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MINUTES

Meeting:	6 th MEETING OF THE MANAGEMENT BOARD
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This Management Board meeting was held virtually with the aid of an online platform which allowed simultaneous interpretation into EN, FR, DE and ES. The meeting was organised around a first plenary session, interest groups meetings and a final plenary session. During the first plenary (1 June), EU-OSHA presented the agenda items to the Management Board whose members had the opportunity to ask questions and request clarifications. The agenda items were discussed by the interest groups on 2 June. Finally, on 3 June, the Management Board reconvened in plenary where conclusions were drawn and necessary decisions taken. These minutes intend to cover both the Agency's presentations and clarifications provided during the first plenary, contributions from other speakers, as well as report the discussions and decisions taken by the Management Board at the final plenary.

1. Adoption of the Draft Agenda

The Chairperson welcomed participants to the meeting and gave the floor to the Executive Director for some introductory words.

The Executive Director, in turn, welcomed the Management Board and informed that this meeting was going to be her last meeting before retirement.

Next, the Chairperson introduced the draft agenda. He recalled that the Commission was going to give an update under item 2. There were going to be a few items under "Any other business", namely:

- Invitation to the Executive Directors of the European Labour Authority (ELA) and the European Gender Institute (EIGE) to participate to the Management Board meetings in an observer capacity
- Future arrangements related to EU-OSHA's Accounting function
- Next steps related to the appointment procedure of EU-OSHA's Executive Director
- Update on the Roadmap on Carcinogens

Before adopting the agenda, the Chairperson asked Management Board members to declare whether they may have a conflict of interests with any of the items. If there had been any, the Management Board member should have abstained from participating in the discussion of the related item or left the meeting, in compliance with the Agency's policy on management of conflict of interests. At that stage, no member reported any.

The following delegations of votes were received:

- The Bulgarian Workers' representative delegated his vote to the Austrian Workers' representative;
- The Slovenian Workers' representative delegated her vote to the Hungarian Workers' representative
- The Spanish Employers' representative delegated her vote to the Irish Employers' representative.

To establish the quorum for the meeting, the rules of procedure (Article 9.1) require that the majority of the members for each of the three interest groups and at least one Commission representative attend the meeting. As this was the case¹, the Chair informed the Management Board could work through the agenda and take the decisions as required.

CONCLUSION	<u>The Management Board adopted the draft agenda by consensus</u>
DECISION-MAKING PROCESS REQUIRED	Absolute majority
RECORD OF VOTES	N/A, decision taken by consensus

2. Executive Director’s Progress Report and Amendments to the 2020 Work Programme

The Chairperson handed over the floor to the European Commission to address the Management Board with an update.

The Commission informed that the key item at stake at the moment was the new EU OSH Strategic Framework, which is the outcome of a very good consultative process with input from all relevant actors, including SLIC, social partners, European Parliament, Council and last but not least EU-OSHA. The Framework was initially expected to be adopted on 23 June.

One important issue that is also under discussion is the “vision zero” concept on fatal accidents and diseases as well as the lessons learned from the global COVID-19 pandemic – looking into the future, how to set up a preparedness plan to be ready for tackling similar crisis in the best possible way. There is a clear need for OSH to accompany this major transition of the economy – towards becoming green and digital. In the Member States’ plans linked to the recovery funds, green and digital investments are an important element. This transformation of the economy is expected to lead to a considerable change in the labour market.

At the beginning of the year, the Commission presented the action plan to implement the European Pillar of Social Rights (EPSR), which received a strong endorsement by the Council at the recent Porto summit. Actually, EU institutions, Member States, social partners and civil society committed in the summit to join forces to strengthen social Europe and further deepen the implementation of the EPSR. At that summit, the Council also set new EU level targets in terms of poverty reduction, employment and skills. The social angle of the digital and green transformation has also to be taken into due account.

In light of the fast-changing world of work, the Commission observed that it would be important to check on the implementation of the framework during the seven-year period, take stock of the work done versus the planned deliverables and reassess the actions in the light of the needs. To this purpose, it

¹ The quorum requirement only applies to the session on 3 June 2021, where the Management Board took the required deliberations. The numbers that follow are related to the mentioned session. No of members from Governments group: 25, No of members from Workers’ group: 18, No of members from Employers’ group: 16, No of members from the Commission: 3. Alternate member is counted only if replacing the member; delegated votes are also counted. Whereas at the beginning of the meeting that was not the case, finally the quorum was reached in good time to allow the Management Board to take the required decisions. The quorum was reached as the Management Board was working through agenda item 3 – having the Chairperson ascertained that all matters dealt with by the Management Board that far did not require a decision.

is envisaging to convene an OSH Summit in 2023 where all major actors involved in the implementation of the framework - Member States, social partners and EU-OSHA – could bring this reflection forward.

In parallel, the work under the asbestos and chemical agents' directives was underway. The Commission's Advisory Committee on Safety and Health played a key role. At the moment, the second stage consultation with social partners on occupational exposure limit values (OELs) for asbestos (under the asbestos directive) on the one hand, and lead and diisocyanate (under the chemicals directive) on the other, was ongoing.

Furthermore, under the fourth revision of the carcinogens and mutagens directive, the trilogues with the Parliament and Council had started with the objective to discuss how to take the limit values proposed by the Commission and turn them into law. The Parliament had proposed a set of amendments, which are outside from the Commission's original proposal. The Council is now expected to take a position on these amendments.

The Chairperson thanked the Commission and invited the Executive Director to take the floor.

The Executive Director introduced the progress report. She highlighted that despite the unfavorable circumstances, the Agency managed to keep the implementation of the work programme largely on track and continue to deliver on COVID-19 related work too. Furthermore, she drew the Management Board's attention to the note on non-substantial amendments that the Agency had submitted for information. During these first months of 2020, resources had become available as a result of cancelled missions due to travel restrictions and the postponement of the project related to the support in compliance activities due to staff shortage. Both incidences were linked to the COVID-19 pandemic. In order to make the best use of these available resources, the Agency plans to **commission an opinion poll** further to joining an inter-institutional procurement for Flash Eurobarometer Survey services. The Agency will commission a number of survey questions. The data from the survey will contribute to meeting the objectives of activities 2.10 Digitalisation, 2.11 Supporting compliance and 2.12 Psychosocial risks.

Another important development is the organisation of a **hybrid event "Prevention, now more than ever - EU-OSHA / EU OSH Strategic Framework" to be held in Bilbao on 5 July**. This is expected to be a high-level event taking place shortly after the adoption of the new EU-OSH Strategic Framework – where the emerging priorities and the role to be played by EU-OSHA will be discussed with the Agency's stakeholders.

In its continuing efforts to support workplaces in preparation to the post COVID-19 era, the Agency will also publish soon a COVID-19 guidance on 'long COVID' and rehabilitation and return to work. Such a guide would be important in light of the unpredictable consequences of COVID-19 on workers' health.

Concerning cooperation with other Agencies, Eurofound and EU-OSHA enjoy a valuable cooperation. Recently, the two agencies discussed the OSH overview on psychosocial risks. Moreover, the Agency is collaborating with ELA in several areas, including in a survey addressing seasonal workers and COVID-19 measures in cooperation with SLIC. Also together with SLIC, a joint pilot survey of inspectors on high risk occupations is ongoing and a good number of replies were received to date both from EU and EFTA countries. Results will be available in July, including an analysis thereof carried out together with SLIC.

Another important OSH milestone in the autumn is going to be the OSH World Congress, which, given the circumstances, will be held online. EU-OSHA will contribute with a presentation on e-tools and discussions are underway to shape the Agency's participation in the ILO event during the congress.

The Chairperson informed that the newly appointed **Executive Director of Eurofound**, Mr Ivailo Kaflin, was invited to address EU-OSHA's Management Board and invited him to join the floor.²

Mr Kaflin thanked the Management Board for the invitation to this meeting. He mentioned that as he was settling in as Executive Director, he had been reflecting on the role that Eurofound should play in the field of research on working conditions in Europe. Knowledge and information are very much needed to ensure effective decision-making for the green/digital transition. Traditional research and delivery methods that have proved to work well so far must be accompanied with the necessary adaptations to ensure that research remains relevant to stakeholders. He also observed that beyond the specific policy field that it is essential to consider what would happen in the broader EU context and to strengthen cooperation with ILO and OECD. Engaging more systematically with countries in EU's neighbourhood would also be one priority. Eurofound and EU-OSHA share long records of good and stable cooperation via a memorandum of understanding and annual action plans. Mr Kaflin wished such good cooperation be maintained and enhanced further by exploiting all possible synergies. This would ensure delivering excellent and relevant knowledge as input to decision-making.

COMMENTS FROM THE MANAGEMENT BOARD AND AGENCY'S CLARIFICATIONS:

The Management Board welcomed the good work delivered by the Agency during the first half of 2021, despite the enduring challenging circumstances.

In particular, the Workers appreciated the fact that the work programme 2021 foresaw more actions related to the COVID-19 pandemic, including guidelines and OSH Wiki articles for return-to-work strategies for long-symptoms patients. In particular, they welcomed the focus on preparedness under the item "Networking Work on Biological Agents at Work and Pandemic Preparedness at Work".

On a different note, the Workers, echoed by the Employers, asked the Agency to allow for more time when input from Management Board members is requested, a recent example being the surveys on the campaign strategy, and, in general, a better coordination within the Agency when it comes to stakeholders' consultation.

The Agency took good note of the comment. The Agency would provide an overview on the planned consultations with stakeholders earlier in order to allow better coordination and more time.

Regarding the survey on workers' exposure to cancer risk factors, a remark coming from the Employers suggested that the Australian regulatory context – where the survey has been first conceived – is quite different from the European one. As a result, it is necessary to transpose the current Australian survey into the European context. The preparation of the survey should take into consideration that each country has its own legislation. The questionnaire for the survey needs a fundamental review to ensure both relevance and alignment with legislation. The involvement of national experts to ensure a good adaptation of the questionnaire is crucial. Another suggestion was related to longitudinal analysis of the survey results - repeating the survey after a certain period of time (5/10 years) would be a way to enable the analysis of trends.

The Agency explained that the workers exposure survey was being discussed within the relevant Advisory group and within the Agency's international expert group. Concerning the adaptation of the original Australian database of questions to the European context, the adaptation process is being carried out by groups of occupational exposure experts working in each of the six Member States covered by the survey. They were working based on the substances and exposure scenarios contemplated in the original scenario and they adapted them to the EU context. The Agency stressed

² Mr Ivailo Kaflin addressed the Management Board at the second plenary session on June 3.

that the survey was focusing on cancer risk factors, the scope going beyond chemicals substances. It is expected to cover, for example, process generated substances and radiation exposure. The Agency argued that the process was suitable and was confident that the adaptation would be successful. As regards comparability over time, the Agency expressed interest in the suggestion and would look into its feasibility.

In relation to the same activity, the Workers' group observed that it was unclear how the binding occupational exposure limits (BOELs) for carcinogens substances are enforced and monitored by the Inspectorates. To this end, they suggested that EU-OSHA could undertake a study covering an overview of measurement methods and inspection intervals of chemicals at workplaces - possibly as a follow up to the previous campaign. The study could address frequency of compliance monitoring; mapping of responsible bodies in charge of such monitoring and enforcement; availability of tools for the Labour Inspectorates and their effectiveness; incidence of infringements from the employers' side; measures and actions available to employers. This could also be an issue that could be considered as a standing indicator for EU-OSH barometer.

The Agency remarked that this proposal goes beyond the scope of the workers' exposure survey activity, but the suggestion was well taken note of. There is a resource limitation as to how the Agency can undertake unplanned research work, but this issue was to be considered in the planning of future activities. There is a lot of attention on carcinogens at the moment and the German strategy is explicitly addressing the topic and the Agency is organising a workshop in the autumn.

CONCLUSION	<u>The Management Board took note of the Executive Director's progress report, the non-substantial amendments and the other updates.</u>
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3. Findings and Recommendations from Evaluation, Audits etc.

As required by the Founding Regulation, EU-OSHA has to report regularly to the Management Board on the status of open recommendations from evaluations and internal and external audits, on the implementation of the Agency's anti-fraud strategy and action plan as well as follow-up to OLAF findings, if any.

The Agency explained that the implementation of the internal/external audit action plans as well as the anti-fraud strategy action plans are ongoing and overall on track. There were no pending actions related to OLAF recommendations and investigations that had required a follow up from the Agency in 2021.

Regarding external evaluations, the Agency has been working on the action plans to follow up on the recommendations from the external evaluations on the three OSH overview activities related to Work-Related Diseases, Micro and Small Enterprises and Costs and Benefits of OSH as well as on the one on the Healthy Workplaces Campaign on Dangerous Substances. The final decision on these action plans would depend on the decision on the length of the cycle (two or three years) for the OSH and digitalisation campaign as this would determine the available resources.

The Agency also carried out a mid-term evaluation of OiRA. This study was based on more than 40 interviews of stakeholders as well as desk research. The evaluation looked at the four main action areas of OiRA activities: the tools development through which the Agency supports national OiRA partners in developing their tools; the technical aspects of the software; communication and promotion; networking and relationship building.

The evolution of OiRA users over 10 years shows an exponential curve with 20.000 users joining OiRA and 69 new tools developed in 2020 alone. The pandemic showed the benefits of online risk assessment

tools. Generally, the integration of OiRA into national strategies is seen as a key success factor. The support of the Agency to OiRA partners in terms of networking activities was much appreciated.

Regarding tool development, the Agency was supporting up to six partners per year. The number of tools has been increasing and resources required for the development, integration and promotion are limited. Therefore, the Agency revised its scheme for national tools development and stressed the need to define more detailed plans on promotion and more detailed information on the size of the target groups. The involvement of social partners was also pointed out as key. The development of an OiRA EU tool for COVID-19 was very quick and successful and it was broadly taken up by OiRA partners. It focuses on risks rather than on sectors.

The evaluation concluded on two possible scenarios for future development: raising the floor, namely broadening the availability of OiRA to as many partners as possible by intensifying the development actions; raising the ceiling, namely deepening the impact of OiRA by prioritising activities that have higher probabilities to show positive results regarding the use of the tools.

The results had been discussed internally. The Management Board was acquainted with the outcome of these discussions and expected follow-up by means of a presentation. Considering that, due to the resources available, the Agency would not be able to implement all actions proposed for both scenarios, the suggestion is that a balance should be found and actions from both scenario would be combined.

Some of these actions, such as ensuring a steady interaction across OiRA and IRAT partners to foster networking and usability testing with regard to the technical development of the tool, were already planned and underway. For promotion, the evaluation recommended to highlight examples of successful promotional approaches and provided more details and better statistics to identify key success factors. The Agency had already been developing case studies around key successful approaches in order to share them within the community for inspiration.

Being at a cruising speed by now, OiRA is well integrated with the multi-annual and annual programming documents and monitoring mechanisms at the Agency. Therefore the added value of the business plan had diminished and the Agency suggested discontinuing the practice of submitting an annual business plan for adoption, which the Management Board agreed. If there would be specific requests related to OiRA from the Management Board, those could be addressed in the Executive Director's Progress Report.

COMMENTS FROM THE MANAGEMENT BOARD AND AGENCY'S CLARIFICATIONS:

The Management Board took note of the implementation of the action plans from the audits and evaluations as well as the good track of the Anti-fraud action plan.

Regarding the follow-up to the evaluation of the activity "Large-scale foresight", the Workers asked then Agency to pay particular attention to the need of integrating the gender perspective in the next foresight.

At the time of the meeting, the Agency was working on the design of the "scenario workshop" to reflect on the developing scenarios with stakeholders. The gender dimension would be taken into account in the actual scenario design.

The presentation on the results of OiRA mid-term evaluation and follow up elicited a lively discussion within the Management Board.

The Employers remarked that OiRA was an important tool and it should evolve into an opportunity for sharing experiences across countries. Some Member States reported difficulties in the implementation of OiRA due to some hindrance at the level of national legislations. The overall benefits were greatly appreciated by all. In their view, OiRA should take a stronger cross-sectorial approach.

The Workers expressed some concerns about the relatively low uptake of OiRA in some countries, which could be due, to a certain extent, to its non-binding nature. They asked the Agency to provide a

detailed mapping of the use of OiRA tools in different countries to see which support would be needed where and what could be done about it.

Regarding the uptake and use of OiRA, the Agency explained that there was a big difference in terms of number of risk assessments performed with each of the different 250 tools available. That difference seems to be linked to factors such as the width of the potential target audience as not all the sectors have the same size. The Agency mentioned the French example, where, despite the relatively low number of tools available, these are widely used. The Agency commissioned a more in-depth study to look closer into the French case and better understand the key success factors. Besides good communication and promotion, integrating OiRA in inspection activities, national strategies and legislation or having prevention services referring back to OiRA tools are important enablers.

The Agency is aware that good data on OiRA use is important to assess its impact and take the necessary actions. Improvements are underway to gather such data.

The Management Board agreed to discontinue the annual business plan for OiRA, having considered that the activity is already well integrated into the programming and monitoring procedures of the Agency.

CONCLUSION	<u>The Management Board took note of the follow-up to findings and recommendations from evaluations and audits.</u>
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4. Decision on the Duration of the Campaign Cycle for the OSH and Digitalisation Campaign starting in October 2023

Under this item, the Management Board was requested to take a decision on the duration of the cycle for the Healthy Workplaces Campaign on OSH and digitalisation.

The Executive Director recalled the Management Board that in June 2018 they took the decision to pilot a 3-year cycle for the 2020-2022 HWC on musculoskeletal disorders. The new cycle was introduced as part of the Agency's response to recommendations included in the European Commission's evaluation of the four DG EMPL agencies and aims at strengthening the communication efforts on OSH overviews and other projects at the same time as maintaining the impact of EU-OSHA's well-established campaigning and awareness raising activities.

In November 2019, the Executive Board agreed on a monitoring and evaluation framework for the campaign and the new 3-year cycle and the Agency commissioned an interim evaluation of the pilot 3-year cycle, the findings of which would inform the EU-OSHA Management Board's decision as to whether the 3-year campaigning cycle should be maintained for future campaigns.

Now the time to take a decision on the next campaign cycle has come. The constraints of the Agency's programming procedure requires that a decision on the duration of the campaign cycle for the next campaign starting in 2023 be taken at this meeting at the latest.

The results from the interim evaluation are not conclusive because it has been carried out at a very early stage – however, the emerging findings are supportive of the intervention logic behind the three year cycle. A presentation where the main results were outlined was available.

Stakeholders most closely associated with the campaign, and in particular Focal points, have been broadly consulted and contributed to these findings. In particular, the Agency has clearly seen that the additional flexibility provided by the new campaign cycle facilitated its own and its focal point network's operational response to the COVID-19 pandemic.

The proposal from the Agency was that the three-year cycle should be maintained for the next campaign on OSH and digitalisation. The broadness of the topic lends itself particularly well to a three-year campaign cycle (cf. item no 5). However, as the evaluation results are not conclusive, it is suggested that for now, a decision should only be taken for the next HWC.

A final (ex-post) evaluation addressing the effectiveness of the 3-year cycle will be carried out upon completion of the campaign on Musculoskeletal disorders after which a more long-term decision on the HWC cycle can be taken.

COMMENTS FROM THE MANAGEMENT BOARD:

The Management Board in general agreed that a long-term decision would require informed discussions based on the final results from the evaluation of the three-year cycle. However, they also showed understanding for the programming requirements of the Agency and agreed to take a flexible approach. There were some concerns with the three-year cycle, mainly linked to the risk of losing momentum and the availability of experts in some Member States. The Workers expressed the view that two years campaigns should be the rule, and three years campaigns the exception.

Finally, the Management Board agreed to decide on a three-year campaign cycle for the Healthy Workplaces Campaign on OSH and digitalisation, with the understanding that a mid-term assessment would be carried out to ensure adaptation to needs and priorities. Future decisions on the length of the campaign cycle would be taken based on the final results from the evaluation on the MSD campaign and comprehensive discussion.

CONCLUSION	The Management Board decided a three-year cycle for the <u>Healthy Workplace Campaign on OSH and digitalisation.</u>
DECISION-MAKING PROCESS REQUIRED	Double majority – absolute majority of all MB members and majority of the Governments' group.
RECORD OF VOTES	N/A, decision taken by consensus.

5. HWC on OSH and Digitalisation - Campaign Strategy

Under this item, the Agency presented the draft strategy for the Healthy Workplaces Campaign on OSH and digitalisation.

The strategy was the result of an extensive consultation process taking into consideration the EU policy context: the EU Digital Strategy and the EU Pillar for Social Rights and related action plan. Stakeholders consulted included the Advisory Groups – OKAG and TARAG – and the Focal Points. The strategy also took into account the provisions of the European social partners' framework agreement on digitalisation addressing the use of digital technologies in workplaces. The OSH Overview on digitalisation provided the knowledge basis for the campaign and its strategy.

The Strategy was articulated in five priority areas reflecting the areas of work defined within the OSH Overview on digitalisation, which would feed the content of the campaign. The campaign strategy could be applied and adapted to both a two-year and a three-year cycle, depending on the Management Board's decision.

The Agency explained how they took into consideration the comments received especially in the final consultation with TARAG members and Focal Points. Likewise, the Agency expanded the list of target audience and beneficiaries in order to include additional suggestions from target groups.

Five priority areas of the campaign had been defined based on the OSH Overview.

The Agency highlighted the key campaign messages identified and explained that at a later stage these campaign messages were going to be translated into slogans and will be integrated into all promotional products of the campaign. The Agency also presented three options for the campaign title, these being:

- Safe and healthy work in the digital age
- Safe and healthy work in the context of the digital transformation
- Managing the digital transformation for safe and healthy work

The campaign will target as beneficiaries all types of workers and enterprises, with a specific attention to workers with flexible working arrangements, away from the employer's premises, 'around' or visiting clients, in decentralised premises (e.g. remote workers, platform workers) considering the specific OSH challenges stemming from their circumstances. Psychosocial issues associated with working in the digital era appear to be of particular concern in all types of working contexts and therefore will be a cross-cutting theme throughout the campaign. The campaign will also promote the opportunities for OSH offered by digitalisation.

The campaign will target decision and policy-makers responsible for legislation and policy in the area of OSH and digitalisation to provide a sound evidence-base for decision-making.

COMMENTS FROM THE MANAGEMENT BOARD AND AGENCY'S CLARIFICATIONS:

The Management Board agreed that the title for this campaign should be "Safe and healthy work in the digital age". Whereas they welcomed the work done to put together a comprehensive strategy on a complex topic and acknowledged the extensive consultation carried out, the groups had specific comments.

The Governments' groups suggested a clarification related to the cooperation with SLIC. Whereas SLIC expressed their interest in the campaign, a formal decision to participate had not been taken to date. Furthermore, they recommended that vulnerable groups become more visible in the strategy. Finally, they suggested that a more innovative approach in terms of communication products and tools should be developed.

The Workers' group found three priority areas identified in the strategy as being in need for some deep reconsideration. These were "digital systems for improvement of OSH"; "digital labour platforms" and "artificial intelligence for work management".

With regard to the former, the Workers highlighted the risk of potential misuses of such digital technologies for undue surveillance of workers. Digital tools, on the contrary, should be made understandable for workers and trade unions in order to facilitate meaningful consultations. Since the approach of monitoring OSH could lead to a misleading message, the Workers suggested to remove this priority area. They also stressed the importance of health and safety representatives and trade unions whom algorithms should not by any means replace workers' participation in developing the artificial intelligence systems should be better addressed, as well as transparency and ethics considerations related to their use.

Regarding "digital labour platforms", the Workers found that the approach was too focussed on the benefits of the flexibility allegedly provided by platforms. In their view, EU-OSHA should make a stronger case on the need to allocate the responsibility for OSH and risk assessment to the platforms in

accordance with their responsibilities as employers. All in all, they found that this priority was not well balanced.

Should the removal of these two areas not be agreed by the Management Board, their suggestion would be to split the campaign and the Workers would then undertake their own approach.

The Workers also had comments on the other remaining priority areas. For “Remote and Virtual Work”, they suggested tackling the gender issue more upfront, in particular in the light of the telework requirements imposed by the pandemic. Also, they considered it was important to stress that OSH risk assessment remains crucial and employers should abide to their responsibility towards teleworking employees in this respect. Instead of referring to “Healthier and Safer Workplaces”, the aim should be to have “Healthy and Safe Workplaces”. For the priority area “Advanced robotics and automation of tasks”, the Workers observed that automation of processes was having a negative impact on the OSH dimension. Reference to appropriate training and use of Personal Protective Equipment should be more emphasised.

The Workers also called for more clarity on some key concepts used in the campaign strategy. An overarching principle of the campaign is that all new forms of employment should abide to the principle of risk prevention.

The Employers overall welcomed the strategy but observed that the recurrent references to the need for more regulations should be nuanced throughout the text.

The Commission appreciated the outline of the campaign strategy as well as the synergies and cooperation with EUROFOUND and SLIC.

Whereas the Agency welcomed these comments, it became evident that further discussion on the text of the strategy would be needed before it could be approved by consensus. As a result, the Management Board decided to ask the Executive Board to review the document in order to agree a strategy that can be supported by all groups and the Commission within the scope of the Single Programming Document 2021-2023 adopted by the Management Board. To this end, the Agency would review the document in the light of the comments raised at the meeting and would organise a meeting with the Executive Board in September. At this meeting, the Executive Board will work through the strategy with the objective of finding a consensus formulation. The Executive Board will also discuss the appropriateness of holding a short virtual meeting with the Management Board to present the outcome of the work or of launching a written procedure with the Management Board for the adoption of the strategy. Should that not be deemed necessary, the Executive Board could actually consider that they could finalise this task and task the Agency to inform the Management Board accordingly.

CONCLUSION	<p><u>The Management Board decided:</u></p> <ul style="list-style-type: none"> - <u>That the title for the HWC on OSH and digitalisation should be “Safe and healthy work in the digital age”.</u> - <u>To ask the Executive Board to review the HWC strategy in order to agree a document that can be supported by all groups and the Commission within the scope of the Single Programming Document 2021-2023 adopted by the Management Board.</u>
DECISION-MAKING PROCESS REQUIRED	Absolute majority
RECORD OF VOTES	N/A, decision reached by consensus

6. Implementation of Action Plan in response to EC Evaluation of DG EMPL Agencies

Under this item, the Agency presented an account of the actions taken as a response to the recommendations from the Commission's evaluation of the four Agencies under DG EMPL's remit as agreed by the Management Board. The implementation of the action plan is well on track but there were two actions pending to be decided upon, linked to recommendations no 7 and no 8.

Recommendation no 7 reads: *"MB members could brief national stakeholder networks about the agencies' work, and the feedback received could inform members' work in the Management Board"*.

The action agreed by the Management Board to meet this recommendation was: *"The MB will decide whether to recommend MB members to be part of national focal point networks"*.

At the January meeting, the Management Board had already discussed some actions, which the Agency took note of and/or implemented. Such actions included:

- Ensure that MB members are informed about the FAST actions agreed for each country;
- Continue to inform the MB about the results of knowledge development projects;
- Launch a survey to Management Board members and Focal points with the view of getting an overall picture of the situation of the national networks and report back to the Management Board.

Regarding the last action, EU-OSHA indeed launched two separate surveys. 42 replies from Management Board members and 26 from Focal Points were collected and processed. The great majority of the respondents agreed that the cooperation between Management Board members and Focal Points is overall good and that MB members or the organisations they represent are invited to participate to the Focal points networks meetings and events. There were however some specific issues that may require targeted support from the Agency.

Based on the outcome of the survey, the Agency suggested a set of recommendations that the Management Board could decide upon and convey to the Focal Points. The Agency recalled that the set-up of the national focal point networks is in accordance with the specific national law and practice.

The Agency's proposal was that the Management Board should encourage the Focal Points to invite either the Management Board members or the organisations the Management Board members represent to:

- National focal point network meetings.
- National events and activities
- Participate actively in national events and activities when relevant
- Provide input to the selection of portfolio activities
- Provide input to data collection exercises launched by the Agency when relevant
- Contribute to the dissemination of Agency products when relevant.
- Join mailing lists.

The other recommendation for which a decision on the follow-up was required was recommendation no 8, which reads: *"Electronic decision-making and, where appropriate, virtual meetings of the Management Boards could be further explored as a way to achieve more efficient and quicker decision-making"*.

The pending action was the follow-up related to the use of virtual meetings. A number of options had already been discussed at the January meeting. Based on the feedback and other considerations – including the value of personal contact as well as increased flexibility and cost effectiveness, and environmental sustainability, the Agency had put together a proposal for discussion and decision, cf below:

- For Management meetings (typically 2 meetings per year): there will be one physical meeting (January), and one virtual meeting (June). Other *ad hoc* virtual meetings may be organised in case of need.
- Executive Board meetings (typically 3 per year): one physical meeting (January, in conjunction with the MB physical meeting), two virtual meetings (June, November)
- Advisory Groups meetings (typically 2 meetings per year): one physical meeting, one virtual meeting
- Focal points meetings (typically 3 meetings per year): two physical meetings, one virtual meeting. The practice of holding informal virtual meetings will be maintained.
- Other stakeholders' meetings: in principle these will be organised as virtual meetings unless operational needs require that to be otherwise
- All communication and promotion events are excluded from the above. In addition, when one of the above meetings is planned next to a big promotion and communication event organised by the Agency and does not require additional travelling on the part of the participants, it can be held as a physical meeting.
- Hybrid solutions to be further explored – in particular to allow members who cannot travel to follow the meetings from remote.

COMMENTS FROM THE MANAGEMENT BOARD AND AGENCY'S CLARIFICATIONS:

The Management Board welcomed the good progress in the implementation of the action plan. The Workers stressed the importance of cooperation with Eurofound.

Regarding the follow-up to recommendation no 7 and the cooperation between the Focal Points and Management Board members, whereas the Management Board agreed on the Agency's proposal and confirmed that in general cooperation works well, the Workers observed that this is not the reality in every country. There are cases where such engagement is more challenging.

In relation to recommendation no 8 and the use of virtual meetings, the Management Board acknowledged the importance of contributing to the EU Green Deal and the need to make further use of IT possibilities in the future. In particular, the Commission welcomed the Agency's proposed approach. However, the Management Board stressed that for a tripartite Agency such as EU-OSHA physical meetings for the Management Board are an essential networking hub. The Workers observed that, for some topics, discussion in presential meetings is necessary. They also inquired why the Agency identified the January meeting as the meeting where most need for discussion existed.

The Employers would be in favour of keeping the June meeting as a physical meeting rather than the January one and the Governments, whereas they would all in all prefer keeping physical meetings altogether, they also expressed their preference for a physical meeting in June. To the extent possible, substantial agenda items should be dealt with at the June meeting.

Finally, the Management Board reiterated the importance of physical meetings as an important channel for networking and for fostering social dialogue. The Management Board called for a flexible approach in the implementation of this decision, to which the Agency agreed, and in particular, remarked that items that required discussions should be taken at physical meetings. Hybrid solutions should be definitely further explored, in particular to maximise participation.

The Agency took note of the comments and reactions from the Management Board. Regarding the proposed approach for Management Board meetings, the Agency explained that the reason why the January meeting had been proposed as a physical meeting is that it is the time when the Management Board is invited to discuss the draft Single Programming Document and the draft budget for the following year as well as any new activity. Both the draft SPD and the draft budget shall be submitted to the Institutions by 31 January every year as an input to the EU budgetary procedure. This timeline is dictated by the Financial Regulation. It seemed to EU-OSHA that this is a moment where more in-depth discussion may be required for the Management Board – as it is about planning ahead both content and resources.

Having considered the arguments put forward, the Agency reiterated the commitment to keep a flexible and open approach to virtual meetings for the Management Board. EU-OSHA also committed to look

into hybrid solutions for meetings in order to ensure that no member would be prevented from participating because of travel restrictions in the different countries.

The Management Board agreed on the Agency's proposal to ask the Executive Board to review meetings agendas in advance and agree on whether the meeting should be physical or virtual, depending on the items to discuss or adopt.

The Management Board, finally, raised no objections to the proposed approach to meetings for Focal Points, Advisory Groups and other stakeholders' meetings.

<p>CONCLUSION</p>	<p><u>The Management Board decided:</u></p> <ul style="list-style-type: none"> - <u>To recommend to Focal Points to invite either the Management Board members or the organisations the Management Board members represent to:</u> <ul style="list-style-type: none"> o <u>National focal point network meetings.</u> o <u>National events and activities</u> o <u>Participate actively in national events and activities when relevant</u> o <u>Provide input to the selection of portfolio activities</u> o <u>Provide input to data collection exercises launched by the Agency when relevant</u> o <u>Contribute to the dissemination of Agency products when relevant.</u> o <u>Join mailing lists.</u> - <u>To make larger use of virtual meetings in the future, both for Management and Executive Board meetings as well as for all other meetings (experts, Advisory Groups), whenever it makes good sense, taking into account the operational and networking needs.</u>
<p>DECISION-MAKING PROCESS REQUIRED</p>	<p>Absolute majority</p>
<p>RECORD OF VOTES</p>	<p>N/A, decision reached by consensus</p>

7. Analysis and Assessment of Consolidated Annual Activity Report 2020

The Consolidated annual activity report together with the Management Board's analysis and assessment is a key document for the European Parliament and Council's discharge decision for the financial year 2020. Therefore, this document has a direct impact on the discussions related to the discharge as well as an indirect impact on future budgetary discussions. The Management Board is expected to review the report, adopt it and agree on an analysis and assessment thereof.

The CAAR has several purposes. It gives an account of the achievement of the key objectives taking into account the corresponding resources used during the year. The report therefore follows the structure of the annual work programme as it reports on the delivery of key objectives and activities identified therein. The CAAR is also a management report of the Executive Director. It covers all management aspects including the implementation of the efficiency and effectiveness of the internal control systems.

Based on the information included in the report, the Executive Director has not considered it necessary to include any reservation in her declaration of assurance.

The Internal Audit Service had issued a declaration of independence in relation to the internal audit activity carried out for the Agency – such declaration had been included in the meeting documentation for this item.

The Executive Director drew the Management Board's attention to the fact that in 2020, the global COVID-19 pandemic has made occupational safety and health an even more relevant topic on the EU agenda. EU-OSHA had been strongly involved in the EU response to the crisis. The Agency was able to deliver its planned work programme almost in its entirety and at the same time to assume and deliver unplanned COVID-19 related tasks and meet its stakeholders' needs in uncertain and challenging times. This is in no small part due to the flexibility and commitment shown by the Agency's national Focal points and the national tripartite networks which they operate. Besides that, EU-OSHA continued progressing towards its strategic objectives across its six priority areas. This resulted in a budget implementation of 97% and a work programme implementation of 96% (target: 90%).

The version of the accounts included in the report at the time of the meeting (annex XI) was the latest available (provisional accounts). At the time the meeting documentation had been sent to the Management Board, the final version was in the internal workflow with the Commission – cf. agenda item no 8.

Shortly before the Management Board meeting, the European Court of Auditors had approached the Agency to offer a review of the CAAR prior to its official submission to ensure full alignment with the new requirements included in the Financial Regulation from 2019 and the template adopted by the Commission in April last year. Whereas EU-OSHA accepted the offer, the comments and feedback from the Court were not expected to have an impact on the assurance process.

As a result, the Agency proposed that the Management Board should adopt the CAAR as it was submitted. Any change needed further to the ECA's feedback and the inclusion of the final version of the accounts was going to be duly highlighted to the Management Board prior to the official submission of the report to the Commission, Parliament and ECA, assuming that they would not be substantial³.

COMMENTS FROM THE MANAGEMENT BOARD:

The Management Board agreed on adopting the report and agreed on a positive analysis and assessment which would be included in the report before its submission to the institutions. They also congratulated the Agency on the good work done under challenging circumstances.

CONCLUSION	<u>The Management Board adopted the Consolidated Annual Activity Report 2020 and agreed on its analysis and assessment.</u>
DECISION-MAKING PROCESS REQUIRED	Absolute majority
RECORD OF VOTES	N/A, decision reached by consensus

³ EU-OSHA sent the version of the CAAR 2020 including the few non-substantial comments received by the ECA on 4 July 2021.

8. Opinion on Final Accounts for the Financial Year 2020

According to the Financial Regulation, the Executive Director shall send the final accounts to the Management Board, who shall give an opinion on these accounts. The accounts, together with the Consolidated Annual Activity Report and the Management Board's analysis and assessment thereof (cf. agenda item no 7), are key documents in discharge process.

The Agency explained that the version of the accounts sent to the Management Board prior to the meeting was the one corresponding to the Provisional Annual accounts. The final version was made available to the Agency during the Management Board meeting (on 2 June) and swiftly transmitted to the interest groups and the Commission, together with an explanatory note⁴. The difference between the two accounts would not justify not adopting the opinion on the accounts.

CONCLUSION	<u>The Management Board adopted an opinion on EU-OSHA's final accounts 2020.</u>
DECISION-MAKING PROCESS REQUIRED	Absolute majority
RECORD OF VOTES	N/A, decision reached by consensus

9. Any Other Business

The Chairperson recalled that there were several items under Any other business.

Update on the Roadmap on Carcinogens - from Berlin 2020 to Brussels 2024 (for information)

The Chairperson invited the Governments' group member from Germany to give an update on the Roadmap on Carcinogens, which he did with the aid of a presentation. He reminded that the Roadmap on Carcinogens kicked off as a voluntary initiative from the Dutch Government to raise awareness on occupational cancer and create an information and assistance hub. Over time, the initiative has summoned additional partners and goals.

Participation of ELA and EIGE at EU-OSHA Management Board meetings in an observer capacity (for decision)

The Agency reviewed its cooperation with other agencies at the level of Management Boards – trying to meet the need for cooperation without an unnecessary proliferation of meetings. EU-OSHA's Executive Director is regularly invited to attend the Management Board meetings of the European Labour Authority (ELA) and the European Gender Institute (EIGE) in a capacity as observer. The Agency suggested that, in turn, the Executive Directors of these two Agencies should be invited to attend EU-OSHA's Management Board meetings in the same capacity. There is cooperation ongoing with these two Agencies and a representation on the Management Board may be useful to exploit further synergies in the future. ELA had already consulted EU-OSHA in the framework of the next ELA campaign on seasonal workers. Whereas OSH is not among the primary topics covered by ELA, the involvement of

⁴ The difference between the "Provisional annual accounts" and "Final annual accounts" of EU-OSHA for was an undervaluation of accrued charges and operating costs calculated at the moment of the provisional closure of the accounts. This charge, amounting to 203K EUR, was corrected from the Provisional to the Final accounts.

EU-OSHA meant drawing increasing attention to OSH topics. At the moment, the only other Agency that is represented at EU-OSHA's Management Board is Eurofound.

COMMENTS FROM THE MANAGEMENT BOARD:

The Management Board broadly acknowledged that further cooperation and coordination with other agencies and in particular with ELA was desirable, also in the light of the recommendations of the 4 agencies' evaluation. Concerns were voiced, in particular amongst the Employers, that ELA's mandate – which was of enforcement nature – could have an impact on EU-OSHA's way of working, and in particular on focal points. Whereas there are specific topics for which an exchange between the two agencies was seen as beneficial, it was questioned whether an *ad hoc* participation to specific Management Board meetings could be considered. Finally, having considered the importance of ensuring good alignment and smooth exchange and the fact that ELA and EIGE would only participate as observers, the Management Board agreed to invite the two agencies' Executive Directors to join EU-OSHA's Management Board as observers.

CONCLUSION	The Management Board decided to invite EIGE and ELA's Executive Director to join the Management Board as observers.
DECISION-MAKING PROCESS REQUIRED	Absolute majority
RECORD OF VOTES	N/A, decision reached by consensus

Future arrangements related to EU-OSHA's accounting function (for information / agreement on the approach)

The Agency explained that discussions were underway with the European Training Foundation (ETF) about the possibility to share the accounting function. Such function is currently externalised to the services of the Commission. The current accountant at ETF is due to retire at the beginning of 2022 and ETF has been exploring various possibilities for the future, including the option to hire a new accountant to share with another Agency. This is currently the solution implemented by other EU agencies such as ESMA and EBA.

To this purpose, ETF approached EU-OSHA some months ago and discussions are ongoing on the feasibility and cost effectiveness of the solution.

ETF is also discussing the options with their Management Board and should this proposal be taken forward, ETF will publish a vacancy notice in September 2021 with the view to appoint the new accountant in ETF in early 2022. The vacancy notice would explicitly mention that the function is to be shared with EU-OSHA. The current Service Level Agreement between EU-OSHA and the Commission would be amended and a new agreement with ETF be put in place.

For now, the Management Board was invited to raise questions for clarification and agree with the approach. If the proposal was going to go ahead, the Management Board would be requested to appoint the new accountant, possibly at the next meeting in January 2022.

COMMENTS FROM THE MANAGEMENT BOARD:

The Management Board raised neither questions nor objections and welcomed the proposal.

Next steps towards the appointment of the Executive Director (for information)

The Chairperson walked the Management Board through the next important milestones that would lead from the selection to the appointment of the next Executive Director.

He recalled that the selection took place on 10 May during a virtual session and vote. Mr Juan Menéndez-Valdés turned out as the selected candidate with over 2/3 positive votes.

Mr Menéndez-Valdés was going to attend a hearing in the European Parliament's EMPL Committee⁵. After that, the Parliament's Presidents would express their views via a letter having considered the Committee's opinion. The appointment procedure with the Management Board would be organised as soon as feasible and in principle in the form of a written procedure⁶. Votes would be cast confidentially by those members with the right to vote who have submitted their declaration of absence of conflict of interests and confidentiality. Again, a 2/3 majority of votes in favour would be required to finalize the procedure and appoint the selected candidate as Executive Director.

The Agency would provide further details as the time to launch the written procedure for the appointment decision approaches.

Christa Sedlatschek's farewell as EU-OSHA's Executive Director

The Chairperson recalled the Management Board that this was the last Management Board meeting for Dr Sedlatschek as EU-OSHA's Executive Director before her planned retirement and opened the floor to the Commission and the three groups for some words of acknowledgement.

The Commission, the Governments, the Employers and the Workers unanimously praised the Executive Director's management style and professionalism, emphasised her restless efforts to ensure decisions within the Management Board based on dialogue and agreement and emphasised her role in fostering tripartism and improve OSH in Europe. Her constructive approach in responding to the pandemic was crucial to ensure an enduring relevance of EU-OSHA's work to the needs of the stakeholders.

The Executive Director, in turn, thanked the Management Board for the trust and support she had received during the past 10 years and thanked all the staff of the Agency for their work.

Having thanked the Management Board members for their attendance, the Agency's staff and the interpreters, the Chairperson closed the meeting.

⁵ The selected candidate's hearing had been originally scheduled on 3 June, then postponed to 14 June.

⁶ The Management Board's spokespersons agreed to carry out the appointment procedure at a virtual meeting in September instead of running it via written procedure. This approach was based on the consideration that effective participation from the Management Board should be ensured which could have been difficult during the summer months.

ANNEX – LIST OF PARTICIPANTS

	Name	Category	Representing
1	Clemens ROSENMAYR	Employers	AUSTRIA
2	Gertrud BREINDL	Government	AUSTRIA
3	Julia NEDJELIK-LISCHKA	Workers	AUSTRIA
4	Petra STREITHOFER	Workers	AUSTRIA
5	Kris DE MEESTER	Employers	BELGIUM
6	Véronique CRUTZEN	Government	BELGIUM
7	Caroline HIELEGEMS	Workers	BELGIUM
8	Darina KONOVA	Government	BULGARIA
9	Anna KWIATKIEWICZ-MORY	Employers	BUSINESSEUROPE
10	Jesús ALVAREZ	European Commission	COMMISSION
11	Giacomo MATTINÓ	European Commission	COMMISSION
12	Stefan OLSSON	European Commission	COMMISSION
13	Charlotte GREVFORS ERNOULT	European Commission	COMMISSION
14	Žanna ŠOSTAK	Government	CROATIA
15	Aristodemos ECONOMIDES	Government	CYPRUS
16	Evangelos EVANGELOU	Workers	CYPRUS
17	Jaroslav HLAVÍN	Government	CZECH REPUBLIC
18	Václav PROCHÁZKA	Workers	CZECH REPUBLIC
19	Lena SØBY	Employers	DENMARK
20	Annemarie KNUDSEN	Government	DENMARK
21	Nina Hedegaard NIELSEN	Workers	DENMARK
22	Marju PEÄRNBERG	Employers	ESTONIA
23	Maret MARIPUU	Government	ESTONIA
24	Aija MAASIKAS	Workers	ESTONIA
25	Ignacio DORESTE	Workers	ETUC
26	Viktor KEMPA	Workers	ETUI
27	Auli RYTIVAARA	Employers	FINLAND
28	Suvi LAHTI-LEEVE	Employers	FINLAND
29	Liisa HAKALA	Government	FINLAND
30	Erkki AUVINEN	Workers	FINLAND
31	Patrick LÉVY	Employers	FRANCE
32	Lucie MEDIAVILLA	Government	FRANCE
33	Abderrafik ZAIGOUCHE	Workers	FRANCE

	Name	Category	Representing
34	Eckhard METZE	Employers	GERMANY
35	Kai SCHÄFER	Government	GERMANY
36	Ellen ZWINK	Government	GERMANY
37	Christos KAVALOPOULOS	Employers	GREECE
38	Ioannis KONSTANTAKOPOULOS	Government	GREECE
39	Andreas STOIMENIDIS	Workers	GREECE
40	Judit H. NAGY	Employers	HUNGARY
41	Katalin BALOGH	Government	HUNGARY
42	Károly GYÖRGY	Workers	HUNGARY
43	Jón R. PÁLSSON	Employers	ICELAND
44	Hanna S. GUNNSTEINSDÓTTIR	Government	ICELAND
45	Björn Þ. RÖGNVALDSSON	Government	ICELAND
46	Björn Ágúst SIGURJÓNSSON	Workers	ICELAND
47	Michael GILLEN	Employers	IRELAND
48	Ivailo KALFIN	Eurofound	EUROFOUND
49	Maria JEPSEN	Eurofound	EUROFOUND
50	Marie DALTON	Government	IRELAND
51	Fabiola LEUZZI	Employers	ITALY
52	Romolo DE CAMILLIS	Government	ITALY
53	Silvana CAPPUCCIO	Workers	ITALY
54	Ilona KIUKUCĀNE	Employers	LATVIA
55	Renārs LŪSIS	Government	LATVIA
56	Jolanta GEDUŠA	Government	LATVIA
57	Ziedonis ANTAPSONS	Workers	LATVIA
58	Rūta JASIENĖ	Employers	LITHUANIA
59	Aldona SABAITIENĖ	Government	LITHUANIA
60	Inga RUGINIENE	Workers	LITHUANIA
61	Patrice FURLANI	Government	LUXEMBOURG
62	Melhino MERCIECA	Government	MALTA
63	Anthony CASARU	Workers	MALTA
64	Mario VAN MIERLO	Employers	NETHERLANDS
65	Tanja WESSELIUS	Government	NETHERLANDS
66	Wim VAN VELEN	Workers	NETHERLANDS
67	Ann Toril BENONISEN	Employers	NORWAY

	Name	Category	Representing
68	Arnfinn BJØRSHOL	Employers	NORWAY
69	Yogindra SAMANT	Government	NORWAY
70	Bergljot Fuhr LUNDE	Workers	NORWAY
71	Rafal HRYNYK	Employers	POLAND
72	Dariusz GŁUSZKIEWICZ	Government	POLAND
73	Stefan ŁUBNIEWSKI	Workers	POLAND
74	Marcelino PENA COSTA	Employers	PORTUGAL
75	Maria Fernanda CAMPOS	Government	PORTUGAL
76	Emília TELO	Government	PORTUGAL
77	Vanda CRUZ	Workers	PORTUGAL
78	Corneliu CONSTANTINOAIA	Workers	ROMANIA
79	Silvia SUROVÁ	Employers	SLOVAKIA
80	Ladislav KEREKEŠ	Government	SLOVAKIA
81	Peter RAMPÁŠEK	Workers	SLOVAKIA
82	Nikolaj PETRIŠIČ	Government	SLOVENIA
83	Vladka KOMEL	Government	SLOVENIA
84	Lučka BÖHM	Workers	SLOVENIA
85	Miriam PINTO LOMEÑA	Employers	SPAIN
86	Carlos ARRANZ CORDERO	Government	SPAIN
87	Mercedes TEJEDOR AIBAR	Government	SPAIN
88	Pedro J. LINARES	Workers	SPAIN
89	Cecilia ANDERSSON	Employers	SWEDEN
90	Malin LOOBERGER	Employers	SWEDEN
91	Boel CALLERMO	Government	SWEDEN
92	Karin FRISTEDT	Workers	SWEDEN
93	Cyrene WAERN	Workers	SWEDEN
94	Christa SEDLATSCHKEK		EU-OSHA
95	Jesper BEJER		EU-OSHA
96	Andrea BALDAN		EU-OSHA
97	William COCKBURN		EU-OSHA
98	Andrew SMITH		EU-OSHA
99	Ilaria PICCIOLI		EU-OSHA
100	Maurizio CURTARELLI		EU-OSHA
101	Heike KLEMPA		EU-OSHA