

Position Paper

UEAPME¹ response to the European Commission's first consultation of the social partners under Article 138 of the EC Treaty on the protection of workers from the risks related to exposure to electromagnetic fields at work

Introduction

UEAPME hereby submits its responses to the questions of the European Commission in its first stage consultation of the social partners on the protection of workers from the risks related to exposure to electromagnetic fields at work launched on 9 July 2009.

General comment

UEAPME and its member federations representing the interests of small and medium-sized businesses see the exposure of workers to electromagnetic fields (EMF) with concern. Despite the fact that it represents one of the most common and fastest growing concerns according to public opinion, it is a highly technical and complex issue.

Against this background we believe that the exposure to EMF should be tackled under serious consideration of the "Think small first" principle, in line with the Small Business Act (SBA). According to this, appropriate measures for the protection of workers should be taken in proportion to the size of the enterprise and to the factory processes implemented in each company.

It is a matter of fact that all employers - and in particular SMEs - take the health and safety of their workers very seriously. They are very much aware that a safe and healthy working environment is a factor that has a bearing on the company's economic performance. In fact, it is simply a matter of survival for European small enterprises, which employ an average of 3 to 4 workers.

On the specific questions:

Question 1

(1) Do you consider the current Directive 2004/40/EC sufficient for the health and safety protection of workers exposed to electromagnetic fields during their work? If not, please explain why and say what the practicable alternative(s) could be.

UEAPME considers it as a sensible decision that the implementation of the current European directive

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is 55820581197-35.

2004/40/EC on minimum health and safety requirements concerning the exposure of workers to the risks arising from electromagnetic fields has been postponed until 2012. We believe that in its current form the directive is imposing unrealistic and disproportionate obligations on SMEs and in addition is not the most appropriate tool to ensure an adequate protection of workers from health and safety risks arising from EMF and that the suspension is therefore justified.

In fact UEAPME considers that the risk assessment and all the measures included in the 2004 directive are by far too complicated, so that no SME employer would be able to apply them nor to understand the importance of applying them.

Moreover, as one of the main consequences many small employers would be obliged to call for highly expensive external consultancy services without understanding the potential dangers and risks their employees are exposed to, if any. This is the reason why we strongly advocate a simplified risk assessment to be accompanied by user-friendly guides specifically aimed at small enterprises.

Finally, the existing exposure limit values need to be adjusted and replaced by new exposure limit values based on the latest international recommendations, which the European Commission is currently dealing within the framework of the scientific assessments carried out by the International Commission on Non-Ionising Radiation Protection (ICNIRP) and the World Health Organisation (WHO). These exposure limit values have to be reasonable and appropriate to protecting the health of workers.

Apart from the above mentioned recommendations the final assessment report on the analysis of health, socio-economic and environmental impacts should help to provide more factual input.

Question 2

(2) Do you think that a Community initiative is the best way to ensure a high standard of protection of workers exposed to electromagnetic fields?

Although UEAPME is convinced that a European initiative is the best way to ensure a high standard of protection of workers exposed to electromagnetic fields, we do also believe that a legally binding Community initiative is not necessarily the most appropriate way of dealing with the protection of workers.

Legislation could in any case only be one part of the puzzle, as it would need to be accompanied by more information and awareness-raising activities, as well as by non-binding measures.

In addition and more importantly, we are aware that some activities, carried out in certain parts of industry, have some very specific problems relating to EMF exposure. However, this should not adversely influence the general policy considerations for all workplaces. The vast majority of small and Craft enterprises does not exceed EMF exposure limits due to the nature of their activities. According to a study by the German Institute for Health and Safety Protection at the Workplace normal resistance welding, such as carried out by workers using hand-held spot-welding guns, does not risk exceeding exposure limit values.

Considering the above comments, UEAPME points out that if after cautious scrutiny there is no other option than amending the current legislation, the principles and step by step approach used by the European Committee for Electrotechnical Standardization (CENELEC), standard n° EN50499, should be applied and taken as a benchmark for a new revised directive under the following terms:

1. A revised directive should foresee a list of non-compliant workplaces and equipment included in the directive.

2. Only firms in possession of “potentially at risk” equipments and applying certain factory processes would be obliged to undertake a risk assessment according to the extent to which action values are likely to be exceeded, measuring actual exposure, implementing an action plan etc.
3. All the other firms with a priori compliant equipment and factory processes should undergo simplified risk assessment and be declared compliant. They would not be obliged to undertake further measures to protect their workers – because they would not need to – as their values would naturally found to be under the action values. This should be clearly outlined in the text itself.

Looking ahead it goes without saying that any future technologies which could present a risk need to be monitored and possibly added to a specific list of risky factory processes if necessary.

Question 3

(3) Do you think that certain categories of workers should be excluded from the scope of any future Community initiative because of reported implementation problems (e.g. medical procedures involving MRI) with some provisions (exposure limit values) of Directive 2004/40/EC?

If so, how would you provide for the protection of such workers?

If not, do you think that there should be some flexibility for workers exposed under special circumstances in their sector (e.g. MRI personnel during certain MRI procedures when normal protection measures cannot provide adequate protection) by

- a) introducing higher/other exposure limit values?
- b) introducing different methods for evaluating exposure?
- c) introducing the possibility of occasional or conditional derogations?

UEAPME is of the opinion that no sectors or categories of workers should be excluded from the scope of a future community initiative. On the contrary, the EU should provide means and methods which can be easily implemented by SMEs in the shape of a simplified risk assessment. Potentially risky factory processes and equipments should be identified and addressed as required by specific provisions.

Question 4

(4) Would you find non-binding measures such as the production of good practices guides, launching of regular information campaigns, setting-up of appropriate training programmes, and drawing-up of voluntary agreements between the social partners at EU or sector level – useful, and for what purpose?

UEAPME considers it essential to foresee from the beginning accompanying non-binding measures, regardless of the policy options chosen. Above all there is a real need for simplified sector-specific guides. Some of those guides should be addressed specifically to small firms and also help to promote best practices in EMF risk assessment.

Various stakeholders can contribute positively to these initiatives. Industry and manufacturers should step up efforts to improve overall transparency on EMF, by helping to provide equipment labelling and user-friendly product information. Intermediary bodies, such as employers’ federations or health and safety bodies, insurances etc are already supporting their members as much as they can with a wide range of business topics, including health and safety at the workplace. Therefore there is a real need for enhanced cooperation and a renewed emphasis of partnerships between executive authorities, employers’ federations and small companies, in order to help employers to comply with existing regulations.

Furthermore, the EU has a strong role to play as a comprehensive approach is needed. European projects should be launched and carried out within the framework of the European Programme for the Prevention of Occupational Accidents or within the EUs 7th Research Framework Programme.

Moreover, the topic requires effective awareness-raising campaigns at European and national level. One of the more recent Eurobarometer surveys on citizens' perception of EMF shows that there is still a considerable lack of satisfaction over information and communication, which is not made any easier by the fact that EMF are invisible.

Finally, social partner agreements could be part of the solution and should be considered notably at European sectoral level, fully respecting the autonomy of the social dialogue.

Question 5

(5) Should a possible future EU Community initiative cover the long-term effects of workers' occupational exposure to electromagnetic fields?

UEAPME does not foresee any need for future EU Community initiatives to cover the long-term effects of workers' occupational exposure to electromagnetic fields, due to a lack of scientific evidence. Moreover, the Council Recommendation on exposure of the public to EMF (1999/519/EC) already implicitly covers possible long-term effects in the whole frequency range (see Annex 1B of Recommendation). In addition, the Council stated in its evaluation that there was no sufficient scientific evidence on long-term effects of EMF exposure, for example the induction of cancer from long-term EMF exposure could not be confirmed. Other international bodies like the WHO appear to hold similar views.

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