

MINUTES

Meeting:	EU-OSHA Executive Board meeting
Date:	Monday and Tuesday, 11 and 12 November 2019
Venue:	EU-OSHA – Santiago de Compostela 12 – 5th floor – Bilbao

1. Draft Agenda

The Chair welcomed the attendees and in particular, the new member from the Workers (ETUC) and asked him to introduce himself. She then gave the floor to the Executive Director.

The Executive Director, in turn, welcomed the attendees and introduced the new EU-OSHA colleagues who are new to the Executive Board: the Quality Team trainee and the Brussels Liaison Office trainee.

The Chair introduced the draft Agenda. She asked all Executive Board members whether they might have a potential conflict of interests with any of the items to be discussed, in compliance with the Agency's policy on prevention and management of conflict of interest. No Executive Board member declared any.

The Agency proposed an item for "any other business" – Organisational set-up to deal with staff complaints as per article 90.2 Staff Regulations.

CONCLUSION: The revised draft agenda was adopted.

2. Adoption of Draft Minutes

The draft minutes of the June meeting had been circulating previously. No comments had been received.

CONCLUSION: The draft minutes were adopted.

3. Director Progress Report

The Chair gave the floor to the Commission, and they provided an update on the following issues:

New Commission

The Commission is currently working under a business continuity mode, which enables the daily work of the Commission to be continued. Due to the delays in the nomination of Commissioners, it is expected that the new Commission could kick off as from the beginning of December.

Multiannual financial framework: Under item 9 the Commission will give an update on the Agency's future budgets.

BREXIT: Until the 31 January 2020 the United Kingdom will remain as a full member of the European Union.

European Court of Auditors' performance audit in European Agencies:

From the Commission, DG EMPL provided the Court of Auditors with the information requested during their visit in June. Additional information was provided later on upon the Court's request and with the support of EU-OSHA. Most recently, the Court asked to review the draft action plan that the Agency

prepared as a follow up to the four Agencies' evaluation, which the Chair agreed to share with the understanding that this would be officially transmitted only once discussed and adopted by the Management Board in January. For now, there is no further feedback required while the Court is processing the information.

Recruitment of the new Executive Director:

The recruitment procedure for the new Executive Director should start soon since in September 2021 the term of the current Executive Director will end.

The procedure is quite lengthy as it involves both the Commission and the Management Board. On this point, the Agency stressed that it is important to start with the procedure as soon as possible to ensure a smooth transition and good business continuity as well as a sound use of resources. The aim should be to make it possible for the Management Board to select the candidate from the shortlist proposed by the Commission at their ordinary meeting in January 2021. The appointment would then be carried out by written procedure around May 2021 right after the hearing at the European Parliament in March/April 2021. This would ensure that an offer could be made to the preferred candidate by June 2021, allow eventually for a notice period to be served and the new Executive Director to take up his/her duties as of September 2021, when the current Executive Director's contract terminates.

Next EU-OSH strategy

The Commission confirmed that this is an important topic but until the new Commission is in place a substantial discussion on the next strategy cannot be initiated.

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The Executive Director thanked the Commission for the updates and referred to the Executive Director's Progress Report previously circulated to the Executive Board members.

In addition, she provided an update on the following issues:

New IPA agreement

In order to support regional cooperation it is foreseen that the Agency will continue to support EU activities in the pre-accession and candidate countries. In September 2019, EU-OSHA has submitted an application to sign a new grant contract with DG NEAR to continue its long-standing work with the Western Balkans and Turkey. The new application is scheduled to be signed and come into force on 1 December 2019 and will run for 36 months.

Upcoming HWC 2018-2019 Summit

The Healthy workplace summit takes place on 12-13 November in Bilbao and brings together leading European experts and decision makers to discuss the results of the 2-year campaign 'Healthy Workplaces Manage Dangerous Substances'. In plenary and parallel sessions, participants exchange good practices and discuss current trends and future challenges related to dangerous substances in the workplace. The event also features the 'Healthy Workplaces Good Practice Awards Ceremony', showcasing the winning and commended good practice examples from the European competition.

Important meetings and events attended by the Executive Director or Agency's staff:

In September, the Executive Director represented the Agency in a variety of events in Ljubljana (Slovenia) where she received a positive feedback on the work of the Agency and expressions of interest to be further involved. The events included meetings with Ministry representative, a seminar and press conference on New and Emerging Risks in OSH, a good Practice Awards Ceremony and a meeting with the National Network.

The Executive Director presented the Agency's work to the new European Parliament EMPL Committee on 24 September in Brussels together with the other Agencies under DG EMPL's remit. Given the amount of questions and remarks, it was clear that there is a high interest in the topic of OSH and the work of the Agency.

In the framework of the ACSH working party meeting in Luxembourg on 24-25 September, the national contact points who work in close cooperation with the Agency on the establishment of the OSH Barometer gave a positive feedback on the new data visualisation template.

Also in September, the Executive Director participated at the Eurofound Advisory Committee meeting on the working conditions and sustainable work, in Dublin.

At the beginning of October the Agency hosted a meeting of the Assembly of Agencies' staff committees.

In mid-October, there was a conference on EU-OSHA's overview on Micro and small enterprises focusing on construction and agriculture sectors. The first Management Board meeting of the European Labour Authority also took place in October; there is an agreement about its founding regulation and the vacancy notice for the post of Executive Director will be published soon.

On 23-25 October the Agency's staff presented the topic "Addicted to work: the use of cognitive enhancers in the workplace and the implications for occupational safety and health" at a structured session organised by EU-OSHA as part of the 2019 conference Lisbon Addictions, organised by EMCDDA.

The Executive Director and other staff members participated in the Heads of Agencies and Heads of Resources meeting in Stockholm.

At the end of October ECHA visited EU-OSHA. Since the closer cooperation between the Agencies in relation to the Healthy Workplaces Campaign on dangerous substances ends with the summit it was discussed if further cooperation is needed and where this cooperation could take place in particular.

A delegation from the Agency travelled to Düsseldorf to present the work of the Agency at the A+A Europa Event.

In early November, the Executive Director ED visited Oslo and participated in a meeting with the Norwegian ministry representatives and the national network. The mission to Oslo further included a visit to an enterprise, a seminar about "Measures against sexual harassment" and a meeting with the Norwegian Association of Occupational Physicians.

Upcoming visits:

In mid-November the Executive Director will send a video message for the launch of the Global OSH Coalition as this would overall with the HWC summit but she would visit Helsinki for the Presidency conference on carcinogens at the end of the month.

Appointment of EP independent expert to Management Board

The European Parliament Employment Committee appointed Mr Vlad Mixich from Romania to EU-OSHA's Management Board as an independent expert – as foreseen in the new founding regulation. He will be an expert at the Management Board with no right to vote.

Situation regarding implementation of 2019 work programme

In the 2019 annual work programme, the Agency committed to deliver 134 outputs under the different activities by the end of the year. It is on the basis of the actual delivery of such outputs that the overall work programme implementation rate will be calculated at the end of the year.

The target for work programme implementation is 90%. Whereas the implementation is on good track, at the moment – and assuming that there will not be any additional outputs delayed to 2020, the current implementation rate is at 49 percent – estimated at approx. 89 percent at the end of the year. Therefore, the Agency is doing well, even if slightly below target.

Upcoming written procedures:

In November, the Agency will launch four written procedures for the Management Board:

- the final Programming Document 2020-2022
- the budget and establishment plan 2020

- an amending 1 to the budget 2019
- Implementing rules on the data protection officer and internal rules on restrictions to data subjects rights

Comments from the Executive Board and Agency's clarification

Asked to clarify which role the Agency plays in the steering group of the global OSH coalition, *EU-OSHA stressed that it participates together with the Commission. It is leading one of the five task groups, on the future of work and OSH. The planned work will also support the activity on digitalisation, so it does not require additional resources. At this stage the Agency is defining a questionnaire to map out the initiatives underway across Europe. This is expected to be particularly useful in relation to the Agency's work on digitalisation, with the view of ensuring good complementarity. The focus will be very much on occupational safety and health.*

With regard to the Agency's support to the Commission related to biomonitoring, *the Agency will soon launch an information request to the FOPs to complement the information that is already available. Several other quite significant initiatives relevant to this request are underway and the Agency is liaising with them.*

Promoting policy-facing activities will also be a priority under the 2020 FAST scheme. *The Agency clarified that power-point presentations would be customised with the objective to address issues that are of particular interest in the Member States to ensure relevance while framing the problem from a European perspective.*

Finally, the Executive Board asked for clarifications on some slight delays and some budget available under some activities. *The Agency clarified that the work programme implementation is largely on track and very close to the established target (90% of the planned outputs for 2019 to be delivered by the end of the year). The budget implementation is also on track – estimated at 98-99% by the end of the year. The budget available refers to some procurement procedures that are on-going and are expected to be finalised soon. For some activities under priority area 1 – anticipating change – there has been a lower than expected expenditure due to an optimisation of the use of resources. This has allowed allocating more resources to develop the ESENER-3 dashboard.*

CONCLUSIONS: The Executive Board took note of the progress report.

4. Update on Advisory Groups and Focal Points

Reporting on the Focal Points, the Executive Director informed the Executive Board that most of the concerns raised by the FOPs regarding the assistance provided by the Agency at their June meeting were carefully considered and whenever possible taken into account for the 2020 FAST scheme. The FOPs will meet again around the HWC summit.

The Agency also gave an update on the latest discussions within the advisory groups.

The TARAG met at the end of September. There was an in-depth discussion on the final draft evaluation framework of the three year campaign cycle. Another item was the further prioritisation of Agency's outputs. Regarding the recommendation from the Commission's Staff Working Document on the four DG EMPL Agencies, the TARAG discussed the Agency's initial response to the recommendations in the area of awareness raising and tools including which role Management Board members could have in further supporting the Agency spreading the word of OSH and EU-OSHA's work. There was also a proposal to communicate more on OSH content during Management Board meetings. Furthermore, the Agency provided an update on OIRA and ESENER-3. The advisory group also acknowledged that the participation of three FOPs representatives is of great benefit for the discussions.

There had been no OKAG meeting since the last Management Board meeting – the next one is scheduled for the 13 and 14 November 2019. The agenda includes a presentation on the status of selected activities – including supporting compliance, OSH and digitalisation, the new survey on workers' exposure to cancer risk factors, musculoskeletal disorders and the related campaign, among others. There will also be an update on Eurofound and Eurostat.

The Brussels Liaison Office was amongst other issues engaged in the work related to the European week on OSH. The Council had been very proactive - the Agency was invited to present its work on the research and innovation day. The week had more than 4000 participants and was therefore a good opportunity to make the work of the Agency visible. With the European Parliament elections, the office also followed closely the hearings of the candidate Commissioners and the work of the newly established committees.

CONCLUSIONS: The Executive Board took note of the update.

5. Findings and Recommendations from evaluations, audits etc.

The Agency's new Founding Regulation provides that the Executive Board and the Management Board shall monitor adequate follow-up to findings and recommendations from internal and external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office (OLAF).

To this purpose, the Agency presented a note which includes the recommendations, action plans and their implementation status for both internal/external audits and external evaluations. In particular, there has been an internal audit from the Internal Audit Service (IAS) in early 2019 on planning and budgeting, which led to a few non critical recommendations. The implementation of the resulting action plan that was accepted by IAS, is starting in the beginning of next year. Moreover, there is one observation from the previous external audit by the European Court of Auditors (ECA) which is being followed up. The next ECA visit will be on 18-22 November. Furthermore, there is no action pending to be implemented as a result of previous European Anti-fraud Office investigations in relation to EU-OSHA for 2019.

Apart of the audits, the Agency had a few recommendations open from three evaluations of operational activities and action plans following up such recommendations are on good track.

The Agency presented the findings from the last finalised evaluation – related to the activity "[Large-scale foresight](#)". The evaluation was overall very positive as it acknowledged the relevance of the topics selected, the soundness and robustness of the methodology and the good coherence with other EU-OSHA activities as well as the European policy priorities on OSH. The activity also scored high on effectiveness and efficiency and provided EU added value, it produced high quality information from an EU perspective and filled significant research and policy information gaps. The main overarching recommendation was to keep on with the good work, while taking into account better stakeholders' engagement practices and more targeted dissemination of the results. The findings from the evaluation of this activity will feed the next foresight cycle starting in full gear as from 2020.

Comments from the Executive Board and Agency's clarification

The Executive Board enquired whether for the future foresight the Agency would consider methodologies other than the "scenario-building". Despite this proving to be sound and robust, it may be useful to try other ways. The evaluation appreciated a certain fatigue amongst stakeholders in the evaluation process, mainly the interviews. The facilitation of the workshops at times was perceived as prescriptive when it came to the outcome of the process. Further and prior training to stakeholders involved would be beneficial. In particular, the Workers asked whether indications of impact could be appreciated – was there any clear link between the scenarios produced and what has actually happened. Regarding the evaluation criterion on coherence, they remarked that the evaluator found a lower degree of coherence between the Agency's work on foresight and the national priorities – whereas in their view it remains very important to keep such coherence so that relevance is ensured. The Employers questioned the evaluator's recommendation to improve dissemination by providing two-page notes aside expert discussions papers, considering that the purpose of such papers is indeed to be detailed and shaped for an expert audience.

The Agency remarked that the main learning point from the evaluation was to capitalise on the work already done but acknowledged that some improvements in the methodology could be considered. A well-rounded information strategy addressing the stakeholders engaged in the exercise should be put into place in order to ensure that there are clear expectations on the different steps.

Regarding the impact exerted by the activity on policy priorities, this was one amongst other objectives and, at this early stage, a very hard one to measure. However, there are already some indications

where the work has been actively taken up, such as in Slovenia, Portugal and Sweden. More concrete outcomes are expected in the medium term. As an example, the Agency is still receiving many invitations to present the work done on the previous foresight on green jobs – so the effects of this activity are also expected to continue in the coming years. Regarding the national priorities dimension, the Agency pointed out that such priorities are very context-specific and the evaluation clearly stresses that.

Concerning the short note, the Agency clarified that it would not be the intention to replace research publications but to add an additional reader-friendly and shorter layer of information for raising awareness purposes.

CONCLUSIONS: The Executive Board took note of the findings and recommendations from audits and evaluations.

6. HWC 2020-2022 monitoring and evaluation framework

The Agency presented the final monitoring and evaluation framework for the Healthy Workplaces Campaign 2020-2022. The framework will serve as a basis for the Management Board to take a decision as to whether the new 3-year campaigning cycle should be maintained for future campaigns and previous versions had been thoroughly discussed on different occasions, last but not least by the TARAG in September.

The Agency recalled that, in a context of nominally stable but actually declining resources, the aim of the change in cycle is, on the one hand, to do more to disseminate and communicate its policy-facing activities, in order to engage more and different stakeholders and intermediaries. The activities that EU-OSHA is expected to disseminate more include primarily the policy-facing activities, addressed to policy makers at the EU and national levels, but also awareness raising activities addressed to workplaces, particularly SMEs, including MSEs. This is partly based on the results of recent evaluations, which have identified opportunities to further increase the effectiveness of both the HWC and EU-OSHA's wider communication activities. At the same time, the two-year cycle has meant that, in any given year, EU-OSHA is working on at least three, and often four, HWCs at the same time, which means a heavy workload for the Agency's staff, with peaks of activity that can be difficult to manage. This can increase stress and have effects on EU-OSHA and FOPs staff wellbeing. This is another dimension that the proposed change is expected to address.

The monitoring and evaluation framework includes the following elements: (1) a refined logic model for the 3-year HWC cycle, (2) a description of the proposed monitoring and evaluation approach including key evaluation questions, (3) a proposal as to what needs to be measured and how and related indicators. The aim of the framework is to set the criteria to evaluate the change in the cycle of the campaign, not the campaign itself. In particular, the change in the cycle will be assessed from the perspective of the impact on the campaign outreach capacity but also on the other activities – as well as its impact on Agency's and FOPs' staff workload.

The Agency was supported by an external contractor in delivering this task. The project manager in charge attended this part of the Executive Board meeting and presented the [final proposal](#).

In terms of timing, the objective is to get to some preliminary results in time so as to enable the Management Board to take a decision on the next campaign cycle by June 2021 whereas a more comprehensive evaluation would be available upon completion and evaluation of the HWC 2020-2022.

Comments from the Executive Board and Agency's clarification

The Executive Board had some remarks on the framework. The change in the campaign cycle accompanied by extra promotion of other EU-OSHA activities, the Governments observed, may lead to a challenges for Focal Points.

Concerns related to losing the momentum were raised again and there were enquiries on the methodology that would be applied to evaluate the actual impact of the change in the cycle – what would such evaluation build on to bring up conclusive evidence?

The Agency acknowledged that the change in the cycle would introduce a new working process not only for the FOPs but also for the Agency, therefore it will be a mutual learning process for both sides and some pitfalls may be expected at least in the short-term. The gains in the medium-term, also in the light of the scenarios related to future budgets after Brexit, are nevertheless expected to be considerable. Possible increase in the workload would be an unintended outcome which would be taken into account in the evaluation of course.

As a measure to mitigate the risk of losing momentum of the campaign topic, the Agency is developing specific promotion packages to be released at different points in time during the campaign timeframe.

As on how to ensure an informative evaluation which would help the Management Board take an evidence-based decision on the future campaigns' cycle, the Agency explained that whereas sound counterfactual evidence may not be brought forward taking into account the data available and proportionality considerations, the objective would be to get to reasoned and reasonably grounded conclusions about the effects of the change. This would be done by triangulating the data from different sources and weighting the evidence gathered from different strands while trying to highlight the underlying reasons for certain perceptions and checking these against objectively collected data.

CONCLUSIONS: The Executive Board agreed on the final HWC 2020-2022 monitoring and evaluation framework.

7. Final Draft Programming Document 2020-2022

The Agency had presented a preliminary draft version of the PD 2020-2022 at the Executive Board meeting in November 2018 for discussion on the multi-annual objectives and work programme. In January 2019, the Management Board adopted a complete draft, which included the comments made by the Executive Board on the multi-annual part, a detailed annual work programme for 2020, outputs and performance indicators as well as all the required annexes. The adopted draft was sent to the Parliament, the Council and the Commission – as well as to the Agencies with which EU-OSHA has cooperation agreements.

The draft presented to the Executive Board at the present meeting took into account the Management Board comments from January, as well as the Commission's feedback that was attached for information. The Commission feedback was overall positive and did not require any major amendments. The Commission, in particular, acknowledged that the Agency would keep its commitment towards the development of the EU OSH info system and the support to the Commission in relation to carcinogens.

In the annual work programme, the list of outputs was replaced with a more generic output statement. Instead, the detailed list of outputs against which the Agency will report to the Boards on the implementation of the work programme was included as an annex (annex XII). Performance indicators for the Workers' exposure survey will be developed during 2020.

The PD is based on the assumptions that resources will remain stable in nominal terms (decrease in real terms) and that the policy priorities as identified in the current EU OSH Strategic Framework, also ending in 2020, and subsequent communications, remain relevant. Should the circumstances change at any stage, there may be a need to revise the document.

Finally, the Agency informed that the Management Board will be requested to adopt the Programming Document, together with the budget and establishment plan 2020, by written procedure within the following weeks.

Comments from the Executive Board and Agency's clarification

In the light of the shrinking resources, there was a proposal from the Executive Board to consider engaging seconded national experts as a cost-efficient way to import expertise from the national level.

There were also enquiries about specific activities: the new foresight activity – which the topics would be and whether self-employed would be addressed; the workers' exposure survey to cancer risk factors – could the fieldwork be advanced to 2021?

Finally, the Executive Board asked for clarification as on why some sections of the financial annexes were left empty.

Regarding SNEs, the Agency clarified that despite the good expertise that these could bring about to the Agency, it is quite an expensive solution and not an option at the moment.

The topic of the next foresight will be discussed at the next-in-time OKAG meeting and the Management Board would have a final say on this at the January 2020 meeting. Self-employed are not the subject of a special focus in the work to be done for now, but they are an important group for OSH, accounting for as many as one in three workers in Greece, for example.

Some fields in the financial annexes are not filled because the programming document is produced on the basis of a template from the Commission – the financial break-down of the foreseen expenditure differs slightly.

CONCLUSIONS: The Executive Board discussed the PD 2020-2022 and agreed to issue a positive recommendation to the Management Board on its adoption. The Agency will launch a written procedure by the end of November 2019.

8. Preliminary Draft Programming Document 2021-2023

In accordance with the schedule agreed with the Management Board, the Agency is presenting a preliminary draft version of the Programming Document (PD) 2021-2023.

The sections provided in the document are based on the Multi-annual Strategic Programme 2018-2023. In particular, the preliminary draft describes the general context in which the Agency is expected to operate during the timeframe concerned, the multi-annual objectives – together with the indicators adopted by the Management Board and the relevant targets to measure achievements, and the multi-annual programming for the activities.

Moreover, the PD is based on the assumptions that resources will remain stable in nominal terms (decrease in real terms) and that the policy priorities from the EU OSH Strategic Framework, which will end in 2020, remain relevant.

In January 2020, a complete draft document will be presented to the Management Board. This will include the preliminary draft provided now in addition to the draft annual work programme for 2021 and annexes on more specific areas.

The new Financial Regulation adopted by the Management Board earlier this year foresees additional requirements related to the programming document applicable as from the PD 2021-2023. In particular it foresees the inclusion of three new strategies, on international relations, efficiency gains and internal control as well as the provision of additional data. The Commission is expected to release guidelines on how these new requirements should be implemented and is working together with the Agencies on a proposal. The Agencies pointed out to the Commission that a transition period is required and suggested that the new requirements would be implemented in time for the final draft PD 2021-2023 to be adopted by the Management Boards at the end of the year – but not for the draft to be adopted in January. EU-OSHA will follow this approach.

As part of this agenda item, the Agency presented the ex-ante evaluation on a new OSH overview on psychosocial risks and mental health at work. The Board had encouraged the Agency to keep working on this topic after the successful Healthy Workplaces Campaign 2014-2015 on stress and psychosocial risks and it was one of the topics proposed by the Agency and agreed by the Board in June 2018 to be tackled in the context of the MSP 2018-2023. The Management Board will discuss and approve the ex-ante evaluation, which the Agency will amend with the comments and input gathered from the Executive Board, at their meeting in January 2020.

Comments from the Executive Board and Agency's clarification

With regard to the ex-ante evaluation on the new OSH overview, the Executive Board asked the Agency to be more specific about the communication channels to be used to promote EU-OSHA work also at

national level (FOPs and beyond) and to provide more concrete examples about possible cooperation with CEDEFOP and EUROFOUND on the matter. Another issue that should be emphasised is the mental health at work interplay with external non-work related factors.

The Agency took good note of the Executive Board's comments which will be reflected in the ex-ante evaluation to be presented to the Management Board as support for its decision on the inclusion of the activity in the Programming document. With reference to the cooperation with the two EMPL agencies, common projects with Cedefop and Eurofound could be of high value regarding this activity and cooperation could be planned at an early stage.

CONCLUSIONS: The Executive Board discussed the preliminary Draft Programming Document 2021-2023 and the ex-ante evaluation on the new activity 'OSH Overview: Psychosocial risks and mental health at work' and gave a positive recommendation for this activity to be included in the draft work programme 2021.

9. EU-OSHA's future budget – overview and implications

In July 2018, the European Commission published a “Working Document of the Commission Services on Decentralised Agencies” (Fiche 32). The Fiche 32 presented an indicative breakdown of the amounts envisaged for each decentralised Agency in both nominal terms and real terms under the Commission proposal on the Multiannual Financial Framework 2021-2027. One year later, the Agencies were requested to provide feedback – in particular regarding the implications on their delivery capacity.

Regarding EU-OSHA, the Commission explained that the MFF for 2021-2027 foresees a ‘stable in nominal terms’ budget at the levels of 2020 budget – the same as for all “cruising speed” Agencies. This means that in nominal terms, the Agency will be cruising with a fixed nominal budget of 16.1 Mil Euro over the course of the 7-year period having to absorb the negative effects of inflation. The Agency explained that this happens in a context where, between 2014 and 2017, EU-OSHA had complied with the 10% staff cut foreseen in the Commission’s communication and is operating with 40 staff members in its establishment plan. The Agency also recalled that in comparison to other agencies EU-OSHA proportionally has a very high Title 3 budget (operational costs) compared with Title 1 budget (staff costs).

As there are other important concurring factors (incl. BREXIT), the Agency had been discussing some possible scenarios to anticipate some of the challenges.

The most realistic scenario is based on the Commission’s proposal on the Agency’s budget for the next MFF. A ‘stable in nominal terms’ budget with an estimated yearly inflation of 2% would represent a loss in real terms of approximately 8% over the 7 years. This reduction in resources would have a notable impact on the Agency’s operations. EU-OSHA would be able, however, to deliver on its mandate and mission, provided that the volume of work contracted to external providers is reduced and more of its own staff resources are dedicated to research activities. Core monitoring activities, such as surveys, and major awareness raising actions such as campaigns, will have to be carried out at longer intervals. Other activities – such as OSH overviews - will be undertaken less frequently or at a lower level of intensity.

Comments from the Executive Board and Agency's clarification

The Executive Board discussed the item and in general expressed concern about the impact of the next MFF on the Agency’s capacity to deliver on its core business. They acknowledged that notwithstanding the size of the Agency, the applicable administrative and regulatory framework is the same and quite heavy. An internal re-organisation may be required, which may include externalisation of some tasks and sharing services with other Agencies where possible. A balance between staff and operational expenditure must be ensured.

The Agency shared the Executive Board's concern but recalled that in comparison with other Agencies, the ratio between staff and operation expenditure puts it in a relatively good position to manage the foreseen constraints. In addition, the greatest share of staff expenditure is actually allocated to operations – so a reasonable objective for the future would be to be able to keep the current ratio of operational and administrative expenditure stable over time. A lot is being done also in relation to

externalisation of certain tasks – such as the post of accountant just recently, which has been externalised to the Commission; and in sharing services with other Agencies – as a number of joint procurements have shown. The Management Board will be engaged in this strategic resourcing discussion.

CONCLUSIONS: The Executive Board took note and discussed the future budget scenarios for the Agency under the next MFF. The Management Board will follow up on the discussions.

10. Management Board and Executive Board rules of procedure

The new Founding Regulation foresees that the Management Board should adopt rules of procedure for the Management Board and for the Executive Board.

At the last Management Board meeting in June, EU-OSHA prepared a draft based on the new Founding Regulation. The draft is the result of a dialogue with the Commission, and exchanges with the other Agencies under the remit of DG EMPL. At the meeting, the Management Board at the request of the European Commission decided to postpone a decision on the adoption of the rules of procedure and to continue applying the current ones as there were requests to consider and possibly reflect some feedbacks received by the Management Board.

Following the input received in June, the Agency revised the rules of procedure. The amended draft version had been circulated in the beginning of October to all Executive Board members and observers. The Agency also prepared a document where the main differences from the current rules have been highlighted for ease of reference.

Comments from the Executive Board and Agency's clarification

In general, the Executive Board welcomed the revised rules of procedures. There was an additional request to qualify the majority needed for the Executive Board to call for a meeting – and it was deemed necessary that at least one Chairperson should request it on behalf of the entity he/she represents. Regarding the voting process during written procedures, there were requests for clarification about the “no-vote” (abstention) and how that would be computed in the light of the outcome of the procedure. The Commission in particular requested that the formulation of article 17 related to the selection of the Executive Director by the Management Board should be further clarified.

The Agency took note of the additional comments. Regarding abstentions, at the moment what is computed for the written procedure are votes in favour – whether votes in favour reach the necessary threshold for a certain item to be adopted. In the original Agency's proposal, following the approach of other Agencies under DGEMPL, the suggestion was to consider abstentions as positive votes, but it was turned down by the Management Board. Regarding the provisions related to the selection of the Executive Director, the Agency will further look into it to clarify the wording.

CONCLUSIONS: The Executive Board took note of the rules of procedure again. A revised version will be given to the Management Board in January for adoption.

11. Policy of prevention and management of conflict of interest

At the June meeting, the Management Board adopted a policy on prevention and management of conflict of interest. The policy addressed a requirement in the Founding Regulation, which foresees that Management Board members shall provide a declaration of absence of conflict of interests, which should be made available on EU-OSHA's website.

At the same time, the new Financial Regulation adopted by the Management Board after the summer includes a provision according to which Management Board members should sign a declaration of interests. Whereas in a first instance the Commission had informed the Agency that the provision from the founding regulation should prevail, it then asked the Agency to implement both requirements as they should be seen as complementary to each other.

EU-OSHA therefore integrated both regulatory requirements into the policy and as a result Management Board members shall provide both a declaration of interests and a declaration of absence of conflict of

interests. To simplify, both declarations were merged into one and a template is available as an annex to the policy (annex 1).

Whereas the main features of the policy have remained unchanged, the revision was also an opportunity to simplify the language and some steps of the procedure, where needed. The scope has also been enlarged, as now the policy includes provisions covering Seconded National Experts (SNEs) and other staff not employed by EU-OSHA as foreseen in the Founding Regulation.

EU-OSHA has been coordinating with the other tripartite Agencies on this issue, considering that the requirements in the Founding Regulation and the Financial Regulation were identical and the feedback from the Commission on the request for the derogation from the Financial Regulation was the same.

The Management Board will be requested to adopt the revised policy at their next meeting in January 2020 and the policy will enter into force the day after its adoption.

With respect to Management Board members, the Management Board secretariat, once the policy is adopted, will start collecting the declarations of interests and absence of conflict of interests. Both the policy and such declarations shall be made available on the Agency's website.

CONCLUSIONS: The Executive Board took note of the revised "Policy of prevention and management of conflict of interest". The Management Board is expected to adopt it at their meeting in January 2020.

12. Establishing a collaboration framework with FOPs on research tasks

The Founding Regulation establishes that the Agency should aim at maintaining a close dialogue with specialised bodies, public authorities and academic and research bodies.

To this end, the Agency wishes to establish a closer relationship with its Focal Points in specific research and topic areas included in its annual work programme. Therefore it would like to collect expressions of interest from Focal Points to develop expert articles. The idea is to support and steer these articles and then publish and promote them via the Agency channels, including the Healthy Workplaces Campaigns.

At the last FOP meeting in June, the Agency presented the state of play of the OSH overview on musculoskeletal disorders, including a number of areas in which collaboration with the FOPs could be welcomed.

Following the meeting, the Italian FOP (INAIL) proposed to draft a number of expert articles (MSD in the agricultural sector, MSD in the construction sector, MSD and exoskeletons) and therefore accepted to pilot this form of collaboration. It will be regulated by an ad-hoc cooperation agreement, which will have a limited duration in time and addresses a number of important issues, including intellectual property rights, provision of data, authorship, quality assurance mechanisms etc.

Based on the experience of the pilot project, the Agency would like to extend this form of collaboration to all FOPs and to other areas, and a mechanism to collect expressions of interest from FOPs will be established and formalised into a policy.

The collaboration framework will have a limited impact on resources, as the collaboration is on a voluntary basis and only travel costs reimbursement allowing the FOP authors to come to Bilbao or other locations to present the article, is foreseen. This is also seen as a good opportunity for FOPs to gain visibility and recognition; and for the Agency to rely on good quality research free of charge.

The Agency included the action in the annual work programme 2020 under the OSH overview on musculoskeletal disorders.

Comments from the Executive Board and Agency's clarification

The Executive Board took note of the initiative and welcomed the proactivity of the Italian FOP. However, there were enquiries as to whether the FOPs should be the only addressees – the majority of FOPs are not research institutes and the right expertise could only be found beyond the FOP, within the extended FOP networks. The cooperation agreement then should be established not with the FOP, but with the organisation that would be responsible to carry out the assignment, such as a national institute.

The Agency took the point and will further elaborate the proposal bearing the Executive Board's feedback in mind. What is important from the Agency's perspective is to ensure transparency in the selection of the contributors as well as equality of opportunity and access to this form of collaboration with EU-OSHA. The outcome of the pilot project will also be an important element to the revision of the proposal.

CONCLUSIONS: The Executive Board took note and discussed the possibilities for an enhanced cooperation at the national level in relation to research tasks.

13. Commission Evaluation on EUROFOUND, CEDEFOP, ETF, EU-OSHA – Follow up

In March 2018, an externally contracted evaluation of the four Agencies working in the policy field of DG EMPL was finalised. Based on the evaluation, DG EMPL drew up a Staff Working Document, including follow-up actions the Commission considers relevant.

The Staff Working Document (SWD) confirms the evaluation's findings, i.e. that the four Agencies have successfully fulfilled their tasks following from their mandates, and that the Agencies have provided high value-for-money and added-value. Furthermore, the work of the Agencies has been both relevant and useful for the stakeholders. However, there are also identified areas where improvements may be possible.

In June 2019, a first response from EU-OSHA was presented to the Management Board for discussion. The Management Board decided that it would organise a seminar in January 2020 to discuss the follow-up to the SWD and agree on the action plan.

Initially, the action plan was supposed to be delivered within six months after the publication of the SWD, but following the decision to organise a Management Board seminar in January 2020 on the topic, the Agency informed the Commission that the action plan would only be provided in January 2020. The Agency prepared a first draft of the action plan for the Executive Board meeting for discussion, in preparation to the Management Board's discussion and adoption in January.

Regarding the Management Board seminar, the Agency suggested that the seminar should be organised half a day before the Management Board. The discussions would be organised in groups and conclusions made at the plenary of the Management Board. The Executive Board was invited to provide feedback on what the focus of the discussion could be. The idea of the Agency was to focus on the action plan – in particular to see how some of the actions for which the role of the Management Board is prominent could be implemented.

Comments from the Executive Board and Agency's clarification

The Executive Board welcomed the draft action plan prepared by the Agency and had no additional comment.

Regarding the outline of the seminar, the Executive Board agreed that the focus should be on the action plan. A review of the recommendations included in the SWD should be followed by in-depth discussions on actions foreseen. The discussions should be framed within the budgetary constraints discussed earlier – the extent to which EU-OSHA will need to prioritise the work to meet its objectives. There was also interest in addressing the promotion of EU-OSHA work at the national level.

The Agency will draft an outline of the Management Board seminar taking into account the input from the Executive Board.

CONCLUSIONS: The Executive Board took note of the action plan and gave its feedback in relation to the Management Board seminar in January 2020.

14. Update on worker exposure Survey and Draft Mandate for the Advisory Group

In January 2019 the Management Board agreed to include an activity related to the development of a workers' survey on exposure to cancer risk factors in the Agency's work programme for 2020. Therefore the Agency was asked to set up an advisory group with members from the Management Board.

The Executive Board is asked to consider a draft mandate for the setting up of a Worker Exposure Survey Advisory Group (WES-AG). The draft mandate is based on the existing mandates of the OSH Knowledge Advisory Group (OKAG) and the Tools and Awareness-Raising Advisory Group (TARAG). It differs from the mandate for these two advisory groups in that composition is by two members and alternates from each interest group instead of three and the group meets a minimum of once per year instead of twice.

The objective of this advisory group would be to give strategic and expert advice to the Agency on how to implement the Workers Exposure Survey. This may include advice on the methodological approach, envisaged process and outputs.

Furthermore, the Agency gave a comprehensive [update on the preparatory work](#) that is being carried out at the moment.

Comments from the Executive Board and Agency's clarification

The Executive Board took note of the draft mandate and welcomed very much the presentation of the status update of the activity and asked the Agency to provide it regularly.

Regarding the mandate of the advisory group, the Executive Board suggested that its membership should cover expertise on cancer risk factors, methodology and statistics.

Regarding the presentation on the status update of the activity, there were enquiries regarding the adaption process of the methodology, as the understanding was that the methodology would be imported from the Australian survey. The Employers asked whether data available from the national health surveillance services would be taken into account.

The Agency confirmed that there will be no change in methodology and that the adaption process mainly relates to translation issues – so as to ensure that the questions could be well understood in the different contexts. Regarding the mandate of the advisory group several experts on statistics are already involved and consulted but the mandate would be amended to include a reference to two types of expertise - one on survey methodologies and another one referring to occupational hygienists. The Agency finally confirmed that the OKAG and the Management Board would be kept regularly updated about the discussions held at the advisory group.

CONCLUSIONS: The Executive Board discussed the work of the workers exposure survey and the Agency will present a revised mandate for its advisory group in January 2020 to the Management Board for adoption.

15. Implementing rules on data protection

The Agency is called to adopt two sets of Implementing Rules in order to meet its obligation of the new Founding Regulation. These rules include (1) Implementing Rules on the Data Protection Officer and (2) Internal Rules on Restrictions to Data Subjects Rights.

Regarding the first set - Implementing Rule on the Data Protection Officer (DPO) - Article 45(3) of the new data protection regulation requires that further implementing rules shall be adopted by each Union institution or body. The implementing rules shall concern the tasks, duties and powers of the Data Protection Officer.

Regarding the internal Rules on Restrictions to Data Subjects Right when it comes to the grounds for possible restrictions to the data subjects information rights, it was concluded that it is better to cover all possible events in which it cannot be excluded that EU-OSHA would have to restrict data subjects' access rights to their personal data one day.

Should such an event arise, the relevant controller of the processing operation has to carry out a necessity and proportionality test of the given case and review the restrictions every six months. Should the justifying reasons not apply any more, the restrictions must be lifted.

CONCLUSIONS: The Executive Board took note of the Implementing Rules on data protection and gives a positive recommendation to the Management Board about their adoption. In order to stay within the deadline the item will go for written procedure in the end of November.

16. Any Other Business

The Agency informed the Executive Board members that for the Management Board meeting in January 2020 there will be a proposal on how the Board organises itself in order to deal with staff complaints as per Article 90(2) of Staff Regulations.

The Workers side mentioned that the tripartite nature of the Agency's governance should be highlighted in all possible ways and asked the Agency to include a reference to tripartism in all communication/promotion related to the EU-OSHA's work.

CONCLUSIONS: The Executive Board took note of the information.

The Chair thanked the participants and closed the meeting.

ANNEX: LIST OF PARTICIPANTS

	Name	Representing
1	Kris DE MEESTER	Employers
2	Jessie FERNANDES	Employers
3	Christa SCHWENG	Employers
4	Jesús ALVAREZ	European Commission
5	Charlotte GREVFORS ERNOULT	European Commission
6	Gertrud BREINDL	Government
7	Renārs LŪSIS	Government
8	Charlotte SKJOLDAGER	Government
9	Ignacio DORESTE	Workers
10	Károly GYÖRGY	Workers
11	Viktor KEMPA	Workers
12	Andreas STOIMENIDIS	Workers
13	Christa SEDLATSCHKE	EU-OSHA
14	Jesper BEJER	EU-OSHA
15	Ilaria PICCIOLI	EU-OSHA
16	Andrea BALDAN	EU-OSHA
17	William COCKBURN	EU-OSHA
18	Andrew SMITH	EU-OSHA
19	Emmanuelle BRUN	EU-OSHA
20	Heike KLEMPA	EU-OSHA
21	Brenda O'BRIEN	EU-OSHA
22	Michaela SEIFERT	EU-OSHA
23	Franziska LÜTZ	EU-OSHA Trainee
24	Martina BLAHOVA	EU-OSHA Trainee