

# The Regulatory Challenges of Fulfilling the Policy Goal of Protecting Workers from Occupational Diseases

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**THE GREAT TRANSFORMATION OF WORK  
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# Introduction

- EU strategic policy on occupational diseases
- Increasing normalisation of non-compliance standards
- Factors influencing non-compliance: economic constraints; and, poor knowledge of OEL standards
- The institutional roles of trade unions
- Effects of non-compliance to OEL standards



# Focus of the Paper

- The policy challenges of the EU Strategic Framework on Health and Safety at Work 2014 – 2020
- Council Directive 98/24/EC; and Directive 2004/37/EC
- The functions of trade unions to help achieve EU policy pursuant to the 2 Directives



## Focus of the Paper

- Occupational disease means any form of bodily impairment, or malfunction of the bodily system, which is caused by work-related exposures of workers to suspended particles, vapours, gases or fumes, either in the form of singular biological or chemical substance, or a combination of substances.



# Why is this Paper Important?

- It concerns the safety of exposed workers to occupational diseases
- It examines regulatory challenges of achieving the EU's strategic goal for 2014 – 2020
- It explores the opportunities available to workers for contributing to the achievement of the EU Strategic Policy on Health and Safety (only diseases caused by hazardous substances, carcinogens and mutagens are envisaged)



# Validating the EU Goals on Occupational Diseases

- 23 million persons affected by work-related health problem or work accidents per year (Eurostat 2011)
- 159,500 fatal work-related diseases in 2008 for the EU – 27 (Eurostat 2011)
- 95,500 deaths due to cancer (Eurostat 2011)
- 4% - 8.5% of total cancer cases are linked to occupational exposure (Eurostat 2011)
- Almost half of all work-related deaths are associated with chemical substances (Eurostat 2011)



# Empirical Research Findings about Occupational Diseases

- Colour vision impairment of male workers exposed to toluene (Zavalik et al 1998)
- Economic consequences of occupational diseases are enormous
- Economic impact on workers
- Economic impacts of occupational diseases on i) business enterprises, and ii) society



# Empirical Research Findings about Occupational Diseases


- 28% of workers in Europe believe they suffer from health problems which may have been caused by either current or previous jobs
- Work-related health problem resulted to ca 367 million calendar days of sick leave
- 1.4 million persons are estimated to never work again due to work-related health problems
- Workers with work-related health problems retire early – usually before age 55





# Statutory Based Roles of Trade Unions

- Trade unions are one of the means of workers representation (articles 10, 11 & 12 Directive 89/391/EEC)
- 4 EU countries considered Germany, Italy, Netherlands & Sweden: institutionally recognised in these countries
- How could their exercise of statutory based powers measured?
- In what ways can the social, professional and institutional accountability of trade unions be assessed?



# Accountability through Worker Representation in 4 EU Countries

- Lenses of accountability: i) social accountability, ii) professional accountability, and ii) institutional accountability
- The linear versus the bilinear models of workers' representation in the regulation of OEL standards
- Germany: bilinear model (includes France)
- Italy, Netherlands, and Sweden: linear model



# Conclusion

- Goals regarding occupational diseases should be dearer to workers exposed to hazardous substances than to other stakeholders
- Empirical findings from occupational medicine and industrial relations offer impetus for trade union accountability: can unions trade lessons & practices?
- Accountability is linked to current regulatory powers of trade unions
- No remarkable changes yet in existing EU OSH rules
- It is yet to be seen whether unionisation adapts to changing social and economic times



**THANK YOU FOR ATTENDING THIS  
SESSION!**