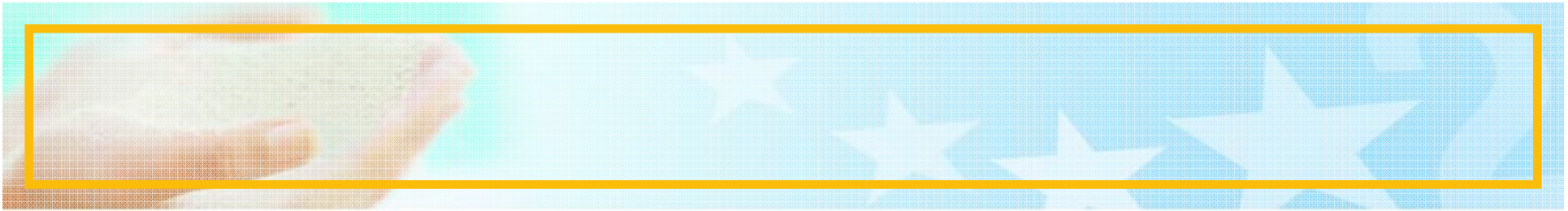
# Tools provided in the Agreement

- **Management/Supervision:** Task Sheet 2.1.17
- **Training:** Task Sheet 2.1.19
- **Personal Protective Equipment:** Task sheet 2.1.15
- **Dust Monitoring:** Task Sheet 2.1.6 & Annex 2
- **Health Surveillance:** Annex 8
- **Risk Assessment Procedure:** Part I, Chapter 4 of the Good Practice Guide
- **Reporting format:** Annex 3
- **Working with contractors:** Task Sheet 2.1.20



# Conclusion

- ⊗ The agreement remains open for further signature by sectors not yet involved.
- ⊗ While it is only applicable in the European Union the good practices developed in the GPG may obviously be voluntarily implemented worldwide
- ⊗ Some signatory companies & Norway have announced that they are considering to do so



The Agreement and Good Practice Guide  
in 20 languages at

[http://ec.europa.eu/employment\\_social/social\\_dialogue/index\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/index_en.htm)

Published in the OJ 2006/C279/02

All documents & tools at

NEPSI website

<http://www.nepsi.eu>





*Thank you for your attention*

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