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Encourage companies to prevent occupational risks: which devices in Europe?

EUROGIP Discussions' Proceedings

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Encourage companies to prevent occupational risks: which devices in Europe?

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- Abdelali CHAOUI, Responsible for Quality Safety & Environment, KSM PRODUCTION, France
- Marlene Q. TRENTEL, Advisor, Inspection Method and Evaluation Unit, Danish Working Environment Authority (DWEA), Denmark
- Henning KRÜGER, Responsible for Prevention in the Meat industry Department, Berufsgenossenschaft Nahrungsmittel und Gastgewerbe (BGN), Germany
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Moderator of the Discussions:
 Régis de CLOSETS, Journalist

Preamble

To go further in the information provided by contributors, we invite the reader to consult the EUROGIP's publications or following web links:

- Document in French only: “Incitations financières à la prévention des risques professionnels - une étude sur 7 pays européens : Allemagne, Belgique, Espagne, Italie, Luxembourg, Pays-Bas et Royaume-Uni”
http://www.eurogip.fr/images/documents/3556/Eurogip_89F_incitations_financieres.pdf
- **Statistical review of occupational injuries in GERMANY - 2009-2012 data:**
http://www.eurogip.fr/images/publications/Eurogip_Point_Stat_All0912_93EN.pdf
- **Statistical review of occupational injuries in AUSTRIA - 2008 data:**
http://www.eurogip.fr/images/publications/Eurogip_Point_stat_Au08_46FR.pdf
- **Statistical review of occupational injuries in BELGIUM - 2008 data:**
http://www.eurogip.fr/images/publications/Eurogip_Point_stat_Bel08_56EN.pdf
- **Statistical review of occupational injuries in DENMARK - 2004-2010 data:**
http://www.eurogip.fr/images/publications/Eurogip_Point_stat_Dan0410_67EN.pdf
- **Statistical review of occupational injuries in FRANCE - 2012 data:**
http://www.eurogip.fr/images/documents/3597/Eurogip_90EN.pdf
- **Links to the official sites of national insurance organizations against accidents and occupational diseases in the European Union Member States:** <http://www.eurogip.fr/en/useful-links>

Acronyms or information frequently used

CNAMTS: Caisse nationale de l'assurance maladie des travailleurs salariés, National Insurance Fund for Employees
COG: Convention d'objectifs et de gestion, Management agreement signed between the Occupational Injuries Branch of the Social Security and the French government

Introduction to the Discussions

Anne HÉGER, Chairman of the Board, EUROGIP, France

I am pleased to welcome you to this new edition of the EUROGIP Discussions.

This year, our conference, that we have organized for more than 10 years now, deals with the measures taken in Europe to provide enterprises with incentives for preventing occupational risks.

Of course, the regulations require that enterprises improve health and safety at work and prevent occupational risks. But the 2007-2012 European strategy on occupational safety and health itself recognizes that it is necessary to resort to economic incentives to motivate enterprises to apply these rules. The national organizations for occupational injury and disease insurance have clearly realized this. They have all observed for some years now that it is necessary to help enterprises, one way or another, to meet their obligations. They have therefore developed various measures that we shall discover today.

We have designed this meeting around incentives in the broad sense of the term, i.e. what causes people to act and do something. Of course we first think of financial incentives. They are a major lever for action, which, moreover, appears among the strategic guidelines of the objectives and management agreement ("Convention d'objectifs et de gestion" - COG) signed between the Occupational Injuries Branch and the French government for the period 2014-2017. Dominique Martin, Occupational Risk Director in the French national health insurance fund for employees (CNAMTS), will no doubt tell us about this in a moment. But we also wanted to discuss non-financial incentives. They also play an important role and often go hand-in-hand with financial incentives. Finally, we wanted to examine positive incentives in the form of benefits, and negative incentives in the form of penalties.

For an easier understanding of the measures described by our European colleagues, Jean-Loup Wannepain, Studies Manager at EUROGIP, will outline the main features of occupational injury and disease insurance systems in the European countries represented here today. This presentation aims to make it easier to view in perspective the various incentive schemes that will be described.

I would like to apologize for the absence of Mr Costa-David from the European Commission, who is ill, and warmly thank Nathalie Guillemey, head of the Paris centre of French national research and safety institute INRS for occupational injury and disease prevention, who agreed to replace him at short notice.

I shall say a few words about EUROGIP for those who do not know us very well. It is a public interest grouping set up in 1991 by the CNAMTS, French insurer for private-sector employees and companies, and the National Institute for Research and Safety (INRS). EUROGIP is an organization with 12 employees, governed by an equi-representational Board of Directors.

In addition to its Discussions, EUROGIP performs surveys on occupational risks in Europe. I invite you in particular to consult on our website (www.eurogip.fr) the detailed report that EUROGIP has published on the financial incentives for risk prevention applicable in seven European countries. In a different vein, we shall soon publish a report on the phenomenon of under-reporting of occupational diseases in Europe.

EUROGIP also collaborates on projects of Community interest. In particular, it cooperates with the European Agency for Safety and Health at Work (EU-OSHA in Bilbao), which disseminates information and good practices regarding occupational risks. The Group also replies to invitations to tender from the European Commission. For example, it drew up guidelines for the application of occupational health and safety directives and collaborated on a project relating to occupational health systems in Europe.

EUROGIP also carries out two coordination activities. One concerns a network of experts of the Occupational Injuries Branch, who take part in the production of French, European and international standards in the area of health and safety at work. The second concerns the French notified bodies for the regulatory certification of machinery and personal protective equipment; we carry out this activity by delegation of authority from the French Ministries of Labour and Agriculture.

I invite you to visit our brand new "Review of information on occupational risks in Europe" - EUROGIP infos - at www.eurogip.fr. You can at any time consult the articles placed online or subscribe and receive this information once a month. You can also subscribe to EUROGIP's Twitter account (<https://twitter.com/eurogip>), started this year.

From the website, you can also download our publications and reference documents on occupational safety and health, and find out more about our activities.

I shall now hand the floor to Régis de Closets who will moderate these Discussions, as he has done brilliantly in recent years.

I wish you a meeting rich in information, and I thank the speakers for their presence. I also thank the partici-

pants, some of whom have been faithful to the EUROGIP Discussions for several years now.

Régis de CLOSETS

Thank you, Madam Chairman. I would ask Dominique Martin, Occupational Risk Director with the CNAMTS, to join me in order to set out the major issues of these Discussions.

Risk prevention is a key feature of occupational safety and health policies, laid down by the regulations, and its implementation is facilitated via various financial schemes. And yet one has the impression of difficulty in appropriating a number of its principles. How do you explain these difficulties?

Dominique MARTIN, Occupational Risk Director, CNAMTS

Risk prevention policies are always hard to implement. Is it harder today than yesterday? The crisis probably makes the situation more tense. However, this difficulty is a constant feature. The fact of having to implement risk prevention policies is an historical constant which is as true today as it was yesterday. Although as a whole there has been an improvement in the situation, with a long-term downward trend in the number of injuries at work, very significant inequalities are nevertheless noted between economic sectors of activity. The incidence rate of injuries is still very excessive in the construction sector, where serious injuries remain at high levels. It is therefore essential to continue to apply risk prevention policies.

Primary prevention is the main role of the Occupational Injuries Branch of the French Social Security system.

Under these conditions, financial incentives are significant tools. As a reminder, since it was founded in 1898, the Occupational Injuries Branch is insurance-related. We must manage to deploy both negative and positive incentives, which we can do via:

- risk premium ratings, which increase with the incidence rate;
- further financial incentives (subsidies, bonus/penalty system).

These incentive schemes should be improved. In France, financial incentives in addition to the risk premium rating system represent €50m or €60m, which is not very much compared with the overall budget for the Branch, which amounts to €12 billion. It is necessary to better target financial incentives where they are useful, so that they may be better used, and try to move the lines, either via aids or via negative incentives.

Régis de CLOSETS

One of the goals of the new 2014-2017 "COG" agreement on occupational injuries is to work on an overhaul of these schemes, whether it be the risk premium rating sys-

tem, to make it more attractive and better correlated with the risk prevention efforts made in the field, or incentives. What are the goals? What are your work approaches?

Dominique MARTIN

The occupational risk premium rating system is a major tool for the Branch. However, studies show that it is extremely complex in France. We are therefore carrying out work with the social partners to try to simplify it and make it more efficient from the insurance viewpoint. Moreover, this year we shall examine the risk premium rating and incentive processes used in certain European countries, so as to fuel the debate.

There is a high proportion of mutualization in the French risk premium rating system. We also have a problem of very high litigation expenses; for this purpose we set aside about €600 million in provisions. These disputes are mostly due to large firms which have an interest in taking out this type of approach.

We are seeing phenomena that are harmful to the capacity of the risk premium rating system to be useful from an insurance viewpoint. The idea is therefore to simplify this system in full agreement with the social partners, to demutualize the system insofar as possible and regain its insurance function. The contributors must be able to realize how their contribution is correlated to their practices.

Régis de CLOSETS

Moreover, there are aids, grants and subsidies. You say that they should be made more "agile", i.e. that they should be more targeted. How do you see this development?

Dominique MARTIN

There are two main areas of work, depending on the national and regional priorities recorded in the 2014-2017 "COG" agreement.

The first possibility is to concentrate 75% of the simplified financial aids on these priorities, identified with the social partners. This concentration is important in order to move the lines where we have to act.

The second approach is to use the financial incentives better and link them to a public policy. The "travel rebates", for example, are highly concentrated on a few sectors of activity and are probably not used in an optimal manner. Their use is replicated from year to year without them being linked to a public policy. A passive use of these financial incentives should be avoided.

Régis de CLOSETS

You describe actions on the schemes to try to bring them more into line with the current reality of the economic fabric and the needs of businesses. In the field, will this go hand-in-hand with more resources or a new way of

working by OSH personnel?

Dominique MARTIN

The Occupational Injuries Branch will not have more personnel. However, the subject is not confined to this aspect. Two key features will be developed to increase efficiency.

On the one hand, cooperation should be strengthened with the major actors involved in occupational risk prevention: occupational health services, government, major operators (OPPBTP, ANACT/ARACT network). Coordination between these actors is a major goal. It is now fairly extensively organized by the reform of the occupational health services which recommends the establishment of multi-year contracts of objectives and means between government, the occupational health services and the Social Security funds. Cooperation will make it possible to increase efficiency.

No massive reduction in the number of OSH personnel is planned in the Occupational Injuries Branch. Government has been attentive to the need to maintain sufficient personnel in the area of occupational risk prevention. The idea is to concentrate our action and the use of resources on priorities. We cannot act in every sector. We have examined those for which there is a problem of a high occupational incidence rate and those on which we have the capacity to act. Based on this analysis, we have identified national and regional priorities on which we concentrate the resources.

Régis de CLOSETS

What about evaluation of your actions?

Dominique MARTIN

Measuring the impact of our actions corresponds to a major principle of public policy. In the "COG" agreement we insisted on developing measures for evaluation of the policies conducted in the sectors of highest priority, whether national or regional. The idea is to measure the impact of our actions over and above the general trend related to changes in the employment structure and practices. The aim is to verify to what extent the deployment of resources is responsible for an improvement in the situation. This is an important and difficult challenge. This concept of impact measurement must be constantly allowed for so as to better coordinate our action throughout the period of the "COG" agreement. Ultimately, we shall try to measure the impact on the incidence rate in a number of sectors.

Régis de CLOSETS

I hand the floor to Jean-Loup Wannepain, Studies Manager at EUROGIP, who will present a brief overview of occupational injury and disease insurance systems in the

countries represented at these Discussions, and risk prevention incentive schemes.

Jean-Loup WANNEPAIN

We shall examine the occupational injuries systems of the countries represented here today: Germany, Austria, Belgium, Denmark, Italy, France and Luxembourg. After examining their features, management methods and methods of funding, we shall examine the main incentives, whether financial or not. These aspects are to be examined in the context of the theme of these Discussions: what are the tools to help comply with, or even go further than, the legislation relating to occupational safety and health?

In these seven countries, insurance against occupational injuries and diseases is compulsory. This principle has formed part of occupational injury law since 1884 in Germany, 1887 in Austria, 1898 in France and 1901 in Luxembourg.

The EU is not involved in the methods of organization of occupational injury and disease insurance in each country, with regard neither to compensation nor risk premium rating.

However, the framework directive (89/391/EEC) of 12 June 1989 and 19 so-called "individual" directives have specified a body of legislation in the area of occupational safety and health. This guarantees minimum conditions in this area throughout Europe, although States can go further in their national legislation. The idea was to prevent a form of social dumping. It is important to note that the framework directive requires that the employer perform occupational risk evaluation and prevention.

Regarding the features of the insurance:

- The "accident at work" and "occupational disease" risks are systematically covered, as are commuting risks (except in Denmark);
- Financing this insurance is the exclusive responsibility of the employer, in the form of a contribution or a grant, or even a tax when benefits are paid by the health insurance or disability insurance organization;
- Public supervision is always present;
- The benefits are comparable from one country to another in their composition (compensation in cash or in kind), but they differ in the amounts, thresholds and the time of case management by the insurance organization.

Regarding the management method, this is a public insurer having the form of an independent, specific occupational injury branch in Germany, Austria, Italy, France and Luxembourg. In Belgium and Denmark, on the other hand, these are mixed insurance systems: accidents at work are covered by accredited private insurers and occupational diseases are insured by a public organization.

In the case of the public insurers, the contribution (occupational and commuting injuries) is either adjusted according to the incidence rate, or is a uniform rate.

In Germany, France and Italy, for example, the contribution is adjusted according to the incidence rate. The system is based on rather complex formulae to establish a contribution rate, which may be either collective, or personalized according to various criteria, such as the number of employees in the company in France, for example, or the occupational branch in Germany and Italy.

A uniform rate has been practised in Austria (since 1977) at a rate of 1.4% of the payroll, and in Luxembourg (since 2011), where the rate is 1.10%.

In the mixed insurance systems, in Belgium and Denmark, a distinction should be made between accidents at work and occupational diseases.

Accidents at work are covered by accredited private insurers who operate in a competitive free market. The insurance premium is adjusted according to the incidence rate.

For occupational diseases, covered by a public insurer, there is:

- A fixed rate included in an overall employer contribution in Belgium;
- A defined amount for each employee, adjusted according to the sector of activity and the incidence rate in Denmark.

Let us now consider the financial incentives for risk prevention, which adopt two main approaches.

The first is to adjust the contribution rate, in the form of a bonus/penalty system and/or rebates, according to the incidence rate for the company.

To do so, the insurer compares the incidence rate for the company with that of the sector of activity to which it belongs. It can also organize rebates. The company can combine both systems. If a company has not taken measures following the detection of an infringement, the insurer increases the contribution rate. Conversely, if the company has carried out action to reduce the incidence rate, it may benefit from a reduction in its contribution rate. In some countries, this tool is used to guide the insurers' risk prevention policies. In Germany, for example, a BG [German Social Accident Insurance Institution] establishes a list of risk prevention measures and establishes a corresponding "score". If the company exceeds a certain score, it benefits from a discount on its contribution rate. This tool can be used to guide risk prevention policies.

The second approach to incentives consists of risk pre-

vention contracts and financial aids, schemes that are applied mainly by public insurers.

This entails co-financing by the insurer which can help companies improve occupational safety and health or reduce the rate of accident and injury occurrence at work.

Germany and Italy have all these schemes, which can be combined.

The bonus/penalty system is not in conflict with the uniform rate. Luxembourg has passed a law on this, although the implementing decree has yet to be published to enforce this principle.

Let us now examine non-financial incentives. Statistical tools make it possible to identify companies exceeding certain incidence rate thresholds. The company's results will be compared with the average for its sector of activity. In Belgium, for example, a company in which there are numerous accidents at work will have to finance a risk prevention programme implemented by its insurer or a competent firm.

In addition, the inspections and annual programmes of the Labour Inspectors may target certain risks or a certain type of activities. The aim is to identify companies below or above the standard. This system is used especially when there is no public insurer capable of proposing a rebate or a surcharge. In Anglo-Saxon countries, for example, the results of companies that comply best, or worst, with legislation in the area of health and safety at work, are published on the web. You can also find reports on a legal decision giving the name of the company, the amount of the fine and the circumstances of the accident.

There are also systems such as that in Denmark, where the companies most advanced in risk prevention are awarded prizes.

Another tool is to promote an occupational safety and health management system which can undergo certification.

Finally, awareness raising campaigns on a precise subject can be accompanied by good practice prizes awarded to innovative companies in the area of occupational risk prevention.

Non-financial incentives are generally in addition to financial incentives. However, they are usually adopted when the insurance system does not allow the deployment of financial incentives. ●

Basic Community principles of risk prevention: regulations, awareness raising campaigns and inspection

Régis de CLOSETS

We are going to see how the regulatory framework can be more incentivizing, including via inspection and awareness raising campaigns in the field. For this first round table discussion, we welcome:

- Nathalie GUILLEMY, Director of the Paris Centre of the French National Research and Safety Institute for occupational injury prevention, INRS. Prior to that you were Legal Director of the Institute. You have a good knowledge of developments concerning the various regulatory measures, especially in the field of risk prevention.
- Jessy PRETTO, Special Adviser to the French National Directorate of Labour and French member of the Senior Labour Inspectors' Committee (SLIC).
- Andrew SMITH, Head of Communication and Promotion in the European Agency for Safety and Health at Work (EU-OSHA, in Bilbao, Spain).

The regulations form a fairly comprehensive body of legislation for occupational risk prevention. And yet, risk prevention practices do not always keep up with this legislation.

Nathalie GUILLEMY, what is your view regarding the need to improve these risk prevention principles? How do you account for the fact that they are not more extensively applied? Are the regulations possibly too complex, too constraining, too costly in a time of crisis?

Nathalie GUILLEMY

Application of the regulations is indeed problematic. However, it can be claimed that this is because they are too complex, too constraining, or too costly. On the contrary, they are neither complex nor constraining. When the INRS questions companies regarding regulations in the area of occupational risk prevention, it seems that mainly have problems understanding the overall rationale introduced by the European Community at the time of the implementation of the new regulatory approach and the 89/391/EEC framework directive.

In France, a regulatory approach has been established that represents a radical change from our regulatory tradition, and which recommends objectives to be achieved rather than instructions and means, thus opening up a broad space of freedom, choice, deliberations and adaptation to corporate realities in order to achieve the expected results. For many years now, companies have been questioning us to try to determine the binding rule or precise instruction to which we are accustomed in our legislation.

This approach to occupational safety and health is atypical compared with the rest of labour legislation, which is very prescriptive. There is a lack of appropriation of a rationale, an overall approach. Companies are looking for methodological instructions. They have lost their bearings regarding this.

Some employers have a fatalistic way of thinking: whatever they do, in any case they will be liable. This fatalism is due to the lack of bearings regarding the regulations. However, the new regulatory approach is no longer based on precise instructions. It is rather an encouragement to adopt an approach, with: a guide, namely the general principles of prevention; tools, such as the single document; outside support, such as the multidisciplinary service; inside support, such as competent employees or institutions.

Régis de CLOSETS

We have abandoned a prescriptive approach to enter an approach which gives employers independence, room for manoeuvre and initiative. Perhaps they have not been sufficiently trained in this new culture. And yet, the single document exists. The concept of risk assessment is presented by a number of campaigns and tools. Why have these tools not provided the expected level of information and appropriation?

Nathalie GUILLEMY

We can speak of a paradigm change in the regulatory field since the 1990s. We should possibly have supported this change better. It makes it possible to have a risk prevention approach adaptable and adapted to the company's situation, its activity, its size and personnel training. This approach seemed so close to reality that we did not sufficiently explain it. We provided a lot of information concerning tools, the single document or risks, but with a view to providing technical expertise on the characterization of risks or to explain how the single document could be worked out. That is more or less like explaining the operation of an engine without explaining that the objective is to enable a car to travel. There is too often a focus on the tool, almost transforming the tool into a goal, and losing sight of the actual objective. This attitude did not facilitate appropriation of the approach. In some large companies, in particular, safety departments are very proud to present a very accomplished single document, which has often been worked out with law firms and consulting firms. But there is no better single document than that which is adapted to the

company, and to the way in which employees will be able to appropriate it. There is no single model. It is not a goal in itself. There is no reason to be proud of one's single document. On the other hand, one can be proud of a risk prevention approach.

Jessy PRETTO

I share these views. We have changed approach in the past fifteen years or so, switching from of ex-post analysis to ex-ante analysis, which has radically changed the approach to risk prevention.

The single document is a concept. It is the tool adapted by the company which contains analysed information together with measures. A single document is meaningless if it is not followed by action. In France, we distinguish between the assessment and the establishment of risk prevention measures, whereas in the approach of most other European countries, the assessment process includes measures.

Apart from this issue, one of the problems in understanding the regulations is due to the fact that nowadays risks are multifactorial. They are less visible than conventional risks (mechanical, physical). In the case of psychosocial risks, for example, we are in a field in which a situation can characterize the measures. Enterprises have difficulties in clearly identifying the factors. This complexity is real. We can also mention the risks related to nanotechnologies. These new risks, of a multifactorial nature, explain this approach by objectives and analysis.

Régis de CLOSETS

There is a challenge due to the difficulty in understanding the rule, and due to the changing nature of the risk. The SLIC has launched a study on the impact of the crisis on certain types of enterprises. The reality of the corporate world is in the process of change and possibly corresponds less to the regulatory framework. There is talk of vulnerable workers, part-time work and outsourcing. Some enterprises seem to have completely exited the framework.

Jessy PRETTO

You refer to a study which will be discussed by the SLIC in May. We indeed observe that the changing job market goes hand-in-hand with job insecurity which is characterized by part-time work, temporary work, atypical contracts, and even undeclared work. These so-called "vulnerable" workers are those most exposed to occupational injury situations and poor working conditions. They are less well trained, and less integrated. They do not benefit from the procedures which apply in a conventional employment framework regarding information and adaptation to the work station. This population does not necessarily concern the companies least respectful of the rules internally. It is a population in a situation of precariousness.

Régis de CLOSETS

Through the campaigns carried out by the European Agency for Safety and Health at Work, you work a lot on communication concerning these principles and regulations. Do you share the view of Ms Guillemy and Pretto?

Andrew SMITH

A few years ago we carried out a study during which we surveyed 30,000 workplaces throughout Europe. Moreover, we are going to carry it out again this year. We noted that the smaller the company, the less chance it had of obeying the regulations and the less chance it had of performing a risk assessment. We were perplexed about the reasons for this situation: was it a question of time? Perhaps the companies were busy with something else, or they lacked knowledge or resources. It was found that the companies which did not practise risk assessment considered that there was no risk. They had therefore carried out this review internally. They considered that they knew what they were doing.

In terms of communication, I tried to understand why the tools that we had produced were not used. If people don't see the need for them, there is a problem.

We recently launched a risk assessment campaign. The last one was entitled: "Working together for risk prevention". We emphasize the need for leadership in the organizations to promote health. We also say that employee participation is required.

Soon, we shall speak of the objectives of the 2016-2017 campaigns which will concern the improvement of cooperation and ageing of the working population. The type of campaign that we organize is rather special. We have to determine a theme. But, since we work in more than 30 countries, we need a theme that is broad enough to concern them all. A campaign on deep-sea fishing did not interest Austria or Luxembourg, for example.

The theme must concern each country, while being sufficiently targeted. Next month, we shall launch a campaign on PSR (psychosocial risks). When we considered the themes for future campaigns, we thought about dangerous substances and the health care sector. The two types of campaign are compatible.

Régis DE CLOSETS

I would like to discuss the question of social dialogue. How can we move toward more incentivizing approaches? Nathalie Guillemy, you emphasized earlier the issue of appropriation, i.e. the idea of developing a workplace safety culture. There is still a lack of information drive concerning these regulations. In the spirit of the directive, the new approach should be implemented with the much-vaunted multidisciplinary services. At present, the number of employees in this sector is apparently not increasing. With what types of tools and with what types of actors can we

better develop this workplace safety culture and better provide information on the regulations?

Nathalie GUILLEMY

It is indeed a question of a workplace safety culture. AS has just raised an interesting question. Companies do not assess the risks because they consider that they don't have any. We have not yet achieved a sufficient appropriation of the rationale governing the approach to health and safety in the enterprise. This statement should be qualified, however. Large companies began working on these issues several years ago. They invested, even heavily, understanding that this approach is economically profitable, and socially very profitable.

Regarding smaller companies, the Occupational Injuries Branch could, for example, promote good practices to try to demystify the endeavour to comply with the regulations. This endeavour is not an aim in itself. It is of no interest as such. Companies must appropriate the following message: the objective is not to be surrounded by law firms to help them think about how to protect themselves, nor to conceive the regulations exclusively through the prism of the legal risk that they entail. The objective in the area of occupational safety and health should be reflection, the mobilization of intelligence in the enterprise, not just the regulatory data. Regulations should encourage reflection. They determine tools and general principles. But above all they say what are the knowledge and skills to be employed.

Régis de CLOSETS

These regulations, which open doors, need an ecosystem to live, an ecosystem of which the social partners form a part. What role should they play?

Nathalie GUILLEMY

We shall be unable to do much unless the social partners take control of this space for reflection that has been opened up by the regulations. We can act on the recognition of good practices. A workplace safety culture can also be developed by establishing training. But, in any case, we must reaffirm the role of the social partners, which represent employers and employees, to build for each sector and each company, by comparing ideas and through dialogue. The aim is to become united around shared values, terminology and views. We were speaking about psychosocial risks. When we started mentioning this subject, it was still very mysterious. In those companies where agreements have been discussed and implemented, the mere fact of discussing these issues has started to create a shared culture.

Régis de CLOSETS

The goal is indeed to create discussion and indepen-

dence. Are the inspectors involved in monitoring and advisory services? A reform is pending in France. Systems change depending on the country. From your viewpoint, where should we place the cursor between monitoring and advisory services?

Jessy PRETTO

Monitoring and advisory services coexist in the action of the labour inspectors. The inspector discusses with the company manager through these two prisms. As part of the pending reform which is due to be implemented in the near future, monitoring will remain the core business of the inspectors. However, we are going to change methods. Instead of having individual explanations at the time of the inspection, we plan to work further upstream, at the level of occupational organizations and branches, to inform and describe the regulatory obligations and introduce good practices. These two aspects will therefore continue to exist.

Régis de CLOSETS

In some countries, the labour inspectors focus mainly on risk prevention. As part of the advisory activity, thematic campaigns are conducted every two years by the SLIC. These initiatives aim at raising awareness and providing information. Tools are deployed for the inspectors and for companies. Do these campaigns help to bring about changes in practices?

Jessy PRETTO

The European campaigns are defined as part of the action programme of the SLIC. They have the merit of defining a common theme for all the EU Member States. They make it possible to build major communication facilities. Via these methods, we endeavour to disseminate information on specific themes. The last three campaigns concerned handling, chemical risk and psychosocial risks. This is an opportunity to promote methodological tools for companies. This work contributes to the emergence of a shared workplace safety culture. The common trunk is the link between the general principles of prevention and social dialogue.

Régis de CLOSETS

You are currently evaluating the impact of your previous campaigns. The results will be presented at the end of the year, but some of them are already known. What lessons can you draw regarding the way to improve the developed tools so as to make them more concrete and closer to the reality of the corporate world?

Andrew SMITH

We have performed these evaluations for two reasons. We want to check the efficiency of the use we make of

public money. Moreover, we want to draw lessons from our past efforts and change future campaigns. When we plan our campaigns, we start from a number of assumptions. As part of this evaluation, we want to check whether this network approach is headed in the right direction. For the last two campaigns, we had thought of identifying official partners. The idea was to recruit large companies at the European level, trade union or sector federations, to get the message across. We want to recruit multinationals for these campaigns, because they have health and safety systems in place and can help us reach the SMEs that are among their suppliers. We want to achieve the objective that was set for us: work with SMEs. In my office, in Bilbao, 65 people work for about twenty million companies. We cannot deal directly with them. For example, we work with Pirelli and Heineken. Companies that want to work with Heineken must meet a number of occupational safety and health requirements which are published on a website. This is another way of creating a link with the workplace. We shall see how these techniques operate and how to improve them.

Régis de CLOSETS

You have outlined three central themes with e-guides covering the definition and knowledge of risks, and measures to be implemented. They will be deployed in various countries and adapted to the reality of each of them.

Andrew SMITH

We have already produced an e-guide on psychosocial risks. At present, we are developing a master version. We try to include the end user in our system in order to adapt it. We shall now consult the national experts to adapt the e-guide to national legislation. European legislation represents a common trunk. But some countries may go further. The terminology is not standardized at the European level. These adaptations must therefore be made. These e-guides will not provide answers to every question, but they can act as guides to other national sources of information.

Régis de CLOSETS

Work on good practices also involves giving companies a say, ensuring that they exchange ideas with one another. Can you manage to include this type of approach in your schemes, notably via the prizes that you award each year?

Andrew SMITH

Recognition is very important. This system of awards, established for the past ten years or so, is a way of recognizing models of excellence. We endeavour to motivate players to become involved in the campaign at the national and European levels. An opportunity is also given to present the results at the political level. A high-level representative of the European Community is always present for

the prizegiving ceremony. We have also established a listening workshop to allow exchanges of experience and good practices. The resources are provided by the companies themselves. We are thus trying to organize a sort of community based on occupational safety and health.

QUESTIONS FROM THE AUDIENCE

Daniel BOGUET, member of the National OSH Committee (CAT/MP)

I am not certain that it can be asserted that the 1.3 million or so small businesses in France and the 7,300 small businesses in the Ardèche region are not sufficiently intelligent to understand what the single document is. The occupational health services have sometimes had the impression that companies did not understand properly. I find it very good, for example, that they explain to a company manager employing an apprentice that he must check the condition of the vehicle and ensure that all the check-ups have been performed.

Branch by branch, federation by federation, we do what we can. If you pull too hard on the collar, you strangle and you don't move forward. It is essential that the procedures be perceived not as a constraint, but as something important. We must make sure that people appropriate these procedures. Don't imagine that small businesses are not interested in these questions. In a company with four employees, if one of them suffers an injury, it is 25% of the workforce that is absent. We must learn to speak to one another.

Andrew SMITH

I didn't say that small businesses are not interested in these questions.

I would like to mention a plan for online risk assessment for micro-enterprises and small enterprises which goes in the right direction. EU-OSHA provides the toolbox. The content is currently being developed at the national level and at the sector level by the social partners working together. The objective is to establish quality control integral with the processes. Workers know the risks they face. They will not support a system which does not cover them satisfactorily. Employers will explain that there must be limits. So a reasonable compromise must be found. We can work at the European level. But it is also necessary to be able to work on a detailed level in the field.

Marie-Hélène LEROY, from EUROGIP Board

I noted that Ms Guillemy spoke of a space of freedom and reflection. But, too often, this space disappears faced with reality. The labour code has not evolved. Ms Pretto mentioned that the inspector checked the rules. The Code is full of rules that are sometimes very hard to apply. They

are sometimes unjustified, and this poses real problems.

In the chemicals and oil industry, it can occur that employees of outside contractors may be potentially exposed to hazardous substances. Since protective equipment is very costly, companies had become used to lending it to the outside contractors. This equipment is checked and maintained in accordance with the regulations. However, the labour code prohibits such lending, except if the equipment is new. We wrote to the Ministry of Labour on this subject in December 2012. We finally obtained an appointment in April 2013. We had requested a reply for the major stoppages in the summer of 2013. We have still received no reply. The companies are discouraged. For them, this was a good practice. I received a letter from a labour inspector who explains that the head of the outside contractor firm is responsible and that he must manage on his own. This reply is correct with reference to prescriptive rules. But we have observed no space of freedom and reflection.

Nathalie GUILLEMY

I maintain that the regulatory approach makes it possible to allow for the reality of each company and perform real planning to establish a genuine risk prevention approach. There are some hitches. But it should be remembered that the aim of the labour code is to lay down general rules applicable to all. Admittedly, they may be unsuitable for a few cases. The problem mentioned by Ms Leroy is well known. We know why this rule exists. There's no question of de lending or renting equipment. There is surely some thinking to be done. I nevertheless maintain that there is a space of freedom.

Régis de CLOSETS

How can this space be reconciled with the labour code, which is very prescriptive?

Jessy PRETTO

The labour code will remain prescriptive. For its application, however, there will be some breathing space. The rules of the labour code are the minimum base. The principle of the risk prevention approach goes further, making risk prevention a real social and economic goal of the company. The process for working out the rule is based on consultation of the social partners. We are also supported by organizations such as the INRS. It is during this process that we must find a balance. Regarding its practical, the inspectors retain all their autonomy and independence of decision making.

Chantal RICHARDEAU, Special Adviser on the Environment, UNIC

I represent SMEs. We have worked with the INRS since 2002 to establish a guidance document on the risk

assessment approach. We established a catalogue of good practices in the area of occupational safety and health. The company managers comply with our directives. They indeed apply them in the spirit that you indicated.

Although the assessment may sometimes seem clumsy, it reflects the spirit of the company. The stated guarantee of performance means that the company manager is responsible whatever the accident. Does this principle not destroy the spirit of workplace safety and the personal involvement of the company manager? Risk assessment does not eradicate all risks. It establishes safeguards. The single document can help to try and limit the risk, but it will always weigh on the company. When an accident occurs, the company manager is responsible, irrespective of what has been established beforehand.

Nathalie GUILLEMY

I would like to emphasize that it is far more important to comply with the spirit of the regulatory approach than with the letter. With the involvement of representatives of the employers or employees, things can gradually move forward.

Regarding the responsibility related to the performance guarantee, we shall no go into a big legal discussion. I would give a reminder, however, that the obligation of care for the safety of others is not recorded in the labour code. The code refers to a general safety obligation. The obligation of care for the safety of others arises out of established legal precedents. It is attached to all contracts. This is an accessory obligation to which every contracting party commits itself, whoever they may be, in the working world or outside it. This principle extends beyond the working world.

When there is an accident at work, the liability of the company manager is not systematically involved. The occupational injury and disease insurance system puts aside the question of the fault and provides for the conditions of case management and compensation of the victim, whether or not there is a fault of the employer. The question arises only in the event of an inexcusable fault, which is characterized, in particular, by a violation of the obligation of care for the safety of others. But this violation alone is not sufficient. The employer must have been aware of the risks to which he exposed the employee and that he did not take the appropriate measures to protect him. Taking appropriate measures involves committing oneself to a risk prevention approach. In this regard, the magistrates help us from the pedagogic viewpoint. When a risk assessment document has been discussed in the company and goes hand-in-hand with a genuine risk prevention approach, the magistrate will take this into account. In any case, zero risk does not exist. Only the approach counts.

Bernard SALENGRO, from EUROGIP Board

I would like to thank the organizers for this very interesting discussion which raises numerous questions. I share the idea of a paradigm change relative to the regulations. Mr Smith, do you not see a contradiction between your views and the standard relating to health and safety management systems currently under discussion?

Andrew SMITH

I can only give you my viewpoint. For example, there were lively discussions about a directive relating to occupational safety and health for the hairdressing sector following the agreement signed by the social partners. So the process is not always top-down. It can also be bottom-up.

Nathalie GUILLEMY

Mr Salengro referred to the standardization of occupational safety and health management systems. Indeed, it seems very paradoxical to have regulations which endeavour to maintain a space of freedom to enable the company to adapt the approach to its size and its sector of

activity, when at the same time there is a tendency to standardization which will impose a constrained, standardized framework, making a mockery of the diversity of companies at the European Union level. France and Germany defend a joint position on these management systems. In their view, they are counter-productive with regard to risk prevention.

Jessy PRETTO

When there is talk of management, it is linked with certification and there is a tendency to make a process rather static. However, it should be remembered that the deployment of these management systems requires internal resources. They are therefore designed for large enterprises. In small enterprises, formalizing the implementation of a workplace safety culture is not the priority. They are interested mainly in practical protective measures against a risk. The labour inspectors do not check the single document as such, but the way in which the preventive measures are implemented. ●

“Occupational injuries” contribution: a uniform rate or not, for what impact on risk prevention?

Régis de CLOSETS

Risk premium rating represents a major workplace safety challenge at present, which has the advantage of concerning all companies.

We shall shed light on this subject with:

- Dominique DRESSLER, Head of International Relations at the AUVA in Austria, where a uniform occupational injury contribution rate has been established for a long time.
- Paul MEYERS, Engineer in charge of Risk Prevention and Financing Services with the Accident Insurance Association (AAA) of Luxembourg, where the uniform rate was introduced in 2011.
- Marc DEBAS, Head of the Risk Premium Rating Department in the Occupational Risks Department of the CNAMTS. You are going to speak to us about the French system and the coming reforms.

In Austria, the AUVA is the national occupational injury and disease insurance organization. In addition to compensation for victims, it is responsible for occupational injury and disease prevention and rehabilitation of the victims. As such, it manages directly a number of hospitals and re-education centres.

Austria was the first European country to establish a uniform rate system, with the idea of promoting an approach of transparency and trust. That was in 1977. However, the debate on its introduction was far prior to that. One of the proponents of the uniform rate is none other than Franz Kafka, who worked at the AUVA.

Why was a uniform rate introduced in Austria?

Dominique DRESSLER

In 1887, with the enactment of the law on occupational injuries, we began with risk categories. This was a civil liability insurance, which covered only certain high-risk companies. The 12 risk categories were to be re-examined every five years, which in the end did not occur.

Franz Kafka, as legal expert at the AUVA, examined the issue because he handled the dossiers of companies which challenged their classification. He considered that the procedure was very complex. It stayed in place until 1935, when a law modified the system. Following the Second World War, the Austrian occupational injury and disease insurance system was restored and a simplified risk premium rating system was established: 0.5% of the payroll for white-collar workers and 2.5% for blue-collar workers.

In 1945, for want of resources after the war, it was decided that the health insurance fund would take care of collecting contributions, whether for old age insurance or occupational injury and disease insurance. Accordingly, it was not possible to personalize the contribution rate according to the incidence rate.

In 1977, there was a switch to a uniform rate of 1.4%, as the Social Democrat government of the time intended to improve the status of blue-collar workers, because they were disadvantaged with regard both to benefits, pensions and working conditions. Since then, the uniform rate has ranged between 1.5% and 1.3%.

It is set by law, and AUVA has no possible means of intervening in this field. The present government has decided to lower the rate from 1.4% to 1.3%. This change is expected to take place in July 2014 or on 1 January 2015.

Régis de CLOSETS

Do you know of debates or criticism regarding the uniform rate?

Dominique DRESSLER

The uniform rate in itself is questioned by nobody. There is a consensus of the social partners around this mutualization of risk. There is no wish to punish construction firms or those in other risky sectors because they are faced with greater risks.

On the other hand, AUVA's activities concerning hospitals and rehabilitation centres are sometimes challenged. We deal with only about 10% or 15% of people who have sustained an occupational injury in hospitals and we are not fully reimbursed by the health insurance organization for the others. Entrepreneurs consider that this system of operation should be changed. The rate could be 0.8% if the AUVA no longer had to manage its hospitals and rehabilitation centres.

Régis de CLOSETS

The impact of the uniform rate on occupational injury prevention is not clearly demonstrable. However, you have some figures.

Dominique DRESSLER

With my colleagues in risk prevention and statistics, we examined the number of occupational injuries recognized in the three high-risk sectors: metallurgy, machine tool production and the construction sector, which we compared with all the sectors for the years 2003 and 2012.

In 2003, about 28.2% of occupational injuries concerned these three sectors. This proportion was 24.8% in 2012. So we note a positive change.

We also analysed the injury rate per 1,000 employees in these sectors, which fell sharply between 2003 and 2012:

- Metallurgy: minus 23%;
- Machine tool production: minus 16%;
- Construction: minus 22%.

The drop for all branches of activity, in contrast, was only 9% over the same period. So we note progress in the high-risk sectors, apart from any bonus/penalty system or other type of incentives.

Régis de CLOSETS

Does the uniform rate not help to limit under-reporting?

Dominique DRESSLER

The AUVA considers that there is no under-reporting in Austria. There are only advantages in reporting an accident, whether for the people concerned or the company. Hospitals and doctors also report whether a case is an occupational injury or an occupational disease. Whenever there is a report, the AUVA even checks on its own authority.

Régis de CLOSETS

In France, there are various types of rates, depending on the size of the company and on 400 risk categories. Is a system which promotes transparency and clarity not the best guarantee of an incentive for risk prevention?

Marc DEBAS

I shall try to explain to you the French risk premium rating system. If you understand it, it's probably because I explained it poorly! However, the various types of rates in France do correspond to a reality.

We take into account the company's size, sector of activity and geographic location (the Alsace Moselle region has its own system). Several plants of the same company can therefore see a different contribution rate applied, but also different calculation rules.

The classification currently comprises 400 risk categories, compared with 600 a few months ago and 1,400 a few years ago.

In recent years, the Occupational Injuries Branch has questioned the clarity of the system, whose DNA is to provide an incentive to trigger an action in the company to prevent risks.

A motorist establishes a link between his speed and the risk of being flashed by radar and losing points on their driving licence; but if you question a company manager, he is often incapable of saying what is the contribution rate applied to his plant and he generally has no idea that he

can influence this rate by developing an ambitious risk prevention policy.

If, when it takes decisions regarding occupational risk prevention, the company bears in mind its contribution rate, we shall have achieved our objective.

Régis de CLOSETS

This system seems complex, especially since the rate is highly variable for the largest companies. But it is the large companies that initiate litigation when they do not agree with the rate that is announced to them. Should we not deduce from this that the uniform rate system, applied to small enterprises, is the most efficient?

Marc DEBAS

Litigation costs €520 million each year. There is no reason to challenge this right of companies to dispute a decision that would harm them. However, the Occupational Injuries Branch must consolidate these processes to ensure that litigation is not the only possible means of action, or the easiest one for the company manager. In general, the latter has two possibilities: to take the path of risk prevention or the path of litigation. Our objective is that he should take in priority the path of risk prevention. Litigation is among the major topical issues for the Occupational Injuries Branch.

Régis de CLOSETS

In Luxembourg, a uniform rate was introduced in 2011 as part of a major reform of the social security system. How did this change take place?

Paul MEYERS

The objective of the reform was to compensate for a form of injustice inherent in Luxembourg's system. Formerly, we took into account the cost of occupational injuries, which we divided by the payroll of the company, sector by sector of activity. The contribution rate for the worst was 6%, and 0.4% for the best.

Due to the expansion of the service sector, where the number of employees has been multiplied by five in 20 years, the payroll increased significantly, while the cost of occupational injuries is very low. To compensate for this injustice, we proposed, as part of the reform, to introduce a certain solidarity between companies.

The reform was applied on 1 January 2011, with a uniform rate which can be explained by two factors:

- The economic crisis, which affected small enterprises in high-risk sectors, which were already in difficult situations. The government wanted to reduce their costs to more acceptable levels;
- Civil servants entered into the general Social Security regime. Now, therefore, like any employer, the state contributes 1.1% of the payroll.

Régis de CLOSETS

The principle is that some pay for others. Some companies are more exposed. Others have more resources to invest in risk prevention. The banks, which are exposed to fewer risks, saw their contribution increase as part of the uniform rate. How was this reform perceived?

Paul MEYERS

I cannot answer that question. The uniform rate is set by the Management Committee of the AAA, which is an equi-representational body, taking its decisions by majority vote.

Régis de CLOSETS

The uniform rate system will be combined with a bonus/penalty system, imagined as part of the reform and then postponed. It should finally be deployed in 2016. What is the objective aimed at?

Paul MEYERS

When we discussed the government bill in 2010, the implementing regulation was ready. It was based on a 36% solidarity rate. With solidarity at 100%, we had to rework the text. Following the early election last year, its enactment was postponed. The vote should take place this year.

The bonus/penalty system, provided for in law, will allow a variation of plus or minus 50%. We shall classify companies again according to their specific activity. We are no longer going to compare companies with the other categories, but companies with one another in the same category. We are therefore no longer going to compare banks with roof covering companies, for example.

This system poses the problem of responsibility for an occupational injury. In the event of an accident, there is no possible recourse. A penalty will be imposed on the company even if the accident does not come under its responsibility.

Régis de CLOSETS

Can one observe the impact of the uniform rate on workplace safety in companies?

Paul MEYERS

It is still rather too soon to tell. It should be specified that, following the reform, the labour inspectors of the AAA have increasingly adopted an approach of providing support for companies, and risk prevention. It is not the labour inspectorate that has changed, but our inspectors. Their roles have changed as part of the reform, to include more advisory services in order to help companies improve. Our instructions, which followed accidents, have been abolished. We now make recommendations.

The budget of the AAA's risk prevention service has increased from €200,000 to €1.20m in four years. We

invest this money in training, advisory services, and subsidies to establish a management system. The introduction of the bonus/penalty system was in response to what employers wanted. High-risk companies saw their costs fall 5%. They can now invest in risk prevention. A growing number of construction companies are turning to us to undertake occupational risk prevention programmes.

In 2002, the overall frequency rate of occupational injuries was 12. In 2013, this rate fell to 5. The decline is greatest in high-risk sectors: the frequency rate declined from 25 in 2012 to 11 in 2013.

Régis de CLOSETS

In France, there is no bonus/penalty system. However, complementary schemes make it possible to adjust the rate if positive initiatives are taken or if nothing is undertaken faced with an established risk. Do these schemes have a real impact on the contribution rate, and are they effective?

Marc DEBAS

These schemes must be considered overall. There are two million firms in France, but only 2,200 engineers and safety inspectors in the pension and occupational health insurance funds (CARSAT). They will see the companies in which there is a high incidence rate, with major risks, to try to check that their practices are correct and, if necessary, change them. However, there is an imbalance between the opposing forces. The system of direct intervention in companies is not sufficient by itself to cause an inflection in the overall incidence rate curve. Admittedly, one observes effects at the level of the companies visited, but they are limited in number.

The risk premium rating system aims to reach all companies. All receive a contribution notice. If we succeed in improving its rationale and its insurance-related dynamic, the contribution rate should be able to bring about changes in behaviour.

Régis de CLOSETS

In France, an initial reform of the risk premium rating system was undertaken in 2012. To what extent did it provide extra clarity?

Marc DEBAS

A fairly serious occupational injury can entail expenses for several years. Before the 2012 reform, these expenses were charged to the employer euro for euro as part of an individual risk premium rating system. They therefore weighed on the contribution rate, even though the accident could have occurred ten years earlier. This system did not take sufficient account of the real preventive measures that could be taken in the company.

The social partners have adopted a reform which can

answer two questions: how much will I pay and for how long? An accident is classified according to the duration of the sick leave. It will be attributed a value of risk for definition of the contribution rate. The company will pay for three years. We have reduced the time between the occurrence of the accident and its effect on the contribution rate. The aim is clearly to provide more incentives for risk prevention. In the old system, when we visited a company to meet the production manager, he could refer to old injuries or diseases which could have occurred when he was not yet in the company. The risk prevention officer himself could not establish the link between the contribution rate and the real situation of risk exposure at the time when he examined the work situation. This reform of the risk premium rating system has simplified the system.

In addition to litigation problems, our system is faced with a second pitfall: injuries or diseases with lagged effects. Exposure to wood dust, for example, can have long-term effects. In the meantime, the company could have become equipped with exhaust systems. Although, for occupational injuries, the link between the occurrence of the injury or disease and its effect on the contribution rate has been improved, this link remains harder to establish for occupational diseases with lagged effects.

Asbestos was prohibited in France in 1996. However, a company may suffer the consequences of exposure far before that date. There is no link with a current exposure to the risk. If the French risk premium rating system responds to the will to act on current practices, then there arises the question of how to handle these occupational diseases. Should the risks not be mutualized?

Paul MEYERS

In Luxembourg, we have removed occupational diseases from the bonus/penalty system. Each company will see its rate vary depending on the accidents that occurred the previous year. Occupational diseases will be included in the invariable part.

Dominique DRESSLER

The French system seems very complex. With a uniform rate, you save yourself all the work involved in this complexity. You can use the personnel freed up to convince, support, assist and advise companies. In Austria, we have been able to establish a free monitoring and advisory system for SMEs. This system works very well because it can arouse real awareness. We are faced with responsible adults. I would add that we do not have a penalty point driving licence in Austria.

Marc DEBAS

In France, we shall have to find a new equilibrium point. The reform of the risk premium rating system has started to change the system. The consulting engineers and safety

inspectors are taking action. We have established simplified financial aids, in the form of a direct subsidy to small enterprises. The arsenal available to us has been built up considerably. We still have this last step to make. The EUROGIP Discussions contribute to our thinking on subjects such as injuries and diseases with lagged effects. When you mutualize, you send a signal. The debate is very complex. The CNAMTS fuels the debate, but the decision is a matter for the Occupational Injuries Branch, whose governance is based on equal representation; it is up to the social partners to decide on the rules.

QUESTIONS FROM THE AUDIENCE

Alexandra ROUSSELLE, manager of the social group, Lowendal Masai

I would like to go back over the reform of the risk premium rating system. When you adopted it, you had two objectives:

- Simplifying the system, but from the perspective of my clients, this simplification shock is not a reality;
- Encouraging companies to do more risk prevention.

Did you conduct a field investigation to verify whether these two objectives were achieved?

Moreover, you have not mentioned the fact that in France there is an option for a company which wants to subscribe at a uniform rate. This is an irreversible option. Is the number of companies that have opted for this uniform rate known? Has it been possible to measure the correlation between the uniform rate option and the increase in preventive measures conducted on this sample?

Marc DEBAS

Your questions are four years early! The reform of the risk premium rating system that took place in 2012 was implemented gradually, one-third each year. Accordingly, the new risk premium rating system applies universally only since January 2014. It is therefore too soon to observe changes of behaviour. The objectives and management agreement ("Convention d'objectifs et de gestion" - COG) provided for a review in 2017 to see whether this reform acted as an incentive for risk prevention.

Moreover, there exist specific systems, in Alsace Moselle or for the construction sector. We shall try to see what is the most effective model for risk prevention.

The uniform rate you speak of in France does not correspond to the uniform rate in Austria or Luxembourg. This is a possibility for a company to have only a single contribution rate applied to it. A company which has 15 plants can have 15 different contribution rates applied to it, or even more, because we take the risk premium rating rules so far as to break the plant down into plant sections. In a given plant, there can therefore be two, three or four

contribution rates.

About 300 companies have adopted a uniform rate system. This rate is irreversible to avoid playing yo-yo every year. The objective is to gain in clarity. However, the company retains the details of the incidence rate plant by plant.

We have made the system slightly more easily understandable, but we are not yet at the end of the path. Our credo is to strengthen the direct link between the contribution rate, the incidence rate and the reduction in the number of employees exposed to risks. This could incentivize the company manager to bolster his risk prevention policy.

Pascal JACQUETIN, Deputy Occupational Risk Director, CNAMTS

In Austria, the rate is set by a law for several years. How is the system's budget balance ensured?

Dominique DRESSLER

Each year, we record a slight surplus. With a rate at 1.3% this year, this will no longer be the case. The AUVA has been assigned extra duties by law. We shall draw on our reserves. When the reserves are depleted, we shall either have to borrow or negotiate with the government.

Bernard SALENGRO, Member of EUROGIP Board

When comparing the 28 EU countries for quality of social dialogue and confidence in companies and institutions, Luxembourg and Austria top the list, while France is at the tail-end. This is no coincidence.

Moreover, it should be remembered that managers are under-compensated when they are victims of an occupational injury because compensation is capped while the contribution is not capped. There is a defect in evaluation at this level.

It is logical that management should favour the establishment of a uniform rate. Such an approach permits substantial personnel savings. The insurers apply a bonus/penalty system. It is obvious that the reactivity and clarity of incentives must be improved. However, this should not mean organizing the irresponsibility of companies with regard to the risks they create.

Régis de CLOSETS

Can you respond to the idea that a uniform rate could lead to a form of irresponsibility?

Dominique DRESSLER

The culture in Austria is different. The social partnership is very strong, we seldom have strikes and the consensus is very important in all work-related areas.

Paul MEYERS

In Luxembourg, a company faces the consequences of

an accident through a penalty, even if the responsibility lies with a third party. It is up to the company to have recourse against that third party. The contribution is calculated according to the cost of the accident, irrespective of liability.

Dominique MARTIN, Occupational Risk Director, CNAMTS

I would like to reply to Mr Salengro, who questioned the Occupational Risks Department, considering it was legitimate that it should head toward a uniform rate. The objective of the Occupational Risks Department is not to establish a uniform rate system based on that in Luxembourg or Austria.

The idea is to make the risk premium rating system the best possible insurance tool. To do so, work of simplification must be carried out, because there is a problem of clarity, acceptability and understanding. This situation poses a democratic problem. You have to understand things to accept them. Moreover, the capacity for using the risk premium rating system as an incentive for risk prevention must be developed. These objectives are independent of the question of personnel numbers.

Our objective is also to fuel the debate that will take place between the social partners that govern our Branch. There is no ulterior motive behind this debate.

While I have the floor, I would like to answer the question by Ms Rousselle, representing a consulting firm. The main parties interested in the complexity of the system are these firms. Simplification is a factor of security. We must find the right balance between an efficient system, which implies a minimum of adaptations, and one that is simple, to limit litigation risk and management risk. At present, our system is so complex that we have reached the limits of our management capacity. The number of disputes adversely affects the capacity of the risk premium rating system to influence risk prevention, and this has a negative and very harmful effect, including for employees' health. The idea of simplification is clearly to secure the process in the general interest.

Ghislaine RIGOREAU-BELAYACHI, Member of the National OSH Committee

You have outlined at length the risk premium rating and litigation problems related to this system. But upstream, the concept of occupational injury and the presumption of accountability also cause a number of disputes. In Luxembourg and Austria, what is the nature of the litigation entered into by employers or employees? Does the definition of an occupational injury come under the same approach as that established in France by the Act of 1998?

There must be an overall view of the system. Disputes are due not only to the investigation procedures, but also to the classification of the injury. What is the interest in

classifying an injury as an occupational injury in the context of a uniform rate?

Dominique DRESSLER

The benefits following an occupational injury are better for reparation and compensation than in the case of an injury coming within the private sphere. So there is an interest in reporting it.

Paul MEYERS

The situation is the same in Luxembourg. The benefits related to an occupational injury are far better. There is also litigation. All our decisions can be challenged before our Management Committee or the Higher Council of the Social Security system. We classify companies to establish bonuses/penalties. Companies are entitled to challenge this classification. However, before the reform, there were on average five cases of litigation per year initiated by company managers. Most of the litigation comes from insured who are not satisfied with our decisions.

Dominique DRESSLER

Employees who are entitled to benefits can feel that the degree of work disability that was adopted is too low. They can appeal these decisions. On the other hand, there is no litigation with companies.

Marc DEBAS

Litigation represented a cost of about €530 million in 2013. The Branch had set aside €600 million in provisions

for litigation that could be lost for the Branch in the future. It should be specified that 6,000 decisions were handed down in 2013.

Michel PICHARD, head of the risk premium rating department, CARSAT Aquitaine

Insurance-related processes have been mentioned. Premiums for car insurance are related to risks. In the case of occupational injuries, the most important subject is not mentioned: what are the various levels of compensation for injuries or diseases in Austria and Luxembourg?

Dominique DRESSLER

The question of compensation had been discussed during the EUROGIP Discussions two or three years ago. It was interesting to note that, despite the differences between our respective systems, the compensation was very similar. The benefits are relatively in line.

Paul MEYERS

The disability rates assigned are the same, but the benefits must be different from one country to another. In 2013, the budget represented €220 million in Luxembourg, of which €110 million were devoted to compensation for the 20,000 recognized accidents, including 12,000 work accidents with sick leave this year. ●

Examples of incentive schemes for occupational risk prevention

Régis de CLOSETS

We shall now examine various examples of incentive schemes - whether financial or not, positive or negative - with the following speakers:

- Maria Ilaria BARRA is a technical consultant in risk assessment and prevention at the Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL). You will tell us about an aid fund for SMEs and VSEs.
- Marlene Q. TRENTEL works at the Danish Working Environment Authority. You will tell us in particular about a system of smileys, which gives insight in the current working environment condition in each and every inspected enterprise.
- Henning KRÜGER is in charge of the meat sector in the competent OSH insurance organization in Germany, the BNG. You will describe to us a system of incentives, rebates and bonuses for companies in this sector.
- Bernard RENNESON is a sociologist, head of the data bank department in the Belgian Occupational Injuries Fund (FAT). In Belgium, occupational injuries are insured by private companies. You will describe to us a scheme to target poor performers and bring them back to the path of risk prevention.
- Alexis GUILHOT works at the pension and occupational health insurance fund CARSAT Languedoc Roussillon. He will tell us about the "Challenges de la prévention", a scheme to highlight companies' actions in the area of risk prevention. One of the winners of this Challenge is KSM PRODUCTION, a company represented by Abdelali CHAOUI, Quality Safety Environment Manager in this SME with 150 personnel.

This morning we discussed the difficulties in reaching SMEs and VSEs. In Italy, the OSH insurance organization INAIL established a fund in 2009 to help SMEs finance the purchase of equipment, adaptation of work stations, training, etc. and improve health and safety at work. This fund replaced an initial scheme, established in 2004, which allowed companies to take out a loan from banks, with INAIL paying the interest on the loan.

Before describing the functioning of the present fund in detail, I would like to know what drove INAIL to change system in 2009.

Maria Ilaria BARRA

The initial mechanism was intended for companies which submitted their investment plan to INAIL. The Institute's experts evaluated the plans which seemed most interesting and the companies had access to credit from banks, with INAIL paying the interest.

It must be admitted that companies did not welcome

this approach enthusiastically insofar as the mechanism was fairly long. This was due not only to the time taken to evaluate plans, sometimes up to one year, but also the time for the banks to reply to have access to credit. That is why we decided to completely reorganize the scheme. At present, companies insured by INAIL obtain access directly to an online procedure which enables them to describe their plan, which is evaluated within 120 days by INAIL. The latter finances up to 60% of the cost of plans, for amounts of between €5,000 and €130,000.

In 2010, the fund had 60 million euros. In 2014, around 300 million euros will be devoted to it. In 2012, 13,128 aid applications were filed and 3,690 plans were financed.

The new system, very closely adapted to companies' needs, is based on three main principles: 100% online operation; Immediate reply; Rapid processing.

Régis de CLOSETS

Could you tell us how these dossiers are processed?

Maria Ilaria BARRA

We have a points system corresponding to five criteria. Two criteria relate to the type of enterprise, i.e. its size and the risks involved in its activity. The other points are allocated according to the risk prevention that should be achieved under the plan.

Only plans that obtain at least 120 points are selected.

The system was designed for the purpose of helping VSEs which are often in a less easy situation than large enterprises.

Companies have a period of two to three months to use this online procedure, which enables them to present various versions of the plan, with a view to gradually improving it.

The company is completely free to choose its plan, but we require that it should aim to mitigate a risk specific to the company. This means acting on risks that it has identified. It chooses the sector of action. This may involve mitigating noise, changing the organization and management, or changing machines. The plans that we finance are very diverse.

Régis de CLOSETS

You operate on a "first come, first served" basis. How do you explain the fact that you adopted this approach? The first to obtain 120 points see their plan financed. The others wait.

Maria Ilaria BARRA

The Institute uses the procedure of the day click (defi-

ned by Italian legislation in Legislative Decree n°123/1998), in order to make available as soon as possible the amounts to enterprises. Moreover, this activity has become systemic, it is repeated annually, and so enterprises have a cyclical access to finance.

Régis de CLOSETS

Have you carried out an evaluation of the scheme?

Maria Ilaria BARRA

We have evaluated what were the problems posed to enterprises and what were the responses that they preferred. Gradually, we were led to change both the IT procedure and the documentation, in order to facilitate the process and make it increasingly accessible.

Régis de CLOSETS

What are the limitations of this system?

Maria Ilaria BARRA

Although there are large resources, and INAIL is constantly trying to increase them, we cannot meet all the requests. With the high number of projects we thought that a point-based mechanism was needed. This mechanism enables us to avoid going into the details of each plan. It helps to encourage the most virtuous ones. The plans which exceed 120 points are accepted. We are currently adjusting the parameters to try and find a balance between this situation and the previous one.

Régis de CLOSETS

Henning KRÜGER, the BG where you work offers, for 12 years, a system of rewards for companies in the meat industry who go further in preventive measures. These rewards are based on a catalog of measures. Each measure corresponds to a number of points used to calculate the amount of the reward that company receive. How did you come up with this catalog?

Henning KRÜGER

We saw this morning that the companies lacked benchmarks to know what they should do. Our catalog is based on a series of 35 specific questions. This questionnaire was developed by a working group that meets safety engineers, occupational physicians, psychologists, scientists. We tested this questionnaire with companies of all sizes. We have also discussed with the social partners, who are invited each year to say whether they want to make changes.

Régis de CLOSETS

About 10% of the measures are updated annually. This catalog has been picked up by other BG. What are the advantages of this system for companies?

Henning KRÜGER

This offers companies some guarantee to receive bonuses. In addition, this catalog is also used as a sort of checklist, especially by SMEs who often think that they are at low risk. Through the catalog, they are aware of the variety of potential risks which employees are exposed to.

For large companies, this approach also serves as a benchmark. They often seek information on the steps taken by the companies of the same size.

The security engineer within the company must demonstrate its performance management. Catalog help in this regard.

Companies participating annually or regularly have a much lower rate of accidents at work and improve in different areas.

The budget for this device is \$ 2 million. It interests 17,000 companies in the meat industry.

This system promotes sustainability. Being on time to support a business buying a machine has advantages. However, if we think we need to develop a business that has already established an effective system of prevention, we make sure of the reality of this approach in the past, present and future.

Régis de CLOSETS

As far listed in the catalog, the company receives the bonus. There is thus an incentive to work in the long term. What are the limitations of the system?

Henning KRÜGER

Some steps may seem logical. In the meat sector, we work a lot with knives and dangerous machinery. When we are proposing measures affecting those areas, employers understand the logic. But when we offer more general training measures on safety at work, their interest is less obvious. The measures relating to the organization are more difficult to implement in small businesses. However, the measures in this area have more effect than all the others.

Moreover, in recent years, we assign prizes for innovations in safety. All the winners are listed on our website. If a company gets a measure put in place by a winner, it can also be awarded points. The aim is to disseminate good practice.

Régis de CLOSETS

In Denmark, you have established a system of "risk prevention kits".

Marlene Q. TRENTEL

The Fund for Better Working Environment and Labour Retention was set up in 2007 with the aim of preventing burnout and attrition caused by poor safety and health conditions in the workplace, and to secure and retain the

citizens' foothold in the labour market. One measure is the so-called prevention packages consisting of self-help kits especially designed for SMEs. These prevention packages have existed since 2011. The enterprises can apply for a prevention package that consists of a catalogue of instructions, which, if they apply them, will help them prevent psychosocial and musculoskeletal problems.

We have produced self-help kits for 16 sectors, including the construction sector, day care nurseries, residential institutions, transport etc. For taxi drivers, for example, the aim is to encourage them to do physical exercise or pay attention to their eating habits. They are encouraged to eat healthily together with their colleagues, and not alone behind their steering wheel. These are actions to be performed every day. These self-help kits are very precise and very pragmatic.

The fund has 50 million Danish kroner for prevention packages annually. This may involve helping an enterprise with wage compensation. These aids are provided based on compliance with the instructions we propose to them.

There are programmes of various durations, ranging from 3 to 9 months.

Régis de CLOSETS

Are there limitations to the application of this system?

Marlene Q. TRENTEL

The limitation is the fact that there is no follow-up. We carry out no inspections to see whether companies continue to apply the measures once the programme is completed.

Régis de CLOSETS

So it is the responsibility of the company to perpetuate its actions or not?

Marlene Q. TRENTEL

If the enterprise has followed the programme for 3 to 9 months, we trust that it has adopted new habits.

A study has shown that both employees and employers considered that this approach was very positive, many employers stated that it reduced the number of days of sick leave. Many also found that their work environment was improved by this, and their well-being too.

At the end of the year, we shall know the results of a major evaluation that has been made of the system.

Régis de CLOSETS

These various systems possibly have a limit: they are interesting chiefly for the best performers. Now, the lower performers tend to manage risk prevention more lightly.

In Belgium, you have developed the heightened risk system. You started method principle that because of the

employers with least concern for safety, there existed a sort of unfair competition relative to the others, due to the fact that they invested less in risk prevention.

In 2004, the Secretariat of State for Welfare established the heightened risk system. The companies concerned must pay a fixed contribution to their private insurer (for OIs) to finance the performance of a risk audit and the production of an associated action plan.

How does the system work? How do you identify the companies targeted?

Bernard RENNESON

We work using a database in which all the occupational injuries reported by the insurers are recorded. This database is also fed with data by the National Social Security Office for employment. On one side, we know the injuries, and on the other, we have the employment volume of each company.

The heightened risk classification of companies is established in three stages.

The first is to select those companies that, over a three-year period, have recorded at least five occupational injuries resulting in a four-day work disability, or fatal injuries. For each of the three years, the company's results are compared with its sector of activity, but also with all companies in the private sector. Those companies that exceed 10 times the index for the sector of activity and 30 times the index for the whole private sector during the last year of the observation period and one of the other two years are identified as having a heightened risk.

All these companies do not systematically have to pay a fixed contribution to their insurer. The number of companies "with heightened risk" has been established by law, by agreement with the 14 insurers: it was 100 in 2009 and is 200 at present. Since the potential for action by the insurers is relatively limited, the number of companies had to be limited. The insurers will have to perform an audit, a risk analysis, and formulate proposals for action. During three years they monitor the company recognized as having heightened risk.

Once the Occupational Injuries Fund, which is a public organization, has classified a firm as heightened risk, it officially informs the firm's insurance company. At the same time, it informs the firm so as to facilitate the arrival of the insurance organization which will come next to officially inform the firm that it is classified as «heightened risk».

In that case, the insurance company will demand a fixed contribution of €3,200 for the smallest firms (having between 1 and 42 workers), and €16,200 for larger firms. Once the company has paid this contribution, the insurance company sends its occupational risk prevention department, which will analyse the injuries that occurred in the company and formulate a draft action plan. The

employer will then have to define an action plan in consultation with its employees and its outside risk prevention department.

In practice, it is necessary to wait for three years to see the first positive results of the action plan.

Régis de CLOSETS

How do private insurers react to this system?

Bernard RENNESON

The insurers were involved in the project from the outset. They assessed the amount of the fixed contribution, based on the cost of an audit and the drafting of an action plan. Insurers consider that this system is of special interest, because it enables them to enter companies which usually close their doors to them.

This system is still very recent. It evolves based on annual evaluations.

The objective was to target companies which skimp on occupational risk prevention to be able to be competitive in the market. Unfortunately, this system does not make it possible to do so, because they often work in the black market or grey market. These companies often have a limited lifespan, shorter than the three-year observation period. So we work with companies that sometimes have a run of bad luck or had not taken the necessary preventive measures.

Régis de CLOSETS

In parallel to the heightened risk system, you have established a system of awareness raising on an extended target of companies.

Bernard RENNESON

Heightened risk concerns only 200 companies, out of the 250,000 employers in Belgium. The impact of this measure is tiny relative to all occupational injuries. We are therefore also carrying out an awareness raising campaign via a mail sent to companies which exceed 10 times the index for their sector in the last year of the observation period.

Régis de CLOSETS

Are the notifications of heightened risk public? Can customers and competitors of the notified companies obtain this information?

Bernard RENNESON

The Occupational Injuries Fund is an equi-representational organization in which the employers are represented. They did not want the insurers or employers to be stigmatized. We are not authorized to make public the list of «heightened risk» companies. However, this list is an administrative document. Now, in Belgium anyone can ask

for a copy of an administrative document. A trade union organization has made such a request. It makes good use of this, but cautiously.

Régis de CLOSETS

In Italy, INAIL has its own statistical database on occupational injuries and diseases. Do you suppose that you could establish an equivalent system?

Maria Ilaria BARRA

That's true, our database on occupational injuries enables us to monitor precisely the number of accidents by company and by sector of activity.

But I am rather sceptical about how a mechanism such as that applied in Belgium could be received in Italy. In the event of very serious injuries or if the risk index is very high, companies often have higher awareness. A fatal accident leaves no one indifferent: neither fellow workers nor management. There is generally an increased awareness from a human and economic viewpoint about the need to invest in risk prevention.

We believe that action should be taken for companies which form part of a risky category. For example, we could have the objective of reducing the company's risk index relative to the average for its sector. This would be a way to help the company ensure greater risk prevention.

Régis de CLOSETS

In Germany, there is a bonus/penalty system in the BG for the meat sector. How does it work? How do you regard the Belgian heightened risk system?

Henning KRÜGER

The law stipulates that a bonus, penalty or bonus/penalty system must be established in all BGs. On the other hand, the law does not specify a model. In our case, we have a fairly sophisticated system based on points. We analyse the number of injuries and their cost. We can take into account only those injuries resulting in a sick leave of more than three days, or else all injuries. Then, we compare the cost of the injuries with the average for the risk category. Depending on the company's results compared with this average, a penalty or bonus is assigned.

According to a study by Giessen University, the bonus/penalty range must be broad enough for the system to be effective. In practice, everything is possible: in the BG for the sugar sector, the bonus/penalty can range from -50% to +60%; in the BG for the meat sector, the bonus and penalty vary by 10%.

Régis de CLOSETS

In Belgium, during the discussions on the establishment of the heightened risk system, a bonus/penalty sys-

tem was also considered. Why was this possibility not adopted?

Bernard RENNESON

In 2004, both plans were on the table. The bonus/penalty system was the subject of a Royal Order. But the insurance companies disputed it before the "Conseil d'Etat". They cited the freedom of pricing in a competitive private sector. They challenge the establishment of a compulsory bonus/penalty system, which leaves them no pricing freedom. This plan is at a standstill at present.

Régis de CLOSETS

In Denmark, a system of "smileys" was established in 2005. After an inspection visit, the company's results are translated in the form of a smiley, which is made public. Can you describe this system to us?

Marlene Q. TRENTEL

I would like to remind you of the background. This system was created in 2005 as part of a health and safety reform. In 2007 the scheme got adjusted so it now consists of:

- The green smiley, which is awarded to companies where there is no problem, for a duration of up to five years if there is no inspection giving contrary results during that period;
- The yellow smiley, which is awarded to companies which have received an improvement notice or an immediate improvement notice of improvement; this notice is published on our website for at least six months, even if measures have been taken;
- The red smiley, which goes to companies which have received a prohibition notice or a consultation notice, which likewise remains displayed for six months;
- The green smiley with a crown, which is awarded at the request of companies which have received a certificate regarding the work environment.

I shall give you some examples. A yellow smiley is for example awarded when there is too much noise in a shop. A prohibition notice may concern a construction firm for a lack of conformity of scaffolding.

Anyone can consult our website and see an enterprise's smiley. The companies smileys can be searched for via numerous criteria: sector, region, municipality, city, postal code, smiley colour, name of the enterprise, trade register number, production unit number. You can accordingly do a search on the whole region or try to find out the smiley colour of your neighbour.

Last year, an evaluation of this smiley system was carried out on more than 1,000 companies. We were thus able to know their perception of the system and if the companies thought it was important to have a green smiley.

We also endeavoured to find out whether the programme was used in their marketing strategy or whether companies used it to obtain information concerning other companies.

According to the results:

- Around 80% of companies have heard about the programme; this proportion has increased since 2011, when the proportion was 71%;
- Many companies say that it is important for them to obtain a green smiley;
- More than half of the companies questioned think that a notice is far more serious if it is accompanied by a red or yellow smiley;
- 43% know where to find an enterprise's smiley;
- 25% of them use the smiley as a marketing tool;
- Finally, 11% of the companies said that they looked up other companies smileys. So companies are more concerned about their own smiley than about that of other companies.

We also know that a number of companies communicate concerning their smiley via their own website. It is interesting to see that although many of them have received red smileys, they consider that it is important to have a green smiley.

Régis de CLOSETS

How could companies' knowledge of this smiley system be improved?

Marlene Q. TRENTEL

Around 80% of companies already know of the existence of this programme. The media sometimes use the smileys when presenting a report on an enterprise. We have no plans of adjusting the system.

Régis de CLOSETS

In Belgium, you work on a statistical basis. How do you view the interest of the Danish system which can highlight good and bad practices?

Bernard RENNESON

We are not yet in this type of approach. Our programme was only started in 2009 and concerns only a limited number of companies. Also, from a statistical viewpoint, the good practices that we have identified are not significant. But when we have a sufficient database, we could possibly profit from this.

Régis de CLOSETS

Mr CHAOU, as a company representative today, what do you think of this system of smileys?

Abdelali CHAOU

Of the tools presented, it is hard to say which is the

best. The idea of communicating via smileys can provide an image of the company's situation in relation to its preventive measures, which is interesting. However, it is hard to say whether this tool would be applicable in France.

Régis de CLOSETS

In 2010, the CARSAT [Caisse d'assurance retraite et de santé au travail: pension and occupational health insurance fund] for the Languedoc Roussillon region established a programme to promote excellence and the exchange of good practices, the Risk Prevention Challenge. This award is given each year to six companies which take original, concerted measures. I have noted a few examples:

- The Camillou restaurant, in the Aubrac region, has set up a window between the kitchen and the eating room to enhance working conditions within the establishment;
- Schneider Electric received a prize for having developed a training plan in health and safety for its temporary workers;
- A transport company has established a checklist of instructions for bus drivers;
- A large SME has strongly promoted the action of the CHSWC.

Each year, about forty companies take part in this Challenge. This involves real work by the CARSAT together with the company.

Alexis GUILHOT

The examples you mention form part of a far more general plan. The Challenge is not a safety contest. The CARSAT gives no label or certificate. The Challenge entails a concept of continuity, replaying, movement. The award that is received on the day of the ceremony is only one stage in the company's life. Occupational risk prevention is a constant challenge.

We try to know exactly what is happening in the company. To apply for the Challenge, the company must fill in a dossier. Systematically, a safety inspector from our Fund will meet the company so that it may describe its plan to him, before presenting it to the internal jury in the CARSAT's occupational risk department. This jury selects about ten plans. A second jury which brings together the CARSAT, the social partners sitting on the regional technical committees or on the regional commission for occupational injuries, as well as past prize-winners, takes the final decision.

The aim therefore is to support companies' voluntary measures to improve working conditions, but also labour relations, which are in line with our social insurer policies.

The main criterion for awarding the prize is that the company should promote a real plan, which is shared by all the personnel. This must therefore be a participatory approach. This can be seen from the various companies

awarded the prize. When they come to claim their award, the manager, the safety facilitator and employees are present. They have promoted this plan together, vigorously.

Régis de CLOSETS

Apart from the award, what are the other benefits of winning this Challenge?

Alexis GUILHOT

These deeply involved companies constitute a model. They are not necessarily the best students in the class, nor are they companies that are expert in the area of occupational risk prevention. They have implemented a plan which has enabled overall improvements to be made. This is a form of mutual recognition. We need to check our academic culture, our Good Practice Guides, against realities in the field. We need companies which demonstrate that it is possible to go in this direction, by following the guides that we have provided for them.

Régis de CLOSETS

The idea could ultimately be to create and promote a community of companies of excellence, such as a prize winners' club, so that they in turn may "evangelize" other companies.

Alexis GUILHOT

The idea is indeed to create a network. For each company, we draw up a data sheet which describes its activity, its plan and its partners. We have already established clubs of companies for musculoskeletal disorders or for "Work in tune with life". Via networks, we want to enable the companies to share their experience and promote exchanges. The CARSAT performs merely a supporting role.

Régis de CLOSETS

You are on Viadeo, which is a good way of facilitating dialogue between stakeholders.

Alexis GUILHOT

Indeed, this tool can be used to weave the mesh of this network.

Régis de CLOSETS

Mr Chaoui, you are in charge of quality at KSM, a company of 150 employees which has expanded in the manufacture of aluminium boat masts. It has gradually expanded in a new activity: the design of aluminium gates. You joined the company in 2004, as Quality Safety Environment Manager. How do you explain the fact that your SME assigns so much importance to the culture of health and safety at work?

Abdelali CHAOU

In 2004, management wanted to undertake a pro-

gramme covering these three aspects: Quality, Safety and Environment. At that time, the company was located in a confined building, where there were severe physical constraints and the rate of handling-related injuries was high. There were about thirty injuries per year. The creation of my job position was partly intended to solve this problem. Management really wanted to find solutions, with a medium-term objective of reversing the trend. The manufacture of aluminium gates is a very specific activity, with an up-market clientele. This is an artisanal form of manufacturing (on assembly stations) which requires a lot of handling, and the use of tools. The aim was to conduct comprehensive research to target the major risks and find solutions to reduce the number of injuries.

Régis de CLOSETS

You acted on several levels, in terms of training and systems, trying to be as close as possible to actual practices. Sometimes you chose ideas that were more astute than costly.

Abdelali CHAOUI

We are fortunate to have a manager who is very sensitive to the working conditions of his employees, which makes things much easier, especially for the deployment of measures and for making resources available. From the safety viewpoint, we had carte blanche, so to speak.

Whenever we hire an employee, we spend time carrying out work of awareness raising, training and tutoring, sometimes over several months. The idea is to get across a number of messages concerning our corporate culture (quality, customer requirements, up-market products) and the safety aspects, to which we devote a lot of time.

We have other approaches to leverage the accident research part, with our safety relays in the field: industrial rescuer/first-aid workers, PRAP personnel [prevention of risks related to physical activity], team of first responders for fire aspects. We try to place at the heart of the system a panel of employees who can relay occupational risk prevention in the various departments and workshops.

Régis de CLOSETS

In your company you have a strong safety culture image. You have established strategies for appropriation of this culture and you have deployed astute, creative approaches which arouse a form of emulation. For example, you invented trolleys for carrying and assembling aluminium sheets.

Abdelali CHAOUI

This indeed is one of many other examples. The basic idea is to arouse discussion with the employees. They report the problems to us. We try to formulate new ideas with them. In the case of the trolleys, we conducted exten-

sive research. Since we work on bespoke, up-market products, checking at the production level is important. In this stage, the gates must be turned over when needed for assembly and inspection. Formerly, two or three employees were needed to try to turn them over. The idea was to find handling equipment to avoid employees having to carry the gate themselves. The employees were the initiators of this idea, which they then adopted.

QUESTIONS FROM THE AUDIENCE

Gilles VAQUIN, President of PROXIPI

If I have understood correctly, in France there is no financial incentive to invest in safety?

Alexis GUILHOT

We have several kinds of financial incentives, for both VSEs and SMEs. These are simplified financial aids which may come from the Occupational Risks Department (CNAMTS) or which may be developed at the level of the regions, depending on their specific features. National objectives agreements are negotiated at the national level, then the various activities are deployed in the regions in the form of risk prevention contracts with companies.

Gilles VAQUIN

So you must systematically go via risk prevention contracts with the CARSAT funds, which are the sole decision makers in the regions. Can one apply to the CARSAT whatever the company's size?

Alexis GUILHOT

The risk prevention contracts are intended for companies with less than 200 employees. If a company has only one employee, it cannot benefit from aids from the CARSAT, because the risk premium rating system is adapted to its efforts. Generally, when a large enterprise makes efforts and invests, it should obtain results. Therefore, its contribution rate will decrease. For a very small enterprise, a collective rate specific to its sector of activity will be applied. If it makes efforts and improves working conditions, its rate will not change. The risk prevention contracts are a way of helping them. The simplified financial aids can also support certain types of efforts.

Gilles VAQUIN

For a company with more than 200 employees, can only the bonus/penalty system apply?

Alexis GUILHOT

There exist other, more complex systems for large companies, such as travel or work rebates. They can be considered as bonuses. Conversely, there exist penalties.

Following our visits, we make recommendations to the companies. If they do not react, we can require that they implement any justified risk prevention measure. If nothing happens still, their contribution rate can be increased by up to 200%.

Gilles VAQUIN

In how much time can a risk prevention contract be established with a CARSAT fund?

Alexis GUILHOT

You need merely establish contact with a CARSAT technician in your region

Marie-Hélène LEROY, Member of EUROGIP Board

I would like to know whether the heightened risk scheme has already enabled improvements to be seen.

Bernard RENNESON

It is still too soon to know. We have to wait three years for a plan to be deployed and produce effects on the company. This scheme undergoes an evaluation each year. The first series of heightened risks would probably no longer appear today, because the criteria have changed. We are not yet able to verify whether there is a positive effect.

Dominique MARTIN, Occupational Risks Director, CNAMTS

I would like to go back over the question of the mechanism of the bonus/penalty system, which is mostly based

on a deviation from the mean of a reference group from the viewpoint of economic activity. It can be imagined that this system works well for large companies. Whenever we are concerned with small companies, however, occupational injuries remain rare events, and this gives a very random nature to the occurrence of an injury. We are incapable of using this general mechanism for small companies.

Régis de CLOSETS

In Germany, do you have established thresholds of personnel numbers for application of the bonus/penalty system?

Henning KRÜGER

We apply this system to all companies. We have a second system of rebates which takes into account the last five years. We inaugurated the bonus system two years ago because we have noted that small companies constantly switch between penalties and bonuses. This system of bonuses is independent of the injuries and aims to improve occupational risk prevention. We merely consider whether the company, including small ones, has undertaken preventive measures.

Régis de CLOSETS

So a company can be subjected to a penalty and benefit from bonuses.

Henning KRÜGER

It's possible. ●

Viewpoint of the social partners on the systems described and progress to be made

Régis de CLOSETS

This morning, on several occasions we referred to the social partners and their involvement in matters relating to occupational risk prevention. We shall discuss this with two speakers:

- Domenico CAMPOGRANDE, Director of Social Affairs in the European Construction Industry Federation
- Pierre-Gaël LOREAL who works in the Construction and Wood Federation of the French trade union CFDT.

I propose to you first a rapid flashback over the systems we have just examined. What do you retain from this?

Domenico CAMPOGRANDE

The salient information from the discussions of this morning and the last round table meeting concerns, on the one hand, the complexity of the risks to be allowed for and the measures to be taken, and on the other hand the diversity of national realities, whether from the cultural, legislative or other viewpoints. From a European viewpoint, we must work on the exchange of good practices. We can always take inspiration from them. However, a system which works very well in one country may not work at all in another one. So we must be cautious regarding harmonization.

Pierre-Gaël LOREAL

I noted several factors. Regulatory conformity must not be an objective in itself. I think that, in France, we are lagging in terms of safety culture by comparison with other European countries. There is a fairly revealing example: in some northern European countries, first-aid measures are learned as of primary school.

I was baffled by the discussion on the risk premium rating system. I would like to refer back to the example of Austria. When you know the origins of the uniform risk premium rating system, you could say that it was a remedy for the poor, because it involved reducing the number of employees in some departments. What I want to know is not whether this uniform risk premium rating system works in Austria or not.

I remain convinced that, in France, the variable risk premium rating system is a good thing. It is a balanced system which empowers companies of a certain size, which have the means to invest in occupational risk prevention. At the same time, a collective rate applies to small companies. There is also a mixed risk premium rating system for companies with 20 to 150 employees. I remain convinced

that this system is satisfactory. However, it is true that it should be simplified, especially with regard to financial aids. There are systems to make it better known. Small organizations should be assisted to ensure that they can meet their obligations. To assist VSEs, certain resources must be available. But, with this occupational injury and disease «COG» agreement, I am not certain that we are going in this direction.

I was impressed by the existence of financial aids in Denmark to support organizational prevention plans, whereas in France we are confined mainly to purchases of equipment. I was also interested by the system of smileys. We had tried to establish a similar system in France in 2010, following the government's order to negotiate on work-related stress. Apparently pressure from the employers has put an end to the scheme in less than three months. The aim was to label companies publicly according to a colour code (green, orange or red) based on their degree of progress in the negotiations on stress. The Danish example concerned concrete preventive measures, whereas in France the aim was merely to engage in social dialogue.

Régis de CLOSETS

I would like to have your viewpoints on the role of the social partners in the occupational risk prevention system. We briefly mentioned the CHSWCs (committees for health, safety and working conditions). There is generally the impression that this is a place for recording and observation rather than a place for discussion and emulation?

Pierre-Gaël LOREAL

We are obliged to make the following observation: on the whole, the CHSWCs do not work as well as they should. And yet it is a good thing that the law devotes a staff representative body specifically to working conditions and risk prevention. Paradoxically, this is the staff representative body which potentially has the most power. If we compare the articles of the labour code which speak of hours of delegation, for the CHSWC, this is a minimum number of hours, whereas for the other bodies a maximum number of hours is mentioned.

How can such dysfunctions of the CHSWC be explained? The trade union organizations must improve. Our organizations have not become sufficiently aware of the importance of the CHSWC's mandates. Our trade unions watch far more closely the mandates of union representatives and representatives on the Works Council, which is a

pity. This is a situation in which positions in the CHSWC are considered as those left over. Hence, the trade union organizations will not place there militants having the required solidity, although the CHSWCs are also a body in which there is a balance of power. Accordingly, either the representatives are non-existent in the eyes of the employees, or they are manipulated by the employer.

Régis de CLOSETS

Domenico asked me just now: “what is a CHSWC?” These Committees for Health, Safety and Working Conditions are entities in companies where the social partners meet one another to discuss occupational safety and health issues. These entities exist in European companies in other forms. Do you agree with the view that they are sometimes not sufficiently effective?

Domenico CAMPOGRANDE

The culture of social dialogue varies from one country to another, which is reflected in the role granted to this type of body and in their effectiveness. There is no overall answer at the European level.

However, occupational risk prevention is an ongoing process which required constant adaptations. It must inevitably entail close cooperation between employers and employees, irrespective of the form of this relationship.

In the same way, the rules and legislation do not matter much, the most important thing is what happens in the field, in practice. In the construction sector, for example, it is important to adapt to each construction site. It is essential to establish a constant dialogue between the employer and the employees. Everyone must play their role. At the European level, the regulations clearly identify what are everyone's obligations. Everyone must take them into account.

Régis de CLOSETS

Do you have the impression that your organizations are moving toward the introduction of resource persons to promote social dialogue concerning health and safety issues in companies?

Domenico CAMPOGRANDE

Insofar as we are concerned, no company is directly a member of our European Federation. Our members are exclusively national federations, within which there are indeed people in charge of occupational safety and health, who carry out their own actions with their members.

At our level, the dialogue that we maintain with the trade unions is very good. We develop tools that we make available to our member federations. Unfortunately, despite the constant exchanges that we maintain, it is not possible to check the use made of these tools downstream. We are taking initiatives for the dissemination and

promotion of these tools and to have feedback from actors in the field. Everyone at their level must play their role, whether in trade associations or in the companies.

Pierre-Gaël LOREAL

For the past four years we have been experimenting with the establishment of a network of occupational safety and health experts. The principle is to appoint one expert per administrative region. Their role is to instil a genuine workplace safety culture into our own organization. They allow the organization of information seminars in the regions rather than in Paris, so as to be very close to the field. These seminars make it possible to reach a growing number of militants. The mission of the experts is also to occasionally help trade union teams which face specific problems of working conditions in a company. As a federation, we inform them and train them regularly regarding various subjects related to occupational health.

Moreover, the expert also have the role of ensuring greater consistency between the various levels of action. In France, there are many equi-representational organizations, especially at the regional or intra-regional level, including in particular the occupational health services for the construction sector, the OPPBTP, and the Regional Technical Committees (CTR). The experts help to organize exchanges by ensuring better coordination.

Régis de CLOSETS

As regards the trade federations, which back up a number of schemes and which have various tools, do they seem to you more involved in risk prevention in companies? What are their limits in this field?

Domenico CAMPOGRANDE

I would like to emphasize the importance of the equi-representational funds which exist in most of the Member States in Western Europe. Concrete dialogue between employers and employees can be established in these bodies and be transformed into concrete, targeted and pragmatic measures.

At our level, we try to develop tools that are as pragmatic as possible, with the following disadvantage: whenever you work at the European level, you must take into account the reality of 28 Member States. It is clear that in some countries where the workplace safety culture is already widespread, our actions will have less impact. On the other hand, there are still countries where a lot of work remains to be done. These tools therefore remain useful. We write our guides with our members in the various countries which contribute their expertise, so that these tools may be useful in the field.

Régis de CLOSETS

A number of national federations may be afraid of

having to disseminate regulatory information which could appear worrying for their members...

Domenico CAMPOGRANDE

We try to stay away from regulatory type tools. We have developed information modules on asbestos issues, with technical data sheets which are intended to be very instructive for those who will have to use them. From our viewpoint, the regulatory framework already has extensive content. But legislation alone is not sufficient. It must be supplemented by practical tools. We have produced a guide on the establishment of a Health and Safety Management System which is intended especially for small enterprises. There we show, from concrete examples, how to translate the legislation into practice.

Régis de CLOSETS

Does social dialogue reflect the reality of the corporate world?

Pierre-Gaël LOREAL

I do not take part in European social dialogue. However, in the health and safety coordination group of the EFBWW, in which I take part, we do a lot of work on the issue of migrant workers, and on the employees of VSEs. But I don't claim that we have all the answers.

At the national level, we have conducted experiments to reach these cases. As regards VSEs, I would like to give a reminder that, since recently, we can establish local committees. But employers are apparently not very determined to achieve progress in their establishment. And yet this would be a venue for social dialogue which would make it possible to deal with these issues.

In the construction sector, we had proposed to establish equi-representational committees for health, safety and working conditions. This proposal was accepted by a building employers' organization in a single region. We never managed to create one elsewhere.

At present, we are trying to establish, in conjunction with the labour inspectors, a joint CHSWC for companies working on the construction site of the Lyon stadium (le Grand Stade). A very big French construction group opposes this

Régis de CLOSETS

Are the employees of VSEs, migrant workers and subcontractors represented in the social dialogue?

Domenico CAMPOGRANDE

The legislation concerning them exists. It must be possible to apply and check it, which is a real difficulty in the construction sector. It is unimaginable placing an inspector on each construction site. Some profit from this situation.

Admittedly we do not reach directly 100% of the actors in the construction sector, but via a cascade system we involve the subcontractors. Whenever a large company establishes a risk prevention system and imposes it on the other contractors on a construction site, we ultimately manage to reach companies that are less well represented at the employers' level by the trade associations. The work that we carry out is therefore still useful.

At the European level, social dialogue plays a very important role. The European treaties oblige the Commission to consult the social partners on any legislative initiative concerning labour policies, including in the area of occupational safety and health. We play a role upstream, when plans are discussed and when the Commission conducts evaluations of the existing legislation. We provide regular feedback to the Commission. This is a crucial role for us to ensure that the legislation is applicable

Régis de CLOSETS

Thank you. I shall leave the last word to Raphaël Haeflinger, Director of EUROGIP.

Raphaël HAEFLINGER

I would like to thank the speakers, who represented seven countries today, for their testimony and their active support of our Discussions.

We shall publish the proceedings by June. Everyone will be able to examine them again.

I also thank Régis de Closets for having moderated these Discussions. We can congratulate the interpreters. We have had highly technical discussions on risk premium rating systems.

I would also like to thank the EUROGIP personnel that I am fortunate to manage, and in particular Isabelle Leleu, who has organized this conference for about the past ten years. The theme of the next Discussions will be defined at the July meeting of the Board of Directors. You will therefore be informed of it very soon and we hope to see a large number of you again next year! ●



EUROGIP is an organization founded in 1991 within the French Social Security system to investigate issues related to occupational injuries (prevention and insurance) in Europe.

This involves:

- Performing comparative surveys,
- Publishing a newsletter “Eurogip infos”, thematic notes and OSH statistical data for EU countries,
- Organizing a European conference each year, The Eurogip Discussions,
- Coordinating networks of French Notified Bodies and French experts working on European and International OSH standards,
- Taking part in European projects.

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