

Desk Research



Safe4All



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Introduction

This material has been created in the framework of the ERASMUS+ Strategic Partnership (KA2) project “Safety 4 Disability: Inclusive Training on Safety & Health at Work for Workers with Disabilities” co-financed by the European Commission. The project “Safe4All” aims at contributing to promote a decent quality of life and to independent living for persons with disabilities, as it focuses on inclusion, social protection and non-discrimination at work.

This document presents the first results of the desk research on existing policies and laws within project countries and at EU level, according to the new trends and requirements of the labour market. All partners have collected information to create this short document. It provides a foundation for the project’s next steps, notably developing recommendations to relevant stakeholders, as it demonstrates the need for a significant change in policies in order to ensure that the workplace is truly a safe and inclusive environment for *all*.

Policies at EU level

People with disabilities can work safely and effectively in many jobs as long as their support needs and requirements are met at the workplace, without discrimination. This is made effective by rules such as the [European Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which states that employers are obliged to take appropriate measures, known as ‘reasonable accommodation’. These measures enable people with disabilities to have access to employment, grow professionally, undergo training, and feel meaningfully included at work.

Equal labour market participation of people with disabilities is a priority of the Commission’s Strategy for the Rights of Persons with Disabilities 2021-2030, adopted together with the European Pillar of Social Rights Action Plan.

Regarding the SAFETY & HEALTH (OSH) regulation at international level, the International Labor Organization has a long list of specific Conventions covering specific industrial and economic sectors. Here are some examples:

- C062- Safety Provisions (Building) Convention 1937
- C148 – Working Environment (Air pollution, Noise and Vibration) Conventions, 1977
- C155 – Occupational Safety and Health Convention, 1981
- C184 – Safety and Health in Agriculture Convention 2001



At the European level, the main framework for OSH is in the **Directive 89/391/EEC**, also known as OSH "Framework Directive". It aims to introduce measures that encourage improvements in the safety and health of workers at work. To that end, it sets forth general principles concerning the prevention of occupational risks, the protection of safety and health, the elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with national laws and/or practices and training of workers and their representatives, as well as general guidelines for the implementation of said principles. This Directive applies to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).

It is important to remark that it remains up to the Member States to take the necessary steps to ensure that employers, workers and workers' representatives are subject to the legal provisions required for the successful implementation of this Directive.

Moreover, the EU Strategic Framework on Health and Safety at Work 2021-2027 takes a tripartite approach to OSH – involving EU institutions, Member States, social partners and other stakeholders – by focusing on three key priorities:

1. Anticipating and managing change in the context of green, digital and demographic transitions;
2. Improving the prevention of work-related accidents and diseases, and striving towards a Vision Zero approach to work-related deaths;
3. Increasing preparedness to respond to current and future health crises.

The Commission Communication "Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health (OHS) Legislation and Policy", adopted in January 2017, proposes key actions in specific OSH priority areas.

The top three actions identified by the Commission Communication are:

1. Stepping up the fight against occupational cancer through legislative proposals accompanied by increased guidance and awareness-raising;
2. Helping businesses, in particular micro-enterprises and SMEs, comply with occupational safety and health rules;
3. Cooperating with Member States and social partners to remove or update outdated rules and to refocus efforts on ensuring better and broader protection, compliance and enforcement on the ground.

More information about this topic can be found in the "PR1-Desk research" of the Safe4All Erasmus+ project.

Employees with disabilities are not a homogenous group; they are individuals with different needs, capabilities and strengths. Hence, to ensure health and safety at work, it is essential to consult with



employees who have a disability and take into account their lived experiences. This can help identify what support and reasonable adjustments may be needed at work, how an individualised OSH plan should be developed, and ultimately foster a more inclusive, healthy and safe workplace environment. It must be noted that the EU lacks harmonised accessibility standards at the workplace.

For the employers, they should prepare and produce an **inclusive health and safety statement and an inclusive safety policy**, which has to include different topics:

1. **Risk assessment:** Employers should identify if there are any particular hazards or risks, bearing in mind that some staff members may have hidden or undisclosed disabilities, you must assume that disability is a factor in your health and safety planning.
2. **Control measures to address identified risks:** preventive procedures that employers put in place to protect their employees against injury. Often, they are simple procedures that incur no additional costs, while others do incur costs
3. **Consultation with employees with disabilities,** and with sources of relevant expert advice.

Nonetheless, it is not enough to have inclusive OSH policies and procedures on paper, they need to be translated into practice. For their effective and widespread adoption at the workplace, employers should develop appropriate communication systems in place to raise awareness amongst all the employees, including all new staff members, using a variety of appropriate means to deliver core OSH training. Employers also need monitoring and accountability mechanisms in place to thoroughly investigate and verify health and safety issues if/when they arise. This inevitably also implies having a data collection system that is disaggregated and able to map the needs and feedback of employees with disabilities at the workplace.

It must be ensured that all employees with disabilities are able to **evacuate** their workplace in the event of an emergency. It is important to distinguish the type of disability in each case, as each will have special and different needs.

Key steps in preparing for safe evacuation include, but are not limited to the following:

- Initial review of user needs
- Organisational practice and policies
- Develop an egress policy for your organisation
- Plan for egress
- Implement your egress plan
- Measure the performance of your egress plan
- Review the performance of your egress plan



Plans should be developed or modified in response to any problems that arise during routine. Periodic review of these plans is essential to ensure that they are up to date and take account of any changes in needs. Instructions need to be provided to employees in an easy to read format, using plain English and visual aids. A member of staff will have responsibility for planning and monitoring health and safety procedures.

It is also important to point out some aspects highlighted in the report on **psychosocial risks at work** from the European Agency for Safety and Health at Work (EU-OSHA) and the European Foundation for the Improvement of Living and Working Conditions (Eurofound). It states that the clear link between general Occupational Safety and Health (OSH) management and psychosocial risk management emphasises the importance of establishing an OSH policy and action plan, or using an OSH management system that incorporates psychosocial risk management as an essential part. When taking this approach, involvement of top management combined with worker participation is essential for dealing with psychosocial risks effectively. In this regard, the 89/391/EEC Directive, highlights the importance of having OSH service providers and labour inspectors properly trained in psychosocial risk management practices.

Alongside this, the Directive follows the growing recognition of the importance of a holistic approach in promoting and cultivating a healthy working environment. It is important to take into account for each individual, psychosocial risks, which are among the most challenging risk factors in the workplace. In the context of an ageing workforce and in view of EU policy objectives to increase employment rates, the health and well-being of European workers is crucial. The research shows the **complexity of the relationship between health and work**, underlying the pertinence of this project.

National level policies

Spain

There are not very specific policy examples or regulations related to occupational health and safety (OHS) training for persons with disabilities (PwD) in Spain. However, there are several key principles and regulations that can be relevant to improving the health and safety of PwD at work:

- **Equality and Non-Discrimination:** Spanish labour laws, in line with EU directives, emphasise the principle of non-discrimination in employment. This means that employers are generally required to treat all employees, including those with disabilities, equally in terms of opportunities, rights, and responsibilities.
- **Reasonable Accommodations:** Employers in Spain are generally obligated to provide reasonable accommodations to employees with disabilities to ensure their safety and ability to perform their job



duties. This might include providing accessible workspaces, adaptive equipment, or modified work schedules.

- **Prevention of Occupational Risks:** Spain has a comprehensive framework for preventing occupational risks and ensuring workplace safety. Employers are obliged to assess workplace risks and take appropriate measures to protect the health and safety of employees, including PwD.
- **Training and Information:** Spanish labour laws require employers to provide training and information to employees about occupational risks and safety measures. It's essential that this training is accessible and tailored to the needs of all employees, including those with disabilities.
- **Inclusivity and Diversity Policies:** Some larger companies in Spain may have developed their own inclusive policies and practices to support the well-being of employees with disabilities. These policies often go beyond legal requirements and can serve as good examples of best practices.
- **A programme has been created that consists of the establishment of a set of actions of guidance and individualised accompaniment in the workplace for people with disabilities. It is called "Empleo con Apoyo" (Employment with Support), and it is provided by specialised job coaches, whose aim is to facilitate the social and labour adaptation of PwD workers with special difficulties of labour insertion in companies of the labour market in similar conditions to the rest of the workers who perform equivalent jobs.**

Italy

In Italy, the regulation of the protection of the health and safety of workers in the workplace is laid down in Legislative Decree "81/08 - Testo Unico sulla sicurezza". In art. 36 and 37, it states that all companies are required to comply with the training obligation, which is essentially structured on the following path:

- Basic training - 4 h
- Specific training 4 or 8 hours, depending on the level of risk.

Regarding the enabling trainings, they depend on the type of equipment that must be used, or the type of activity that must be carried out. This too is subject to periodic updating, according to specific rules. The training must be updated periodically, at least every 5 years. To these trainings are added others, linked to the job carried out in the company.

Specific training is also provided in the field of emergency management, for workers appointed by the employer: Fire prevention and First aid.

Also in this case, the courses provide for periodic updates, and are of different duration, established by the specific regulations, in relation to the type of activity and the levels of risk.



Norway

Norway has a strong commitment to occupational health and safety (OHS) and inclusivity in the workplace.

Norway has ratified the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) and the Agenda 2020, with the UN's sustainable development goals.

The rights of Norwegians with disabilities are protected through several laws and policies. The main law is the Discrimination and Accessibility Act; and regarding safety at work, the main rule is the Inclusive Working Life Agreement

The Discrimination and Accessibility Act

This law functions to promote equality and equity, ensure all citizens the same opportunities and rights to societal participation, increase accessibility, to ensure that the social and physical environments are accessible, removing socially barriers and preventing new ones from being formed.

Both direct and indirect discrimination are prohibited.

Positive discrimination is allowed in accordance with the law's intent of ensuring the same opportunities and rights to all citizens.. Positive discrimination can only occur when the action adequately addresses the law's purpose and is realistically able to attain its intended goal.

The Inclusive Working Life Agreement

It was signed between the authorities (the government represented by the Minister of Labour) and the parties in working life first time in 2001.

The IA agreement is based on cooperation and trust between authorities, employers and employees. One of the goals of the IA Agreement is to prevent withdrawal and increase employment of people with impaired functional ability.

By entering into the cooperation agreement to become an IA enterprise each enterprise supports the goals of the IA Agreement. And have to strive for achieving the goals. In return, IA enterprises receive rights that are reserved for such enterprises.



Germany

There are several national laws in Germany for the PWD and also related to Safety & Health at work:

Disability

- Basic Law (Grundgesetz)
- Social Code (Sozialgesetzbuch)
- General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz)

Safety & Health at Workplace

- Act on the Implementation of Measures of Occupational Safety and Health to Encourage Improvements in the Safety and Health Protection of Workers at Work (Arbeitsschutzgesetz, ArbSchG)
- German Occupational Safety and Health Strategy (GDA)

The most important information from these laws are:

- All private and public employers with at least 20 jobs are required to fill at least five percent of them with people with severe disabilities or their equals.
- A central instrument for ensuring the work participation of people with significant support needs is work assistance as a job-related support. The employees with severe disabilities can hire the assistant or commission a provider of assistance services with the work assistance on his own account.
- For adults who have acquired their disability in the course of their lives: there is an option that consists in that the qualification and training for the job begins directly in the company and is accompanied by a personal coach for up to three years.
- There are “Inclusion companies”, where 30 to 50 percent of the workforce are people with a severe disability or a mental disability. There are more than 900 inclusive businesses in Germany, often in the office, IT, catering, home economics, landscape maintenance and retail sectors.
- **Workshops and day support centres:** For those who are unable to find work on the primary labour market due to the severity or characteristics of their disability, the workshop for the persons with disabilities (WfbM) can be an alternative. In addition to employment, further training is offered for personal and professional development. In the best case, this can help them make the leap into the general labour market
- In Germany, discriminating against employees with disabilities is prohibited by **the General Equal Treatment Act** (Allgemeines Gleichbehandlungsgesetz). This law provides very comprehensive

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protection against discrimination of any kind. In addition, employees with severe disabilities have special rights and protection under the German Social Code (Sozialgesetzbuch IX).

Trends in labour market

The European Labour Authority hosted a conference on 10th May 2023 on the “[Current trends on the European labour market and ELA activities to help better prepare for the changes expected](#)” to discuss four main pressing issues: What will work consist of? Who will perform work? How will work be performed? Where will work be performed?

The ‘mega-trends’ of today’s labour market include:

- Digitisation and automation
- Climate change and the associated transition to a sustainable economy
- Globalisation
- Demographic changes

The conference concluded that there is one key problem, and that is that all European countries suffer from labour shortages. These shortages are most noticeable in the IT, health, construction and transport sectors.

In order to address this, there are a number of challenges, such as the implementation of EU rules that are more than 30 years old. These EU internal market rules, namely freedom of establishment, freedom of work and freedom to provide services, have a practical application that remains problematic. This is because there is a certain imbalance in the labour market between areas where there is employment and areas where there is available labour.

The problem we find in this area is the circumvention or contravention of the rules and therefore this has an impact on the business environment and sometimes even leads to violations of workers’ rights in the cross-border context.

To address these problems, the main action proposed was to improve the use of digital tools by national authorities and to disseminate knowledge on available technologies and solutions to digitise the application of labour mobility rules.



Drawing on the [Future of Jobs Report 2023](#), one can unpack and analyse the impact of a multitude of concurrent trends on today's labour market, such as ecological and energy transitions, macroeconomic factors, and geo-economic and supply chain changes.

In 2023, labour market transformations driven by technological advances, such as the coming of age of generative artificial intelligence (AI), will be compounded by economic and geopolitical disruptions and growing social and environmental pressures.

Following this report, the trends for the next 5 years can be summarised as follows:

- Technology adoption will continue to be a key driver of business transformation over the next five years.
- The wider implementation of environmental, social and governance (ESG) standards in their organisations will also have a significant impact.
- There will be an increase in the cost of living and slow economic growth.
- The impact of investments to drive the green transition is considered the sixth most impactful macro-trend.
- Supply shortages and consumer expectations around social and environmental issues.
- We will still continue to feel the impact of the COVID-19 pandemic, widening geopolitical divides and demographic dividends in developing and emerging economies.
- A majority of companies will prioritise women (79%), youth under 25 (68%) and those with disabilities (51%) as part of their Diversity, equity and inclusion DEI programmes

This year's [Employment and Social Developments in Europe \(ESDE\)](#) report focuses on persistent labour shortages and changing skills needs in the EU.

With regard to labour shortages, we should note the significant drop during the COVID-19 crisis. However, we find many current shortages that have been generated before, but may have been aggravated by the ecological and digital transitions. These include gaps in science, technology, engineering and mathematics, including information and communication technologies (ICT), construction, health and hospitality.

For people with disabilities, in 2022, the disability employment gap decreased by 1.7 percentage points compared to 2021, but remained very high at 21.4%. According to a study of the European Union Agency for Fundamental Rights (FRA),



Conclusions

The annual review of *Employment and Social Developments in Europe* addressing labour shortages and skills gaps in the EU, confirms that the EU has introduced numerous initiatives and regulations to ensure fairer working conditions and quality jobs. Directive 2019/1151 on transparent and predictable working conditions introduced measures to prevent abusive practices in the use of à la carte and similar employment contracts.

Recently, Directive 2022/2041 aims to improve the adequacy of minimum wages and strengthen collective bargaining, in order to ensure fair wages and a decent standard of living for workers (on the basis of a full-time employment relationship), with legislative proposals to improve employment conditions for platform workers and protect workers from risks related to exposure to carcinogens at work.

Nevertheless, the analysis confirms the continued importance of a number of EU legislative initiatives on OSH. There is still a need for those addressing occupational health and safety risks to workers, including their exposure to carcinogens, improving the physical demands of the working environment and preventing violence and psychosocial risks at work, as well as promoting gender equality and fair pay.

Policy actions can play a key role in improving these aspects of OSH, as well as bridging the gaps previously mentioned, ultimately mitigating the effects of present and future labour shortages. Policy frameworks should be guided by the understanding that every employee has their own competences, abilities and potential.

Actions by policy makers should envision strengthening the labour market through:

- upskilling and reskilling its workforce, especially in the context of changing skill needs in the light of the ecological and digital transitions
- increasing the labour market participation of persons with disabilities through the provision of meaningful employment opportunities whereby everyone's health and safety rights are protected, enabled by the support of social services.

Across the EU, sectoral social partners have identified activities to develop skills in some key sectors facing skills' shortages. With the support of the European Commission, the social partners have launched, and should continue to launch, multiple projects to promote quality and inclusive VET, upskilling and reskilling of professionals and managers, and skills for the green and digital transitions. Providing comprehensive, tailor-made and accessible courses on OSH is a great starting point in the right direction.



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