

# Worker participation in the management of occupational safety and health — qualitative evidence from ESENER-2

Country report – BELGIUM

European Risk Observatory

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## List of abbreviations

ACV/CSC	Algemeen Christelijk Vakverbond/Confédération des syndicats chrétiens
CGSLB/ACLVB	Centrale Générale des Syndicats Libéraux de Belgique/Algemene Centrale der Liberale Vakverbonden van België
CPPW	Committee for Prevention and Protection at Work
ESENER-2	Second European Survey of Enterprises on New and Emerging Risks
EU-28	The 28 Member States of the European Union
EU-OSHA	European Agency for Safety and Health at Work
Eurofound	European Foundation for the Improvement of Living and Working Conditions
FEB	Federation of Enterprises in Belgium
FGTB/ABVV	Fédération générale du travail de Belgique/Algemeen Belgisch Vakverbond
GDP	Gross domestic product
HR	Human resources
ICTWSS	Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts
MSE	Micro- and small enterprise
NACE	Statistical Classification of Economic Activities in the European Community (Nomenclature Statistique des Activités Économiques dans la Communauté européenne)
OECD	Organisation for Economic Co-operation and Development
OSH	Occupational safety and health
PSR	Psychosocial risk
SME	Small- and micro enterprise

## Introduction

### Situation and aim of the study

The present report was carried out as part of the European project ‘Worker Participation in the Management of Occupational Safety and Health — Qualitative Evidence from the Second European Survey of Enterprises on New and Emerging Risks (ESENER-2)’. It describes the situation of worker participation in occupational safety and health (OSH) in Belgium.

A distinction is made between direct and indirect (or representative) forms of participation. In Belgium, safety and health representation is ensured by the members of the Committee for Prevention and Protection at Work (CPPW), a joint body composed of elected worker representatives from trade unions, members of management and the internal prevention advisor (neutral). In the literature, this is described as single channel representation (Fulton, 2015). Unlike in some other countries, such as the United Kingdom, there are no separate safety and health representatives with their own rights.

By undertaking an analysis of data from face-to-face in-depth interviews with a subset of ESENER-2 respondents (including workers’ representatives when there are any, fellow workers and managers), this study aims to present a more in-depth and qualified understanding of the ESENER-2 survey’s quantitative results and to provide a better understanding of the role and effectiveness of the involvement of workers and their representatives in workplace safety and health arrangements in Belgium. We situate the findings of this analysis in relation to those that emerge from a review of the literature and interviews with key informants at national and sector levels, which explore both the practice of worker representation on safety and health in Belgium and its contexts and influences.

### Methodology

The research was undertaken in several work packages. The first was a review of the research literature, which gave a picture of the national context in which worker representation and consultation takes place in Belgium. This literature review has been completed with interviews with five key stakeholders at the national level, from the Ministry of Labour, from the largest Christian trade union organisation, Algemeen Christelijk Vakverbond/Confédération des syndicats chrétiens (ACV/CSC), and from the professional association for prevention advisors.

The second work package was a secondary analysis of the ESENER-2 data. Its aim was to explore associations between worker representation (and worker involvement) and good practice in the management of OSH both in general and specifically in relation to the new risks that were the focus of ESENER-2 — that is, psychosocial and ergonomic risks — within the ESENER-2 data for Belgium. It was designed to complement the more recent secondary analysis of the ESENER-2 data (Walters and Wadsworth, 2016), by using the same set of key composite variables.

Finally, Part 3 presents the findings on the experiences of worker representation on safety and health in 21 Belgian companies, selected from a sample of respondents to the ESENER-2 questionnaire who participated in the current study.

# 1 The Belgian context

Belgium is a federal monarchy in Western Europe, located between France, Germany, the Netherlands and Luxembourg. It covers an area of 30,528 square kilometres and has a population of about 11 million people.

The country is made up of three Communities delimited on linguistic grounds (Flemish-, French- and German-speaking), whose governments have powers relating to education, culture, youth support and certain aspects of health policy. The country is also split into three regions (Flemish, Walloon and Brussels), whose governments have powers over 'territorial issues', such as public works, agriculture, employment, town and country planning and the environment (Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation, 2015).

## 1.1 Economic climate

Belgium was the first continental European country to undergo the Industrial Revolution in the early 19th century. Liège and Charleroi developed mining and steelmaking, which flourished until the mid-20th century and made Belgium one of the three most industrialised nations in the world between 1830 and 1910 (Rioux, 1989). After the Second World War, Ghent and Antwerp experienced a rapid expansion of the chemical and petroleum industry, which stopped in the 1970s when the oil crisis sent the Belgian economy into recession. The recession was especially prolonged in Wallonia with the decline of the steel industry.

Belgium remains one of the largest economies in Europe and one of the most globalised in the world. It has a post-industrial economy based on private enterprise. Its central location is one of the biggest assets of the country. Having few natural resources, Belgium imports large quantities of raw material and exports a substantial volume of manufactures. About three-quarters of Belgium's trade is within the EU. In 2014, the services sector accounted for nearly 80 % of the country's gross domestic product (GDP).

In 2014, Belgium seemed to have recovered from the economic crisis of 2009, GDP growing by 0.9 %. However, growth stayed considerably below its pre-crisis level (European Commission, 2015). In October 2014, the federal government (a centre-right coalition) pursued a reform programme to improve the country's competitiveness, including changes to tax policy, labour market rules and welfare benefits. This led to a series of strikes: trade unions joined forces for a general strike against the austerity policies, which took place on 15 December 2014, following a large national demonstration on 6 November 2014. Besides this, three regional strikes also took place on 24 November, 1 December and 8 December.

## 1.2 Belgian labour market

In 2014, of a total population of 11.2 million people, 4.5 million were employed, that is, 62 % of the working age-population (people aged 15 to 64) <sup>(1)</sup>. Of these 4.5 million, 15 % were self-employed, of whom two-thirds were men <sup>(2)</sup>. As in other EU countries, micro- and small enterprises (MSEs) dominate the Belgian business economy, accounting for about 96.7 % of all private enterprises and for around 39 % of the total employment in 2014 <sup>(3)</sup>.

Looking at the sectors, the service sector is the most important in Belgium, accounting for 80.8 % of employment in 2015 (compared with 73 % in all 28 Member States of the European Union (EU-28)): 30.6 % in public administration, 21.3 % in hotels, restaurants and transport, 19 % in professional, scientific and technical activities, administrative and support services, 5.7 % in information and

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(1) Limiting the working age population to people aged 20 to 64, the employment rate was 67.2 % <http://statbel.fgov.be/en/statistics/figures/>

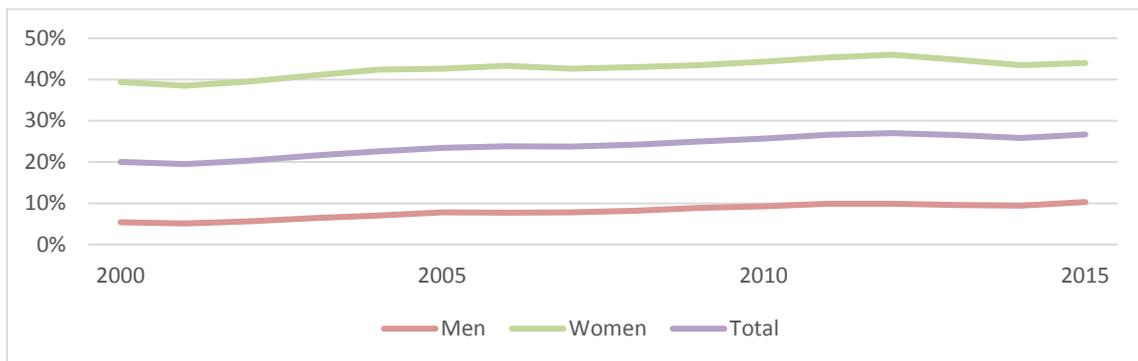
(2) <https://data.oecd.org/jobs.htm#profile-Employment>

(3) <http://www.onssrszls.fgov.be/en/statistics/online-statistics/small-and-medium-enterprises>

communication, financial activities and real estate and 4.3 % in art, entertainment and recreation, other services, household as employee and extraterritorial organisations. Furthermore, 12.1 % of Belgian employment is in industry (excluding construction), 5.8 % in construction and 1.3 % in agriculture. The proportions of these three sectors in the Belgian labour market have decreased in recent years <sup>(4)</sup>.

The most common jobs in Belgium are office worker (general occupations), sales assistant, domestic help, cleaning employee in offices, hotels and other establishments, and teacher in secondary school. Lorry driver is the most common job for men, while domestic help comes in the first place for women <sup>(5)</sup>.

**Figure 1: Trends in the percentage of part-time work, 2000-2015**



Source: Directorate-General Statistics (2015).

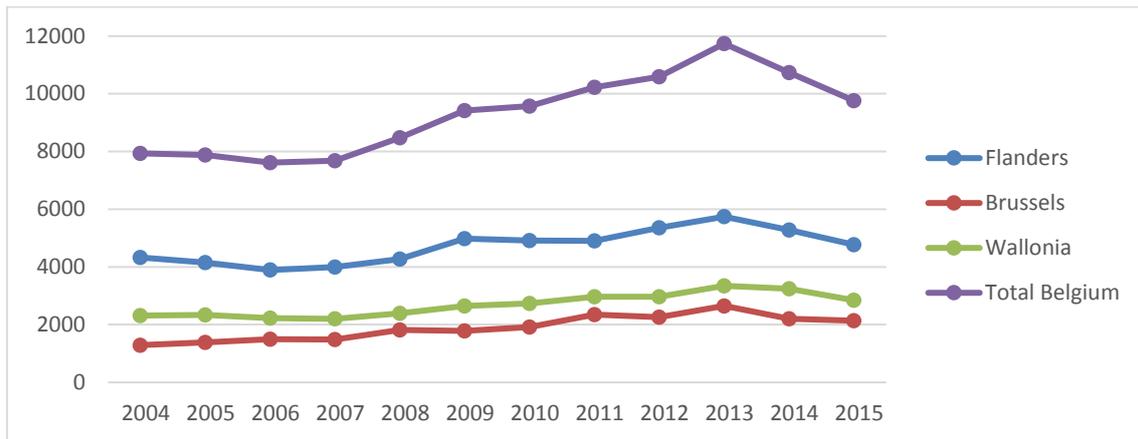
Part-time work has increased considerably since 2000, when 20 % of employees worked part-time. This percentage is now 26.7 %. In 2015, nearly half (44 %) of female employees worked part-time, while only 10.3 % of male employees did so.

The unemployment rate in Belgium in 2015 was 8.6 % and was lowest in Flanders (5.2 %), followed by Wallonia (12 %) and then Brussels (17.5 %). Differences according to gender and age also exist. The unemployment rate is slightly higher for men (9.2 %) than for women (7.8 %). This is typically explained by the higher proportion of services than manufacturing industries in the economy. The youth (15-24 years) unemployment rate is 23.2 % of the youth labour force (Directorate-General Statistics, 2015). Of the total number of unemployed people, 46 % have been unemployed for 12 months or more.

Regarding bankruptcies, Figure 1.2 shows the trends in the number of companies going bankrupt in the period 2004-2015.

<sup>(4)</sup> <http://www.emploi.belgique.be/moduleDefault.aspx?id=21166> IDB06 - employment by 'branche d'activité', data for 2015.

<sup>(5)</sup> <http://statbel.fgov.be/en/statistics/figures/>

**Figure 2: Trends in the number of bankruptcies, by region, 2004-2015**

Source: Directorate-General Statistics (2015).

The graph shows a clear decrease in the number of companies going bankrupt since 2013. The same trend is observed in all regions and industry sectors of the country. Explanations for this are the country's renewed economic growth from around 2014 and the tax shift set up by the federal government the same year. According to experts, this trend is expected to continue in the coming years.

### 1.3 European Union membership

Belgium is a joint founder member of what has now become the European Union. Ever since then it has been actively involved in the construction of the EU, with some leading Belgian politicians playing key roles in this process.

The EU also plays a prominent role in Belgians' daily life, in particular through the European Commission and the European Council, which both have their headquarters in Brussels. Moreover, numerous institutions that have to do with the European Union, such as the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR), are also based in Brussels.

Belgium was also one of the founding members of the European Monetary Union (EMU) and has been one of the foremost proponents of regional economic integration. In 2000, 80 % of Belgium's trade was with other Member States of the EU.

### 1.4 Implementation of the Framework Directive

The European Framework Directive on Safety and Health at Work (Directive 89/391 EEC) <sup>(6)</sup> was enacted in Belgium by the Law of 4 August 1996 on the well-being of workers in the performance of their work (the Welfare Law). Regarding workers' consultation and representative rights, Article 49 of the law requires a bipartite consultative body, the CPPW, in companies that usually employ an average of at least 50 workers. It stipulates the following:

1. In companies employing 50 workers or more where no committee is established, the work of the committee may also be carried out by the trade union delegation.
2. If there is no committee or trade union delegation, the workers themselves are consulted directly.

<sup>(6)</sup> <https://OHSa.europa.eu/en/legislation/directives/the-OHS-framework-directive/the-OHS-framework-directive-introduction>

At cross-industry, national level, the joint High Council for Prevention and Protection at Work is competent for the whole private sector. It gives advice to the King regarding prevention, protection and well-being at work.

The Minister for Employment and Labour can, at the request of the High Council for Prevention and Protection at Work, set up permanent committees that are competent for an industrial sector. At the moment, only one permanent committee is constituted, in the construction sector.

These specialised consultative bodies do not have any power of decision, and cannot even negotiate collective labour agreements. Their tasks range from informing and raising awareness to giving formal advice. Closing collective labour agreements is a matter restricted to the bodies that are competent for collective negotiations, namely the National Labour Council, the joint committees, and the workers' and employers' representatives. These collective labour agreements, as defined in the law, concern on the one hand 'individual and collective labour relations' and on the other hand the 'rights and obligations of the contracting parties'. Working conditions are part of labour relations. However, few collective agreements about working conditions are closed at company level, because of, among other reasons, their technicality and the legally rather limited scope for negotiation (Popma and Van Regenmortel, 2013).

## 1.5 Process-based regulatory environment

Safety regulations and legislation have long emphasised safeguarding against misconduct by employers. The growth of safety requirements has often been uncoordinated, the content of the safety law in question needed to be updated and an active prevention policy was desirable. All of these were direct causes of the policy change that was mainstreamed in the new Welfare Law (1996) and Welfare Code (1993). The European legislation acted as a catalyst in the process (Popma and Van Regenmortel, 2013).

The Law of 4 August 1996 on the well-being of workers in the performance of their work breaks with the past, without renouncing the uniqueness of the Belgian system of labour relations. The idea of this law is to establish better and more appropriate protection by emphasising risk prevention. The obligation of the employer and its agents to prevent harm to the workers by better risk analysis and risk management is central. The integration of medical services in the structure of the prevention service helps integrate well-being policies better. Furthermore, the employer is obliged to set up a policy plan, which sets the context for the yearly action plan.

Finally, the new risk descriptions correspond better to the current risks and the provisions are applicable to subcontractors. The role of social dialogue is central to this new law, as the involvement of workers in the safety policy is effective and is also indispensable to increasing safety awareness.

## 1.6 The importance of psychosocial risks in Belgian legislation

On 1 September 2014, new legislation to combat psychosocial risks (PSR) in the workplace became effective in Belgium. It updates the Welfare Law of 1996 to introduce a wider definition of PSR and harassment.

It also includes new prevention procedures, regarding both the role of the 'trustworthy person' and also the prevention of PSR at work. To this end, several provisions are outlined at both collective and individual levels. At collective level, new legislation requires **compulsory participation of workers** in the analysis of PSR, which should lead to preventive measures, which will need to be revised at least once a year.

At the individual level, actions have been developed or reinforced to facilitate the investigation of complaints about psychosocial injuries. Employees have access to internal procedures, which have been extended to all PSR and are no longer limited to situations of violence or harassment at work. They can make a 'formal request for psychosocial action' (through the PSR prevention advisor) or an 'informal request' (through the trustworthy person or a PSR prevention advisor).

To conclude, while the previous legislation had a narrow focus on harassment, this new legislation shifts the emphasis to the employer's responsibility for the psychosocial well-being of the workers.

A huge campaign was conducted to help employers comply with this new legislation. However, as it did for previous OSH legislation, it will take time before employers comply and include a PSR prevention strategy in the global OSH management of their company, especially in industrial sectors with high physical risks, which do not always see the advantage of investing in PSR prevention.

Even in companies that try to comply with the law, a first evaluation shows that it is hard to move from the diagnosis to the actual intervention (Hansez, 2014). First of all, PSR assessment is mostly made using questionnaires, as proposed by most external prevention services, being less time-consuming and costly than a qualitative approach. Real participation by and interaction with employees is missing in this phase. Furthermore, when prevention measures are set up, they are often secondary and tertiary interventions instead of primary interventions, which are proven to be more effective in the long term. Finally, these interventions are rarely evaluated.

External prevention services (whose role will be further explained in section 3.3) have an important role to play here. Indeed, currently, employers pay them to provide ready-made solutions for PSR in the company. However, the aim is for external prevention services to act as a catalyst to help companies to find solutions themselves, as the companies know best what happens on the shop floor. This requires a shift from linear thinking to lateral thinking, involving workers in the process and encouraging them to think beyond the identification of obvious risks.

## 2 Labour relations

This chapter presents the industrial history of labour relations in Belgium and its key features, including arrangements for social dialogue at national, sectoral and local levels. Relevant legislation addressing worker representation and consultation on OSH is also discussed here.

### 2.1 Industrial history

Belgium has witnessed two turning points in the establishment of an official form of worker representation at the company level: first, the period immediately following the Second World War and, second, the beginning of the 1970s (Van Gyes and De Spiegelaere, 2015: 27).

The Belgian collective bargaining and negotiation system arose after the First World War, without yet being formalised in a policy framework. Unions were mainly organised in local sections and regional federations. At the end of the 1930s, new projects were set up to make social dialogue more successful. In 1938, a draft law was passed to introduce trade union representatives in large enterprises: all the workers chose their representative, and everyone could stand for election. The aim was to facilitate social harmony and the spirit of cooperation within the company.

After the Second World War, a new institutional framework of labour relations was developed in Belgium. On the one hand, it was a synthesis of the pre-war social dialogue; on the other hand, it introduced new forms of participation and representation at the company level. The leading principles of this new consensus are to be found in a clandestine convention — the ‘Social Pact’ — concluded between workers’ and employers’ representatives during the last months of the Second World War. The institutionalisation of the workers’ representatives is one of the components of this compromise. The union delegation and the committee for safety and health at work were set up by the Regent’s Decree of 11 February 1946, and the works council by the Law of 20 September 1948 regarding the organisation of the economy.

At the beginning of the 1970s, following a period of strong economic growth in the 1960s, the social dialogue system faced numerous wildcat strikes. Besides wage demands, workers also had claims regarding working conditions and freedom of speech. This led to a series of new pragmatic compromises: a new statutory scheme for the union delegation, better agreements on potential consultation on questions regarding employment and a detailed regulation on the transmission of financial and economic information about the company to the workers’ representatives (Van den Broeck and Vanhemel, 1974).

Relationships between the social partners changed considerably during the 1980s and 1990s. A kind of competitive corporatism was adopted that led to, among other things, a new policy regarding employment and flexibility. During the implementation of this new policy, trade union representatives or the works council systematically gained a right to monitor it or freedom of speech (Van Gyes and De Spiegelaere, 2015: 34). Furthermore, new themes appear such as equal opportunities and well-being at work, as well as new technologies and environmental issues.

### 2.2 Workplace representation

Article 49 of the Welfare Law states that every company that usually employs an average of at least 50 workers (20 in underground and in surface mines) must set up a CPPW, which is composed of the head of the company on the one hand and employee representatives from the company on the other hand. If no committee is established, the committee’s tasks are then exercised by the trade union delegation.

Article 53 of the same law further stipulates that, in companies where there is neither a committee nor a trade union delegation, the employees themselves must have their say in well-being issues. The way this direct participation should take place is clarified in the Royal Decree of 10 August 2001. It stipulates that the employer must provide a register where employees can record their

suggestions, comments or opinion regarding this matter. There must also be a means of communication by which all employees can be reached (noticeboard or email, for example). The details of the external prevention service and those of the supervisory officials must be circulated using it.

Furthermore, there are two procedures for direct participation: one where the initiative comes from the employer and one where employees take the initiative.

On the *employer's initiative*, the employer must seek the prior opinion of the internal or external prevention service, depending on which service's scope the topic falls within, as stipulated in the identification document of the internal service. The employer must next explain this to the employees, who have 15 days to submit comments. The prevention service informs the employer of these comments and its opinion within 15 days. If the employees have not submitted any comment, the employer's proposal is accepted. If they have, the employer takes the comments and opinions given into account, or must justify the decision.

*Employees* can also make proposals on issues regarding well-being at work. This happens either by recording the proposal in the appropriate register or by directly contacting the internal or external prevention service. The service must give its proposal and opinion on the matter to the employer within 15 days. If the employer does not act on the advice given, the employer must justify that decision.

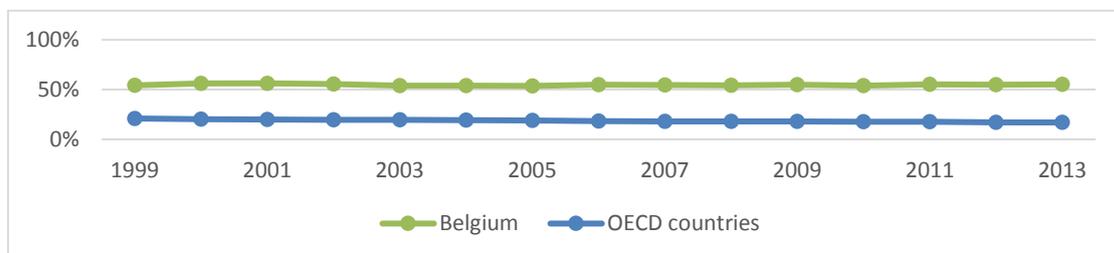
## 2.3 Trade unions

Belgian trade unions are divided between competing confederations, which have clear political traditions. The two main trade union confederations are the ACV/CSC from the Christian tradition, with around 1,700,000 members, and the socialist Fédération générale du travail de Belgique/Algemeen Belgisch Vakverbond (FGTB/ABVV), with around 1,500,000 members. The liberal union confederation, Centrale Générale des Syndicats Libéraux de Belgique/Algemene Centrale der Liberale Vakverbonden van België (CGSLB/ACLVB), is much smaller, with some 290,000 members in 2012 (7).

### 2.3.1 Penetration (extent and form)

An important data source about long-term trends in union membership and density is the database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts (ICTWSS). The database collects information on the 34 Organisation for Economic Co-operation and Development (OECD) countries, all EU Member States and some selected emerging economies including Brazil, China and India. The graph below gives the trade union density in Belgium, compared with the total for the OECD countries.

Figure 3: Trade union density in Belgium, compared with the total of the OECD countries



Source: OECD data for 1999-2013 (OECD.Stat, 2015).

(7) These figures all come from the unions themselves.

An overall observation is that the trade union density in Belgium (55 % in 2012) is more than three times the OECD average (17 % in 2012). Furthermore, unlike in most of the EU Member States, the number of union members in Belgium is not declining, but even shows periods of growth in recent years. Despite this remarkable evolution, Belgian membership figures remain hard to come by, partly because the Belgian trade unions are reluctant to provide details of their membership numbers (Vandaele, 2005).

The fact that unions are involved in the unemployment insurance system is important, but not the only factor explaining why Belgium is an exception to the general decline in union density in Europe (Liagre, 2012). Besides the 'basic' unemployment benefits, other benefits are offered by the unions, such as 'temporary unemployment benefit' to cover periods of unemployment of blue-collar workers due to factors beyond the control of the employer such as severe drops in demand.

Another factor that can explain the high level of union membership in Belgium is the reasonably cheap union membership fees, especially compared with other countries. Moreover, in many industries Belgian unions are able to offer members an annual union bonus that covers more than the half of the union's annual membership fees (Fulton, 2013). This happens in several sectors in return for industrial peace, as stipulated in sectoral agreements.

In his article about 'The Belgian case: an outlier in union density and membership', Liagre (2012) looks at union membership from both individual and institutional perspectives. He also introduces new covariants of union membership into the Belgian model.

Unionisation by occupational status does not follow the usual pattern, often called a U-curve, Liagre finds. Professionals are not so well unionised, while union density among service and sales employees is close to average and even higher among craft and related workers. Levels of union membership are also higher than average in elementary occupations and are highest in the manual workforce. Finally, the gap between officials and clerical workers also seems much smaller in Belgium than in other countries.

Regarding individual exposure to unemployment, Liagre (2012) concludes that employees who have been unemployed for a period of more than three months as well as manual workers are more likely to be unionised. However, he also notes that Belgian employees with short-term contracts are significantly less likely to be unionised.

### **2.3.2 Policies (on OSH)**

The actions undertaken by the trade unions regarding safety and health at work are set out in their statutory reports <sup>(8)</sup>. Two levels of actions are distinguished: the European and the national level.

At the European level, the three Belgian trade union confederations joined forces to launch the campaign 'Rethink Refit' to reconsider the deregulation initiative REFIT (Regulatory Fitness and Performance) set up by the European Commission to simplify administration. They started with a petition to persuade Members of the European Parliament to stop this programme and developed an awareness campaign.

The socialist confederation (FGTB/ABVV) also participated in the discussion about the Belgian regulation on administrative simplification and submitted its view as advice to the Central Economic Council. The confederation also did some sensitisation work with the workers' group of the European Economic and Social Committee. The FGTB/ABVV also held an effective mandate in the Advisory Committee on Health and Safety at Work and was part of the working group preparing the European guideline for the prevention of musculoskeletal disorders. Together with the Christian confederation (CSC/ACV), the FGTB/ABVV also sits on the governing board of the European Foundation for the Improvement of Living and Working Conditions (Eurofound). Finally,

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<sup>(8)</sup> CSC/ACV (<https://www.acv-online.be/Images/ACTIVITEITEN-VERSLAG-2012-2014-tcm183-353969.pdf>); FGTB/ABVV [http://issuu.com/abvv/docs/statrapport2014\\_lr](http://issuu.com/abvv/docs/statrapport2014_lr)

the CSC/ACV is also a member of the Prevention and Research Advisory Board of the European Agency for Safety and Health at Work (EU-OSHA).

At the national level, in the High Council for Prevention and Protection at Work, attention was paid to reforming the regulation about external prevention services. A new regulation was prepared on the initiative of the trade unions, in which health monitoring and the tariff regulation have been deeply reformed by the introduction of a standard tariff per worker (see section 3.3). A reform of the medical examination is still to come.

Furthermore, between 2010 and 2013, the High Council for Prevention and Protection at Work had 26 royal decrees and 1 ministerial decree enacted, regarding matters such as:

- protection of workers again optical radiation
- medical examination of trainees
- help and care for workers who have been victims of an occupational accident
- well-being at work for temporary workers
- protection of workers against risks from chemicals agents at work
- work at especially hot or cold temperatures
- protection against accidental needle injuries.

Finally, trade unions also organise campaigns, study days and information days around OSH topics.

The issue of training workers' representatives was addressed during the interview that the research team conducted with the head of the Department of Industrial Relations at the Christian confederation and one of his colleagues, who is responsible for training workers' representatives in the French-speaking community.

The training is organised in different ways for new and experienced representatives. New representatives, during their first term of duty, take part in a 'common' training programme organised by the confederation. The responsibility for training experienced representatives goes to the trade union division responsible for their sector, without any coordination between the nine divisions. Each division is free to choose the training programme it offers to workers' representatives.

In the training programme for new representatives, only one training day is devoted to PSR, including how workers' representatives can tackle these issues and which strategy they should adopt. For experienced representatives, the training possibilities on that topic will depend on the sectoral division.

The interviewees also mentioned on-the-job training as being an important part. Trade union secretaries are always available to answer questions and help fix problems.

## 2.4 Employers' organisations

Belgian employers are grouped in employers' federations by industrial sector, at both national and regional levels.

### 2.4.1 Penetration (extent and form)

The affiliation rate of the employers' organisations varies as a result of different causes, such as suspended business activities, merger of companies or resignation for several reasons. Most large enterprises are affiliated to employer organisations and play important roles in them, for example through the presence of one of the enterprise's directors in the organisation's decision-making bodies (Arcq and Blaise, 2007: 90).

### ▪ **The Federation of Enterprises in Belgium**

The Federation of Enterprises in Belgium (FEB, Fédération des Entreprises de Belgique/Verbond van Belgische Ondernemingen) is the only cross-industry employers' organisation whose sphere of action covers all enterprises in the for-profit private sector at national level. The federation claims to represent more than 50,000 companies, accounting for some 80 % of the employment in the private sector <sup>(9)</sup>. Companies are affiliated to the FEB not directly but through their sectoral employers' organisations (Arcq and Blaise, 2007). Around 40 sectoral federations are full members, which means they sit on the Management Board. The federation also has 13 (mainly sectoral) organisations as associate members, which are not represented on the Management Board but can in some cases make representations to the Board and participate in the work of some commissions. They can also benefit from the FEB's services.

The regional employers' organisations signed an agreement protocol with the FEB over the sharing of responsibilities, which stipulates that 'The FEB, as the national and cross-industry organisation, represents companies to public authorities and within the public institutions competent for national and international matters' (Arcq and Blaise, 2007: 111).

### ▪ **Regional employers' organisations**

The agreement protocol signed with the FEB stipulates further that 'Brussels Enterprises Commerce and Industry, the Walloon Business Federation and Flanders' Chamber of Commerce and Industry (Voka) represent the enterprises to public authorities and within the public institutions competent for regional and community matters'. The regional employers' organisations are represented on the Management Board and the Board of Directors of the FEB.

The representativeness of regional employers' organisations is not as easy to define as for the FEB and the professional federations. In many cases, the location of establishments does not match the location of the headquarters or, for companies forming part of a group, the real decision-making centre. The meaning of 'regional' must therefore be qualified for these companies (Arcq and Blaise, 2007: 110).

The Walloon Business Federation (Union Wallone des Entreprises, UWE) is the official representative of industrial, commercial and service-sector businesses of all sizes established in Wallonia. All types of businesses are represented, from the small family concern to the large multinational. The federation represents about 6,000 member businesses of all sizes from all sectors <sup>(10)</sup>.

Brussels Enterprises Commerce and Industry (BECI) combines the Chamber of Commerce and Industry of Brussels (Chambre de Commerce et d'Industrie de Bruxelles, CCIB) and the Union of Enterprises in Brussels (Union des Entreprises de Bruxelles, UEB). Some 3,000 companies across all sectors are affiliated to the two organisations <sup>(11)</sup>.

Flanders' Chamber of Commerce and Industry (Voka, Vlaams Netwerk van Ondernemingen), is the most representative employers' organisation in Flanders. It represents over 18,000 companies in Flanders and Brussels, that is, 65 % of the private employment and 66 % of the added value in Flanders <sup>(12)</sup>.

### ▪ **Middle-class organisations**

Middle-class organisations must be taken into account when studying employers' organisations, although many of their affiliated members are not employers.

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<sup>(9)</sup> [www.feb.be/en/who-we-are/](http://www.feb.be/en/who-we-are/)

<sup>(10)</sup> <http://www.uwe.be/uwe/uwe-1/en/view>

<sup>(11)</sup> [http://www.beci.be/b\\_devenir\\_membre\\_b/qui\\_sont\\_nos\\_membres/](http://www.beci.be/b_devenir_membre_b/qui_sont_nos_membres/)

<sup>(12)</sup> <https://www.voka.be/eng/>

In Flanders, the Union of Self-Employed Entrepreneurs (Unie van Zelfstandige Ondernemers, UNIZO) has about 85,000 members: entrepreneurs, self-employed people, small and medium-sized enterprises (SMEs) and professionals from all sectors in Flanders and in Brussels <sup>(13)</sup>. Its French-speaking equivalent, the Middle-Class Union (Union des classes moyennes, UCM), counts about 100,000 members, principally in Wallonia.

- **Social profit sector**

The Union of Social Profit Enterprises (Unie van Socialprofitondernemingen, UNISOC) is a cross-industry and cross-sector organisation acting in both the private and public sectors. It represents nearly all non-profit sectors. Like the FEB, UNISOC's members are not individual enterprises but employers' federations (Arcq et al., 2010: 141).

- **Professional groups**

Belgium has hundreds of professional groups, of which some 170 are approved as national professional federations, represented in the Supreme Council of Self-Employed People and SME's (Arcq and Blaise, 2007: 123). They focus on laws about trade practices and entry to the various professions.

## **2.4.2 Policies (on OSH)**

Safety and well-being at work is part of one of the key domains that the FEB includes in its Manifesto for 2014-2020. This vision is put into practice in the field through six groups known as competence centres, which bring together expertise and excellence. The competence centre 'Labour and Social Security' includes a section on safety and well-being at work <sup>(14)</sup>.

The FEB supports employers in implementing the best possible policy in the area of safety and well-being at work <sup>(15)</sup>. Among other things, the federation, together with Prevent (an institute addressing occupational risks and labour conditions), launched an online tool to assist companies and organisations in assessing how they manage safety and health at work <sup>(16)</sup>. The FEB also attends fairs to promote health, safety and prevention at work and organises platforms for dialogue, for example about security in enterprises. Finally, the federation also posts news and opinions regarding safety and health at work on its website.

## **2.5 Social dialogue**

### **2.5.1 National, sectoral and local arrangements**

The institutionalisation of industrial relations in the private sector leads to a system that is organised at different levels: the company, the activity sector and the entire economy (cross-industry). It is also organised at different geographical scales (local, regional, federal) and according to different fields: social aspects, economical questions and well-being at work (Arcq et al., 2010).

Accordingly, workers' and employers' representatives meet in several bipartite bodies at company, regional, sectoral and federal levels. Next to these formal bodies, informal institutional places also exist, such as the 'Group of Ten', which plays a role in setting up the major orientations of the negotiations at sectoral and company level by entering into cross-industry agreements or agreements on specific topics.

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<sup>(13)</sup> <http://www.unizo.be/watisunizo/>

<sup>(14)</sup> <http://www.feb.be/en/who-we-are/mission-vision--strategy/le-manifeste-feb-2014-2020/>

<sup>(15)</sup> <http://ybo-feb.be/en/Business-issues/Safety-and-well-being-at-work/>

<sup>(16)</sup> <http://www.preventcheck.be/>

The general structure of labour relations is set by federal laws and collective agreements that are also adopted at federal level. The structure is organised at three main levels and concerns three types of subject matter as schematised in Table 1.

**Table 1: General structure of labour relations in Belgium**

Level	Social matters	Economic matters	Well-being at work
Company	Union delegation	Works council	CPPW
Sector	Joint committees	Trade boards	Permanent (sectoral) committees of the High Council for Prevention and Protection at Work
Cross-industry	National Labour Council	Central Economic Council	High Council for Prevention and Protection at Work

Source: Arcq et al. (2010: 44).

▪ **Cross-industry level**

In Belgium, three consultative bodies provide a forum for advice and dialogue between the social partners on socio-economic matters at cross-industry level: the National Labour Council, the Central Economic Council and the High Council for Prevention and Protection at Work.

The *National Labour Council* is consulted on general problems of a social nature, negotiates collective agreements and is also consulted on conflicts of interest that could arise in the joint committees. The council has especially an advisory role: it provides the government or parliament with advice and makes proposals regarding general social problems that concern employers and employees. It can also act as a substitute for joint committees if they have not been set up.

The *Central Economic Council* is consulted on the economic life of the country in general.

The *High Council for Prevention and Protection at Work* succeeded the High Council for Safety, Hygiene and Design Improvements at the Workplace in 1999. It is consulted on matters regarding workers’ well-being during the performance of their work. The High Council also gives an opinion on the annual reports of the Directorate-General for the Supervision of Well-Being at Work and the Directorate-General for the Humanisation of Work as well as on the reports drawn up by the government for the European Commission on the practical implementation of the directives on well-being of the employees in the performance of their work. The High Council is informed about the activities of the European Union in this field.

▪ **Sectoral level**

A *joint committee* is set up for each industrial sector, made up of equal numbers of representatives of the relevant trade unions and employers’ organisations. The principal task of a joint committee is to negotiate and conclude collective labour agreements for its sector. These collective labour agreements are binding and relate to working conditions, pay and management of labour relations. Each company belongs to a single joint committee, and each joint committee extends its competence to every employer and every worker in the sector of activity defined as being part of its competence. Joint committees also have a role advising the National Labour Council, the Central Economic Council and the government.

*Trade boards* are set up by the Central Economic Council for specific fields of activity. Their task is to send notes or suggestions to a minister or to the Central Economic Council regarding problems in the industrial sector they represent.

The Minister for Employment and Labour can, at the request of the *High Council for Prevention and Protection at Work*, set up *permanent committees*, which are competent for an industrial sector. Currently, only one permanent committee is constituted, in the construction sector.

### ▪ Company level

Belgium has a relatively extensive indirect participation structure at company level. The *trade union delegation* represents the unionised workers in dealing with the employer. Its main task is to defend the interests of the workers through collective bargaining, while the other bodies instituted within the company are mainly advisory. Since 1971, union delegations have been authorised to negotiate collective agreements within the company. The delegation also has a right to check the application of social laws, collective agreements concluded at other levels, work regulations and individual employment contracts. It has the right to be informed of modifications of working conditions, wages and professional classifications. Finally, it has the right to meet the managing director on the occasion of a collective dispute, or if such a dispute is at risk of escalating.

The *works council* is a body set up for information and consultation within companies (both private for-profit companies and non-profit enterprises) with at least 100 workers. If a company falls below 100 employees but remains above 50, the works council is re-elected. The council meets at least once a month. It is bipartite, but not joint: the representation of workers and of the employer is not equal. In the private sector, employees elect delegates to the works council and the CPPW every four years. These are known as social elections. The last social elections were organised in 2016. In total, 776,867 employees took part in the election of works councils and 856,885 in the election of CPPWs. This means turnouts of 63.5 % and 65.4 % respectively, a slight decrease from the last social elections in 2012.

The works council discusses and negotiates on every measure that could modify the organisation of work, working conditions, the output of the company, its human resources (HR) policy, questions regarding employment in the company, the modification of structures, the economic situation of the company, etc. The managing director must also provide economic and financial information to give the workers' representatives a clear and correct image of the current situation of the development of the company. In some matters, such as setting up or modifying works rules, the works council has decision-making power.

Finally, the *CPPW* is a bipartite consultative body set up in companies that usually employ an average of at least 50 workers. In 1996 it replaced the Committee on Safety, Hygiene and Design Improvement at the Workplace, which had existed since 1952. The committee is composed of the head of the company and employee representatives from the company. The prevention advisor also sits on the committee. In companies where no committee is elected, the trade union delegation takes on its role within the company. If there is no trade union delegation, the employer must consult the employees directly on matters concerning their well-being at work. In the private sector, the committee must meet at least once a month. In the public sector, this is not compulsory but strongly recommended.

The committee's overall task is to promote the well-being of employees at work. In some matters, such as the minimum hours of employment for the tasks of the internal prevention advisor, the committee must agree in advance. Besides giving opinions, the committee also makes proposals on the policy on well-being at work. It gives its views on the overall safety and health plan and the annual action plan drawn up by the employer. Finally, the committee also has the right to be informed about issues relating to the well-being of workers in the performance of their work, and about the internal and external environment.

The committee must encourage the activities and monitor the functioning of the internal service for prevention and protection at work. Periodically, and at least once a year, the committee, together with the competent safety and health advisor and the responsible member of the line management, must carry out a thorough inspection of all workplaces for which the committee is responsible.

According to a key informant from the professional association for prevention advisors (interviewed on 10 May 2016), a shift is taking place in CPPWs, from 'hard' themes to 'soft' themes such as PSR. This is as trade unions want, which have been working on it for some time already, but the management side also has a tendency to pay more attention to this issue. This especially applies to large enterprises.

## 2.5.2 Evaluation of the functioning of the Committee for Prevention and Protection at Work

In 2014, the ACV/CSC (Belgium's largest trade union confederation) launched an online questionnaire for all representatives sitting on the CPPW of any company (all industry sectors together), regarding the functioning of those committees (Liagre and Van Gyes, 2014). The results are based on some 1,100 answers.

A first interesting result is the scores for support from the employer and from the rank and file. The average score for employer involvement is 6.15 out of 10. For support/commitment from workers, the average score only is 5.01 out of 10.

More than half of the respondents answer that their employer often or always keeps them updated on OSH matters and takes their advice into account. However, two-thirds of employers sometimes or often avoid representatives' questions.

Furthermore, as shown in Table 2 workers' representatives do not seem to contribute much to the company's OSH management at the respondents' workplaces.

**Table 2: Influence of workers' representatives on decision making about OSH**

Topic	Average score (out of 10)
Safety risks (fire, use of chemical products, electrical risks, etc.)	5.84
Health risks (stress, ergonomics, computer work, noise exposure, etc.)	5.19
Working environment (light, air quality, temperature, hygiene, etc.)	5.35
Safety management (training, personal protective equipment, safety instructions, etc.)	5.46
Health management (analysis of accidents, medical check-ups, etc.)	4.69

Source: Liagre and Van Gyes (2014).

Two explanations are proposed for this: either they do not necessarily want to have greater influence on these matters, or they do not have sufficient knowledge and expertise to do so. The moderate satisfaction (6.5 out of 10) regarding the help they receive from experts (in PSR, ergonomics and hygiene, for example) and from occupational physicians does not help in this regard.

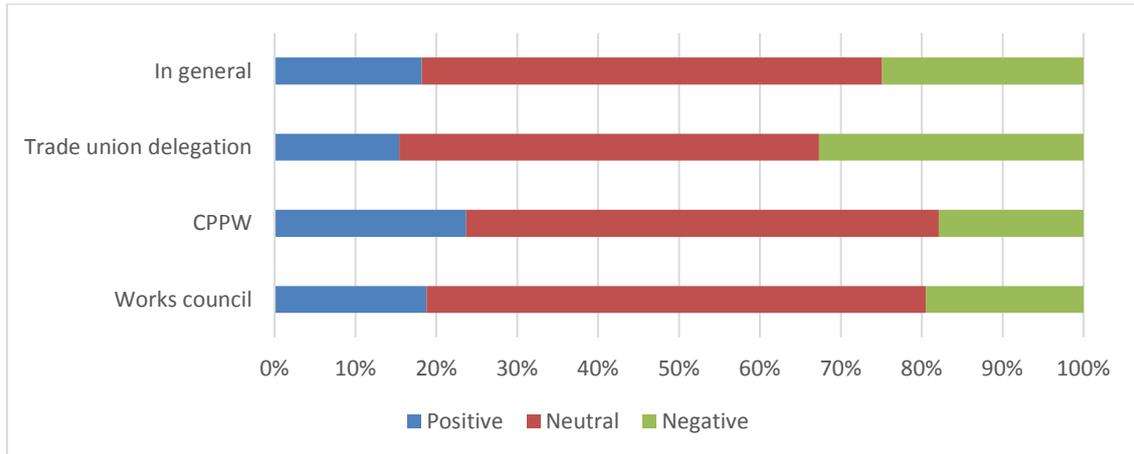
The results of this study were discussed in an interview conducted by the research team with the head of the Department of Industrial Relations at the ACV/CSC and one of his colleagues, who is responsible for workers' representatives' training in the French-speaking part of the country.

They mention turn-over of workers' representatives as an obstacle to proactive representation. Social elections take place every four years, and approximately half of the workers' representatives are replaced. New representatives need to be trained by the trade union, but also to settle in to how worker representation in the company operates (including the CPPW). They confirm that, with some exceptions, most workers' representatives follow the employer's agenda.

Furthermore, they explain the low degree of influence on decision-making about health management (see Table 2) by how difficult it is for workers' representatives to bring the topic to the table and have it discussed as a collective issue. Employers still tend to think that psychosocial hazards are the individual responsibility of workers. A shift to a system-based approach, taking labour organisation and work content into consideration, is not observed at this stage for this type of risk.

For the sake of comparison, the FEB and the HR company SD-worx conducted a survey of HR managers from 250 companies to ask about the time needed for representation work, training of workers’ representatives and other facilities for representatives, such as use of meeting rooms. The survey took place in 2016, just before the social elections. The results regarding consultative bodies are quite similar to the results of the survey conducted with workers’ representatives: a minority thinks that it does positively contribute to better functioning of the company and increase productivity.

**Figure 4: How do consultation bodies contribute to better functioning and increased productivity in the company?**



Source: VBO/FEB (2016).

Nevertheless, both workers and employers judge the social climate to be good in some 90 % of the companies and the quality of the functioning of consultation bodies is also rated as good by most respondents (85% good in general, 90% good for the CPPW).

## 2.6 Conclusion

Belgium has strong arrangements regarding workers’ representation and one of the highest trade union densities in Europe. Both trade unions and employers’ organisations are actively contributing to better OSH management in Belgian companies, at all levels.

Furthermore, workers’ representation and participation at company level is also regulated by national laws. However, in practice we see limited influence of workers’ representatives on decision-making regarding OSH. This is (partly) explained by the turn-over of workers’ representatives following social elections (every four years) and hence the lack of self-confidence to take a more active part in the strategic OSH agenda.

### 3 OSH within this context

This chapter is divided into four sections. The first presents statistics on safety and health outcomes in Belgium, including occupational accidents and occupational illnesses. The second sets out the role played by labour inspection in checking companies' OSH performances. The third section goes deeper into approaches to OSH management at company level. Finally, support for and barriers to addressing OSH measures are discussed.

#### 3.1 Some measures of safety and health outcomes

##### 3.1.1 Occupational accidents

Health and safety precautions were introduced into Belgian safety legislation in the 1970s. It obliges employers to pursue a systematic policy to prevent foreseeable risks. To this end, employers are obliged to appoint an employee as responsible for the company's OSH. This section describes the current Belgian legislation concerning the registration and analysis of occupational accidents and work-related illness.

The regulation of occupational accidents in the Belgian private sector occurs through insurance companies created to this end. Each employer must join such an insurance company, which is responsible for compensating the victims. The Fund for Occupational Accidents supervises the system, is in some cases responsible for supplementary compensation and collects all kinds of data (Popma and Van Regenmortel, 2013). Employers in the private sector must declare every occupational accident to their insurance company within eight days following the accident. The employers' declaration is not essential for the victim to claim compensation; the victim can also make a declaration if necessary. The insurer decides for itself whether or not to recognise the accident as an occupational accident.

The definition of an occupational accident is wide: 'every accident that happens to a worker during the performance of his contract and which causes an injury as a result of an unexpected event. Accidents on the way to or from work are also considered as occupational accidents' (Occupational Accident Act of 10 April 1971, Article 8).

However, the ACV/CSC observes that there has been significant change in the refusal rate of insurance companies: from about 2 % in 1985 to 12.3 % in 2014, according to the figures from the Fund for Occupational Accidents. The motives mentioned by insurance companies seem not always to be well-founded. For example, they will use the argument that no one witnessed the accident, or that the accident happened as the consequence of common practice, arguments which are not covered by the law. This has consequences for all parties: first, for the employee, who has to pay medical expenses and loses his or her wages once the guaranteed wage period is over; second, for the employer, who pays insurance fees without having the benefit of these and also has to pay the guaranteed wage; and, finally, for social security, which must pay medical expenses and the incapacity for work allowance. Hence, the ACV/CSC asks the Fund for Occupational Accidents to supervise these refusals better.

- **Distribution and evolution of occupational accidents**

The Fund for Occupational Accidents publishes some administrative data for Belgium on occupational accidents that have been declared by employers. It distinguishes fatal accidents, serious accidents that are expected to be followed by permanent incapacity, less serious accidents, which are followed by temporary incapacity, and accidents that are without consequence.

The most recent data concern only the private sector, the dataset not having been updated for the public sector since 2009. Table 3.1 shows the data for Belgian companies in 2013 (most recent data available), by company size.

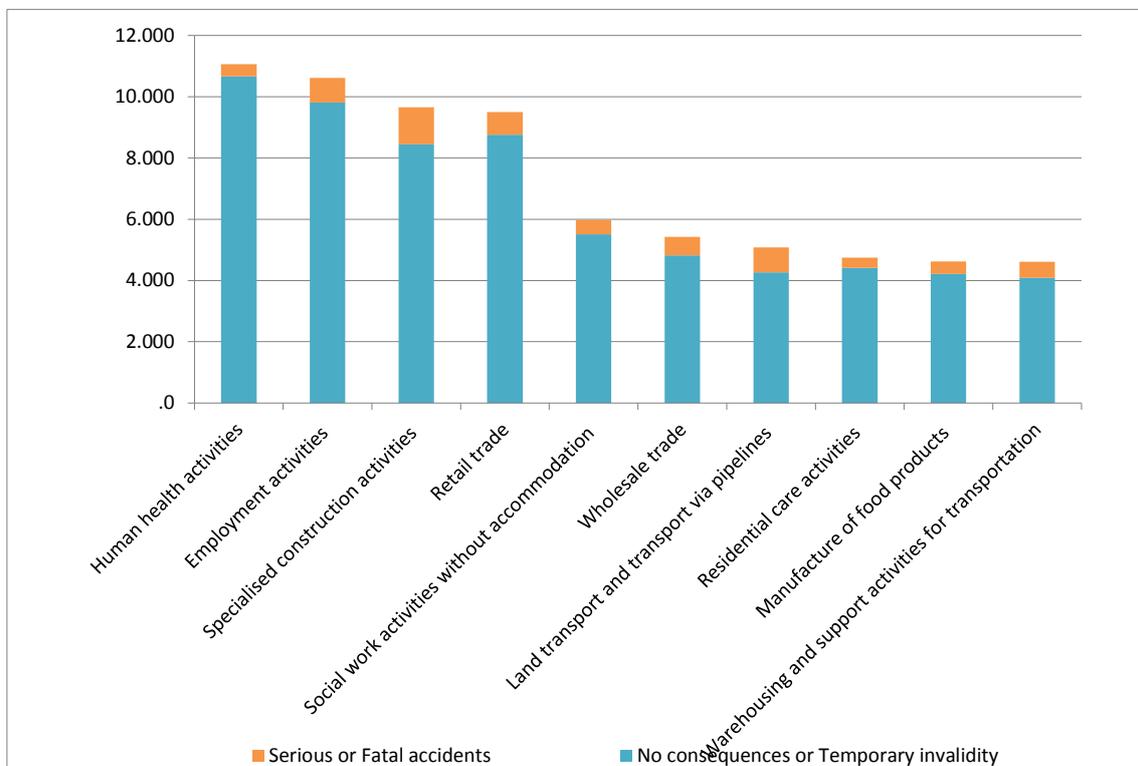
**Figure 5: Distribution of occupational accidents according to the size of the company and the consequences of the accident**

Company size (number of employees)	No consequences	Temporary incapacity	Expected permanent incapacity	Fatal
1-9	5,322 (9.6 %)	7,517 (12.6 %)	1,942 (16.9 %)	15 (20.8 %)
10-49	9,991 (18.0 %)	14,146 (23.8 %)	3,029 (26.4 %)	21 (29.2 %)
≥50	39,149 (70.4 %)	37,194 (62.5 %)	6,371 (55.5 %)	35 (48.6 %)
Unknown	1,184 (2.1 %)	663 (1.1 %)	146 (1.3 %)	1 (1.4 %)
<b>TOTAL</b>	<b>55,646 (100 %)</b>	<b>59,520 (100 %)</b>	<b>11,488 (100 %)</b>	<b>72 (100 %)</b>

Note: This table covers the private sector only, excluding public enterprises, public administration and education.  
Source: Statistical tables for 2013 in Fund for Occupational Accidents (2015).

The most striking observation from Table 3.1 is that, in 2013, half of the accidents took place in MSEs. The percentage of accidents resulting in expected permanent incapacity in these enterprises is also quite important: 43.3 % of these accidents happened in MSEs. Taking into account the fact that MSEs account for 39 % of employment in the private sector, these statistics indicate a higher rate of serious accidents in MSEs than in larger enterprises. Less serious accidents, however, seem less frequent in SMEs (Valenduc, 2014: 39).

**Figure 6: Sectors with the highest numbers of accidents**



(\*) Private sector, except accidents on the way to work.  
Source: Statistical tables for 2013 in Fund for Occupational Accidents (2015).

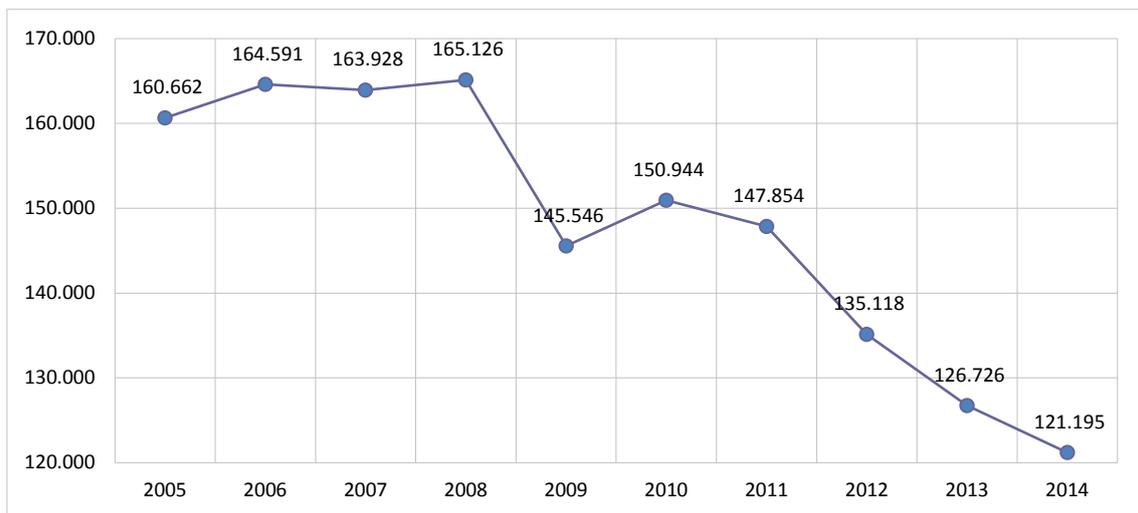
Figure 6 provides an overview of the 10 sectors (based on the Statistical Classification of Economic Activities in the European Community (Nomenclature Statistique des Activités Économiques dans la Communauté européenne, NACE) code) with the highest number of accidents (more than 4,000 accidents declared) in 2013.

Looking at the figures, human health activities have the highest number of accidents (11,061 in total, of which 390 were expected to result in permanent incapacity and 1 was fatal). Employment activities, including temporary workers, follow, with 10,616 accidents declared within the actual sector activities or at the customers' workplaces, of which 804 were serious (expected to result in permanent incapacity) or fatal. Specialised construction activities come in third position, with 9,655 accidents in 2013, of which one in eight was serious or fatal.

Looking at trends in the rate of accidents, we see an overall decrease in the total number of reported accidents at the workplace. Between 2005 and 2014, the number of accidents in Belgian companies decreased by nearly a quarter (from 160,662 to 121,195). It is noticeable that the rate has decreased more in SMEs than in larger companies. No explanation of this was found.

The number of accidents on the way to work remained quite stable (about 20,000 a year) in that period, except a peak in 2010 (27,555) before it came back to the original level. This can be explained by two harsh winters in that year (January 2010 and December 2010).

**Figure 7: Trend in the total number of accidents at the workplace, 2005-2014 (\*)**



(\*) Private sector: except public enterprises, public administration and education.  
Source: Statistical tables for 2005-2014 in Fund for Occupational Accidents (2015).

It is also important to qualify these figures, which, according to the ACV/CSC (ACV, 2014), hide a part of the reality.

On the one hand, not all accidents are declared by the employer. Indeed, not declaring an accident avoids an increase in the insurance premium and paperwork.

Moreover, occupational accidents concerning foreign workers whose employer is based abroad (as is often the case in the construction and catering sectors) are not subject to the Belgian regulation concerning the registration of occupational accidents. They are consequently not included in the Belgian statistics. According to the union confederation, nearly one in four fatal accidents in construction happen to foreign workers (ACV, 2014: 5).

Furthermore, some people's occupational accidents are not registered by the Fund for Occupational Accidents because they pretend to be self-employed, even if they actually do work for an employer and should consequently be included in the statistics.

Finally, workers whose work or workplace is adapted after the accident can also affect the statistics. These people are not included in the statistics on work incapacity; when the worker is directly moved to another job that is adapted to his or her reduced physical capacities, no day of absence is registered.

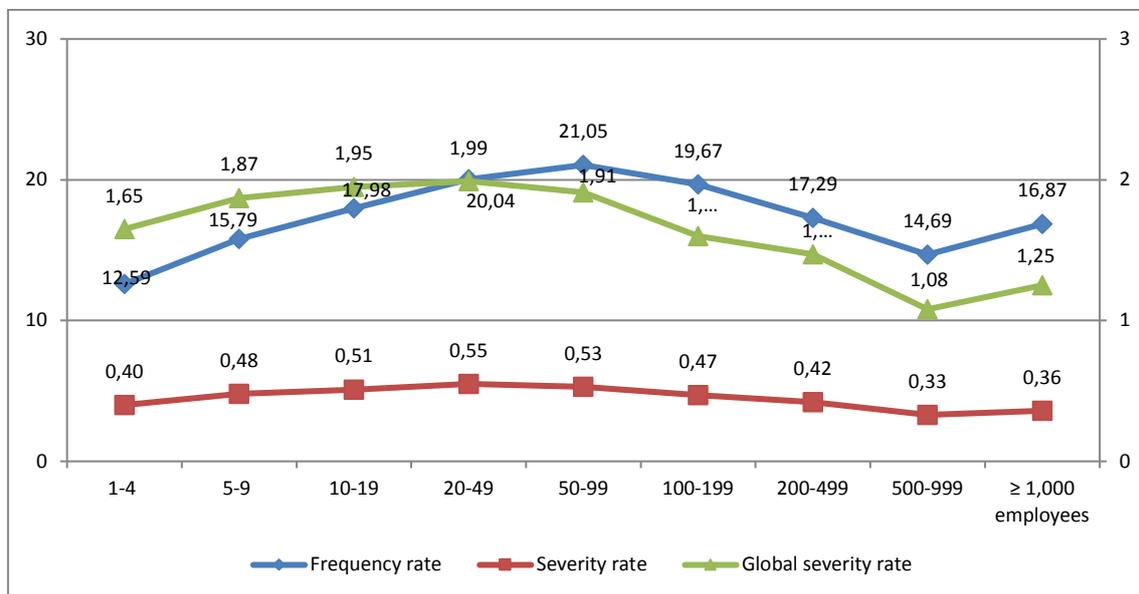
Besides this, the recent shift to a tertiary economy with more administrative work, and the decrease in industrial activity during the 2008 financial crisis led to a decrease in risks of occupational accidents. On the other hand, new risks have also appeared, such as PSR and musculoskeletal disorders, but these are not easily recognised as occupational hazards.

On the other hand, safety managers emphasise the possibility of over-reporting of occupational accidents, namely when workers report an occupational accident improperly, for example when the injury is due to an accident in their private life. The reason is that the compensation system for victims of an occupational accident is far more generous than for an accident caused outside work. However, the phenomenon has never been studied and is as a result difficult to assess.

▪ **Frequency and gravity of occupational accidents**

The Fund for Occupational Accidents also provides data about the average frequency and the gravity of occupational accidents, according to the company size. The link between company size and these accident characteristics is represented in Figure 3.3. The *frequency rate* indicates the number of accidents per million person-hours worked. This is equal to the number of accidents resulting in at least one day of incapacity or fatality, multiplied by 1 million and divided by the number of hours of risk exposure. The *severity rate* is the total number of person-days lost multiplied by 1,000 and divided by the number of hours of risk exposure. Finally, the *global severity rate* equals the total number of person-days lost plus the total number of person-days' lump incapacity, multiplied by 1,000 and divided by the number of hours of risk exposure.

Figure 8: Link between company size and accident characteristics (\*)

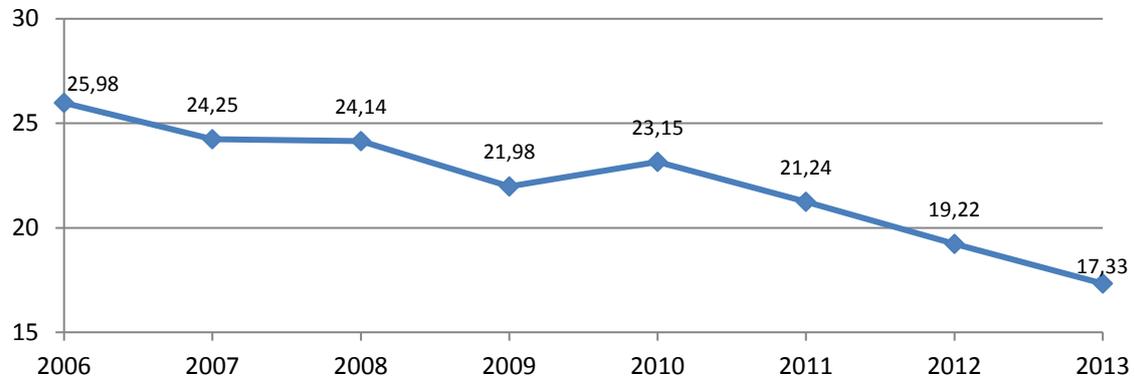


(\*) Private sector: except public enterprises, public administration and education. Source: Statistical tables for 2013 in Fund for Occupational Accidents (2015).

The figure above shows that the frequency rate increases with the company size, to reach a peak in companies with 50-99 employees (20.04), and then decreases again. The severity rate, however, reaches its peak in small enterprises (20-49 employees), where it amounts to 0.55. This

also applies to the global severity rate, which amounts to 1.99 in small enterprises (20-49 employees).

**Figure 9: Trend in frequency rate, (2006-2013 (\*)**



(\*) Private sector: except public enterprises, public administration and education.  
Source: Statistical tables for 2016-2013 in Fund for Occupational Accidents (2015).

Figure 9 shows a clear decrease in the frequency rate of nearly 30 % between 2006 and 2013. This decrease is fairly constant, with an exception in 2010, when the frequency rate was slightly higher than the previous year but still lower than before 2009.

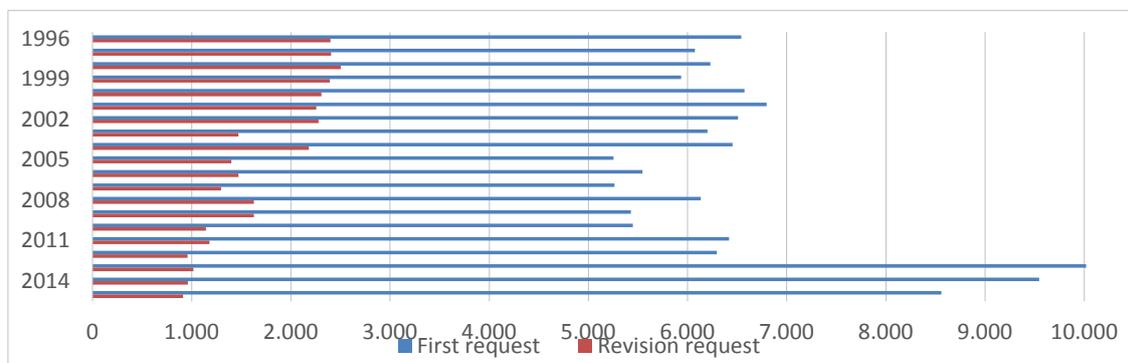
### 3.1.2 Occupational illnesses

Regarding occupational illnesses, the legislation is quite restrictive, as a result of which only a small fraction of the health problems related to work fall within the reach of the regulation of recognised occupational illnesses (Popma and Van Regenmortel, 2013). For example, even though the law recognises PSR as a real professional risk, it is not recognised as an occupational illness.

To determine illnesses caused by work, a list of recognised occupational illnesses has been set up by Royal Decree. It includes illnesses caused by chemical agents, skin diseases, lung diseases, infectious illnesses, illnesses caused by physical agents and ‘others’.

The Occupational Illnesses Fund publishes some statistics about incapacity for work. Figure 10 shows the trend in the number of requests that have been submitted to the fund over the past 20 years.

**Figure 10: Evolution of the number of requests**

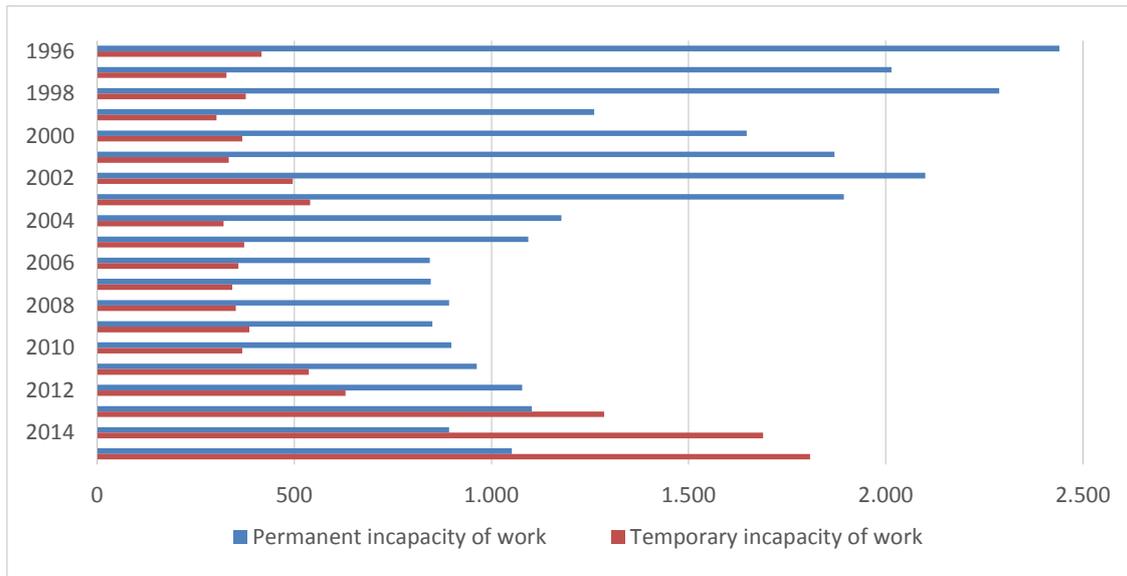


Source: Occupational Illnesses Fund (2015).

In 2015, a third of the *first requests* concerned tendonitis ( $n = 2,835$ ), followed by carpal tunnel syndrome ( $n = 1,333$ ), back injuries ( $n = 941$ ) and leg, joint and discus pathologies ( $n = 907$ ). *Revision requests* mainly concern the respiratory system ( $n = 250$ ), followed by tendonitis ( $n = 195$ ).

Regarding distribution by age and gender, first requests for incapacity for work seem to be more frequent among women until the age of 54 years. Thereafter the tendency is reversed and men clearly report more incapacity for work than women. It is striking that more than half of revision requests are made by men aged 65 years or more.

Figure 11: Work incapacity allowance



Source: Occupational Illnesses Fund (2015).

The Occupational Illnesses Fund certified more than 2,860 cases of incapacity for work in 2015; that is one third of the first requests. We see a clear increase in the number of attributions of temporary incapacity for work in 2013-2015, while the number of attributions of permanent incapacity has remained fairly stable. It was in 2013 that the tendency changed and temporary incapacity for work became more frequent than permanent incapacity for work.

### 3.2 OSH performance

The Supervision of Well-being at Work (labour inspectorate) checks occupational safety, health and well-being standards. For this purpose, the inspectorate verifies whether or not the employers take the proper measures to control the risks for their workers. It also encourages employees and their representatives to take part in making workplaces secure and healthy. Regulations regarding well-being at work serve as a basis for this. Furthermore, the labour inspectorate has the task of improving regulations. The most recent available annual report on the working of the inspectorate dates from 2012.

It is important to mention that the Supervision of Well-being at Work seems to suffer significant understaffing, which leads it to intervene mostly following an occupational accident or at the request of the employer, workers or their representatives. Moreover, it admits to focusing on companies with more than 10 employees. Smaller companies, which represent about 80 % of enterprises, are visited only on request or in case of occupational accident. Hence, one cannot conclude that the labour inspectorate conducts systematic visits.

This also seems to affect the content of checks, which focus more on ‘traditional’ risks and do not always pay as much attention to PSR, musculoskeletal disorders and prevention. This tendency is less evident among the ‘new generation’ of inspectors, who are more sensitive to these themes. A last limitation faced by the labour inspectorate is the lack of means to take the necessary time to follow up sanctions.

In 2012, the inspectorate performed a total of 13,873 inspection visits to operating units and 14,725 to employers on temporary or mobile sites. The conclusions of the inspectorate from these visits are shown in Figure 12.

Figure 12: Conclusion of the inspectorate following the visit

Conclusion	Operating units (%)	Temporary or mobile sites (%)
No comment	49.80	60.40
Corrective notice	6.70	4.30
Verbal warning	8.60	18.00
Written warning	31.50	13.30
Imposition of a measure (Article 3)	0.50	1.10
Potential indicator for closing down (Article 3)	0.10	1.90
Potential indicator for statement of offence	0.30	0.20
Set up agreements and measures	1.40	0.40
Positive comment	1.10	0.40

Source: Directorate-General for Supervision of Well-being at Work (2012).

Only half of the operating units received a positive conclusion (no comment or positive comment), while this proportion amounts to 60 % for temporary sites. Areas of well-being in which the highest proportions of offences have been recorded are listed in Figure 13.

Figure 13: Areas of well-being with the highest proportions of offences

Area	Operating units (%)	Temporary or mobile sites (%)
Work equipment and machinery in general	49.6	
General safety and health regulations	46.3	
Technical inspections and follow-up of inspection reports	43.2	
Chemical, carcinogenic, mutagenic and biological agents	42.4	30.8
Electricity and electrical equipment	41.6	
Earthworks		41.2
Organisation of well-being, management and dynamic system of risk management	39.3	20.5
Violence and moral and sexual harassment	37.5	
Internal service for prevention and protection at the workplace, cooperation with the external service for prevention and protection at the workplace	36.4	
Work in a hyperbaric environment	35.9	20
Young people at work, trainees and temporary workers	34.4	
Scaffoldings and harnesses		29.3
Banisters and protection of openings		26.5
Elevators with mobile platform (use of lifting equipment for working at height)		17.9

Source: Directorate-General for Supervision of Well-being at Work (2012).

Areas in which the highest proportions of offences have been recorded in temporary and mobile sites differ somewhat from those in operating units, reflecting the particular characteristics of temporary or mobile sites.

### 3.3 Approaches to OSH management at the workplace level

The Law of 4 August 1996 on the well-being of workers in the performance of their work puts the primary responsibility for working conditions on the employer. In companies with 20 employees or more, the employer is assisted by an *internal service for prevention and protection at work* that supports the employer and the employees in carrying out a company-level policy on well-being at work. In companies with fewer than 20 employees, the employer assumes this position him- or herself.

The employers are grouped together in four groups depending on the nature of the risk and the total number of employees:

- Groups A and B include large to very large companies and/or businesses with a high to very high level of risk;
- Group C includes employers with fewer than 200 employees that are not included in Group A or B;
- Group D includes employers with fewer than 20 employees where the employers themselves assume the position of prevention advisor.

The basic tasks carried out by the internal service and the training required for the prevention advisors depend on the group.

The principal tasks of the *internal service for prevention and protection at work* consist of advice regarding the following matters: helping to identify hazards, giving advice on risk assessment and preparing the global prevention plan and the annual action plan; taking part in research into the causes of industrial accidents; giving advice on various subjects regarding the code of conduct on well-being at work, including working with subcontractors; giving advice on drawing up instructions on informing, welcoming and training employees; being available to the people in the company to deal with all questions on applying the legislation; helping to apply the measures that are to be taken in case of serious and imminent danger, establishing the internal emergency procedures and organising first aid. Furthermore, the task of the *prevention advisor or occupational physician* is to study the interaction between workers and their work environment, ensure health monitoring and supervise the organisation of first aid and emergency help. These tasks can be carried out by either the internal or an external service, depending on the group the company belongs to.

Indeed, Article 40 of the Welfare Law provides for the setting up of *external services for prevention and protection at work*. These services deliver complementary skills to the internal services. They consist of two departments, a department charged with multidisciplinary risk management and a department responsible for medical supervision. Employers are free to choose their external service and each external service sets its own tariffs for the tasks that it carries out. This leads to some competition between the different external services.

A reform of external services took place in 2015-2016. It includes new (minimal) tariffs based on the number of employees (more or fewer than five employees) and on the principal activity (NACE) of the company.

The new 'package' for small companies and low risks companies includes, among other things, a risk assessment and the proposal of prevention measures based on this assessment, health check-ups (focusing on workers with health problems and their reinsertion in the company and on keeping older people at work), dealing with informal individual requests or formal collective requests regarding PSR and giving advice on prevention management.

For larger companies and high-risk companies, a system of *prevention units* is set up. These *prevention units* must be used for medical check-ups as well as PSR.

### 3.4 Support for and barriers to adopting and using OSH measures

With regard to the specific field of stress management, the University of Liège conducted a study in 2009 to identify factors that stimulate or prevent the implementation of interventions (Hansez et al., 2009). Stimulating factors related to the method implemented and the communication process were identified. Communication by management and the participation and involvement of management evidently play a key role in success. No significant effect of the involvement of the trade union delegation, however, was observed. On the other hand, the context within the company generally, such as the presence of a good social climate, has been identified as determinant. Facilitating the setup of an advisory or steering committee seemed to stimulate implementation.

The most important hindrances identified relate to financial and temporal constraints, as well as the context of change in the company. The Belgian regulatory framework regarding safety and health at work is extensive, but does not include any specific obligations when companies are going through a restructuring period.

Furthermore, trade union actions are particularly difficult to organise in subsidiaries of larger enterprises, especially if the decision-making centre of the group is not located in Belgium. Therefore, European Directive No 94/95/CE of 22 September 1994 provides for the establishment of a European Works Council or an equivalent procedure for information and consultation among the workers within enterprises or groups of enterprises on an EU-wide scale (Gordon and Turner, 2000). This directive has been enacted in Belgian law by Collective Labour Agreement No 62,

concluded on 6 February 1996 at the National Labour Council. However, the directive does not clarify which information must be provided to workers' representatives. Furthermore, it does not require the information to be communicated before a strategic decision which could affect the existence or the structure of an enterprise of the group is taken (Arcq and Blaise, 2007: 81).

### 3.5 Conclusion

Belgium has well-established regulation regarding safety and health at work. However, when looking deeper into the practices, one can see that they do not always fit the aim of the regulation. Indeed, although recognised by the law as a real professional risk, PSR is not even so recognised as an occupational illness. Inspection is supposed to make sure that the law is enforced, but does not function as a driver for employers to comply with the regulation or with decent OSH management practices, as they estimate that their chance of being inspected is very low.

Moreover, the implementation of the OSH legislation framework still bumps against obstacles. MSEs, for example, are very hard to reach in general, and enterprises from the manufacturing sector see little point in investing in PSR prevention when they have high levels of physical risks, which they treat as a priority.

Hence, the main aspects OSH regulation are set up, but their application is still to be further developed.

## - PART 2 AN ANALYSIS OF ESENER-2 DATA ON WORKER REPRESENTATION IN SAFETY AND HEALTH IN BELGIUM -

## 4 ESENER-2 secondary analysis

This chapter presents findings relating to worker representation and worker involvement from the ESENER-2 dataset. This analysis is based on the 1,500 responses from Belgian companies, distributed as in Table 4.1.

**Table 3: Distribution of Belgian companies that responded to the ESENER-2 questionnaire, by sector and by company size**

Size	Private goods-producing	Private services	Public	Total
<50 employees	190	623	184	997
50-250 employees	89	183	88	360
>250 employees	44	57	42	143
TOTAL	323	863	314	1,500

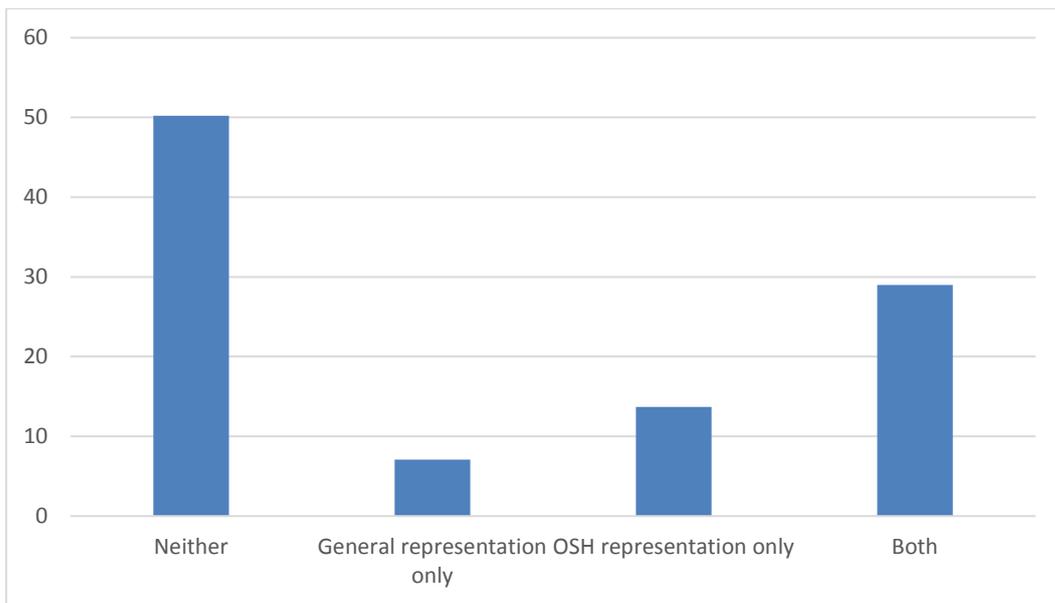
Companies employing fewer than 50 workers and private service enterprises form a large part of this sample. It is important to bear this in mind when reading the data presented in this chapter, as the law does not require any form of formal worker representation in these companies.

When reading the data below, it is also important to bear in mind that the ESENER-2 survey, like the ESENER-1 survey, generally indicates high absolute levels of implementation and operation of many of the practices, measures and arrangements considered in this report. Many of these levels are substantially higher than other national studies and figures suggest. This is most likely to be a reflection of the sample selection methods used in both surveys, which resulted in the inclusion of a preponderance of respondents that regard themselves as active in OSH and compliant with requirements — what might be termed the ‘best end of the spectrum’ (Walters et al., 2012). However, findings comparing enterprises with and without arrangements for worker representation and worker involvement are believed to be consistent, even within this best end sample.

### 4.1 Representation

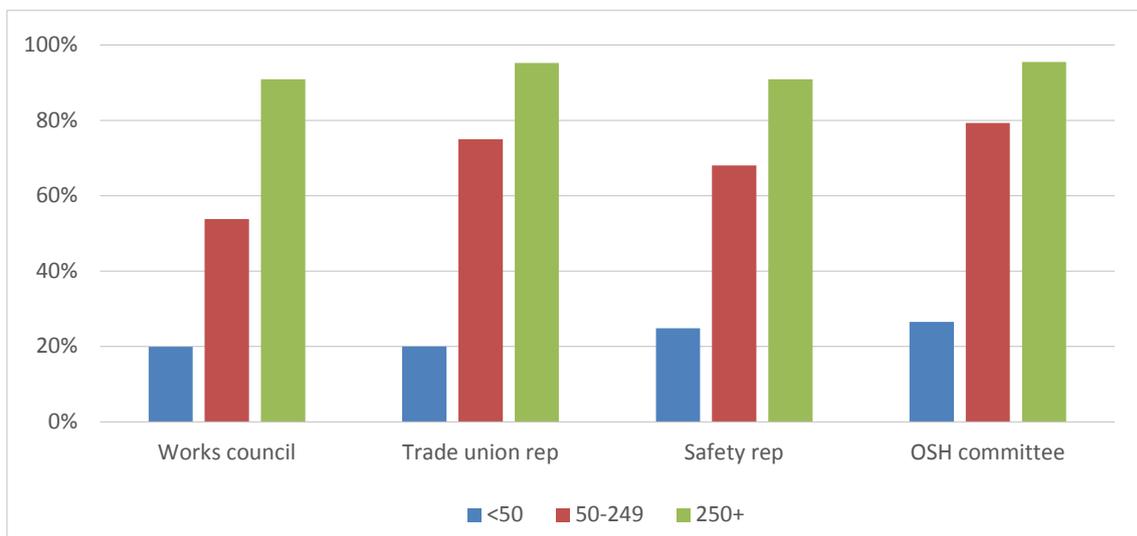
The ESENER-2 survey asked about four forms of worker representation: works councils, trade union representation, safety and health representatives, and safety and health committees. The first two of these were grouped together as ‘general’ worker representation and the second two as ‘specialist’ OSH representation (Figure 14).

**Figure 14: Percentage of Belgian enterprises reporting the presence of general and specialist safety and health arrangements for worker representation**



Even if misreporting by respondents is not to be excluded, the higher number of companies with only OSH representation can be explained by the fact that a safety committee must be set up if there are 50 employees or more, while a works council must be set up if there are 100 workers or more. Given the different thresholds regarding company size for the different forms of employee representation, one can expect that companies reporting having neither form are MSEs (<50 employees). This is confirmed in Figure 4.2, which shows the distribution by enterprise size.

**Figure 15: Percentage of Belgian enterprises reporting the presence of arrangements for worker representation, by enterprise size**



The proportion of enterprises reporting that they have the mentioned forms of employee representation clearly increases with the company size for all forms of representation, without exception. The proportion of medium-sized enterprises (50-249 employees) with an OSH committee is higher than the proportion with a works council, which can easily be explained by

the fact that Belgian legislation requires a CPPW for all enterprises employing 50 workers or more, while the threshold for works councils is 100 employees.

The threshold for safety representatives (in the sense of internal prevention advisors) is 20 employees, which may explain the fact that a third of the companies with 10-49 employees report having such a representative in the organisation.

Looking at the data by sector, controlling for the company size, we see a bigger proportion of companies from the public sector reporting the presence of the different arrangements for worker representation in MSEs (<50 workers) than in other sectors. The story differs when looking at larger enterprises. From 50 workers on, private goods-producing companies are more inclined to have arrangements for worker representation. This is the case for every type of arrangement.

## 4.2 Workers' involvement

ESENER-2 respondents were also asked about the involvement of workers in the design and implementation of two types of prevention measure: the first in relation to measures taken following risk assessment and the second concerning measures to prevent PSR (Figure 16).

**Figure 16: Percentage of Belgian enterprises reporting worker involvement in the design and implementation of measures taken following risk assessment and measures taken to address psychosocial risks**

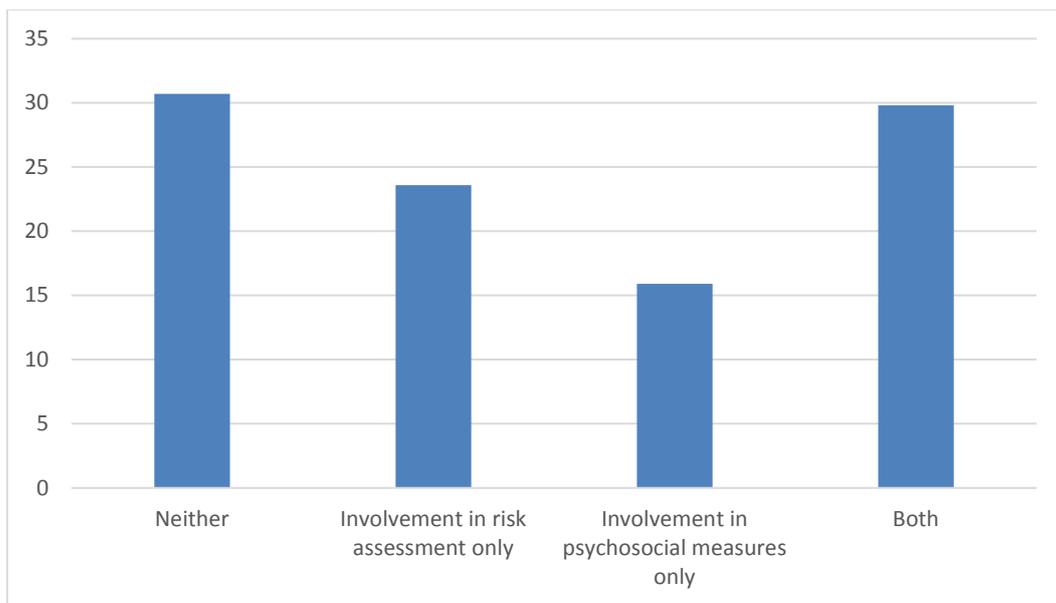
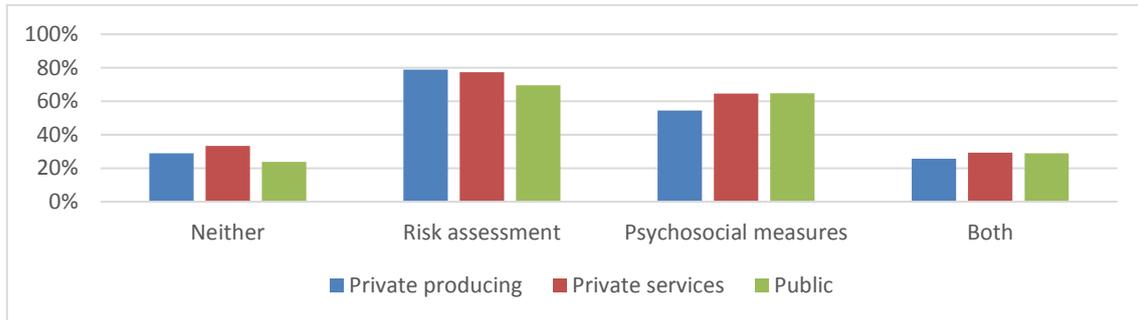


Figure 17 shows that workers in some 70 % of enterprises are involved in designing and implementing measures following risk assessments, psychosocial measures or both.

This proportion differs somewhat when looking by sector, as illustrated in Figure 17. Workers' involvement in the design and implementation of 'general' measures following a risk assessment occurs in three-quarters of the companies, slightly more in the private goods-producing sector than in private services and the public sector. The opposite is observed for involvement in the design and set-up of measures to address PSR, which happens more often in public services, where PSR is more clearly part of the job, than in the private goods-producing sector, where PSR is not a priority given the importance of 'traditional' safety and health risks.

**Figure 17: Percentage of Belgian enterprises reporting worker involvement in the design and implementation of measures taken following risk assessment and measures taken to address psychosocial risks, by sector**



When looking at the distribution by company size, we see that the involvement of workers in the design and implementation of measures decreases as company size increases. The proportion of companies that involve workers increases slightly in companies with 250 employees or more. Regarding measures to address PSR, employees are far more often involved in large companies (>250 employees, 74 %) than in smaller companies (around 62 %).

### 4.3 Participation

Considering worker representation and worker involvement together, 20 % of the Belgian enterprises reported having no arrangements for worker participation in place at all — that is, no worker representation arrangements and no worker involvement. Considering this by enterprise size and sector: 22 % of small, 2 % of medium-sized and no large enterprises reported that they had no participation arrangements; and 20 % of private goods-producing, 23 % of private services and 9 % of public sector enterprises reported that they had no participation arrangements.

### 4.4 Associations between worker participation and good workplace OSH practice

A secondary analysis of the ESENER-1 dataset showed that having both general and specialist forms of worker representation *in combination* with having high levels of management commitment to safety and health was strongly linked to higher levels of good OSH management practices and to their perceived efficacy (Walters et al., 2012). To consider if this was again the case for Belgian enterprises in the ESENER-2 survey, three composite variables were produced. This approach took its lead from that used in the secondary analyses of ESENER-1 (see van Stolk et al., 2012a, 2012b and Walters et al., 2012), and in each case the composite variables were produced in the same way as those used in a recent secondary analysis of the ESENER-2 dataset (Walters et al., 2016).

The first composite variable combined various measures of the arrangements that enterprises make for managing OSH in the workplace, to give an indication of where enterprises fall along a spectrum of good OSH management practice. Seven survey questions relating to good OSH management practice were included (Table 4.2). The responses to the questions shown in the first part of Table 4.2 were each given a score of 1 for ‘yes’ before they were summed to produce a single measure. Scores ranged from 0 to 7, with a mean of 4.52 (standard deviation 2.29). It is important to note here that three of the measures of good practice are dependent on a fourth, as the questions about the coverage of risk assessments and their frequency and documentation were asked only of respondents who reported that their enterprise carried out regular risk assessments. Although the patterns of associations described below are similar when these three measures are excluded from the composite variable, it is important to keep in mind that a number of the measures of good OSH practice in ESENER-2 are predicated on the premise that

workplace OSH management is based on a formal risk assessment procedure. However, the survey’s findings, in keeping with other sources, suggest that this is not the case for a sizeable proportion of enterprises — in particular, smaller enterprises.

The second composite variable created used the same approach to give an indication of enterprises’ standing on a spectrum of good practices in relation to the management of ergonomic and psychosocial risks (Table 4.2). Scores ranged from 0 to 5, with a mean of 2.81 (standard deviation 1.25). Again, it is important to note here that one of the questions included in the composite score, relating to aspects of work that were risk-assessed, was asked only of respondents who indicated that their enterprise carried out regular risk assessments.

The third composite variable combined various measures of management commitment included in ESENER-2 (Table 4.2). Scores ranged from 0 to 6, with a mean of 2.76 (standard deviation 1.88). As before, some of the questions included in this composite score were asked only of those who reported that risk assessments were regularly carried out and, in one case, of those reporting that arrangements for worker representation were in place.

**Table 4: Percentage of Belgian enterprises reporting the presence of each of the measures included in the OSH management, ergonomic and psychosocial risk management, and management commitment composite variables**

<b>Measures included in the OSH management composite score</b>	
Written safety and health policy available to all	81
Routine analyses of sickness absence	43
Regular risk assessments	66
Routine risk assessment of at least one aspect <sup>(a)</sup> (asked only of those carrying out risk assessment)	63
Risk assessment within the previous year (2013 or 2014) (asked only of those carrying out risk assessment)	55
Documentation of risk assessment (asked only of those carrying out risk assessment)	59
Provision of workers’ training in at least one area <sup>(b)</sup>	84
<b>Measures included in the ergonomic and psychosocial risk management composite score</b>	
Use of a psychologist	36
Supervisor–employee relationships and/or organisational aspects such as work schedules, breaks or shifts routinely risk-assessed (asked only of those carrying out risk assessment)	48
Use of at least one psychosocial prevention measure in the last three years <sup>(c)</sup>	72
Use of at least one musculoskeletal disorder prevention measure <sup>(d)</sup>	91
Provision of training for workers on how to prevent psychosocial risks such as stress or bullying	35
<b>Measures included in the management commitment composite score</b>	
Specific budget for safety and health measures and equipment	60
Findings from risk assessments provided to workers or their representatives (asked only of those carrying out risk assessment)	47
Risk assessment seen as a useful way to manage safety and health (asked only of those carrying out risk assessment)	60
Regular discussion of safety and health between management and workers’ representatives	29
Workers’ representatives provided with training during work time (asked only of those with representation arrangements in place)	22
Safety and health regularly discussed in team meetings	58

<sup>(a)</sup> Aspects were the safety of machines, equipment and installations; dangerous chemical or biological substances, where relevant; work postures, physical working demands and repetitive movements; and exposure to noise, vibrations, heat or cold.

<sup>(b)</sup> Areas were the proper use and adjustment of working equipment and furniture; the use of dangerous substances, where relevant; how to lift and move heavy loads, where relevant; and emergency procedures.

- (c) Measures were the reorganisation of work in order to reduce job demands and work pressure; confidential counselling for workers; the set-up of a conflict resolution procedure; and intervention if excessively long or irregular hours are worked.
- (d) Measures were equipment to help with the lifting or moving of loads or other physically heavy work, if relevant; rotation of tasks to reduce repetitive movements or physical strain, if relevant; encouraging regular breaks for people in uncomfortable or static postures including prolonged sitting; and provision of ergonomic equipment, such as specific chairs or desks.

Source: Walters et al. (2016).

Figures 18 and 19 shows mean scores on all three composite variables by types of representation arrangement and worker involvement arrangement.

**Figure 18: Mean OSH management, psychosocial and ergonomic risk management and management commitment scores among Belgian enterprises by worker representation arrangement type**

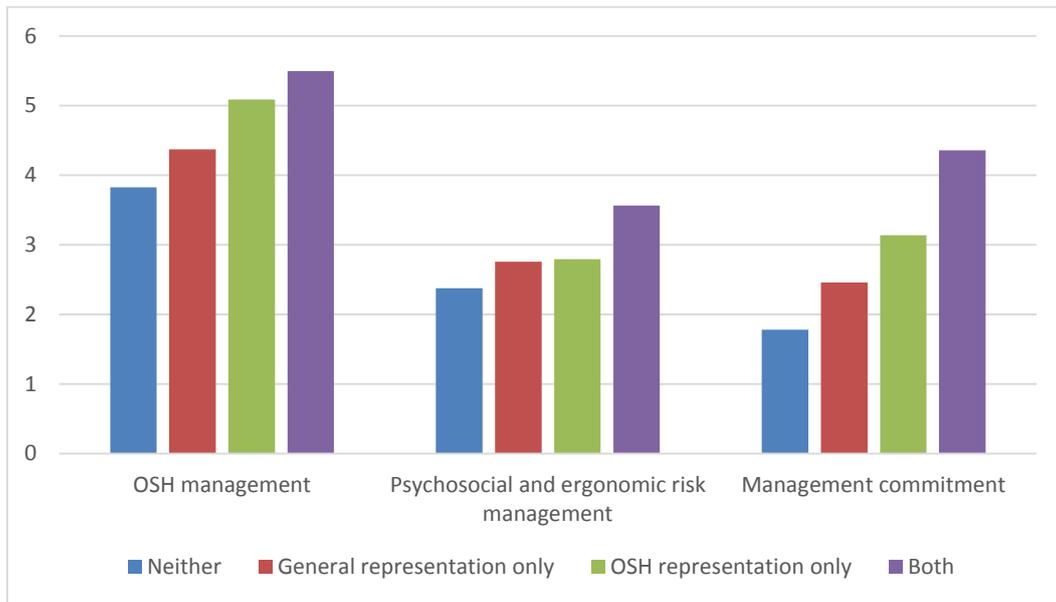
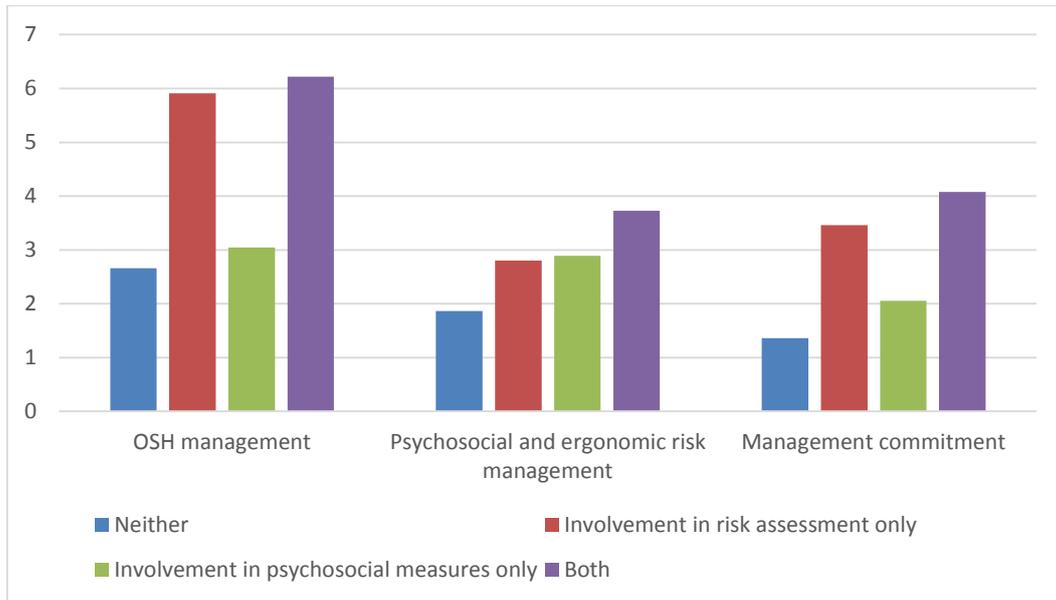


Figure 19 shows that having representation, especially regarding OSH, has a positive effect on the three composite variables: OSH management, psychosocial and ergonomic risk management, and management commitment. The effect is most noticeable for management commitment: the mean score on this composite variable is more than twice (2.45) as high when both forms of worker representation are present as when neither is present in the organisation. For the other composite variables, the mean score is multiplied by about 1.5.

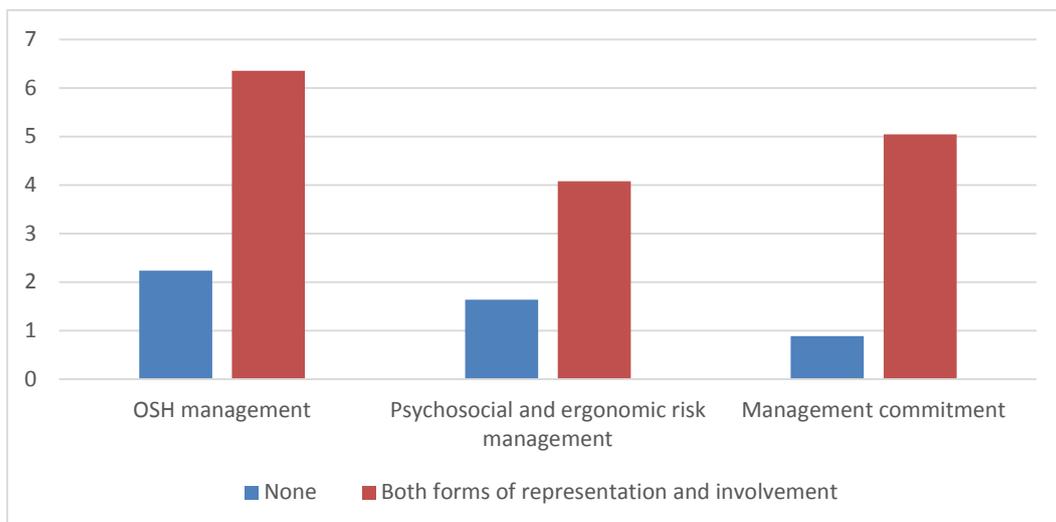
**Figure 19: Mean OSH management, psychosocial and ergonomic risk management, and management commitment scores among Belgian enterprises, by worker involvement type**



With regard to the effect of involvement on these three composites, we see a clear impact of involvement in risk assessment on OSH management and management commitment, while the effect of involvement in psychosocial measures is only slightly higher than no involvement at all. As one might expect, the story changes when looking at psychosocial and ergonomic risk management, for which involvement in psychosocial measures (directly linked with the measured composite) has the same effect as involvement in risk assessment.

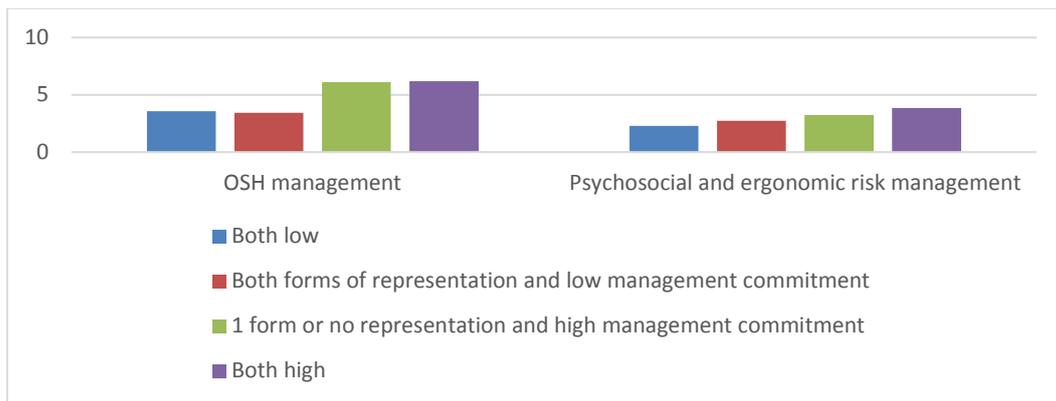
Figure 20 shows mean scores on all three composite measures for those with no arrangements for worker participation and those with both forms of both worker representation and worker involvement arrangements in place. It shows that mean scores on each measure more than triple when worker representation and involvement are in place.

**Figure 20: Mean OSH management, psychosocial and ergonomic risk management and management commitment scores among Belgian enterprises, by worker participation**



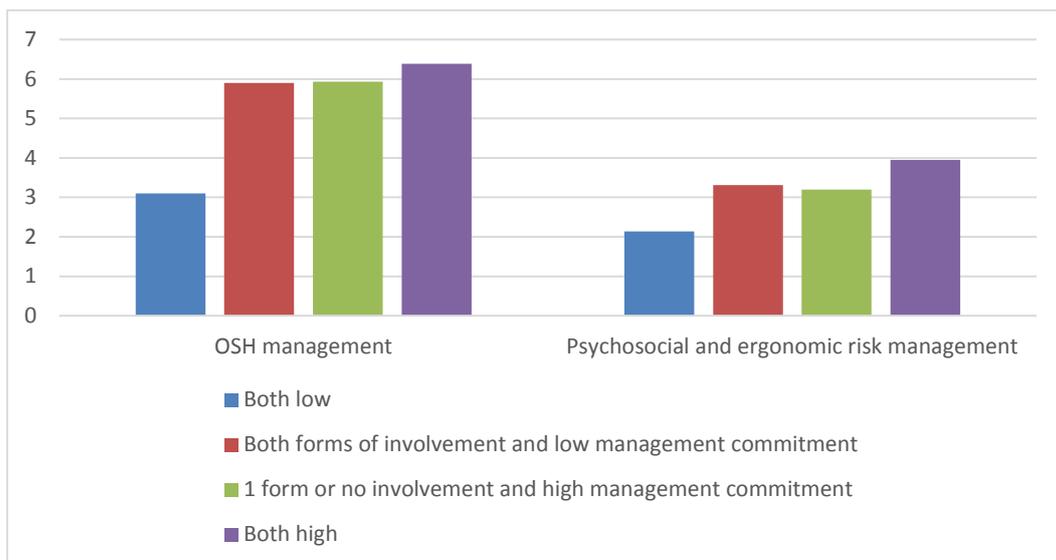
The measures of worker representation, involvement and participation were further combined with the management commitment composite variable. High levels of representation, involvement and participation were defined as having both forms of representation, both forms of involvement, and three or four (of the four possible) arrangements for participation respectively. High levels of management commitment were defined as a score of 4 or more (out of 6) on the composite measure. Figures 4.8, 4.9 and 4.10 show mean OSH and psychosocial and ergonomic risk management scores by the measures of worker representation, worker involvement and worker participation types each *in combination* with management commitment.

**Figure 21: Mean OSH management and psychosocial and ergonomic risk management scores among Belgian enterprises, by worker representation arrangement types in combination with management commitment to safety and health**



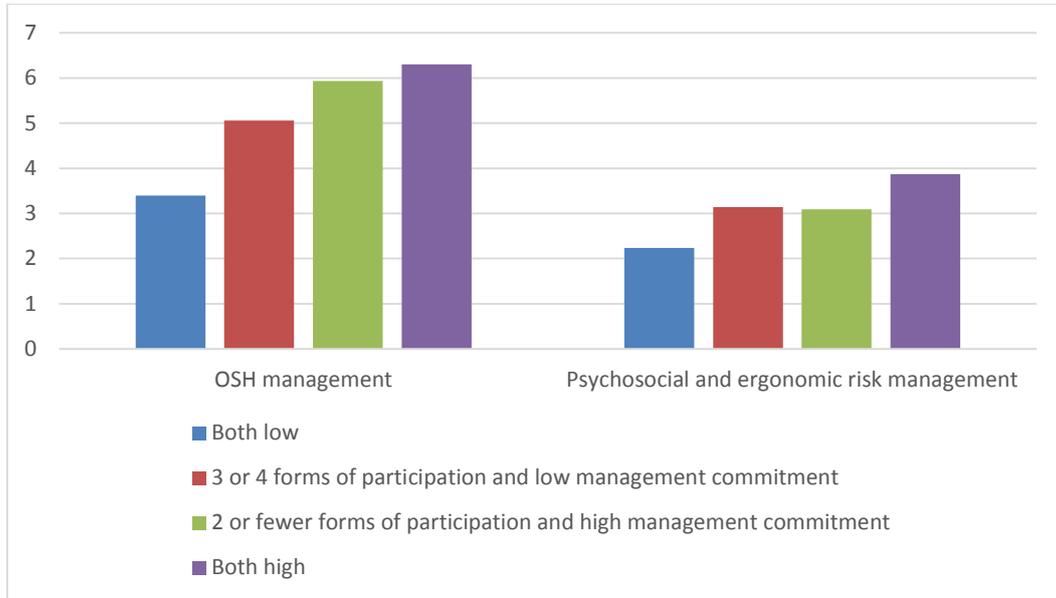
The figure shows that management commitment is essential for good OSH management. Even with worker representation in the company, if the management is not committed to OSH matters, it does not have any effect. The story is slightly different for psychosocial and ergonomic risk management, on which representation has a small effect, even without management commitment.

**Figure 22: Mean OSH management and psychosocial and ergonomic risk management scores among Belgian enterprises, by worker involvement types in combinations with management commitment to safety and health**



Employee involvement and management commitment seem to have the same impact on OSH and PSR/ergonomic risk management, as they both lead to similar scores in the absence of the other measure. Surprisingly, the combination of the two does not lead to much better management than when only one of the two is present.

**Figure 23: Mean OSH management and psychosocial and ergonomic risk management scores among Belgian enterprises, by worker participation types in combination with management commitment to safety and health**



As already mentioned in the comment on Figure 4.8, high management commitment is important for general OSH management. Worker participation does not have such a high impact without management commitment. However, we see that this is different for psychosocial and ergonomic risk management, for which worker participation, even with low management commitment, seems to have a (slightly) higher impact than less participation combined with a high level of management commitment.

## 4.5 Conclusion

High management commitment is important for general OSH management. Worker participation does not have such a high impact without management commitment. The positive impact of management commitment on psychosocial and ergonomic risk management is less clear.

As mentioned in the introduction to this chapter, one must bear in mind when interpreting the data presented above that they are very likely to concern the ‘best end’ of Belgian companies. However, we can still draw some conclusions based on the comparison between companies with formal arrangements for worker representation (CPPW) and others.

Hence, while the reality of OSH management in Belgium may be substantially lower than the ESENER-2 survey findings would indicate, one can still expect a positive association between the presence of arrangements for representation and involvement in safety and health. This applies to OSH management — such as a written risk policy, regular risk assessments and provision of workers’ OSH training — ergonomic and psychosocial risk prevention measures, and management commitment.

## 5 Research methodology

The review of the research literature led to Part 1's portrait of the national context in which worker representation and consultation takes place in Belgium, and the secondary analysis of the ESENER-2 data was presented in Part 2. This part presents the findings of the case-studies conducted in 21 Belgian companies. These companies have been selected from a sample delivered by TNS Infratest, detailing respondents to the ESENER-2 survey who agreed to be contacted again for a follow-up study. The sample contained information about the sector and the company size. The research team also included 'region' as a criterion to select cases, to reflect as much as possible the regional/linguistic variety characterising Belgium. As reflected in Table 5.1, the research team also sought to have diversity within the three sectors (goods-producing industries, private services and public services).

**Table 5: Sample matrix**

Size	Private goods-producing	Private services	Public
Small: 10-49	3	3	3
Medium: 50-249	2	2	2
Large: 250+	2	2	2

A first contact was made by email with the contact person mentioned in the TNS database (usually the internal prevention advisor or the owner-manager in small companies). This first contact supplied a selection of companies intended to provide sufficient diversity among both sectors and regions.

This email explained the aim of the study and the methodology and asked if the company would be willing to participate. Some companies answered at once, and a definite appointment was made by phone. If companies did not answer spontaneously, a reminder was sent one to two weeks later. If they did not answer this reminder, a phone call was made about one month after the first email, referring to the emails sent. Some respondents had seen the email but had not taken the time to answer it; others had not opened it yet. Most of them asked for some time to confer with the management and/or the members of the safety committee to see if such a case-study was feasible. If they did not give feedback spontaneously, a new phone call was made about two weeks later to see if they had had time to discuss it with the people concerned. If they had and the answer was yes, an appointment was made. If they had not had time to discuss it yet, a new phone appointment was made to obtain the final decision.

When a company refused to participate, another company was selected. About two months before the end of the case-study research phase, the research team used additional sources and favoured phone calls in the categories (sector/size) where they lacked case-studies to increase the chance of getting an appointment.

The positive responses were most numerous in the public sector and from small companies. The procedure for getting an answer lasted longer in large companies, where the reporting lines are longer. The research team especially had difficulty in finding cases in the private services sector, more specifically in large companies (250 workers or more).

The process of approaching and recruiting organisations has been time-consuming and drawn out. The reasons companies gave for not participating in the study were mainly lack of time due to an organisational change or the (long-term) absence of the person responsible for OSH in the company. Some companies also mentioned the run-up to social elections (in May 2016) as a bad period to have an objective interview with workers' representatives, who were campaigning for the elections.

With regard to the selection of interviewees, the person responsible for OSH in the company, namely the internal prevention advisor, or the owner-manager taking this role in companies with less than 20 workers, was interviewed first. For the workers, in companies with formal worker

representation, an interview was requested with the workers' representative on the safety committee. This was complemented by an interview with workers, selected in advance in large companies for organisational reasons, for example in companies where workers cannot easily leave their workstation if it is not planned in advance in their timetable. The research team asked to have a group of experienced workers representing the different departments of the company, which was then selected by the internal prevention advisor. In small companies, the workers were often selected on the spot by the researcher together with the internal prevention advisor, mainly depending on who was present at the workplace and could make time for an interview at that moment.

At the beginning of each interview (with the prevention advisor, the workers' representative(s) and worker(s)), respondents were asked if the interview could be recorded, and assured that the material they provided would be confidential. The prevention advisor who answered the ESENER-2 questionnaire was also asked to sign a consent form giving his or her approval for the research team to receive the ESENER-2 data regarding the company.

A general observation from the research team after the case-studies is that the case-study sample is biased by the fact that these cases come from a list of respondents who agreed to be contacted again to participate in follow-up research on OSH. Based on the interviews in these case-studies, it seems that these are companies where the prevention advisor (the contact person) generally does a good job and where workers' representatives often do not have much to add to the management practices regarding OSH matters, as will be substantiated below. Moreover, as the prevention advisor knew that a workers' representative would be interviewed when he or she agreed to participate in the research, a bad relationship between the prevention advisor and workers' representatives could cause refusal, even if it was not mentioned as such. In sum, there is a high probability that there is a selection bias towards 'best practice'. These extreme cases still teach us something, as we see that, even in this best end sample, worker participation in OSH does not always happen as smoothly as expected. One can assume that, if an OSH issue arises in one of these best-practices, then 'it [is] likely that the same problem would exist at other enterprises that [are] less careful with safety regulations' (Flyvbjerg, 2006: 230).

## 6 The cases

In this chapter, we look at arrangements at the workplace to facilitate worker participation and their effectiveness, as experienced by workers, their representatives and the management. Internal and external influences on participation are also set out.

### 6.1 Forms of worker participation in OSH

This section describes the different forms of worker representation and consultation on OSH. The way these forms of participation are supported or hindered will be described in section 6.9.

When reading this section, it is important to bear in mind the distinction between companies with fewer than 50 employees (*small* companies) and the ones with 50 employees or more (*larger* companies). The Belgian legislation requires the latter to set up a CPPW (also referred to as the *Committee*), composed of the internal prevention advisor (also called safety manager in larger enterprises <sup>(17)</sup>), workers' representatives and representatives of the management. This is not an obligation in small enterprises.

#### 6.1.1 Committee for Prevention and Protection at Work

In companies with 50 employees or more, the most prominent place for worker participation is the Committee, where workers are represented by their elected representatives. This is the place where most of the strategic decisions regarding OSH are taken. The day-to-day OSH issues, in contrast, are directly dealt with by the manager or the internal prevention advisor in these companies.

In all case-study companies with a Committee, the agenda is prepared by the internal prevention advisor, often including items from the previous meetings to follow up, and new items to discuss. Items on the agenda typically include statistics on occupational accidents, new risk assessments and other matters depending on specific circumstances. Workers' representatives always have the possibility of adding items, including on the day of the meeting. The interviews with workers' representatives and safety managers confirm what has already been presented in section 2.5.2 of this report: workers' representatives make rather ad hoc requests, but mostly they do not bring strategic discussions regarding OSH to the table. A workers' representative observes that 'putting items on the Committee's agenda is a way to officially record them in order to ensure good follow-up by the management' (workers' representative, large company, public services, own translation). He adds later in the interview: 'Even if we cannot always bring about the expected solution, workers like being listening to' (workers' representative, large company, public services, own translation). Workers' representatives especially make it a point of honour to follow up the items on the agenda.

The CPPW discusses important matters which constitute the dynamic system of risk management required by the law, such as the risk analysis, the annual action plan and the global prevention plan (to be renewed every five years). A typical procedure is that a first draft of these documents is presented by the safety manager and discussed with workers' representatives, who can ask for modifications and additions. The final documents always need to be signed by all Committee members for approval. According to the representatives interviewed, this is sometimes a point of debate but eventually they always reach an agreement.

Workers' representatives have a positive attitude towards the fact that the internal prevention advisor organises Committee meetings, as they know they always have the possibility of adding items to the agenda and following up previous items. This is also supported by the transparency

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<sup>(17)</sup> In small companies and in larger ones with a low OSH risk level, the internal prevention advisor is an employee who assists the employer in applying OSH regulation. This is, however, not the advisor's main job. In larger enterprises or in enterprises defined as having a high OSH risk level, this employee is fully dedicated to OSH management, sometimes combined with environmental issues. In this case, we refer to him or her as 'safety manager' for ease of reading.

required by the law. However, one workers' representative mentions that Committee meetings are planned by the HR department, in accordance with the management's agenda.

In larger companies with different sites, a Committee is organised for each site. In two of the case-study companies, a general CPPW also exists for the whole company. In another company, this is not the case: only safety managers from the different sites meet on a regular basis, not workers' representatives.

### **6.1.2 Performing safety tours**

Another form of worker participation mentioned in seven (large) case-study companies is safety tours, during which the prevention advisor invites the members of the CPPW to visit a department in order to check the OSH situation by observing, checking equipment and talking to workers. In large companies with several sites, this is sometimes the only opportunity for workers' representatives to have contact with the workers they represent. This is the case in, for example, a large security company where workers are allocated to a client (such as a shop), which is their daily workplace.

A safety manager also mentions that safety tours stimulate operational workers to take care of their workstations, knowing that they may have a visit from the OSH manager and workers' representatives. On the other hand, if workers are informed about visits in advance, this may influence their behaviour.

Another safety manager describes safety tours as follows: 'this is an opportunity to show workers' representatives how things actually happen in practice, and avoid useless discussions at CPPW when representatives do not really know what they are talking about' (safety manager, large company, goods-producing industry, own translation).

The frequency of these safety tours differs from company to company. In some companies, they take place every week and are limited to a small part of the workplace. In others, they take place every month and concern a whole department. In some companies, safety tours also take place after an occupational accident, to investigate the specific circumstances of the accident, or following an important change in the work environment, to examine the main changes at the workplace and evaluate the changed risk environment.

Depending on the company, workers' representatives or the safety manager prepare the report of the safety tour. This is systematically presented to the Committee to approve it and to take the necessary prevention measures as a follow-up.

### **6.1.3 Participation as part of certification**

Three subcontracting companies that were visited require Veiligheid Gezondheid en Milieu Checklist Aannemers (VCA) certification for carrying out high-risk work in a risk-prone environment (factories, installations, workshops and project sites), such as metal construction, mechanical and electrical works, constructing buildings, bridges and roads, industrial cleaning and industrial maintenance. VCA is a procedure for the certification of a safety management system, which includes various criteria involving workers. Besides a checklist intended to investigate the company's working practices regarding critical points for OSH, it also involves workers by means of 'last minute risk analysis' of workstations and 'toolbox meetings'.

For the certification audits, workers are also visited by the auditor on the client's premises and are questioned about OSH matters.

Four large case-study companies in the manufacturing industry have ISO 9001 certificates. According to safety managers, this helps them obtain a global overview of the risks, including both safety and environmental risks and quality risks. One of the companies visited had gained the OHSAS18001 certificate, an international occupational safety and health management system specification. This certificate requires that organisations establish procedures to encourage worker participation in OSH management, such as incentive programmes to build

safety awareness. Such a programme was not in place in the company in question. We observed it in an ISO 9001-certified case-study company, which distributes safety tips every month with the monthly payslip and puts up posters made by an external safety communication company. An annual safety quiz is organised, based on these campaigns. According to the company safety manager, this has a positive impact on workers' involvement in OSH matters, as it makes them talk about the topic.

#### **6.1.4 Safety meetings**

At team level, 'toolbox meetings' are a part of the VCA safety management system. These are group discussions focusing on a particular safety issue to remind employees of the importance of working and behaving safely. These meetings can be done in a variety of ways but are typically brief. The frequency also differs from company to company. In an industrial company, they take place at the beginning of every shift. In another company from the construction sector, they are organised at the start of a new project and discuss the specific risks linked to each task of the project and the prevention measures to take.

Large companies organise other kinds of (mostly monthly) safety meetings, mostly at department level, gathering all workers to give feedback on what has been discussed and decided at company level (during CPPW meeting) and to discuss department-specific OSH problems. Workers are then encouraged to talk about OSH risks or hazardous situations they encounter in their daily work. These meetings are followed up in different ways, depending on the company. This can be done with, for example, a spreadsheet including information about risks, measures to be taken and the follow-up of these. In a large hospital, reports of these meetings are published on the intranet, accessible to everyone.

The role of workers' representatives during these safety meetings is emphasised only in one large company from the chemical sector, where the workers' representative working in the department, if it has one, reports at the Committee meetings on items which have not been resolved during safety meetings. However, according to a worker from the same company, this does not happen often. If it does, it mainly regards small, ad hoc requests from workers which are not directly dealt with, often for financial reasons.

#### **6.1.5 Working groups**

Four large companies, belonging to all three sectors in the sample, report that they have working groups for specific themes, such as PSR. These groups discuss this specific topic and propose an action plan to be approved by the CPPW. In none of the case-study companies do these working groups have decision-making competence; rather, their role is to advise the Committee.

These working groups are composed of workers and employer' representatives. In two companies from the private and public services sectors, only elected workers' representatives take part in these working groups, while in the others all workers are free to join on a voluntary basis.

In a large youth care organisation, it is mostly the workers themselves who take the initiative to set up a working group and for this they receive budget and time from the management. This is explained by the difficult psychosocial working conditions in this organisation caused by the type of work (shift work) and the clients (high risk of verbal and physical aggression). These PSRs are recognised by the management, which grants employees the necessary discretion to try to prevent them as much as they can.

#### **6.1.6 Reporting forms**

Large companies from the goods-producing sector mention reporting forms, such as the well-known 'near misses' report forms, as a way to encourage participation of workers, by reporting

hazardous situations and their suggestions for improvements. These forms are mostly collected by the prevention advisor, who secures the follow-up and takes the necessary actions to prevent reported risks.

Having employees think of solutions to prevent risks they observe helps them to acquire a safety culture and makes them feel involved in taking part in prevention. However, a workers' representative mentions that this form can also discourage some workers from reporting specific risks when they have no solution to propose.

An employer from a large chemical company sets up quotas of forms to be completed by workers, to encourage employees to report near-miss data. The representative interviewed reported that this diverted the system from its initial purpose, obliging employees to fill in near-miss forms about trivial matters simply to reach their quota. As a result, the quality of the information is not always very useful.

### **6.1.7 (Other) forms of direct participation in the absence of worker representation**

Finally, in our sample of small companies without a CPPW, worker participation is mostly more direct. Managers make sure that they have daily contact with workers and are accessible for employees to see them if they have any issue, as the workers know that they will get appropriate answers.

In industrial companies where workers work at the clients' premises (subcontractors, business-to-consumer, etc.), managers mention a time in the week (often on Friday afternoon) when they meet with workers to exchange experiences about their work at clients' premises. According to them, this is the opportunity for workers to express potential concerns about OSH at the clients' premises.

When the manager takes part in major hands-on work, OSH communication happens in daily interaction. If a worker observes a hazardous situation, he or she directly reports it to the manager and they look for a solution together.

In most of these companies, participation in OSH is rather limited to communication/information about OSH matters from the owner-manager, with the possibility for workers to give feedback.

In the social profit sector, team meetings are regularly organised to discuss clients or patients. Traditional OSH matters are rarely discussed, but PSRs are, mainly at the individual level. Indeed, these meetings are the place for workers to talk about difficulties they encounter, for instance with a child or assaults by patients. These problems are discussed with the team and the management to find a solution.

Furthermore, in large companies, especially the ones with a family structure and/or culture, priority is given to dialogue with the direct manager to report and solve OSH matters. Only if this does not lead to anything are workers' representatives involved to bring the item onto the agenda of the Committee to ensure follow-up.

In all of the case-study companies, both managers and workers mention that most OSH matters are raised directly with the management, and involving workers' representatives is an exception.

## **6.2 Labour relations and business contexts in which participation occurs**

### **6.2.1 The role of labour relations**

In every company investigated, labour relations were rather direct and informal, between management and workers and with workers' representatives. In its introductory email, the research team mentioned that the study was about worker participation and would involve workers and their representatives during the case-study. It is likely that it was mainly respondents who

judged labour relations in their company to be good who agreed to participate in a study that asked workers and workers' representatives about worker participation.

This observation influences the results of the case-studies described here. Most of the workers interviewed said that they spoke to their manager or to the prevention advisor about any safety and health issue they might have, and they also confirmed that they received feedback about these. These exchanges between workers and management occur during team meetings but also in more informal ways such as during lunch breaks or 'in the corridor'. A worker from a small private service company confirms: 'We all talk to each other, there is always someone to talk to [...] we do not keep things to ourselves. If something is not okay with an employee, we talk about it with HR, and if it's needed the big boss comes and talks to the person in question to solve the problem' (worker, small company, private services, own translation).

This way of communicating seems to be efficient, as managers are easily and spontaneously informed about the day-to-day problems of workers and can deal with them immediately, before they escalate. Moreover, talking directly with workers gives managers the opportunity to win workers' trust and ask for more details to better understand the problem. The internal prevention advisor from a small social profit organisation adds: 'making it more formal could be an obstacle for employees, who all need a different kind of support' (prevention advisor, small company, public services, own translation).

The research team witnessed a good example of this informal communication during an interview with the manager of a medium-sized company that offers cleaning services. An employee called in the middle of the interview, asking if she was allowed to do a specific task the client asked her to (involving working at height). The manager replied that this task was forbidden and asked to talk to the client in order to solve the problem directly with her. The fact that workers spontaneously think of calling the manager, even for what could seem small OSH issues, demonstrates that this culture of direct participation works well.

The process of direct participation is also facilitated by flat hierarchical structures. As an employee from a small manufacturing company mentions: 'here, everyone is at the same level, we have no problem with talking to the manager about everything [...] I do not see how a worker representative would be of use' (worker, goods-producing industry, small company, own translation).

Most of the respondents, in both small and larger enterprises, mention an 'open and familial atmosphere', with very direct and informal communication between workers, their representatives and the management. This has consequences for OSH management. First of all, there is a certain solidarity among workers, who care for each other, will not hesitate to alert their colleagues if they are in a hazardous situation and, as mentioned by a worker from the social profit sector, can seek support when the pressure becomes too high. Furthermore, workers also do not hesitate to talk about OSH issues to their manager. Indeed, they observe that everything can be talked about. However, few workers interviewed could give an example of a specific situation in which they had talked about PSR with their manager. They explained this by the fact that they did not experience such risks. Finally, workers' representatives are also in a dynamic of dialogue, first trying to solve problems in an informal way before bringing them to the Committee.

This is, however, not the case for every representative. A worker interviewed from a large chemical company, as well as two workers' representatives (one from a medium-sized manufacturing company, the other from a large manufacturing company), observed that some workers' representatives look for problems even if there are none, trying to justify their role as elected representatives to workers who voted for them. The sector certainly plays a role here, as manufacturing has a strong tradition of social dialogue, in which trade unions played an important role in negotiating working conditions that workers enjoy now.

In a large hospital, the workers' representative interviewed rather took the contrary view, saying that some of her colleagues sometimes went too far towards a management perspective, getting involved in matters that normally do not concern them. She gave the example of representatives proposing to organise a patients' questionnaire together with the management, although no worker issue was involved.

Overall, the workers interviewed seemed happy with this limited involvement of representatives in OSH matters, as they reported that they are listened to and that problems are directly dealt with, if needed. In some companies, however, workers did report that the presence of a workers' representative is still reassuring because this provides a back-up to put the problem on the agenda of the CPPW as a last resource if the follow-up is not satisfactory. Workers' representatives themselves do not particularly consider this informal worker participation in OSH issues a problem. As a workers' representative from a social profit company observes: 'workers have enough contact persons, so far it seems to be sufficient [...] Our role is still important, as it gives a feeling of security; workers know they will be backed up if anything happens' (workers' representative, public services, medium-sized company, own translation).

The relationship between workers' representatives and management, as mentioned earlier, seemed to run very smoothly in all the companies visited. This was illustrated in the way they greeted each other when meeting between the interviews, always calling each other by their first names (and using the familiar 'tu' in French), shaking hands and making small talk as they would with any other worker. When asked about the social relations in the company, both managers and workers' representatives mentioned the absence of trade union action or strikes during the previous year as a sign of good relationships. In two large companies from the manufacturing sector, workers' representatives did not call their members to take part in the national strikes that took place in December 2014. In interviews, workers' representatives regularly mentioned that they did not always follow the guidelines from their trade unions, as they thought social dialogue was going well in their company, and they did not want to disturb social peace.

The attitude of safety managers towards workers' representatives is mostly quite neutral. As already mentioned, they do not regard them as adding much value to the OSH management of the company, as they seldom bring discussions of strategy to the table. However, managers certainly respect representatives and include them in OSH management, providing much transparency about OSH figures, plans, etc. Some safety managers also mentioned making 'concessions' to maintain social peace, supporting ideas they would not especially have favoured to begin with. This was the case in a large service company when workers' representatives requested a flu vaccination for all workers. The management did not see the sense of it, as they judged the return on investment would be very low, but in the end they agreed to launch a campaign to make workers aware of the benefit of vaccinations, and contributed to the costs.

In a large manufacturing company, the management admitted being pushed to make compromises, as clients' activities depend on the products being delivered on time. They needed to avoid strikes, which would bring the company to a standstill and cost it millions of euros.

In three companies with worker representation, the safety manager recognised workers' representatives as partners in OSH management, playing mainly an informative role: 'they are our ears and eyes' (safety manager, goods-producing industry, large company, own translation) and 'they see what we do not see, from another angle [...] because they are approachable by employees and employees use that channel' (safety manager, private services, large company, own translation). As a safety manager observes, when talking about the collaboration between workers' representatives and the management: 'it is a matter of give and take' (safety manager, goods-producing industry, large company, own translation).

Moreover, a safety manager from a medium-sized manufacturing company mentions the advantage of including people from the shop floor in the Committee. Indeed, they can communicate measures which were decided at the Committee to the workers they represent and follow them up.

Nevertheless, a safety manager observed that 'It does not prevent the management from checking representatives' work and vice versa ... but it always occurs in a transparent and respectful way' (safety manager, private services, large company, own translation).

To conclude, a safety manager quotes one of his teachers during his training to become safety manager, who said: 'you get the committee which you deserve' (safety manager, goods-producing industry, large company, own translation). Hence, it is not surprising that, in all the

companies visited, both parties (management and workers' representatives) seemed to maintain good and respectful relationships.

### **6.2.2 The influence of the business context**

The influence of business contexts differed in the various case-studies. In small companies that have grown strongly in recent years, an informal and direct style of worker participation still prevails, even if the management assesses that it will not be sufficient on a long-term basis. Even when a CPPW is set up, this is mainly to approve decisions which have already been taken informally in the old way, between workers and their direct manager within the framework of a team meeting, for example.

Companies that have joined a larger, international group benefit from the guidelines and experience of the group and other subsidiaries to help them set up an OSH management strategy to suit the company size. However, as in the previous case, habits of informal arrangements often remain.

Finally, the other way around is also observed in a company which underwent downsizing: workers' representatives and management keep formal arrangements in place regarding workers' representation on OSH, even if they are not compulsory any more.

Mergers of several companies also influence workers' representation in OSH. Most of the large enterprises visited are the result of mergers or take-overs, even in the public sector (university and hospital). In three of them, one Committee is still in force in each site. This Committee is complemented in two of these three organisations by an 'umbrella' committee for the whole company. Site-specific matters such as occupational accidents are discussed in 'cluster' committees while more general matters such as workwear and the prevention plan are discussed in the umbrella committee. In the third organisation, a large university, the six Committees still work independently from each other, as they used to before the merger. Safety managers of the different sites meet together every semester. There is no request from workers' representatives to do the same.

Another kind of situation is found in a large goods-producing company located in a business park with different companies (with very different activities), belonging to the same group. In this case, all administrative and support services are centralised at site level, including safety management and the Safety Committee. This allows workers from smaller companies in the business park to enjoy workers' representation too. However, it seems from the interviews that workers' representation mainly focuses on OSH risks present in the large manufacturing company present on the business site. Other companies, whose work is administrative, receive less attention from the Committee.

On a different note, in a small IT company, workers' participation seems to be limited by projects abroad and high wages. Engineers are sent worldwide to work on projects, and are rarely present at the Belgian office. Given its small size, the company does not have a worker representative, but an administrative worker also has responsibilities as prevention advisor. She observed how difficult it is to reach employees working worldwide to involve them in OSH management, as they are never present at the same time. Moreover, salaries are very high in the company, and the management considers every meeting a significant cost. This does not make it easy to promote safety meetings or similar initiatives.

Finally, the research team visited two small social profit organisations, which are subsidiaries of a higher authority, which is as a rule not involved in the day-to-day management. The manager takes part in the meetings of the board of directors, but does not have a say in the agenda. This leads to a top-down management style, which does not always take reality into account. OSH rarely gets a chance in these company structures, nor does worker participation.

In conclusion, worker representation practices do not change as quickly as the changes in business context would suggest.

### 6.3 Role of management style and the commitment of employers and managers in facilitating or denying effective arrangements for representation and participation in OSH

At first sight, the management style seems participative in most of the case-studies, with the management being transparent on OSH matters, involving social partners in the final decision making and giving them the time to prepare meetings and attend training courses (see section 6.5.2). Different illustrations and explanatory factors were mentioned during the interviews.

Management involvement is very marked in family companies, for example, where managers keep close contacts with workers. This is the case in an industrial company of 500 workers, founded nearly a century ago, where the mother of the current general manager still sits on the committee that organises team building, parties for workers and their families, visits to long-term ill workers, etc.

An owner manager from a small retail company explains his motivation to care for OSH aspects purely because he values treating his workers well and wants the best for them. Caring for their safety and health is, according to him, part of this close, respectful relationship, which characterises this kind of small company. This does not exclude, as the research team observes, its often taking the form of a paternalist management style, rather top-down with little space for real worker participation.

In small companies, such as in the construction or manufacturing sector, managers' shop floor experiences facilitate communication with workers, whom they see as peers. Nevertheless, the involvement of workers in the risk prevention process has some limitations, as the safety manager of such company states: 'workers [here] are not intellectual people, we should not expect them to think proactively about their health and safety' (safety manager, goods-producing industry, small company, own translation).

As we can see from previous examples, when going more deeply into the matter, it seems to the research team that in the case-studies — which are, as a reminder, based on the agreement of the *prevention advisor* to participate — the system is rather imposed by the management or safety manager and not called into question by workers or their representatives, as they believe that it is efficient and no alternative is needed.

Indeed, in none of the case-studies did workers or their representatives take an initiative which would deeply change the company's OSH management and the participation of workers in it. Besides the CPPW, which is required by law in medium-sized and large enterprises, initiatives such as safety tours or working groups are often taken by the safety manager rather than the workers' representatives. The Belgian regulation thus institutionalises OSH management and worker participation, leaving little space for another approach.

### 6.4 Influence of size and sector on the presence, form and effectiveness of participation

Given the Belgian regulatory framework, size plays an important role in the form and extent of worker participation. If they have 50 workers or more, companies have to set up a CPPW composed of workers' representatives from trade unions, members of the management and the prevention advisor (who has only an advisory function and no vote). This body meets at least once a month, issues opinions and formulates recommendations for better prevention. One of its responsibilities is to investigate complaints from employees about OSH issues and to propose appropriate solutions.

This formalised consultation body, involving social partners, ensures that complaints and action plans are followed up, which is not always the case in smaller enterprises, where these matters are not as formalised. Neither the management nor the workers see the need for formal representation or consultation. However, the safety manager from a medium-sized company from

the private service sector with no worker representation remarks that, if the company expanded, it would require other ways of participation than the current, informal one.

Sector characteristics also have an impact on worker participation, first the tradition and the nature of the sector and second the OSH requirements in the sector, when depend on risks specific to the sector. For prevention advisors, the required level of participation (based on the sector and the company size) is determined by the tasks they must fulfil and the time they have for it. In the construction sector, for example, the prevention advisor spends much time on safety prevention, whatever the company size. In the social profit sector, especially in small organisations, OSH participation is mainly limited to legal matters, but no proactive behaviour has been observed in this respect. The communication in this sector is very informal, as all workers collaborate. OSH matters such as stress at work and violence from clients are tackled without workers and safety manager being aware that this actually is a part of OSH management.

## **6.5 Experience of specific arrangements to facilitate representation**

### **6.5.1 Time and location issues**

Two time factors seem to have a significant impact on arrangements and the extent to which participation is facilitated or hindered: shift work and jobs such as teachers whose timetables all differ. They complicate the timing of meetings such as those of the CPPW and the possibility of attending training courses. In most organisations where this is the case, these problems are taken into account when setting up the timetables of the CPPW members. However, the workers' representative of a large university mentioned that it does not have a history of planning meetings in advance, which makes it difficult to meet, given the incompatibility of the timetables of the different members of the CPPW.

Nevertheless, all workers' representatives interviewed said they received the necessary time from the management to attend courses and Committee meetings (as required by the law).

Furthermore, especially in large enterprises, worker representation is difficult when workers are dispersed across different workplaces. This is true of a manufacturing company divided among several sites all over Belgium, for example, and of a security company where security agents are spread across thousands of locations, where they provide security for the company's customers. In these companies, workers' representatives receive additional time to meet and prepare the bipartite meetings of the CPPW. This is very much appreciated by representatives.

The same problem arises in a small ICT company where engineers (who form the majority of the staff) work on projects worldwide, and are rarely present at the Belgian office. This complicates their direct participation.

### **6.5.2 Information, training and other forms of support**

Even if the acknowledgment of the usefulness of these arrangements by the management varies from company to company, all workers' representatives mention receiving the necessary time and resources to do their job of representing workers with respect to OSH. As prescribed by the law, all visited companies are transparent in their information and communication on OSH matters, putting information about OSH in the company (figures about occupational accidents, risk analysis reports, CPPW reports, etc.) at the disposal of workers and their representatives. A safety manager from a medium-sized industrial company mentions transparency as essential to create a relationship of trust with workers and their representatives and encourages them also to have open communication with the management.

Companies that have intranets use them to share CPPW reports and other OSH information; otherwise, they are posted on notice boards. A safety manager in a large hospital was, at the time of the interview, looking for software to collect all information from CPPW meetings, safety visits,

occupational accidents, risks analysis, etc. in one system to facilitate follow-up for everyone, including workers' representatives.

## 6.6 Workers' involvement in the process of risk assessment

It is hard to talk about 'a' process of risk assessment which applies to all cases. Once again, much depends on the sector and the company size.

In the so-called 'low-risk' companies, the involvement of workers in the process of risk assessment seems to be limited to approving the workstation risk assessment made by their prevention advisor.

In companies with higher risks, workers take a more active role in the process, being consulted by the prevention advisor to discuss their tasks, risks which are linked to these tasks and measures to take to prevent them. This can occur in different ways, such as during safety tours or during the departmental safety meetings. Besides this, specific risk assessments are made when acquiring a new machine or creating a new workstation. In a large manufacturing company, operational risk assessments are conducted by engineers together with workers working at a specific machine; they check the workstation, the tasks that must be fulfilled and the risks linked to these tasks, as well as the necessary measures and personal protective equipment to protect workers.

Workers' representatives can participate in risk assessments, but they mention in most of the companies that it is not possible for them to participate in all of those, as this takes a lot of time. However, when the company has a Committee, it is kept informed throughout the whole risk assessment procedure and must approve the risk assessment report.

To ensure the continuous improvement of risk assessment, the safety manager of a large manufacturing company created a database in which risks are recorded. Workers regularly receive the list of risks for their workstation, which they can comment on and update. Besides this, the safety manager also set up a sort of safety database listing risks mentioned by the supplier or detected by employees regarding a specific machine, and clients' preventative measures sent by the client itself or by the employee after a visit. All employees have access to this database at any time and place, using a computer provided by the company, and they can add data in real time.

In high-risk companies, workers' involvement in risk analysis seems thus to be institutionalised in daily practices. However, the research team observed during the interviews that workers' involvement is not always willingly supported by the management. In two small companies, for example, one in the construction industry and one that builds machines, managers mentioned more or less directly that employees are not graduates and do not have the capacity to think about matters such as OSH.

Besides general risk analysis, Belgian law also requires PSR analysis in every company. In large companies, this is mainly quantitative, with questionnaires prepared and analysed by the external prevention service. In a large manufacturing company, a qualitative approach involving both employees and their managers was also used in a department where psychosocial problems were reported.

In smaller companies, especially in the social profit sector, PSR analysis is more qualitative, being carried out during staff meetings, for instance. Small industrial companies visited had tended not to include PSR in their risk assessment, giving priority to traditional safety and health risks. Managers interviewed stated that daily contact with workers was enough to assess PSR.

## 6.7 Nature of the relationship between participation on OSH and participation on other matters

As is clear by now and has been substantially explained in Part 1, in Belgium, a separate body exists for safety and health issues in companies with at least 50 employees, namely the Committee, which deals exclusively with OSH issues.

When asked about requests they had which strongly affected the company's management, workers' representatives never mentioned any OSH request — apart from some small ad hoc requests — but rather talked about requests regarding wages and working times (without any argument linked to PSR).

A workers' representative from a large private services company tried to explain this lack of 'strategic' requests in recent decades. According to him, whereas in the twentieth century workers' representatives negotiated to get more (wages, job security, safety, etc.), they now negotiate to maintain what they have gained.

## 6.8 Form and role of the relationship between OSH representatives and workers

In most of the workplaces visited, workers' representatives feel appreciated and supported by workers. Indeed, the relationship between workers' representatives and workers is mainly direct and informal. Workers know their representatives, whom they elected during social elections, and know they can approach them with possible OSH questions or issues. However, most of the workers interviewed mention going spontaneously to their manager or the safety manager if they observe any OSH risk. A worker from a large hospital states: 'everything is discussable, even if we know it does not mean we'll always get a positive answer' (worker, public services, large company, own translation). Workers' representatives are consulted mainly when an issue is not solved by the management in a reasonable time. Workers interviewed do not have much experience with workers' representatives. Only one respondent reported ever having asked the help of his representatives, when the organisation imposed new working time arrangements. However, negotiations were not successful.

The contacts that workers' representatives have with workers differ strongly from company to company. In larger companies with several sites and departments, workers' representatives try to be spread over the sites/departments so that they have direct contact with workers on the shop floor and detect OSH issues to report and discuss during the CPPW meetings. When departments' safety meetings take place on a regular basis, they take part and follow up the items discussed. If an item is pending on the agenda of these meetings and is not dealt with by the management, workers' representatives take it to the CPPW.

Whereas some workers' representatives would put any item on the agenda, to show workers who elected them that they actively represent them, other representatives may block some questions from workers which they know are not realistic. A workers' representative from a large manufacturing company said 'you cannot promise what you cannot do' (workers' representative, goods-producing industry, large company, own translation) to maintain credibility with the management but also with workers. He still feels supported by workers for what he has done for them. He observed: 'if you do something for them [workers], they will never forget it' (workers' representative, goods-producing industry, large company, own translation).

In some companies, safety tours are the only way for workers' representatives to have direct contact with workers. This initiative is very much appreciated by representatives, even if in none of the studied cases did they take the initiative of these safety tours themselves. A representative from a large private service company also mentions that 12 safety tours a year are still not enough to have a global view of what actually happens on the shop floor.

A representative from another large private service company managed to maintain strong contact with workers, including in departments where no representative is present. He observed: 'We

have very articulate employees here. As soon as there is something, we hear it from them, we do not need to go and look for it' (workers' representative, private services, large company, own translation). Only around 30 % of the company's employees are union members, but non-members also bring their issues to workers' representatives, because they also feel represented by them. As the representative mentioned, 'we are also the spokesperson for them towards the management' (workers' representative, private services, large company, own translation).

Finally, support from workers can also depend on the history of the company. In a large chemical company, for example, workers' representatives draw a distinction between the support they receive from white-collar and blue-collar workers. Blue-collar unions have always carried more weight in the company. This results partly from the fact that many white-collar workers are middle-managers who are reluctant to unionise given their position and proximity to the management, fearing that the management would disadvantage them if they knew they were unionised. Moreover, they are quite spread across the different departments, which makes it more difficult to mobilise them.

In small companies with no formal worker representation, both managers and workers agree that a more formal method of representation is not necessary. They argue that there are sufficient opportunities to meet and talk about all kinds of issues, which allows direct problem solving. According to a worker interviewed from a small IT company, who has experience in a larger company, 'the more formal, the less rapid and fluent [...] here [social relations] happen in a far more human way, you are not just a number' (worker, private services, small company, own translation).

## 6.9 Support for or barriers to arrangements

### 6.9.1 Supports

Prevention advisors/safety managers, whose role is supposed to be neutral, play an important role in the way worker representation will be used efficiently to improve OSH. If they are convinced of the usefulness of worker participation in overall OSH management, they will integrate it systematically in OSH management with the necessary arguments to convince the managers. This is the case in, for example, a large hospital, where the prevention advisor sits with workers' representatives before each CPPW to prepare the meeting together, helping them formulate their requests in such a way that they will be more acceptable to the management. A colleague from the prevention department holds the same kind of preparation meeting with the management. This strongly facilitates the dialogue.

As already mentioned in the previous paragraph, the composition of the CPPW and especially of the workers' representatives is also important. In large companies, having workers' representatives from different sites/teams certainly supports representation. Indeed, this allows them to be closer to the workers and their daily work, and in this way to represent the company as a whole, gaining more credibility with workers but also with the management. Moreover, two workers' representatives interviewed mentioned diversity in age and seniority of the workers' representatives as an asset, as they represent new generations, which helps them to regularly question the legitimacy of the functioning of workers' representatives and improve it, adapting to new challenges. On the other hand, another workers' representative observed that continuity in workers' representatives is advantageous for a good relationship with the management, as they know each other quite well and have gained mutual trust. According to him, this trust had been built up over the years, by collaborating in a constructive way. He also observed that: 'as workers' representatives, we are no less responsible for the 1,300 employees than the management [...] we just look at it differently from how they [managers] do' (workers' representative, private services, large company, own translation).

A good understanding within the group of workers' representatives and between trade unions is also very important to have a coherent and strong position towards the management.

Therefore, in most of the case-study companies where representatives from different trade union organisations have seats on the Committee or where representatives do not have the occasion

to meet together outside the meetings, the employer gives them time before the Committee meeting to come together. This was the case in a security company where they all work at their client's premises. These meetings provide the opportunity for representatives to agree on a common position to take towards the management, which seems to succeed. In a company from the private services sector, it had happened twice in the past that the meeting was cancelled by the workers' representatives because they could not come to an agreement.

Finally, having workers' representatives in strategic positions, as is the case in two large companies where at least one representative works in the maintenance department, also helps representatives' credibility. These workers know about all technical problems which happen in the company and can easily act to fix them.

In smaller companies, worker participation is organised in a more direct way, what many workers call an 'open business environment'. This is a company culture with open communication and trust, where employees know they can talk about anything, with anyone, including colleagues but also management. Such an environment leads workers to spontaneously report OSH issues, including psychosocial hazards, mainly in a very informal way. This way, the management is aware of what is happening on the shop floor. The same often applies to sites or teams of larger organisations.

### **6.9.2 Barriers**

With regard to barriers for worker representation, the most important problems observed during the case-studies are location and timetables.

Especially in larger enterprises, worker representation is made difficult when workers are dispersed across different workplaces or sites where workers' representatives are not present. This is the case of, for example, manufacturing companies divided into several sites, a private service company with offices all over Belgium and a security company and a cleaning company where agents all work at different clients' premises. The various sites of company can also have different priorities and cultures, which delays the process of decision-making.

Time arrangements are another barrier, especially in organisations with shift work or individual timetables which are not easy to coordinate, as is the case in education. If it is not taken into account when making the timetables, it can be difficult for workers' representatives to be present at CPPW meetings.

However, a worker representative observed rightly that the amount of time workers' representatives and management have to prepare CPPW meetings and do other OSH-related tasks is quite similar. Workers' representatives are not more disadvantaged in this regard than the management.

As mentioned above, the composition of the CPPW is important for the smooth working of this body. A workers' representative in a large hospital reports a high turn-over on the management side, which can sometimes delay decisions, as previous decisions are constantly restudied and re-evaluated by new managers.

On the side of the workers' representatives, not being able to agree on a common attitude to take towards management is a barrier for worker representation regarding OSH. Two workers' representatives from different large manufacturing companies observe that some other representatives keep on looking for problems to legitimise their usefulness, even if there is no problem, and that is an obstacle to smooth dialogue around OSH issues.

In a large security company, the workers' representative interviewed observed that workers are afraid to complain to their representatives, as they consider it risky if the employer or client came to know about it. However, no worker has ever been blamed for this in the past. This fear is not reported in any other case.

Finally, clients can be a barrier to worker participation too. Indeed, in a small machine construction company, OSH seems to be to a large extent the responsibility of the clients that the company

works for. This makes the manager feel less responsible for setting up an OSH management system involving workers.

## 6.10 Effect of the position in the value chain on participatory practices within workplaces

Subcontracting companies (especially in manufacturing industries) depend greatly on their clients regarding their OSH management. On the one hand, that is because clients often require the company to be certified (mostly VCA or ISO). As mentioned earlier, VCA certification includes participative practices such as the so-called 'toolbox meetings' and 'last minute risk analysis'. ISO certification also requires the organisation to establish procedures to encourage worker participation in OSH management. On the other hand, the client company also imposes its own rules regarding OSH, often requiring subcontractors to pass an OSH exam before they may enter the company. The safety manager of a middle-sized chemical company observes that workers are sometimes encouraged to behave in a way dictated by the client, which deviates from the company standards. However, they have few opportunities to complain other than trying to get the item on the agenda of the client's CPPW (through the safety manager), which is not an easy task for a subcontractor.

Most of the time, subcontractors are actually intermediaries between machine/product manufacturers and clients. Workers working at clients' premises have thus an active role in OSH, being responsible for transferring the safety information about the machine/product to the client. This information comes from the manufacturer, but also stems from their own experience.

Some private service companies are confronted with situations where they do not control OSH management. This is the case of, for example, a large security company where security agents always work at clients' premises, participating in safety meetings on site if they take place. In a small catering company, workers are confronted with private clients' premises where nothing is provided to ensure their safety and health. In that case, workers work closely with their prevention advisor to make a quick informal risk analysis and improvise OSH measures if necessary.

Finally, the impact of clients on social dialogue is clearly illustrated by the safety manager of a medium-sized manufacturing company. In that company, clients are highly dependent on the on-time delivery of pieces the company constructs. Delays in delivery would cost the company some €2,000 a minute. The safety manager observes that this situation pushes the management to find compromises with workers' representatives, in order to avoid a strike that would bring the company to a standstill and cost millions of euros.

## 6.11 Worker participation addressing new and emergent risks

With regards to PSR, most interviewees, refer to the 'trustworthy person'. This function plays an important role in Belgian law, especially in the new law of 2014 to combat PSR. The trustworthy person leads the internal procedures for informal (advisory) psychosocial interventions. Everyone seems to know who this person is in the company, as it has been recently communicated following the new law, but none of the workers interviewed knew about any intervention from this person. This is partly explained by the fact that the trustworthy person has an obligation of professional secrecy. He or she must forward anonymous data about incidents he or she has dealt with only to the prevention advisor because this has to be included in the annual report of the internal service for prevention and protection at work.

Looking at the number of cases treated by the trustworthy person, in one of the case-studies from the education sector, this person was considered useful and efficient as it was an external psychologist who did the job with much professionalism and was well known by everyone. In the other cases, the number of reported psychosocial incidents was very limited or non-existent.

In a large hospital, for example, the umbrella organisation the hospital belongs to has a psychosocial service. However, the distance from workers is too far for them to raise problems.

In 2015, only one formal complaint was registered, although the sector is well known to be very hazardous in terms of PSR.

A small company from the social profit sector mentioned the occupational physician as an opportunity for workers to discuss potential psychosocial issues, during the annual medical check-up. The manager asked to be informed if a worker mentioned a problem. However, the physician never received any complaint.

In another small social profit organisation, tools such as a notebook for workers to write their feelings and suggestions in are available to tackle PSR. However, this is not much used, since workers and management prioritise direct communication, including about psychosocial problems.

In a medium-sized social profit organisation, working groups related to PSR have been set up. This is the case of the working group 'work enthusiasm', for example, which was created when the legal retirement age increased and the works council observed that, given the nature of the work, it would be difficult to work until that age. Moreover, the management had observed a high level of sickness absence, compared with similar organisations. This working group makes suggestions to the management to improve problems discussed in the working group. Workers' representatives are not involved in these working groups, and said they did not feel as if they had to, as these groups worked well as they were.

Workers' representatives seem aware of the importance of new and emergent risks and the prevention of these risks. They back the implementation of a systematic way to manage these risks as required by law. However, in none of the cases studied did they take the initiative to deal explicitly with these risks.

Whatever the company size or sector, workers mostly said that PSR was directly tackled with the management and was not a taboo in the organisation. They easily find someone to talk with about these risks, mostly informally. In small enterprises, they often discuss them with the manager to find a solution. In larger enterprises, PSR is mainly discussed at team level, during team meetings or with the manager. In some service companies, workers also mentioned talking to the safety manager about psychosocial issues. In other companies, however, especially in the manufacturing industry, the safety manager did not seem concerned by PSR at all.

The safety manager of a medium-sized chemical company observed that some topics still remain taboo in the company. The drugs and alcohol policy, for example, has been broadened in the sense that a supervisor can determine him- or herself whether or not a worker is able to work, not only based on the consumption of drugs or alcohol, but also when observing anything that can impact an employee's ability to work. The safety manager observed that workers would never mention their inability to work by themselves if the supervisor did not observe it. The issue is that supervisors often see the problem too late, which makes it harder to intervene in time. Two workers from the site committed suicide (for private reasons). Supervisors observed beforehand that one of the workers had a problem and did everything they could to help him, but they did not see what was happening with the other. They could not prevent the workers' actions.

In conclusion, even though the new regulation requires more systematic PSR management, it seems difficult to bring the topic onto the Committee's agenda.

## **6.12 Support of worker participation from outside the workplace: what form and from whom**

Workers' representatives receive support from their regional or sectoral trade union regarding OSH in the form of information campaigns and training. Most of the workers' representatives interviewed attended these training courses, but longer serving ones might not have taken them in recent years, as the content is quite often the same. They forward information from the trade union organisation to their members through common channels such as the trade union newsletters or the notice board, but in none of the organisations do they undertake a more active sensitisation campaign.

Workers' representatives interviewed seem, in general, to do their work as representatives quite independently from their trade union. For instance, in two large companies from the manufacturing industry, workers' representatives did not call workers out on strike during the national strike which brought Belgium to a standstill in December 2014. One of them said: 'we considered that there were other ways of communicating with the management' (workers' representative, goods-producing industry, large company, own translation).

A workers' representative interviewed mentioned the trade union secretary as being an important source of information: 'he plays an important role in knowing what happens in similar companies [...] and this helps' (workers' representative, private services, large company, own translation). No other representative interviewed mentioned the trade union secretary as a source of support.

Some workers' representatives meet the inspectors when they visit the workplace, but report that it is quite informative and that they do not receive follow-up material to go into action (tools, instruments, check-lists, etc.). If workers' representatives are not invited to meet the inspectors during their visit, this is not particularly felt to be a problem. In one company, workers' representatives asked the inspectorate to visit the workplace, as they thought the management did not do everything it should to prevent hazardous situations, but the inspection proved the management right.

With regard to other kinds of inspection, a medium-sized company, producing food packages among other goods, is British Retail Consortium (BRC) Global Standards certified. This means that it follows BRC Food Safety Standards, which include a section about 'personnel', setting out standards needed for staff training, protective clothing and personal hygiene. In this framework, the inspector can speak to workers about issues related to their jobs, including OSH.

All companies subscribed to an external prevention service, as required by the law. However, if the external service helps with medical check-ups, risk analysis, etc. it mainly interacts with the manager (in small companies) or the internal prevention advisor and does not systematically involve workers.

Other private forms of external support are observed during the case-studies. This is the case in, for example, a medium-sized manufacturing company, where the prevention advisor uses an external safety communication service for the company's internal OSH communication. This external service delivers a monthly safety card with tips distributed to employees, as well as safety posters. The company also organises a quiz organised once a year to raise workers' awareness and make them actively think about the issue.

## 6.13 Conclusion

The case-studies stress the importance of the internal prevention advisor/safety manager in OSH management at company level, as designed in the law. That person conducts risks analyses, sets up annual action plans and the four-yearly global prevention plans, prepares Committee meetings, etc. Besides direct management, he or she is also the person workers spontaneously contact about OSH issues.

Workers' representatives have a right to be informed and consulted, which is respected in every company in our study. However, in none of the case-study companies did respondents report that they had made important requests regarding OSH management, apart from ad hoc matters. Nevertheless, the management often recognises their — mainly informative — role as partners in OSH management, being the management's 'ears and eyes' on the shop floor. Workers also appreciate knowing they can count on their representatives to provide back-up to add their problems to the agenda of the Committee as a last resort if the direct follow-up by the management is not satisfactory.

## 7 Key findings

The combination of the three work packages which constitute this research allows us to identify cross-cutting themes and to better situate these in the Belgian national context. Belgium is an example of a country where OSH management is strongly regulated by the state and where trade unions play an important role. Nevertheless, we see some discrepancies between the regulation as prescribed in the law and the practices observed in companies.

Workers' representation regarding OSH is highly regulated in Belgium. The legislation requires a CPPW in every company employing at least 50 workers. In smaller companies, other measures secure workers' direct participation, such as the obligation for the employer to put a notebook at the employees' disposal to write their comments or complaints regarding OSH.

In practice, the research team observes first and foremost informality in the companies visited. Workers' representatives are not often approached by workers, who prefer to resolve OSH matters directly with their direct manager or the safety manager. Still, representatives remain important for their rank and file, who are reassured to know they can appeal to their representatives if they cannot resolve an OSH issue in a direct, informal way. Moreover, they ensure the formalisation of what has been agreed on informally. The same observation is made in small enterprises, where workers' participation is very direct and informal, and notebooks stay empty.

Representative participation is highly supported by Belgian legislation. Employers not only have to set up a Committee once the threshold of 50 employees is passed, but they also have the obligation to give representatives time and resources to perform their job as workers' representatives and to receive trade union training. Employers are also obliged to communicate all information regarding OSH in the company to the workers' representatives. The *right to know*, mentioned by Walters and Frick (2000) as an important right in OSH, is thus highly respected. Workers' representatives also have to be consulted by the employer before taking any decision regarding safety and health at work. Using Walters and Frick's typology, representative participation can be classified under *consultation beforehand*, in which 'workers and their representatives may influence management's decisions by exchanging views on them' (Walters and Frick, 2000: 8), as that is the purpose of the Committee's meetings.

In the Belgian context, employer involvement in OSH takes the form of the internal prevention advisor (safety manager in larger companies), who is required by the law in companies with at least 20 employees. His or her role is to assist the employer in the application of measures required by the well-being laws. He or she must also advise the employer and workers on OSH matters. In practice, this means conducting risk analysis, setting up the annual action plan and the four-yearly global prevention plan, and other matters depending on the specific circumstances. He or she also draws up the agenda of the Committee, mainly composed of these items, to be discussed with the Committee.

It was observed in the interviews with workers' representatives that they seem mainly satisfied about what is in place and do not have any fundamental demands regarding the way the regulations work. Nevertheless, most of them, especially in medium-sized and large enterprises in the private goods-producing sector, keep an eye on the safety manager's work, exerting their information and consultation rights. They also continue to play an important role for workers by putting OSH problems on the agenda of the Committee if no solution is offered when they deal directly with the management, and ensuring the formalisation and follow-up of what has been agreed on informally.

As previous research claimed (Hansez et al., 2009), the role of workers' representation in OSH management seems quite limited in Belgian companies. ESENER-2 data show slightly better OSH management in companies with workers' representation (especially CPPWs), but the impact of workers' representation is especially obvious on employer involvement. One can suppose this to be an important indirect effect of workers' representation on OSH, as they put pressure on the management to manage these risks, and reassure workers, who know they are backed up if necessary.

This limited role of workers' representatives in OSH management can partly be explained, as mentioned before, by their overall satisfaction about safety managers' work on OSH, but also by their lack of self-confidence regarding OSH matters. Social elections take place every four years, so about half of workers' representatives are replaced. Newly elected workers' representatives need to be trained, both about trade union functioning in the company and about OSH themes, which takes some time to be put into practice. Once the first four-year mandate is over, re-elected representatives' training is organised by sectoral divisions, without any coordination between the divisions. They are each free to choose the training programme they offer to workers' representatives. Themes such as PSR are often forgotten in some training programmes, leaving workers' representatives powerless to do anything about PSR prevention. Many representatives do not have the grounding to understand the results of PSR analysis and how to take an active part in prevention policies. They then have difficulty in confronting the management, which still often sees PSR as a behaviour-based issue, not admitting the role it can play in prevention.

Hence, knowledge activism, defined by Hall et al. (2006) as 'a form of political activism by worker health and safety representatives that is organized around the strategic collection and tactical use of technical, scientific and legal knowledge', seems rather limited. However, such activism is sought for in some companies, especially large ones, by strategic positioning of workers' representatives. In companies where the staff is spread across different departments, sites or clients, trade unions try to have workers' representatives in the different departments/site in order to have a view on the whole work process. In two large companies from the goods-producing sector, there is at least one representative working in the maintenance department. This way, they know about all technical problems which happen in the company and can easily act to fix them. Even if it is part of their job, it is still seen by some workers as a representative's action. Moreover, it gives them good technical knowledge they can use when dealing with the management.

Finally, as stated by Walters and Frick (2000), changes in the organisation of work and the labour market also have effects on safety and health management and on worker participation. More than 96 % of Belgium's businesses are MSEs, which are not obliged to set up a Committee. OSH is dealt with in a very direct and informal way. This tends to continue in companies as they grow, even after setting up a Committee. In contrast, in companies which have undergone downsizing, workers' representatives and management tend to keep formal arrangements in place regarding workers' representation on OSH, even if these are not compulsory any more.

The increased use of subcontractors also has an impact on OSH management. A safety certificate (VCA or ISO) is often required by clients. These certificates cover systematic OSH management, involving workers in risk assessments, safety meetings, etc. On the other hand, this triangulation (client, employer and employees) also leads to complex situations regarding OSH. This is the case when, for instance, workers are encouraged to behave in a way dictated by the client that does not entirely match the company's standards. However, they have few opportunities to complain except trying to get the problem onto the agenda of the client's CPPW (through the safety manager), which is not an easy task for a subcontractor.

To conclude, worker participation in Belgium certainly has some challenges ahead, but also has a solid regulatory basis to meet these challenges if the different partners, namely trade unions, employers' organisations, external prevention services, inspectorates, etc., engage in it.

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