

ACTION POINTS

Meeting:	MEETING OF THE EXECUTIVE BOARD OF THE MANAGEMENT BOARD
Date:	18 January 2023 – 09.00-13.00
Venue:	Online

These notes intend to reflect the actions agreed in view of the Management Board meeting on 24-26 January 2023.

1. ADOPTION OF THE DRAFT AGENDA

The Chairperson welcomed the participants and introduced the draft agenda. Before working through the agenda, he asked the participants to declare whether they may have any conflict of interests with any of the items of the draft agenda. No Executive Board member reported any.

The main business for this meeting was to prepare the Management Board meeting later in the month. The other important item on the agenda was a presentation of an overview on the on-going evaluation of the four Agencies in the Employment and Social Affairs area commissioned by the European Commission.

CONCLUSION: The Executive Board adopted the draft agenda.

2. MANAGEMENT BOARD MEETING PREPARATION

The Chairperson introduced this item by recalling that the Agency would introduce the different items at the interest group meetings. However, it would be useful to anticipate questions or remarks so that these can be addressed at the time of the presentations. The groups meetings will be held on 24-25 January whereas the final plenary is scheduled on 26 January between 09.30 and 13.30 CET.

The interim Executive Director informed that he would not be able to join the groups meetings because of an important commitment at the European Parliament for the annual exchange with the Employment and Social Affairs Committee. The date for this exchange was communicated in December 2022 when the schedule for the Management Board meeting had been long set.

The Chairperson introduced the *draft agenda* (item 1) of the Management Board meeting and drew to the participants' attention that the conflict of interests measures would apply also to the discussions on the items included in the draft Management Board agenda. In particular, he recalled that there was an item related to the ongoing Executive Director recruitment procedure. Only Executive Board members who had previously submitted their declaration of absence of conflict of interest and confidentiality and EU-OSHA staff in charge of the procedure (Management Board Secretariat staff and legal advisor) could attend when this item would be discussed. He informed that he would call for a short break before taking up this item so as to allow those who needed to excuse themselves to leave the meeting.

In order to facilitate the work of the Management Board, the Chairperson suggested splitting the Management Board meeting into two halves separated by a short break. The objective was to take up the items that require decisions or substantial discussions by the Management Board in the first half; and the information and other discussion items in the second half. Behind this arrangement, there was also the consideration that a quorum of participants must be there at the time decisions by the Management Board are required.

The Executive Board agreed with the suggestion and further agreed that a revised agenda was to be provided to the Management Board with the suggested new order to avoid confusion¹.

Regarding the draft minutes from the 2022 December meeting (item 2), as there was no time to circulate the document ahead of the Executive Board meeting for comments, the Chairperson asked the Executive Board to raise any as necessary.

The Workers suggested additions to item 4 – Proposal on Healthy Workplaces Campaign; item 5 – Final Single Programming Document 2023-2025; item 8 – Framework of cooperation with the European Labour Authority². The Commission informed that they are still checking internally and will come back with comments, if any, at the plenary.

The Executive Director's progress report (item 3) will also be taken up in the first half of the meeting even though it is not a decision item. Under this item, there will be a presentation on the main topics of the evaluation of the four agencies and evidence from the Agency on the different evaluation criteria. The evaluation is very important for the Agency and Management Board members will be consulted – either via interviews or a survey - therefore it is crucial that as many members as possible are provided with relevant information. Furthermore, the interim Executive Director will also address the actions that are being planned to facilitate the work with the Focal points. The Focal points will meet during the first week of February and will be invited to give their feedback to the action plan. The Management Board will be informed about the Focal Points' feedback and the further development; this information can be in whichever format is deemed most appropriate.

The Executive Board asked the Agency to provide clarifications on a number of issues during the groups' meetings, namely:

- Ongoing work on domestic violence at work under the OSH overview on Psychosocial Risks (Workers) – rationale of the work done in this area and connection with OSH;
- Update on the status of delivery of the new OSHwiki platform (Workers);
- Explanation for delayed outputs, in particular the report on the State of OSH based on the EU OSH barometer data and the two articles under the OSH overview on Supporting Compliance which were due at the end of 2022 (Workers);
- Estimated date of delivery of first results from the Workers' survey on exposure to cancer risk factors (Workers);
- Update on cooperation with the European Labour Authority with respect to their upcoming campaign on the construction sector (Governments).

The Commission informed that under this item they would provide the usual update – which will mainly cover the progress made with respect to the implementation of the EU OSH Strategic Framework to date.

The draft Single Programming Document 2024-2026 (item 4) is submitted for agreement before it is sent to the Parliament, Council and Commission for consultation and to initiate the budgetary procedure, together with the draft budget. Concomitantly, the Agency shares the SPD with other EU Agencies as foreseen in the respective cooperation agreements. The draft SPD includes the new OSH overview on cardiovascular diseases, whose ex-ante evaluation had been reviewed by both the Executive and the Management Boards in November and December respectively.

The Executive Board expressed a positive feedback on the document, in particular with respect to the priorities addressed. They also acknowledged that the issue of the length of the campaign cycle is pending a decision by the Management Board in the course of 2023. The Agency reminded that there is an evaluation on-going, whose results would be presented to the Management Board to enable an

¹ See revised agenda referred REVISÉD_MB23-A1-Draft Agenda

² See revised minutes referred REVISÉD_MB22-M3-Draft minutes-December

informed decision on this important matter which, in a context of financial and staff constraints, is expected to have an impact on the work of the Agency in general.

The draft budget and establishment plan 2024 (item 5) is also submitted for agreement. The Agency explained that the draft budget had been prepared on the basis of the Multi-annual Financial Framework 2021-2027 and the Commission guidelines for 2024. The 2% increase compared to the budget 2023 is due to the indexation. The establishment plan and number of contract agents is planned to remain stable during 2024. The only change reflects the fact that during the course of 2023 an AST post has been converted to an AD post to feed with the appropriate qualifications and expertise the need of the Agency in the research area. Introducing his request was made possible by the announced retirement of a staff member occupying an AST post during 2023. Prompted by a question by the Workers, the Agency explained that the slight decrease in Title 3 (operational budget) is a result of different factors, including indexation and costs deriving from staff rights linked with reclassification, training, recruitment which make it necessary to forecast higher provisions. However, the ratio between operational and administrative expenditure is in line with the estimation presented to the Management Board.

The Management Board will also be requested to appoint a new Chairperson as well as deputy Chairpersons from the interest groups and the Commission (item 6). As per usual practice, the Chairmanship of the Management Board rotates among the three interest groups. This time, the Chairperson should emanate from the Workers' group. The groups and the Commission should also nominate their representatives and observers to the Executive Board and to the Agency's Advisory Groups – TARAG, OKAG and WES – or communicate any change.

The current mandate of the Management Board is coming to an end in March 2023. The appointment decision taken at the Management Board meeting is not prejudicial to the Council's decision on appointment and its validity beyond March 2023 is conditional to the fact that the members indicated in the decision are re-appointed by the Council. Should that not be the case, the groups will be invited to appoint new representatives amongst the ones appointed by the Council at the earliest convenience. Meanwhile, the provisions from the Rules of Procedures on the deputising arrangements related to the Chairpersonship of the Management Board would apply.

The Chairperson announced that the next item for decision would be the one on the Executive Director's recruitment procedure (item 7). As a consequence, he called a short break so as to allow all those who may have a potential conflict of interest in relation to the current recruitment procedure for Executive Director to leave the meeting at this point. For the Agency, only the Management Board Secretariat staff and the Legal Advisor attended.

Amongst the issues for discussion, at the last Management Board meeting in December the Agency had called for proposals for the next foresight and future OSH overviews (item 8) to be presented at the January meeting. Based on such longlist of proposals put forward by the Management Board and the Agency, in March the OKAG will be called to prepare a shortlist for topics to be decided upon by the Management Board. The Management Board will be then called to decide on the theme for the next foresight starting in 2024 at their meeting in June 2023. For the OSH overviews, at the same meeting, the Management Board will decide which themes to develop further through an ex-ante evaluation. A decision on future OSH overview(s) (starting beyond 2025) is due in November/December 2023.

The Agency presented a few proposals³, which were well received by the Management Board. The Commission asked for more details be provided at the plenary on the proposal for a foresight on "Building organisational resilience". Members from the groups had proposed a few themes which would be further discussed and refined in the groups and then presented at the plenary.

Following up on a Management Board's request to be kept abreast of EU-OSHA's recent research work and results, a presentation is foreseen at the plenary meeting on the results from the Flash Eurobarometer Survey – OSH pulse (item 9) which focussed on COVID-19 pandemic OSH management at European workplaces. The Agency explained that data from this survey are being further explored in

3 Cf document referred 06 MB-23-04 Possible new OSH Overviews and Foresight topics

several ways and are expected to feed at least three activities, namely the OSH overviews on OSH and digitalisation; Supporting Compliance and Psychosocial Risks. The Executive Board expressed appreciation for this initiative.

The Agency will also provide an update on the implementation of *EU-OSHA's anti-fraud strategy and action plan* (item 10) as well as on the status of the implementation of *open recommendations from previous audits* (item 11).

CONCLUSION: The Executive Board reviewed the Management Board agenda.

3. UPDATE ON THE FOUR AGENCIES' EVALUATION

The Chairperson gave the floor to the Commission for an update on the evaluation of the EU Agencies under the remit of DG EMPL (EU-OSHA, Eurofound, Cedefop and ETF – not ELA). The Commission recalled that the evaluation is ongoing and the contractor had provided an inception report that was commented by the Interservice group of the Commission and also shared with the Agencies for comments. The comments from EU-OSHA were relevant and appropriate. The Commission finally recalled that the Management Board would be extensively consulted.

The consultation with the Management Board will be via interviews (with the chair, deputy chairs and coordinators) and via a survey with the whole Management Board, Focal points and staff. Both the interview and the survey are expected for February – in time before the current mandate of the Management Board comes to an end. In preparation to the Management Board's consultation, the Agency had prepared an overview on the topics covered in the evaluation and gathered some evidence from different sources to support the Management Board in the task. The interim Executive Director introduced a presentation⁴ where the different evaluation criteria were reviewed and data and information from the Agency's monitoring systems – such as monitoring reports, stakeholders' survey, evaluation reports – as well as external sources - such as European Parliament' studies, Commission's activity reports etc – were provided.

This topic will also be presented to the Management Board and will be taken up under item 3 – Executive Director's progress report. The presentation will be made available to the Management Board for reference.

The Executive Board remarked that the evaluation should take into full account the diversity of needs of the Agency's stakeholders, both linked to the tripartite nature of the Agency and to the different priorities in the Member States.

CONCLUSIONS: This item was information. The Executive Board took note of the update.

4. ANY OTHER BUSINESS

There were the following items under “Any other business”

Management Board and Executive Board meeting schedule

The Workers remarked that, in particular for the January Management Board meeting, having the Executive Board meeting the week before allows little time for proper meeting preparation. It was suggested to organise the Executive Board meeting closer in time to the Management Board meeting. The Agency took note of this request which will be followed up on for the June meeting. There was also an inquiry over the need to have two Management Board meetings – the one in December and the one in January – so close to each other. Whereas the cover notes accompanying the meeting documentation proved to be useful, the Agency could consider including further details to facilitate the Management Board's reading and understanding of the documents.

4 Cf presentation referred 03 MB-23-10 iED report-PPT

The Agency explained that this was linked to programming needs and to the request from the Management Board not to adopt the final Single Programming Document and budget by written procedure without having a prior discussion on the final drafts. Another option would be to merge the two meetings (December and January) to one meeting to be held in December – but an analysis of the implications for the Agency’s programming procedure and impact on the internal working arrangements would be needed. The point on the cover note was duly taken.

Departure of the Head of Resource and Service Centre

The interim Executive Director informed that Andrea Baldan, current Head of RSC, would be leaving his post as from mid-April 2023. Work reorganisation and deputising arrangements are currently under discussion to ensure business continuity.

The Executive Board thanked Mr Baldan for his contribution to the Agency during the time of his tenure and wished him well for his future career plans.

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The Chairperson thanked the attendees and closed the meeting.