



European Federation
of Building
and Woodworkers



“Better Understanding of “Arduous Occupations” within the European Pension Debate”

Final report

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Better Understanding of “Arduous Occupations” within the European Pension Debate

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By European Commission (after finalization of the project)
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On behalf of involved ETUF
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I. INTRODUCTION

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II. PRACOVNÍ STUDIE

Legislativa a politiky EU

V otázce namáhavé práce neexistuje na evropské úrovni žádná specifická legislativa nebo politika; tato problematika je nicméně úzce spjata s ochranou a bezpečností práce a preventivními opatřeními. Zlepšení předpisů o zdraví a bezpečnosti práce bylo rovněž mezi prvními oblastmi harmonizace sociální politiky EU : **Směrnice Rady 89/391/EEC, Strategie Společenství pro období 2007–2012 v oblasti ochrany zdraví a bezpečnosti práce ...**; na druhou stranu Listina základních práv (článek 31) ve věci nestranných a spravedlivých pracovních podmínek uvádí, že „každý pracovník má právo na pracovní podmínky respektující jeho zdraví, bezpečnost a důstojnost“.

Problematika důchodů může být rovněž vztažena k diskusi o namáhavé práci, a zatímco v této oblasti nemá EU žádné legislativní pravomoci, existuje kontinuální politika v otázce důchodů úzce spjatá s měnícími se demografickými a finančními aspekty; hlavní směry strategie řešení výzev, které přináší stárnutí populace, byly definovány na zasedání Evropské rady ve Stockholmu v roce 2001 a novějším mezníkem v této oblasti politiky je **Bílá kniha Evropské komise o přiměřených, jistých a udržitelných důchodech** (únor 2012), zaměřená na vedení reformy důchodových systémů v EU.

Navíc se v kontextu evropských politik „aktivního stárnutí“ stalo důležitým tématem udržet v práci pracovníky, kteří mají špatné zdraví nebo trpí **namáhavými pracovními podmínkami**. Zatímco politiky zaměřené na udržení starších pracovníků v práci se zaměřily především na finanční pobídky a omezení programů předčasného odchodu do důchodu, v některých zemích je naopak podpora lepšího zdraví na pracovišti (formou zlepšení pracovních podmínek pro starší pracovníky) klíčovým prvkem politik aktivního stárnutí.

Co je to “namáhavá práce”?

Přes absenci nařízení týkajících se namáhavé práce na evropské úrovni je mnoho důkazů o její existenci. Nicméně není žádná obecná definice toho, co je „namáhavá práce“ a ve skutečnosti tato otázka jen těžko připouští přímou odpověď: v rámci zkoumání příkladů pracovních míst nebo povolání, která jsou ve vybraných zemích OECD běžně označovaná jako namáhavé, je takto získaný výčet relativně pestrý a nehodí se pro snadnou definici. Podobně neexistuje jednoznačná definice „namáhavé práce“ v devíti evropských zemích, zahrnutých do současného projektu¹.

Přesto, a důkazy shromážděné v rámci celého výzkumu to potvrzují, lze **namáhavou práci horizontálně definovat jako „Povolání zahrnující vystavení pracovníka v průběhu času jednomu nebo**

¹ Pro další podrobnosti viz národní zprávy.

více faktorům, které vedou k profesním situacím náchylným zanechat dlouhodobé a nevratné následky na jeho zdraví; tyto faktory se týkají fyzických omezení, psychosociálních rizik, agresivních fyzických prostředí, organizace práce a pracovního rytmu, včetně práce na směny“.

Ve skutečnosti se dnes obecně připouští, že těžkosti prožité v namáhavém pracovním prostředí mohou být buď fyzické (včetně vystavení chemickým nebo biologickým činitelům), duševní, nebo kombinací obou. Tyto těžkosti mohou mít za následek:

- zhoršení zdravotního stavu daných pracovníků, které se nemusí projevit v okamžiku vystavení negativním vlivům, což vede k chronickým onemocněním,
- obtížnost pokračovat ve výkonu stávající práce nebo zůstat ve stejném povolání,
- pracovní zaviněná zdravotní neschopnost,
- zkrácená délka života,
- předčasná úmrtnost.

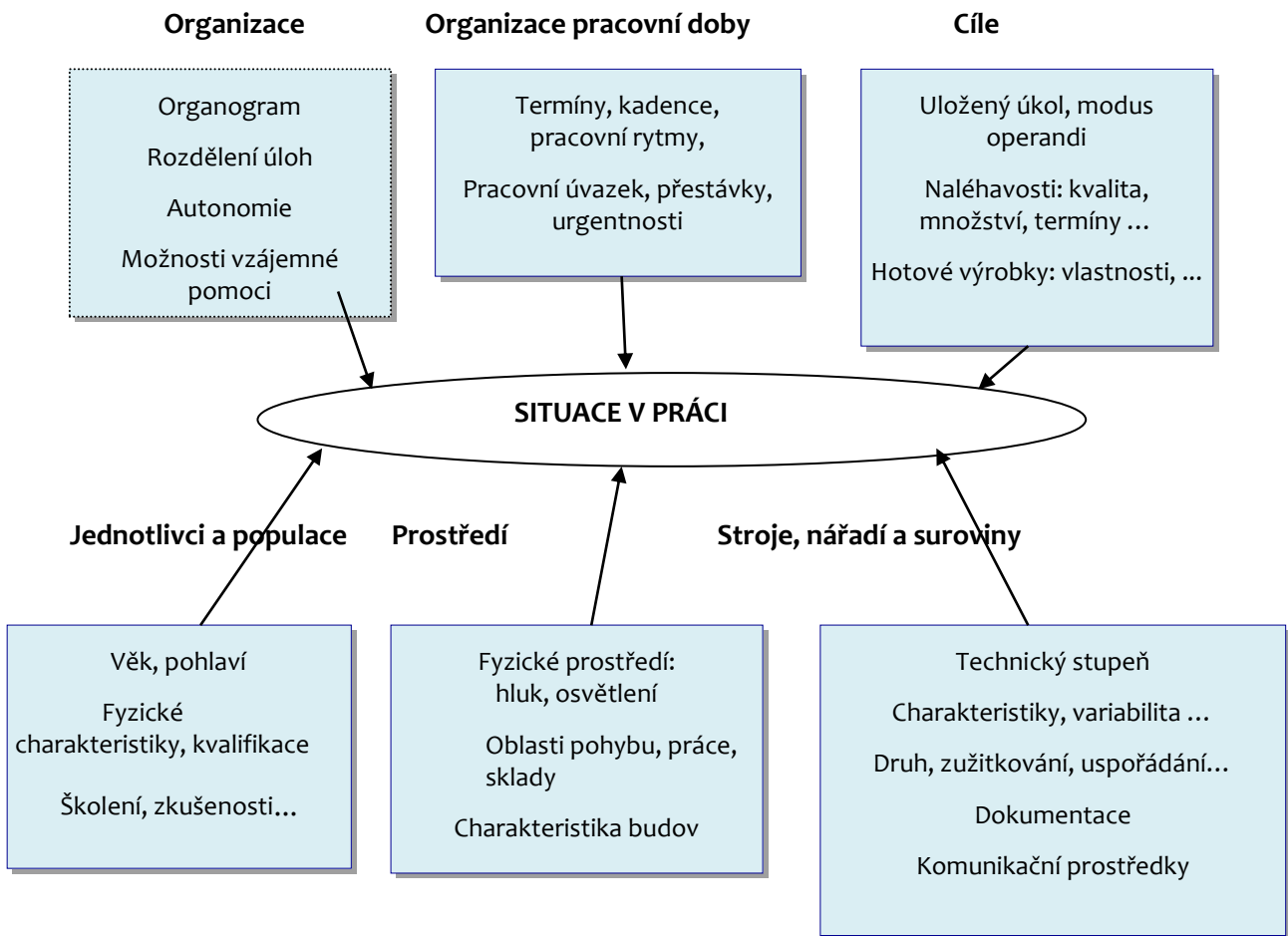
Horizontální definice namáhavé práce může být vertikálně doplněna o následující faktory:

- vystavení jak fyzickým, tak psychosociálním rizikovým faktorům může mít nepříznivý vliv na zdraví a pohodu pracovníků,
- některé faktory jsou systematicky považovány za zdroj namáhavosti práce: opakované pohyby, hluk, nošení těžkých břemen, vystavení chemikáliím...
- odvětvoví sociální partneři se mohou dohodnout na dalších faktorech jako zdrojích namáhavých pracovních podmínek: psychosociální rizika...
- následky namáhavé práce se prohlubují s věkem
- existují vnější faktory jasně spojené s namáhavou prací:
 - riskantnost práce
 - externalizace práce: outsourcing a trend subdodávek

Zjišťování a odhalování namáhavé práce

Jestliže je vystavování se pracovním rizikům obtížně měřitelné, výzkumy a studie zaměřené na namáhavost práce používají dílčí ukazatele: objektivní ukazatele (počet pracovních úrazů, nemocí z povolání) a subjektivní ukazatele (deklarovaná omezení).

Neexistuje žádný osvědčený mechanismus zjištění nebo odhalení namáhavé práce, některé instituce nebo odbory však vyvinuly své vlastní modely analýzy (viz dále model používaný Francouzskou odborovou organizací)



Namáhavá práce řešená na různých úrovních

Regulační systémy většiny zemí se v oblasti zdraví a bezpečnosti již zabývají prevencí a kontrolou zdravotních rizik při práci, ale ve většině případů se tak děje bez konkrétního odkazu na pojem namáhavé práce. Rámcová směrnice (Směrnice 89/391/EEC) zřizuje řadu povinností týkajících se prevence zdraví při práci:

- vyhodnocení všech rizik bezpečnosti a ochrany zdraví zaměstnanců,
- zavádění opatření, která zajistí zlepšení úrovně ochrany zaměstnanců a která jsou integrována do všech činností podnikání a/nebo podniku na všech úrovních hierarchie,
- přihlídnutí ke schopnostem daného zaměstnance pokud jde o zdraví a bezpečnost při ukládání pracovních úkolů.

Navíc různá opatření mívají tendenci eliminovat/redukovat namáhavost určitých činností: osobními ochrannými prostředky, kolektivní ochranou, následnou lékařskou péčí, změnami v organizaci práce, odbornou přípravou, technologickými pokroky (které mohou mít někdy nežádoucí účinky, neboť mohou vést k vyšším požadavkům na tempo nebo produktivitu...)

Nicméně a navzdory povinným zdravotním a bezpečnostním předpisům zůstávají pracovní podmínky v některých specifických pracovních místech namáhavé, a tak komplexní politika namáhavé práce musí brát v úvahu současně:

- účinnou prevenci
- patřičné odhalení a kontrolu ze strany administrativy
- průběžná školení a vzdělávání
- odškodnění/vyrovnání

Na druhou stranu dnes čelíme náročnému světu, pokud jde o: stárnoucí populace, role a zaměstnatelnost starších pracovníků; v současné době existuje celá řada faktorů a mechanismů, které umožňují jedincům potýkajícím se s namáhavými pracovními podmínkami po celý svůj profesní život dosáhnout hladšího konce kariéry:

- celoživotní vzdělávání (s cílem zlepšit nebo získat znalosti a kvalifikace tak, aby šlo předpokládat nové zaměstnání),
- zlepšení pracovních podmínek,
- zkrácení pracovní doby,
- změny v organizaci práce,
- lepší sladění pracovního a soukromého života,
- přizpůsobení pracovních míst potřebám starších pracovníků,
- vytváření příležitostí pro flexibilní uspořádání pracovní doby.

Vzhledem ke všem těmto faktorům a realitě namáhavé práce je dnes **jedním z hlavních úkolů posunout se od odškodnění/kompenzací k prevenci, kdykoliv je to možné.**

Ponechání stranou dopadu a následků namáhavé práce na jednotlivce přináší rovněž globální důsledky, které nelze opomenout: vliv namáhavé práce na trh práce.

Dopad namáhavé práce na trh práce je viditelný z několika hledisek:

- snížení zaměstnatelnosti osob pracujících v namáhavých podmínkách,
- předčasný odchod do důchodu osob, které mají velké množství know-how, znalostí a kvalifikací,
- malá přitažlivost některých profesí, která odrazuje mladé pracovníky nastupovat do těchto profesí a vede tak k nedostatku pracovníků,
- špatný zdravotní stav jednotlivců vedoucí k jejich menší schopnosti a ochotě pokračovat v práci.

Vztah namáhavé práce k důchodovým politikám

Důchodové reformy jsou již několik let hlavním předmětem zájmu politiků po celém světě, a to v důsledku demografických změn, zásadní transformace trhu práce a v poslední době rovněž globální finanční a hospodářské krize.

Tlak kladený na důchodové systémy vedl v některých zemích k důchodovým reformním procesům prováděných ve spěchu a proto kladoucím otázku stran udržitelnosti reform, neboť některé dotčené aspekty nejsou vzaty řádně v úvahu:

- zaměstnanost mládeže a starších pracovníků,
- problém zajištění spravedlivých a přiměřených dávek pracovníkům, kteří mohli být vystaveni po dlouhou dobu namáhavým a/nebo nebezpečným pracovním prostředím.

Ve skutečnosti zvláštní důchody nebo předčasné odchody do důchodu pro pracovníky v namáhavých zaměstnáních již dlouhou dobu v mnoha vyspělých zemích existují podle kompenzačního/odškodňujícího hlediska tak, aby byl kompenzační mechanismus poskytnut ve dvou situacích:

- pracovní podmínky v mnoha zvláštních pracovních místech dopadají na zdraví pracovníků a:
 - zkracují jejich pracovní kariéru z důvodu zdravotního postižení nebo nemoci,
 - vedou k předčasnému úmrtí tím, že snižuje délku života
- některá zaměstnání nelze vykonávat s přibývajícím věkem.

V současné době jsou v kontextu penzijních reforem zvláštní penzijní ustanovení pro pracovníky v namáhavých pracovních místech, jmenovitě předčasný odchod do důchodu, předmětem probíhající veřejné rozpravy, neboť jedno z hlavních opatření přijatých vládami je zpřísnění pravidel přístupu k předčasnému odchodu do důchodu (a/nebo odstranění této možnosti).

S ohledem na geografický rozsah projektu byla otázka namáhavé práce speciálně vznesena v rámci debaty o penzijní reformě, a zatímco v některých zemích opozice odborů nebyla vzata v úvahu (Rumunsko nebo Polsko), v jiných zemích byla namáhavá práce uznána jako faktor vedoucí k předčasnému odchodu do důchodu².

III. NÁRODNÍ ZPRÁVY

1. BELGIE

IV. Teoretický výzkum

V Belgii neexistuje žádná oficiální definice, tak říkajíc, namáhavé práce. Nicméně v rámci kolektivního vyjednávání jsou někdy zmiňovány *namáhavost* a *namáhavé úkoly* a koncept namáhavosti je základem celé řady právních nástrojů pro řízení konce kariéry.

Naopak **Belgie má koncept náročné práce**, který by mohl být považován za národní přístup k namáhavé práci. Náročné práce jsou definovány na základě tří kritérií:

- práce v následných směnách, což znamená, že pracovník nepracuje vždy stejnou směnu;

² Viz Francouzská národní zpráva.

- práce v *dělený směnách*: nejméně 11 hodin mezi začátkem a koncem pracovního dne, doba nejméně 3 hodin odděluje doby práce a pracuje se po dobu nejméně 7 hodin;
- úpravy pracovní doby týkající se práce v noci (20:00 až 06:00).

Pokud je použita tato definice, rozsah spadající pod pojem *náročných prací* je omezující, protože potenciál tohoto konceptu jde daleko za rámec těchto tří kritérií; ve skutečnosti by širší definice konceptu *náročná práce* měla brát v úvahu všechny pracovní související faktory, které by mohly snížit délku zdravého života a kvalitu života. Například psychosociální faktory nebo fyzické faktory, jako je velmi rychlé pracovní tempo nebo nezvyklé držení těla, by mohly být zahrnuty do širší definice namáhavé práce.

Problematika namáhavosti je často zkoumána z hlediska zaměstnatelnosti tak, že některá opatření, která by mohla být považována za mírnící namáhavost, ve skutečnosti usilují o prodloužení pracovního života starších pracovníků tím, že zdůrazňují potřebu učinit jejich kariéru *udržitelnou*.

Tento bod ilustrují tři nástroje:

- **plány pro pracovníky ve věku nad 45 let**, které mají za cíl zvýšit zaměstnatelnost těchto pracovníků;
- **profesní fond zkušenosti**, který poskytuje finanční prostředky a podporu starším pracovníkům změnit svojí práci, zmírňuje fyzické napětí pomocí upravených nástrojů a zařízení a školením zlepšuje dovednosti;
- **časový kredit konce kariéry**, který se zaměřuje na pomoc pracovníkům zlepšit rovnováhu mezi jejich pracovním a osobním životem a skládá se ze snížení pracovní doby a příspěvku k částečné kompenzaci ztráty platu. Toto flexibilní opatření je založeno na jednotlivých faktorech a jako takové je aplikováno různými způsoby v závislosti na řadě kritérií. Obecně musí být pracovníci ve věku alespoň 55 let, aby byli způsobilí pro časový kredit (ačkoliv teď je otevřený pro zaměstnance ve věku od 50 let, pokud je jejich společnost v nesnázích nebo restrukturalizaci, nebo na částečný úvazek, pokud zaměstnanec vykonává náročnou práci pro kterou je nedostatek pracovníků).

Právní předpisy o náročných pracích stanoví, že: je **nárok na časový kredit konce kariéry krátcí na polovinu pracovní dobu** pro zaměstnance ve věku alespoň 50 let, kteří vykonávali náročnou práci (po dobu nejméně 5 let v posledních 10 letech nebo alespoň 7 let v posledních 15 letech), pro kterou je nedostatek pracovních sil (jako jsou zdravotní sestry a pečovatelé v nemocnicích, domech s pečovatelskou službou a domovech důchodců) a **nárok na časový kredit konce kariéry krátcí pracovní dobu o jednu pětinu od věku 55 let**. Pracovníci mají právo na tohoto snížení ve věku **od 50 let**, stanoví-li tak příslušná odvětvová kolektivní smlouva, a pokud vykonávali náročnou práci a byli v placeném zaměstnaneckém poměru po dobu nejméně 28 let.

Konečně v souvislosti s předčasným odchodem do důchodu je důležité poznamenat, že tento institut byl původně spojen s makroekonomickými politikami zaměstnanosti a případ od případu řízením podnikové restrukturalizace.

Předčasný odchod do důchodu je organizován prostřednictvím **nezaměstnanosti před dosažením věku 60 let s firmou financovaným příplatkovým systémem** (*régime de chômage avec complément d'entreprise avant 60 ans*) a **systémy z něho vyplývajícími**. Pokud jsou v rámci tohoto systému pracovníci určitého věku propuštěni, **mají nárok na dávky v nezaměstnanosti spolu s příplatkem**

známým jako firemní příplatek (hrazeným ze strany jejich bývalého zaměstnavatele), jakmile dosáhnou věku 60 let. Za určitých podmínek mohou mít zaměstnanci nárok na tento program rovněž, pokud jsou ve věku do 60 let, a to v závislosti na specifikách některých sektorů, některých pracovních míst a dokonce i některých pracovníků; stručně řečeno, zaměstnanci ve věku od 58 let mohou mít nárok v případě, že byli propuštěni a jsou ve vážném fyzickém stavu způsobeném jejich prací, který by pro ně činil vykonávání jejich povolání nesmírně obtížným.

V dnešní době se řešení předčasného odchodu do důchodu posunuje od modelu „předčasné penze“ směrem k systémům časového kreditu a programům nezaměstnanosti s firmou financovaným příplatkem, pohybu, který odráží posun od odvětvové úrovně k podnikové úrovni, pokud jde o rozhodování a společné financování. Firemní kultura, rovnováha sil a ekonomické postavení dané společnosti představují stále vlivnější okolnosti.

V. Terénní výzkum

Řidiči veřejné autobusové dopravy uvedli, že cítí namáhavost z důvodu psychosociální zátěže kontaktu s veřejností, dopravním provozem a konkurence mezi poskytovateli dopravních služeb, ale i vzhledem k jejich pracovním podmínkám, které vyplývají z jejich „nepřirozeného rozvržení pracovní doby“ (pracovní doba řidičů autobusů má tendenci se hodně lišit a pokrývá velkou část dne, což znamená, že jejich práce odpovídá definici náročné práce), stavu autobusového vozového parku a otázek spojených s hygienou a soukromím.

Preventivní opatření, jejichž cílem bylo řešení namáhavých faktorů pocíťovaných pracovníky, se setkala s poněkud smíšeným přijetím: zatímco řidiči tvrdí, že pravidla bezpečnosti a ochrany zdraví jsou všeobecně respektována, mají současně pocit, že existuje prostor pro další zlepšení, pokud jde o kolektivní a individuální ochranná opatření.

Systém kompenzací pro řidiče autobusů se skládá z několika nástrojů: příplatek za práci v určitých obdobích, další kompenzace v případě pracovní neschopnosti, opatření pro případ změny zaměstnání, a konečně různé systémy předčasného odchodu do důchodu: časový kredit nebo nezaměstnanost s firmou financovaným příplatkem.

V každém případě se pracovníci dotazováni pro účely studie domnívali, že předčasný odchod do důchodu je „nezbytný vzhledem k namáhavosti práce, kterou děláme“. Ve skutečnosti řidiči veřejné autobusové dopravy v Belgii téměř vždy volí předčasný odchod do důchodu (98% podle respondentů).

Respondenti zaměstnaní v distribučních centrech pocíťovali svoji práci jako namáhavou vzhledem k jejich vystavení extrémním teplotám ve skladech, hluku a těžkým břemenům, ale i vzhledem k rychlému tempu (které je provázané se systémem odměňování, neboť pracovníci musí zpracovat 350 balíků za den, aby získali bonus za produktivitu a bonus na dovolenou, aniž by pracovali přesčas): „někteří pracovníci nastaví rychlost svých strojů na určitou hodnotu, odběhnou, aby vzali výrobky, a pak běží zpět na svá místa s balíkem pod paží“. Někteří cítí, že noční směny a určité nové technologie (jako je hlasový sběr) činí jejich práci namáhavější. Často rovněž zmiňují faktor stresu.

Zavedený náhradový mechanismus se liší společnost od společnosti a sahá od dodatečných dní dovolené pro starší pracovníky po 20% příplatek za noční práci.

Stejně tak existuje mnoho různých schémat předčasného odchodu do důchodu (ne vždy spojených s namáhavostí), které se rovněž liší společností od společnosti: poloviční pracovní úvazek od věku 55 let, časový kredit se zkrácením pracovní doby od věku 53 let (obvykle za podmínky, že pracovník pracoval po dobu nejméně 28 let) a schéma *nezaměstnanosti s příplatkem financovaným ze strany společnosti*.

Rovněž zde platí zvláštní podmínky pro pracovníky v náročných pracovních místech: pracovníci musí být ve věku alespoň 60 let, pracovat po dobu nejméně 35 let (pro muže; 28 let pro ženy) a vykonávat náročnou práci po dobu nejméně 5 let z posledních 10 let nebo alespoň 7 let z posledních 15 let.

Slévárenští pracovníci identifikovali jako hlavní faktory přispívající k namáhavosti jejich oboru hluk, extrémní teploty, významné rozdíly ve světelných úrovních, létající částice a mraky páry, i když se zaměstnání od zaměstnání vyskytují rozdíly. Pokud jde o psychosociální zátěž, pracovníci zmínili, že neexistuje žádný bonus za produktivitu jako takovou, ale spíše měsíční vyhodnocení ziskovosti, které zahrnuje kontrolu procenta dobrých a špatných kusů vyrobených každým zaměstnancem. Kromě toho jeden z pracovníků uvedl, že „nemáte pocit bezpečí, když jste ve slévárně a jako výsledek prožíváte pracovní stres“.

Dělníci byli kritičtí vůči ochranným opatřením na pracovišti, protože ty jsou většinou individuálního charakteru a „ušní chrániče jsou nepohodlné a masky neposkytují dostatečnou ochranu“.

Ve stejném duchu tu nelze uplatnit opatření ke zvyšování zaměstnatelnosti, neboť změna pracovního místa je složitá a neobvyklá; pracovníci obvykle zůstávají na stejných pracovních pozicích, aniž by je měnili. Pouze v případě, že jsou pracovníci v neschopnosti, mohou být přiděleni na čištění jídelny a toalet, práce ve skladu nebo frézování.

V praxi neexistuje na podnikové úrovni náhrada nebo vyrovnání z důvodu namáhavosti: nejsou k dispozici žádné příspěvky nebo prémie spojené s namáhavostí.

Nicméně namáhavost se začíná řešit na úrovni odvětví: když byla podepsána sektorová dohoda pro období 2013–2014, sociální partneři se dohodli na prozkoumání určitých oblastí v *ad hoc* pracovních skupinách a jednou z těchto problematik byla namáhavost.

Pracovníci a zástupce odborového svazu dotazovaní v rozhovoru pro tuto studii zdůraznili, že předčasný odchod do důchodu je běžný, protože je povolený odvětvovou dohodou:

- nezaměstnanost s příplatkem financovaným společností (RCC) od věku 58 let;
- RCC pro pracovníky ve věku minimálně 56 let, kteří pracovali po dobu nejméně 33 let, z toho 20 let v noci;
- RCC pro pracovníky ve věku minimálně 56 let, kteří pracovali po dobu nejméně 40 let.

Pracovníci v sektoru péče o seniory uvedli, že **kontakt s rodinami svých pacientů** byl hlavním zdrojem namáhavosti v jejich profesi, následovaný **organizací práce** (jejich pracovní doba se často mění, na náhradní volno se často zapomíná nebo nemůže být vybráno z důvodu vysokého pracovního vytížení), **absence ohledu na jejich názory** pokud jde o volbu léčby a **problémy spojené s pracovním vybavením a nástroji**.

Mnoho z těchto pracovníků trápí bolesti zad, šíje a ramen; někteří berou léky proti bolesti a zánětům, aby mohli pokračovat v práci.

Problematika zaměstnatelnosti je částečně řešena smlouvou z roku 2005, která stanovuje, že společnosti nabízející starším pracovníkům možnost trávit část svého pracovního času „předáváním svých zkušeností“ mohou v určitých mezích žádat „příspěvek na předávání zkušeností“, který bude použit pro dotaci nábory dalších pracovníků s cílem zajistit, aby se pracovní zátěž ostatních pracovníků nezvyšovala.

Další pobídky byly přijaty pro podporu cílové skupiny pracovníků, aby pokračovali v práci na plný úvazek. Ty mívají formu dodatečných finančních odměn nebo snížení pracovní doby bez ztráty nároku na odměnu pro pečovatele a sestry v nemocnicích a domovech důchodců.

Existují i jiné mechanismy zaměřené na zachování zaměstnatelnosti pracovníků, jako je například **čtyřdenní týden** a další **režimy přerušování kariéry nebo zkrácení pracovní doby**:

- smluvní pracovníci mohou snížit svou pracovní dobu na polovinu, třetinu, čtvrtinu nebo pětinu poté, co překročí věk 55 let (nebo 50 let ve výjimečných případech, jmenovitě v případě, že vykonávají náročné zaměstnání nebo zaměstnání, pro které je nedostatek pracovníků);
- stálí zaměstnanci si mohou vybrat přestávku v kariéře, ale pouze tehdy, pokud je jim alespoň 50 let a:
 - vykonávali náročnou práci po dobu nejméně 5 let z posledních 10 let, nebo alespoň 7 let z posledních 15 let;
 - začínají pracovat v náročném zaměstnání, pro které je nedostatek pracovníků (což je případ zdravotnictví).

Sektor zpracování masa se vyznačuje velmi silnou konkurencí ze strany provozovatelů třetích stran, což vede k výraznému tlaku na zaměstnance. Tento tlak je nad rámec „tradičních“ faktorů, které přispívají k namáhavosti v tomto odvětví: **opakující se práce, práce při nízkých teplotách, fyzická práce a problémy spojené s organizací práce.**

Jak intenzita konkurence v tomto odvětví roste, podniky přijaly strategie, které v některých případech mají značný dopad na zaměstnance a jejich pracovní podmínky. Například výrobní řetězce běží rychleji, což má dopady na zdraví a bezpečnost; stále více práce je mechanizováno, takže je možno produkovat více s méně pracovníky; zvyšuje se tlak na flexibilitu pracovních úvazků s navazujícími směnami; a pracovní síla se mění v důsledku zvýšeného využívání nejistých pracovníků v rámci subdodavatelských migrantů.

V sektoru existuje řada kompenzačních mechanismů: pracovníci ve věku nad 55 let mají zaručený dodatečný příspěvek pro případ, že sníží svoji pracovní dobu na polovinu. Pokud jde o opatření v případě ukončení kariéry, přístup k časovému kreditu byl rozšířen na pracovníky ve věku přes 50 let za předpokladu, že pracovali po dobu nejméně 28 let. A konečně, do konce roku 2014 mají někteří pracovníci nárok na nezaměstnanost s příspěvkem financovaným ze strany společnosti (existují podmínky v závislosti na věku a délce pracovní kariéry pracovníka v odvětví nebo v určitém zaměstnání).

Odvětví v současné době vyjednává dohodu o stárnutí s cílem zmírnit zátěž pracovníků bez vytváření dodatečných nákladů pro firmy (udělování dodatečné dovolené pro zaměstnance ve věku nad 60 let, přidělování méně náročných úkolů starším pracovníkům nebo zavádění mentoringu do celého odvětví). Nicméně zástupci odvětví mají pocit, že „*namáhavost musí být řešena od věku 20*“

let“ a že „problém je v tom, že lidé musí mít možnost pracovat po dosažení věku 50 let. Co potřebujeme je řešení založené na solidaritě“.

Z odpovědí dotovaných **obkladačů/tesařů** vyplynulo, že tato odvětví vnímají své profese z pohledu **udržitelnosti** spíše než námahy.

Respondenti uvedli, že faktory přispívající k namáhavosti jejich práce zahrnují **vystavení fyzikálním vlivům** (hluk, teplota, prach) a **chemických činidel** (rozpouštědla, látky na ropné bázi), problémy s **organizací práce** (včetně atypické pracovní doby a noční práce) a **stres** související s termíny. **Subdodávky** byly rovněž zmíněny jako faktor, který zvyšuje namáhavost, protože vytváří pocit nespokojenosti, negativní výhled na budoucnost zaměstnání ve stavebnictví a pocit, že existuje beztrestnost, neboť soudy často nemají prostředky na to, aby sledovaly případy nahlášené pracovním inspektorátem.

Zatímco někteří pracovníci zmínili, že věk komplikuje pohyb po pracovišti, jiní cítili, že fyzická rizika spojená s prací ve stavebnictví nebyla faktorem namáhavosti, protože ta jsou pro tento druh zaměstnání charakteristická. Tyto pracovníky více znepokojoval psychosociální tlak související s termíny, řízením a atmosférou v týmu.

Návrh sektorové dohody na období 2013–2014 pro odvětví stavebnictví podepsané dne 31. března 2014 obsahuje část věnovanou myšlence **udržitelné kariéry** což ukazuje, že sektor začíná přemýšlet – byť nepřímo – o namáhavosti a jejími dlouhodobými důsledky pro zaměstnatelnost pracovníků tohoto odvětví. V současnosti se opatření jako je změna zaměstnání, rotace nebo úpravy zaměstnaneckého poměru pohybují na tenkém ledu a má-li pracovník zdravotní postižení v souvislosti s prací, zvolené řešení je obecně propuštění, které dostává zaměstnance do systému *nezaměstnanosti s finančním příspěvkem ze strany společnosti*.

S ohledem na to se sociální partneři zavázali uzavřít kolektivní dohodu na opt-in časového kreditu konce kariéry tak, aby byl dostupný pro zaměstnance ve věku nad 53 let, kteří pracovali v sektoru po dobu nejméně 20 let.

Ze tří typů předčasného odchodu do důchodu dostupných v Belgii je jeden specifický pro určitá odvětví, včetně stavebnictví:

- mechanismus předčasného odchodu do důchodu, který je dostupný stavebním pracovníkům ve věku nad 58 let je v současné době znovu projednáván pro období 2014–2016 a v důsledku toho se může stát méně příznivým;
- předčasný odchod do důchodu pro podporu restrukturalizace, který se provádí případ od případu a vyžaduje povolení Ministerstva práce;
- předčasný odchod do důchodu v důsledku tělesného postižení, který byl zaveden odvětvovou dohodou v roce 2009 a vztahuje se na stavební pracovníky ve věku nad 56 let, kteří splňují určité podmínky, pokud jde o věk a vykonávanou práci. Toto opatření se v současné době řídí kolektivní smlouvou, která musí být znovu projednána – jestliže jeden ze sociálních partnerů o to požádá – pro období po roce 2014.

2. ITALY

VI. Desk research

The notion of “arduous work” (“*lavori usuranti*”) was introduced in the early 90s defining as “**extremely arduous**” those works requiring “*a psycho-physical effort particularly intense and continuous, due to factors that cannot be prevented by suitable measures*” and leaving to social partners the definitions of implementation criteria. Several professions were considered as involving arduous working conditions. Later on, in 1999, **criteria for defining as “arduous”** an occupation were set: **life expectation at the age’s retirement**; the prevalence of the arduous task; the lack of possibility of prevention; **the psycho-physic compatibility as a function of the age**; **the high frequency of work accidents, with particular reference to age brackets' higher than fifty years**; **age average invalidity pension**; the ergonomic design and the exposure to chemical, physical, biological, identified in accordance with the legislation in force for the prevention. On the other hand, this decree considerably reduced the eligible professions by excluding a good deal of them and by regulating the night work.

These general criteria were further specified in 2007 implementing a tripartite agreement and specifying the ergonomic design in terms of the assembly lines, by including several occupations and sectors (see further).

The last step of the reform took place in April 2011: today the eligibility criteria for workers employed in the listed professions differ according to their expected retirement time:

- Workers retiring before December 2017 must have worked on assembly lines positions for at least 7 years over the last 10
- Workers with expected retirement from January 2018 are required having worked in one of the following professions and occupations for at least half of their work career, by demonstrating the exposure to certain risks:
 - extremely arduous workers ;
 - night shifts between midnight and 5 am for at least 3 months or at least 66 days per year for at least 6 hours per night, or for at least 3 hours the entire year
 - workers on the following assembly lines: sweets confectioning; additives for beverages and other foods; plastics processing industry; sewing and linking machines in the clothing industry; vehicles and trailers construction; thermal apparels for steam, heating, refrigerating and air conditioning apparels, and appliances; tailoring of clothing, shoes and accessories
 - public transportation drivers of buses transporting at least 9 passengers.

A functional equivalent of early retirement is the so-called “**mobility indemnity**” in case of company redundancy or restructuring (this latter case with a specific governmental decree on the basis of a company-level agreement), which lasts for one year for those workers aged less than 40, two years when aged less than 50 and 3 years when aged more than 50. This practice made the recourse to the “arduous work” notion a residual one whenever redundancies couldn’t be otherwise managed. Thus, both employers and trade unions were used to manage old workers, skills obsolescence and physical incapacity according a compensatory approach financed by the public sector.

On the other hand, such a shared approach made unnecessary a systematic recourse to continuous vocational training in order to develop a lifecycle approach to workforce management: the intersectoral training funds were established only since 2003 and only since 2011-2012 these funds set up simplified procedures to accede to these resources.

Nevertheless the issue of both arduous work and older workers management, is gaining relevance after the December 2011 law pension, according to which all workers can retire only on the basis of paid payrolls (contributory system): the minimum age will progressively increase to 66 years for all workers, while currently there are differences among men (65 years), women employees (62 years) and women self-employed (63 years and 6 months).

Arduous work is regulated exclusively in terms of retirement policies. Trade unions officers outline that most professions in the manufacturing sector listed in 2011 already benefit of functional equivalent mechanisms, such as the combination of wage integration fund and mobility, ensuring at least a three years early retirement.

After the 2011 reform, these workers can retire with at least 35 years of paid payrolls provided they are aged 61 (62 when self employed). The applicant has to include, among others, documented evidence about work schedules, tasks assignments, health conditions, risk assessment. In the case applications exceed available resources, priority criteria are set by administrative acts which monitoring criteria are quite unclear.

VII. Field research

One of the main characteristics of the **meat (swine/bovine) sector** is the outsourcing to pseudo-cooperatives of the activities and units heaviest working conditions and where no automation can be introduced, by employing several thousands of workers, mostly migrants. Pay rates are at best half of those established by the food national labour contract hourly rates, with frequent fraudulent behaviours; the trade union officer considers these workers as “the slaves of coops” and they are some thousands...

Notwithstanding rotations and mechanization, sectioning tasks are perceived as arduous because **the pace of work is very high and people work in most arduous positions** (hanging, quartering, anatomic parts) **for more than half of their working time**.

Psychosocial outcomes are also highlighted: alienation and psychological and physical degeneration; depression, due to the degrading work environment and impossibility to find a way out (**early retirement for incapacity**, internal mobility) although unable to work properly and suffering pain while working; tensions among ethnic groups, sometimes degenerating in open conflicts; widespread reporting of use of drugs in order to face high pace for long hours of work and achieve incentives, especially when undeclared or semi-undeclared employment conditions.

There are limited opportunities of mobility towards less physically demanding positions: a possible way out is in the logistic area, where manual handling is mostly outsourced. The workers' representative envisages the opportunity to employ older workers as on-the-job trainers of new hiring, especially temporary ones.

Workers do not benefit of any compensation but the performance-related pay foreseen by company-level collective agreement, 45% based on productivity performance.

According to the trade union officer, employees are discouraged from claiming for incapacity as reported diseases are not occupational diseases (where causality nexus is assumed) but rather work-related (where the claimant has to prove the causality nexus): in this latter case, both the probability of success and incapacity benefits are low, and the employee can be fired when absence from work exceed 180 days over the previous 3 years.

Notwithstanding this extensive evidence of arduous working conditions, **no professional profile is included within the “arduous workers” definition**. Notwithstanding time cycle constraints and high repetitiveness, they are not working on “assembly lines”, while employees at packaging do not fit with this as it is limited to sweets; finally, temperatures are low in slaughters but not below 5C, and only cellists could fit with, but they fail short of both time continuity during their working times and often of night work.

Elder care worker, mainly women with a high seniority, consider their work as arduous: “Do you want to see my X-rays?” was the welcome address received from one interviewed women when asked about arduousness. They say that handling elder people requires strong effort while lifting and moving: these activities cannot be replaced by supporting devices while dressing and undressing them, and they often lack of time to put in place and activate them, when available, because of time pressure and workload.

Lack of cooperation with both nurses and cleaning personnel aggravates their workload, by unloading on them those tasks they refuse, such as changing catheter or cleaning kitchen. This generates an insulation feeling among operators, thus worsening the psychological aspects of work. Finally, guests’ relatives are a further source of pressure and anxiety (possible legal action they can promote for negligent behavior). Moreover, cuts to public expenditure in social services leads to personnel reduction in these services.

As summarizes an occupational doctor it’s a profession with a “*pre-ordered pathology, rising for sure after several years*” and aggravated by a negative socio-organizational environment. This profession should therefore be included into “arduous work” in case of a “rational” revision based on epidemiological evidence, as there is an irreducible component to both any organizational intervention and automation of tasks tackling main physical factors.

According to workers and when asked about their work perspective, they answered “go to the other side of the home” as a patient. In fact and as they are poorly trained, elder’s operators are offered very few alternative tasks within nursing homes, such as laundries, where they are not outsourced, or kitchen cleaning. Trade union officers tried to negotiate some part-time reduction as an alternative solution: employers usually offer a 50% reduction in order to minimize but low earning makes this proposal as not viable for workers, who they rather prefer an 80% part-time. Economic compensations are almost non-existent.

This profession does not fit with eligibility criteria set for arduous work as night shifts are below the required threshold.

As a doctor from occupational health services says, **workers’ professions in distributions centers are certainly arduous ones**, as carrying heavy loads is aggravated by low temperatures and especially pressures of any kind (time for delivery, employment uncertainty, organizational

pressures) by raising “explosive feedbacks”. Moreover there is an extensive recourse to shifts, including nights in some centers, long hours and inadequate protective measures (protective devices first of all) and lack of OHS workers’ representatives. Pressures from employers, rewarding employees’ fidelity and thus creating divisions and conflicts among employees are probably the most aggravating factor as it exacerbates both arduousness of tasks and heavy physical environment.

Moreover the sector is characterized by a main trend: handling is usually outsourced to handling and portage cooperative, often used as a screen for low paid jobs. According national collective agreement on commerce, hourly costs is almost 20€ while according to the handling cooperatives one, labour costs are 15€, with uncertain legal status of both employers, who often change their legal denomination in order to avoid any prosecution for unpaid payrolls, fines etc., and workers who are unaware of not being employees but cooperative partners and thus subject to pay reduction in order to face lower incomes: net pay can achieve 5€ per hour. Thus, workers – mainly migrants – combine both low pay and uncertain employment status, making more difficult trade unions’ intervention.

Handlers report the most severe consequences on their health: hernias, low back pain and contractures, by widespread use of collars. The impact on health is amplified by containers’ floor, permanently humid, and low temperatures: “*they usually stay at home for one month, they fill with cortisone and come back to work*”. Somebody asks for a lighter position, but in those rare cases their demands are met, they are moved for few months in the headquarters and then sent back to the warehouse, while nobody applies for incapacity claims as they fear to be fired.

Only cellists are compensated with a low temperature indemnity, as foreseen by national collective agreement.

Notwithstanding extensive recourse to night work in some sector, only cellists dealing with frozen food are fall within the professions acknowledged as “arduous” as they work at low temperature. No information is available about workers actually benefitting of early retirement.

The Italian **construction sector** is characterized by an extremely small average company size, an impressive fragmentation of the whole production cycle, a high share of migrants, including self-employed, high risks for health because of very demanding tasks and extensive irregularities with widespread undeclared work.

Further, the construction sector accounts for an increasing share of claims for incapacity due to work-related diseases; according to the interviewed occupational health officer, Inail is recognizing a higher rate of occupational diseases in the construction sector than the overall economy not only for worse working conditions but also in order to reduce redundancies in the sector, the most affected by the crisis.

Postures are clearly the most critical aspects for tilers: they work kneeling on the floor large part of their working time by both preparing the background floor, posing the tiles with distances, cutting tiles when necessary, and then laying the glue.

When considering occupational diseases, the construction sector displays a strong self-selection pattern, that workers feeling unable to tackle with extreme working conditions in this sector

(exposure to extreme temperatures, carrying heavy loads, exerting force, awkward postures, etc.) tend to change profession by moving into other comparatively less demanding sector.

According to occupational health officers, tile carpenters display high exposure to multiple MSDs because of their postures (knees, upper limbs) and of carrying heavy loads (especially low back pain), to dust and powder because of cutting tiles by means of grinders, to chemical risks because of chemicals inside glues. Exposure to low temperatures and currents are further aggravating factors.

The “younger” tile carpenter interviewed reported only some muscles hardening and especially osteoarthritis in the cervical area, and makes recourse almost yearly of physiotherapy but he is quite confident to retire at 65 by accurately managing efforts and workload, especially avoiding working under pressure. His colleague displays a far worse health: he was surged to carpal tunnel first, then to the right knee and, as he returned to work earlier than doctors said him, also to the left one, and thus is clearly less confident to achieve the same age for retirement.

The sector of **public transport** is crossing a considerable regulatory change with increasing privatization and competition among operators with a first liberalization phase started in late 90s. The new regulatory framework has led to putting under pressure employees by containing both wage increases, replacing only in part personnel with widespread understaffing, especially among bus drivers, by outsourcing the low-traffic lines, and by increasing distances covered by each driver. ISpesl carried out in early 2000s a risk assessment of bus drivers working conditions focused on ergonomic factors, mainly due to postures and vibration transmitted to the whole body, air pollution and stress at work (a recent study carried out in the province of Bologna among a large panel of public and private companies showed that bus drivers are those reporting the highest levels of stress)

Bus drivers consider their driving positions greatly improved: new buses display excellent ergonomic characteristics and there are very few ones not updated; on the contrary, stress is rather reported as the main adverse factor, due to both traffic jams and users complaints because of delays and also free riding. This latter aspect raise numbers of conflict: unlikely the ticket controller, the bus driver is not a public officer having the right to raise fines and identify those passengers not paying the fare or behaving in an abusive way (thefts, harassment) but generating a feeling of impotence, stigmatized by “regular” passengers. Increased traffic, with increased delay and fares covered, favours the insurgence of burn-out: *“a colleague, well known for his openness, after 15 years driving covers glasses of his driving positions with newspapers: he doesn’t want to deal with anybody while driving!”*

MSDs are the most reported health problems, especially at back and upper limbs as a consequence of the old driving positions: their average age is quite high (about 45 years) with an 20 years average seniority. The large hire gap (about 10 years) between the small group of young drivers and the previous hires prevents to identify whether ergonomic change removed this problem: back pain because of persistent posture is still alleged as quite widespread, and these symptoms may be related to psychosocial risks.

Both trade unions and workers representatives proposed to the employer to allow workers to have access to less demanding working positions, such as alternating urban and extra-urban lines or to

reintroduce internal mobility opportunities as garage operators or even ticket controllers, but without any success. Conversely, these transition opportunities declined as parking management, previously included within ATV and “classical” light positions for those drivers with poorer health, was conferred to a separate society by means of a spin-off.

Bus driver is the only profession having access to early retirement as performing an arduous work.

According to the ISpesl-Regione Piemonte epidemiological study, **foundry workers** display higher risk of repeated work accidents (+28% with respect to average) and of reporting at least two chronic diseases (+9%).

The interviewees all agree in considering their work as arduous because of the work environment: dust, smoke and gases emitted by fusion of any kind. The most dangerous phases are molding, where people often report dizziness and vomit because of vapours from chemical agents the used in moulding, especially in the core shop, while in machining and finishing dust from debarring and drilling are pervasive.

Some phases, such as mold assembly and stirrups download, display high repetitiveness, especially when parts are very small, with frequency and stereotype. Further, maintenance and tooling tasks, especially in moulding force workers into awkward position.

Psycho-social factors play an important role because of production cycle on vertical integration: if a problem occurs on any point, the whole production cycle has poor buffer opportunities to divert: employees are therefore pressured to fast re-establish the machineries in order to retrieve a regular production.

The main indicator employees have about the arduousness of their work is life expectancy: “almost all our colleagues have already died, few of them trespassed 70”. However, it is worth to stress that employees are in general more focused on pay conditions while posing their demands to trade unions.

Notwithstanding exposure to high temperature and generally unfavorable working conditions, especially in the fusion and casting phases, **very few workers benefitted of the arduous work legislation for early retirement**, all before the 2011 legislative decree.

3. GERMANY

VIII. Desk research

In Germany no legal or formal definition of arduous work and occupations characterised by arduous working conditions exists and thus health and safety issues or arduous work criteria play no role with view on the retirement age and practice. However and with view on physically heavy work a recent factsheet published by the *Federal Institute for Occupational Safety and Health* (BAuA) has defined the following conditions that characterise heavy physical work: working while standing; working with the hands, i.e. using hands with high precision, fast motions or with greater strength; carrying/lifting heavy loads, i.e. at least 20 kg for men and 10 kg for women; working in

forced posture (in a bent, kneeling or lying positions or working overhead and working exposed to heavy reverberations and vibrations.

According to BAuA one should speak of strenuous or stressful working conditions in case that first, the criteria listed above are a *frequent* feature of the respective work/occupation and secondly, whether or not they are felt by the workers as stressful/arduous.

Strenuous work and potential health complaints caused by physical work can be countered by health-promoting, work design and by codes of behaviour. Preventive measures should be based on risk assessments which are a key element of OSH at the workplace and the basis for any successful management of OSH at company level.

Recent representative surveys have highlighted significant gaps and challenges in particular with view on risk assessment: a survey amongst 20,000 employees in 2006 revealed that 57% of all workers report that no risk assessment was carried out at their workplace and a further 15% are not aware that such an assessment has been carried out or don't know.

Against these quite alarming results, the improvement of company-related OSH practice is a major concern of policy makers and key actors. An important strategic source with view on OSH is the Joint German Strategy on Occupational Security (GDA) that was established in 2008. Jointly supported by the German government, the federal states and accident insurance institutions, the GDA forms the basis for concerted action in order to attain the jointly established occupational safety and health objectives.

There is a very obvious and immediate correlation between arduous and stressful working conditions and retirement or the need to leave the labour market (at least in the respective occupation) for health reasons. The DGB ‘*Good Work Index*’ survey includes results that are quite relevant with view on the relevance/exposure to arduous work in the context of retirement. With view on the sectors analysed in our study, the Index shows that in 2007:

- *Construction*: 36% of new pensions were retirement pensions due to reduction in earning capacity and 68% of all employees don't expect to work until retirement age
- *Food sector*: 33% of new pensions were retirement pension due to a reduction in earning capacity and 56% don't expect to work until retirement age
- *Health sector*: 29% of new pensions were retirement pension due to a reduction in earning capacity, 43% don't expect to work until retirement age
- *Transport sector*: 26% of new pensions were retirement pension due to a reduction in earning capacity, 38% don't expect to work until retirement age
- *Metal industry*: 22% of new pensions in 2007 were retirement pension due to a reduction in earning capacity, 36% don't expect to work until retirement age.

The overall political and legislative framework of pension policy and retirement in Germany has recently changed: in May 2014, the German Parliament implemented a recent pension reform package that aims at adjusting at least some shortcomings and hardships for older employees that characterize the German pension system and in particular result from the increase in the retirement age. Apart from a measure that will benefit mothers who took time-off for children born before 1992, the pension reform includes the possibility of retirement at the age of 63 for those employees

that have contributed to the pension system for at least 45 years. Furthermore, the reform includes an increase in the level of disability pensions (*retirement pension due to a reduction in earning capacity*).

The recent reform has to be put into a context of significant changes that occurred during the last decades: the retirement age was increased and the possibility and flexibility of retiring earlier without significant financial losses was successively reduced and finally abolished. Furthermore, the possibility to receive a pension because of reduced employability for health reasons was reduced in 2001 and so were the pension payments.

As a consequence, the average age of retirement between 1995 and 2013 increased by nearly two years (from 62.4 to 64.1 years) and the share of workers that early retire has decreased significantly. Around 21% (180,000) of all pensions are reduced employability pensions for health reasons (“*retirement pension due to a reduction in earning capacity*”) with the largest share of them resulting from on psychological disruptions, followed by musculoskeletal diseases. The average age of employees entering a reduced employability pension was 50.7 years. Also on average it is estimated that only half of all applications for a reduced employability pension is approved by the public pension authorities.

Against this background of increasing the pension age, abolishing flexible forms of transitions into retirement and making the access to reduced employability pensions more difficult, the main challenges from the workers’ point of view and in particular those exposed to arduous working conditions are how to deal with the *increasing gap* (in terms of time as well as money) between leaving the labour market and entering the pension system. This gap results in growing share of older workers leaving the labour market, depending on unemployment and social benefits and/or facing reduced pension payments.

Several trade unions have concluded collective agreements with the employers at sectoral or company level on transition schemes for older workers or are currently demanding such schemes in collective bargaining negotiations (see the results of the field research).

IX. Field research

Processing line workers in the meat sector are exposed to several risk factors and arduous work, including working with hands, carrying and lifting heavy loads, noise, cold and wet, etc. Furthermore, the risk of cutting damages due to the use of knives and other instrument is a particular risk of this occupation.

The work in this sector is characterised by a bundle of characteristics not only related to health and safety but also to other working conditions aspects (pay, wage levels, precarious working conditions and an overall weak coverage by collective agreements). In recent years the rapidly increasing share of posted workers (mainly coming from Central and Eastern European countries) that are not employed directly by the employers but by contractors and their scandalous working conditions have been the focus of public attention in Germany but also in neighbouring countries as well as trade union campaigns.

Against this, and in particular against the difficulty to establish decent working conditions in the sector and the rather conflict-ridden relations between employers and trade unions, issues related to OSH and arduous work as well as the employability of older workers have not been a “big issue”

in recent years. However, with the latest collective agreements this may change in the future: the social partners in the meat industry have agreed a minimum wage for the sector in a collective agreement at the beginning of 2014.

According to the trade union NGG a key problem with view on arduous work for the sector is the fact that those workers that are exposed most intensively to risky working conditions are not covered by the German regulatory framework of OSH and thus are not targeted by the OSH inspection and prevention bodies (BGN): *“These low-cost worker are in a very precarious situation. They don’t have a health insurance and horrible accidents occur with knives and machines because they don’t have any experience with handling them.”*

Contract workers are simply substituted by younger or healthier workers in case they have an accident or they are no longer able to do the job because of health problems or age-related restrictions.

But also for direct employees, recent surveys carried out by the trade union have shown that arduous work and stressful working conditions are rampant: shift work is widely used in the meat industry as well as piece-rate work and frequent overtime work *“These are factors that result in health disorders and often to involuntary early retirement. Thus, workplaces have to be designed in a way that provides more ‘demographic security’.”*

Bus drivers are particularly exposed to strenuous working conditions:

- Contradictious performance task (customer orientation versus narrow time schedule)
- Continuous concentration and no influence regarding work organisation/ schedule
- Gap between high responsibility and wage levels and working conditions (shift work, work on weekends, overtime)
- Increasingly stressful urban traffic situations
- Risks resulting from increasing violence and aggression by customers
- Physically unfavourable working posture and lack of musculoskeletal movement
- Climate related strains (heat, cold, wet) and noise, dust and pollution

In 2013 ver.di and local public employers in five federal states concluded a collective agreement that includes a number of measures in order to manage and respond to demographic change within local public transport. This agreement foresees the support and development of different measures that particularly target older employees and their needs, including part-time work and age-appropriate work organisation and design and specific measures in response to a reduced employability of older employees.

In order to define priorities at enterprise level and support the implementation of measures the social partners agreed to establish a fund (*Demografie-Budget*), whereby the allocation of funds is agreed between the company level social partners jointly. This fund is financed by employer contributions amounting to 1% of the annual payroll.

According to ver.di the kind of preventive measures taken in the companies depend mainly on the number of employees: larger companies offer in general a broader range of measures and trainings and they also possess more capacities to provide jobs in other fields for employees who had to stop driving because of health problems.

Ver.di trade unionists mentioned that the reference point until bus drivers become incapable of working is approximately 21 years. While in larger companies older bus drivers can be employed in other functions this is harder in smaller companies due to structural reasons. In this case bus drivers can't be further employed. However they recognised that *“There is a need for relief both for older and young employees.”*

In some companies the possibilities of long-term working time accounts (*Langzeitkonten*) are provided. Bus drivers can save hours in order to use them in order to retire earlier. However ver.di warns that long time accounts are not becoming an instrument for employers to save money: in the last years overtime increased because of a dense staff situation and bus drivers collected overtime hours without having the possibility to reduce them as in practical terms there are no drivers to take over their shift.

In the public sector there is a long tradition of collective agreement regulating the transition of older workers into retirement before entering the formal pension age: in 2010 (with a duration until 2016), the ver.di trade union and federal as well as local public authorities concluded an agreement on flexible working time for older employees (*TV Flex AZ*) that for employees of 60 years age or more involves the possibility of reduced working time (both as part-time or as a block) for a maximum of five years. At a time 2,5% of a company workforce can make use of flexible working time for older employees.

Part of the collective agreement is the part-time pension model “flexible old-age working time” (*FALTER*). This allows for an extension of working beyond the official retirement age on a part-time basis, i.e. a combination of part-time work with a pension status.

Foundry-workers are exposed to an extreme hot environment and a high level of noise. Furthermore the profession includes the operation with heavy charges and working conditions are shaped by dust, smoke and various chemicals, shift work and night work; a trade union representative stated that *“Work in foundries is a show case of arduous working conditions in our sector.”*

The core of prevention is risk assessment at company level and based on that, preventive measures can be elaborated and conducted. According to IG Metall about half of the enterprises carry out a risk assessment but the coverage is especially high in larger enterprises and a large difference occurs also in the quality of risk assessments.

Allowances for unfavorable working conditions are agreed in the collective agreement as compensation but they are seen as controversial by IG Metall as they give incentives to workers to trade their health for a higher income, for example working more night shifts.

According to the trade unions representation employment of older workers is yet not taken enough into account. However, according to IG Metall the scope for adjustment in foundries is rather small: *“In foundries little can be changed. The optimization of OHS measures targeting arduous work is fully utilized.”*

Rarely foundry workers reach the official retirement age; an IG Metall trade unionist said *“Older colleagues aged between mid-40 and 50 years are confronted with health constraints already.”* Therefore the solution demanded by IG Metall is seen in earlier retirement option for foundry-

workers: “Lighter workplaces should be regarded rather as an emergency solution than a meaningful measure.”

In 2008 the social partners in the iron and steel industry decided on a collective agreement for the flexible transition into pensions (*FlexÜ*). Employees can make use of the early retirement regulation from the age of 55 years. A block and a part-time model are possible. The time period can be set up for six years and during this time the employees receive 82% of their former wage. Only 5% of employees in a company at a time can make use of this instrument. However, the quota can be over fulfilled.

Carpenters and floor layers are exposed to several aspects of strenuous work: carrying/lifting heavy loads and other heavy physical works, working in forced posture and heavy working with hands. Furthermore, they are exposed to environmental and ambient factors such as heat, cold, moisture or noise as well as dust.

In addition working conditions in the sector are characterised by a strong increase in psychical stress factors, especially due to a liberalisation of the access to this occupation that resulted in a rapid increase in competition based on low prices.

OSH experts as well as the trade union IG BAU have stressed that in contrast to physical risks, psychical risk factors and strains have increased significantly during recent years: “Performance requirements in the firms are steadily increasing. Psychological factors also in this occupation are playing an increasing role. In the last years, incidents of sickness due to psychic disorders have increased by up to 50%.”

For construction workers older than around 50 years a significant and growing gap exists between that age and entering the official pension age of 65: most of the time spent after leaving an employment in construction is likely to consist of forced non-employment, i.e. health-related inactivity and unemployment; the trade union OSH expert declared “With the age of 50 a floor layer normally is no longer able to perform the job.”

Moreover though the intensity of strenuous work has not decreased significantly and psychical risk factors and stress have certainly increased, the share of workers that enter into a reduced employability pension has decreased significantly. This means that for more and more workers the possibility to retire earlier due to health damages no longer exist and thus they either have to move to other occupations/sectors or become unemployed.

Also with view on early retirement arrangements agreed between the social partners at sectoral level the conditions in the construction sector are rather unfavourable: such agreements today are based on financial contributions both by employers and employees and due to the large share of very small companies and the comparatively low wage levels in construction, both employers as well as employees are simply not able to provide own financial sources for early retirement schemes at sectoral level.

Against this situation the trade union IG BAU has presented in 2013 the ‘*Altersflexi*’ concept that aims to provide support for older workers with health constraints for the period after leaving the construction sector and until entering the retirement age. Based on the financial instrument of short-time allowances that has been quite successful for stabilising employment in times of seasonal or structural crisis situations (implemented by collective agreements at sector as well as

company level but financed by the public labour fund), the trade union has suggested to apply such a scheme in a different way in order to provide a bridge into retirement for workers with health constraints.

In the ‘*Altersflexi*’ concept:

- the access of workers to the scheme is based on an individual medical expertise that is carried out similar to those applied in the context of re-integration measures after longer absence due to illness
- workers are supported and receive advice by ‘transfer agents’ at company level

According to the DGB-Good Work Index, 50% of all respondents in the **old age care work** think that due to their health situation and the working conditions it will not be possible to keep on working until the retirement age. This is resulting from arduous work in terms of physical aspects but also of psychical factors (stressful work) and working conditions (narrow time schedules, shift-work, overtime work and other forms of flexible work).

Strenuous work also has increased as a result of significant restructuring and privatisation within the sector; moreover, old-age care work is mainly carried out by women, often on a part-time with low payment so that accordingly low are the expected pensions’ payments.

Workers in the care sector are particularly exposed to risks related to the musculoskeletal disorders (MSD) and this sector also illustrates quite well the degenerative character of MSD, i.e. occupational health strains and illness increases in correlation to age.

Against this situation, the framework conditions of retirement both in terms of transitions and more flexible forms of moving into retirement as well as with view on pension payment levels have worsened significantly during the last decade. This has been highlighted by the ver.di secretary responsible for social policy and pension issues *“The increase of the official retirement age up to 67 will affect in particular those workers who are not able to either profit from early retirement provisions at sector or company level or have been able to build-up a private pension (that allows for an earlier exit without too large losses in pension payments)”*

With view on both elements, workers in the care sector are particularly disadvantaged: firstly, there are no collective agreements on early retirement and flexible transitions into retirement apart from very few cases. At the same time the public financial support for early retirement schemes that existed since the 1990s has been stopped in 2009 and this again hits hard those sectors where social partners have not agreed on own schemes and programmes (co-funded by the employers). Furthermore and due to the low pay conditions in the sector, building-up private pension capital for most workers is not possible. Against this, older care workers that are not able to work until the retirement age, have to make an application for a disability pension. And also here the conditions have been worsened significantly: while the eligibility criteria have been increased markedly, the disability pension payments have been reduced to a level that on average (currently around 640 €) is below the poverty threshold and thus has to be topped-up by social benefits.

Against this threat of old-age poverty, a ver.di representative for the health sector said: *“Transition instruments such a part-time work for older workers or life-time working time accounts hardly exist anymore. Also, specific workplaces for older workers have been destructed in order to reduce personnel costs in many care institutions. Therefore, older care workers that are no longer able to*

handle the job are moving to other sectors in order to work longer and obtain at least a half-decent retirement pension: They quit and move to cleaning jobs or work as a cashier in the supermarket because they cannot stand the strain of care work any longer.”

4. AUSTRIA

X. Desk research

In Austria a definition of strenuous work is given in the “heavy work regulation” taking into account six criteria:

- Shift work and changing working hours with an extent of six hours on six working days in a month,
- Working under extreme heat or cold,
- Working under chemical or physical influences which result in a reduced working capability of 10%,
- Men spend at least 2.000 and women 1.400 work calories during an eight-hour shift,
- Care of disabled or diseased persons with intensive care needs,
- Irrespective from the actual occupation employees with a reduced working capability of 80 % can make use of the pension for strenuous work.

According to these criteria arduous work in Austria is mainly defined in terms of hard physical work; nevertheless psychological arduous working conditions are also theoretically included.

On the basis of this regulation, employees working in arduous occupations gained the possibility of early retirement. Motives of the implementation were to reward arduous work, to prevent a precarious entry into the pension scheme and to compensate for the statistical shorter life span.

Since 2007 the national insurance compiles lists with occupations that are classified as arduous and the workers in these occupations obtain the right to retire earlier. The entitlement to pension for arduous work is proved individually.

This legislation can be analysed with regards to the perception that have the workers of their own working conditions: Five out of ten employees in Austria deal with hard physical work and every third employee suffered from psychological arduous work conditions (time pressure, harassment at work and threat of violence). All together 60% of employees faced strenuous work conditions either physically or psychological. With 67% men are more affected than women with 51% (Statistik Austria 2009).

It must be highlighted that differences between the branches are visible: almost 75% of employees in the construction industry are confronted with at least one strain in their work. This is followed by the agricultural and forestry sector with 72%, transport and messaging with 66%, the health, veterinary and social sector with 65% and the hotel and catering sector with 64%. With 39%, employees in the credit industry and insurance were less affected (Eichmann et al. 2010, 121).

To tackle the issue of arduousness at work the first solution is the prevention, which is globally regulated through the Health and Safety at Work Act'. Above all the employer is responsible for

preventive measures, but is supported by the social partners and social insurance institutions and the responsible for the oversight is the Labour Inspectorate.

One focus of preventive measures in Austria aims to preserve the employability of employees until the retirement age. A project, where all social partners were involved, called “Fit for the future – preservation of employability” (*Fit für die Zukunft – Arbeitsfähigkeit erhalten*) which lasted from 2009 to 2012 was the first common project of the pension and the accident insurance in this field.

Letting aside the prevention and the employability issues the debate on arduous work and its impact on workers and social policies within industrial relations is mainly focused on financial matters: in fact and through collective agreements employees confronted with arduous working conditions receive a surcharge in their hourly wages. However trade unions propose compensation in form of leisure time instead of financial benefits for arduous work.

In Austria the issue of arduous work has been taken into account when setting up the retirement policies:

- The official pension age for men is 65 and for women 60 years (the pension age for women will be increased gradually to 65 years until 2024)...
- But additionally, employers can make use of:
 - the pension scheme for “heavy workers”
 - a corridor-pension.

The pension scheme for “**heavy workers**” was introduced in 2007 in response to acknowledging arduous working conditions. To enter the pension scheme for “heavy workers” a male employee must have been insured for at least 45 years (540 months) and a female employee for 40 years (480 months). Therefore in the last 20 years 120 months of arduous work have to be included. With 60 years the employee can apply for early retirement while women can make use of this regulation at 55 years.

The minimum age to make use of the corridor-pension is 62 years. Furthermore, employees must have been insured for 450 months (37.5 years). Until 2017, this is increased up to 480 months (40 years) in 2017. Instead of 0.35% of deduction from the pension for each month before the official pension age is reached, the rate is reduced to 0.175% for each month. Women can make use of this regulation from 2028 on.

In 2014 the pension scheme was reformed: From now on, before an invalidity pension is approved, rehabilitative measures have to be taken. Only in case no improvement in the health of the employee can be expected, the entrance in the pension scheme is permitted. This is decided on the base of a medical estimation. This has been a major change in the invalidity pension.

The conditions to receive the invalidity pension are furthermore 300 months (25 years) of insurance or 180 months of contribution to the social insurance. For employers older than 50 years 60 months of insurance have to be proved in the last 120 months. Additionally, the invalidity has to last for at least six months.

The night heavy worker regulation gives workers with shift work in arduous occupations the possibility to retire earlier. Night work involves a six hours shift between 10pm and 6 am; night heavy work includes for example working in cold and heat over 30 degrees Celsius. Also workers exposed to excessive noise are eligible. A month of heavy night work is given after six working days

of heavy night work. According to the night heavy labour regulation workers with 240 months (20 years) of night heavy labour or with 180 months (15 years) during the last 30 years can retire earlier and receive a special pension. Men can take advantage of this regulation at the age of 57 and women at the age of 52 years. The amount of this pension corresponds with the invalidity pension. Only about 1 % of pensioners (1,147 persons) received the pensioners for arduous work.

In Austria the possibility of early retirement also exists on the basis of collective agreements. The employees receive 50% of the difference between their last salary in the last 12 months and their reduced income. Additionally, the employers continue to pay the same share to the social insurance. The working time is reduced in a range from 40 to 60 per cent.

XI. Field research

Employees in the meat sector are working in a cold and wet environment. Often the tasks include carrying heavy objects and working in monotonous motions. Additionally workers are exposed to high noise pollution and working in artificial light is psychologically strenuous. Working conditions are especially strenuous in the meat cut up process with a high level of stress and time pressure for the workers. Production machines determine working speed. Additionally, motion sequences are monotonous and only small elbowroom is given. Working in this posture is uncomfortable for the employees.

Arduous work in this sector is classified according to the processing method and company size:

- Only certain professions are included in the heavy worker regulation; indeed and according to the calorie consumption at work criteria, the profession of a butcher is considered as strenuous work while line workers in the meat processing industry are not included in the regulation.
- The “regulation of arduous work” includes only employees in companies processing at least 5.000 kg meat/ week (this point having been agreed between trade unions and employers associations in order to disburden smaller enterprises).

On the other hand the sector faces a problem regarding the outsourcing of the arduousness:

- East European workers are employed in the meat sector, primarily in the meat cut up process which is considered as the most strenuous occupation and moreover instead of being paid wages according to the collective agreement some employers introduce a pay system based on performance.
- East European employees are often employed not directly by the company but instead a complex triangular working arrangement is established: the company engages a subcontractor having its headquarters in the same area. This subcontractor in turn closes a deal with a temporary workers agency.

This “outsourcing model” allows the company to source out their own risks by concluding temporary work arrangements and to have flexible workers at its disposal.

People working in arduous workplaces have additional paid breaks as it has been agreed in the collective agreement and people working in the coldness have to be provided with warm drinks.

Employees falling under the heavy worker regulation can enter the pension scheme at the age of 60 years. Furthermore, employees can take advantage of early retirement schemes. While it can be

chosen between a part time and a block model, a vast majority of employees decides for the block model.

Bus drivers are particularly physically stressed by unregularly working hours in form of shift and night work. Additionally, shifts are rather long. Long sitting and vibration throughout driving are also considered as strenuous working condition in this profession.

In psychological terms employees in the public transport sectors are affected by stress in two ways: traffic in urban areas is becoming more densely and incidents with violent passengers occur. Moreover the trade union and the labour inspectorate underlined the negative impacts of the strong pressure to save costs (the number of buses is diminishing and the driving schedules are becoming denser); related to this is the fact that about half of bus lines are operated by the municipalities while the other half is contracted out in public procurements which are mainly given to the competitors who offered the lowest price.

The Working Climate Index shows that professional drivers are less satisfied with their work than the average employee: drivers are especially discontented with the recognition of their profession in the society and their career options; every fifth driver complained about health conditions, every third driver sees himself in risk of being involved in an accident or getting injured and 41% of professional drivers perceive high time pressure at work.

The sector is shaped by a high percentage of older drivers. Keeping them fit is emphasized as a priority in the preventive measures. As working conditions are considered as unattractive such measures are also viewed as important to increase the attractiveness of the occupation for younger workers.

The trade union *vida* focuses its efforts to establish better working conditions. Age-appropriate working conditions are considered as most important topic. Stress and strains should be adjusted to the age of the employee.

A possibility to disburden older drivers would be to give them “better routes” with a less dense traffic situation. However according to *vida* the possibility to distribute routes to drivers by seniority principles is undermined by public procurements; moreover and according to the labour inspector this possibility is hardly feasible as the profession is “*having a disproportionate number of older employees*”. Besides, such a distribution would put a high burden on the health of younger drivers.

Bus drivers in Austria can make use of the normal retirement scheme. They are not included in the pension scheme for heavy workers. Furthermore, drivers in the public transport can make use of two different models in the scheme of early retirement: firstly drivers can reduce their working hours to part-time, the second possibility is a block model. Overall the tendency is to restrict the possibilities for early retirement.

The employability of workers until reaching the pension age is regarded as the most important issue. This is especially important regarding the shortage of drivers. In some companies a bundle of different retirement regulations exist. To illustrate this *vida* gave the example of ÖBB-Bus, the largest bus company in Austria; in fact, employees in this company are object to three different rules: former civil servants from the post on one hand and from the public railway on the other

hand underlie specific pension regulation and profit widely from expiring arrangements. All other employees fall under the normal pension regulations.

Foundry-workers are exposed to an extremely hot environment and furthermore, working conditions are affected by dust, smoke, various chemicals and noise.

Hearing troubles, lung cancer and respiratory problems are some of the serious health problems faced by employees if they work regularly under excessive heat, noise and hazardous substances.

In the collective agreement for the metal and iron producing and processing industry allowances have been agreed for arduous work but in practice most companies in the sector pay higher allowances than those set in the collective agreement (for example unskilled workers are paid in average 40 to 60 % more); additionally, workers can receive a dirty work and a danger bonus, but according to trade union representatives this is only logical as *“Otherwise, companies will not be able to find any worker.”*

The regulation of heavy labour does not include occupations in foundries but individual demands can be analysed in Court: i.e. until May 2014 crane operators transporting heat material were excluded. PRO-GE supported a crane operator in court to get access to the pension scheme for heavy worker. The Austrian Workers Compensation Board rejected the request arguing the necessary criterion of calorie consumption is not fulfilled. At court an examination of the workplace was undertaken and the conclusion was that the crane operator had to be included in the scheme for heavy labour pensions taking into account the exposure to steams *“This has been a substantial decision for crane operators in general”* according to a PRO-GE trade union representative.

In regard to retirement a distinction is made between skilled and unskilled workers: if skilled workers older than 50 years become unfit for work they can enter the pension scheme and receive invalidity pension and according to vocational protection they must accept no other job apart from their qualifications. In contrast, unskilled workers are not subject to such a protection and if they have to stop their current occupation due to health problems they must accept another occupation.

Floor layers and carpenters are in several ways exposed to strenuous working conditions: working in forced positions and carrying/ lifting heavy loads, standing for a long time, climbing, bending, and kneeling are often necessary. Additionally the work environment may be wet, muddy or dusty and employees work under all weather conditions including extreme heat and cold.

The collective agreement for carpenters sets up certain benefits for arduous work:

- Work underground :+ 15%
- Demolition and dirty work: +25%
- Working in rooms with a temperature higher than 50°C :+ 10%
- Work with acids: + 10%

The Construction Workers’ Annual Leave and Severance Pay Fund (BUAK) covers floor layers and carpenters together with other occupations in the construction sector. In 2013 the heavy worker regulation was revised and from September 2013 all employees in occupations covered by the BUAK are eligible to the heavy workers regulation.

In 2008 most of construction workers could not access the pension scheme for heavy workers because they didn’t have the eligible age; in fact, about 80% of construction workers have to apply

in average at the age of 57 years for the invalidity pension. In 2010 the average pension for a worker in the construction sector was 2.100 €. In comparison, the average invalidity pension was about 905 € while the amount of the pension scheme for heavy workers was about 1,630 € (EFBWW 2010).

To facilitate the transition from employment to the pension scheme a transitional allowance scheme was agreed upon in 2013 on sectoral level: from January 2015 on construction workers can receive this allowance when they reach 59 years; the amount of the allowance corresponds to the wage agreed in the collective agreement while social security contributions are further paid. When employees reach the age of 60 they can enter the pension scheme for heavy workers. This transitional allowance scheme allows workers a better entry in the pension scheme and gives an incentive to work longer. In case an employee works until the regular pension age of 60 years he receives from 2017 on an award of 700 € for each month he does not make use of the model and the employer receives 400 € as a contribution to the incidental wage costs.

The model is pre-financed since 2014 by contributions of employers to the BUAK to an extent of 100 M€. Per employee the employer pays per week an amount corresponding to 1,5 work hours to the BUAK. In return workers disclaim parts of their holiday payment, Christmas bonus and allowances for overtime hours.

Old care workers are exposed to a mix of arduous working conditions: lifting/ carrying and working in forced positions, permanent night shifts as well as alternating shifts and psychological stress related to time pressure, work intensity, flexible and permanent need for improvisation and even violence.

One in ten care workers (11%) felt to be under strong psychological pressure in 2012/2013 while in other occupations only 3% state that. Furthermore 28% of care workers feel psychologically pressured while this applies only to 8% of employees in other occupations; in the same way the risk for burn out is higher than in other occupations.

The issue of early retirement is a major concern for workers: in fact, only 44% of care workers believe that they will be able to work until the retirement age but according to the legal frame care workers for the elderly can only make use of the pension scheme for arduous workers on exceptional basis “*Care work is acknowledged as heavy work only in individual cases.*”. Furthermore most employees enter the pension scheme from part-time work.

5. FRANCIE

XII. Teoretický výzkum

Francouzská legislativa se věnuje namáhavosti ve čtyřech klíčových ohledech: definice namáhavosti, předcházení namáhavosti, sledovatelnost faktorů namáhavosti a náhrady.

Podle francouzského zákoníku práce se namáhavost v práci vyznačuje kombinací dvou podmínek: vystavení pracovníků jednomu či více profesním rizikovým faktorům, které by mohly mít v dlouhodobém horizontu jednoznačné a nevratné účinky na jejich zdraví, a faktory spojené s fyzickými omezeními, agresivním fyzickým prostředím a některými pracovními modely. **Zákon**

neuznává psychosociální rizika jako faktor přispívající k namáhavosti, což vyvolalo velkou kritiku ze strany odborů.

Tam, kde je práce považována za namáhavou, je třeba zavést: dva samostatné nástroje (tabulka sledování namáhavosti a mechanismus předčasného odchodu do důchodu) a kolektivní nástroj (dohoda nebo akční plán zamezení namáhavosti).

Všichni zaměstnavatelé v soukromém sektoru bez ohledu na svůj právní statut jsou povinni vypracovat dohodu/akční plán zamezení namáhavosti. Týká se to například veřejných společností, veřejných průmyslových a obchodních orgánů a orgánů veřejné správy ve vztahu k zaměstnancům zaměstnaným na základě soukromoprávních smluv. Tyto společnosti musí mít nejméně 50 zaměstnanců nebo patřit do skupiny s alespoň 50 zaměstnanci a alespoň 50% zaměstnanců musí být vystaveno jednomu z faktorů namáhavosti tak, jak jsou definovány zákonem.

Dohoda nebo plán se musí týkat:

- alespoň jednoho z těchto dvou předmětů: snížení opakovaného vystavení profesním rizikovým faktorům přispívajícím k namáhavosti nebo úprava a organizace zaměstnání;
- A alespoň dva z následujících problémů: zlepšení pracovních podmínek (zejména pokud jde o organizaci), zvyšování dovedností a kvalifikace a umožnění přístupu k odbornému vzdělávání, organizování konce kariéry pracovníků a udržování lidí v zaměstnání, a předcházení vyloučení pracovníků z jejich profesí.

Mezi lety 2012 a 2013 podepsali sociální partneři dohody o zamezení namáhavosti pro téměř všechna odvětví a povolání pokrytá touto studií. Tyto dohody položily definici namáhavosti v odvětví, nastavily limity pro různé faktory namáhavosti, navrhly opatření k prevenci namáhavosti (s kvantitativními cíli a sledováním ukazatelů) a navrhly opatření k řízení konce kariéry pro zaměstnance, kteří vykonávali namáhavou práci. Existuje jedna výjimka, i když ta není připojena s podpisem těchto dohod a ani – každopádně nikoliv přímo – s problematikou pracovní namáhavosti: systém pro pracovníky s dlouhou kariérou ve stavebnictví, který umožňuje pracovníkům, kteří do něj začali přispívat brzy, aby odešli do důchodu až dva roky před zákonným důchodovým věkem, pokud platili příspěvky po dobu 41,5 let.

Namáhavá práce je od roku 2003 hlavním tématem jednání sociálních partnerů. To nakonec vedlo k důchodové reformě v roce 2010, která se zabývala namáhavostí z pohledu náhrady. Reforma stanovila snížený věk odchodu do důchodu na 60 let pro zaměstnance, kteří mohli prokázat:

- uznanou stálou částečnou invaliditu (permanent partial disability, PPD) ve výši nejméně 20% v důsledku nemoci z povolání (occupational disease, OD);
- uznanou stálou částečnou invaliditu (permanent partial disability, PPD) ve výši nejméně 20% v důsledku pracovního úrazu (occupational accident, OA), který způsobil zranění, za která by byla vyplacena náhrada, pokud by je způsobilá OD;
- uznanou PPD ve výši méně než 20% ale alespoň 10% z důvodu OD nebo OA. V tomto posledním případě musí pracovník prokázat vystavení jednomu nebo více faktorům namáhavé práce po dobu alespoň 17 let a prokázat, že jeho trvalá invalidita je přímo spojená s vystavením těmto profesním rizikovým faktorům.

Další krok k uznání namáhavosti v důchodových systémech byl učiněn v říjnu roku 2013, kdy Národní shromáždění hlasovalo pro vytvoření **osobního účtu prevence namáhavosti** (*compte*

personnel de prevention de la pénibilité). Tyto účty budou k dispozici pro všechny pracovníky v soukromém sektoru a vystaveným pracovním podmínkám, které snižují jejich délku života, a umožní pracovníkům sbírat body na základě jejich vystavení jednomu nebo více faktorům namáhavosti práce (tak, jak jsou definovány příslušnými právními předpisy). Pracovníci obdrží jeden bod za každé čtvrtletí vystavení (dva body, pokud jsou vystaveni více než jednomu faktoru) až do maximálně 100 bodů. Pracovníci mohou následně použít body získané na účtu na financování školení pro přeorientování se na méně náročnou práci, udržet jejich platovou úroveň v případě, pokud ke konci své kariéry přejdou na částečný pracovní úvazek, nebo **příspěk ke třem měsícům penze**.

XIII. Terénní výzkum

Hlavními faktory namáhavosti práce identifikovanými **řidiči veřejné autobusové dopravy** byly: problémy s vybavením („*Volba zařízení je důležitá, ale nejsme konzultováni ohledně ergonomie našich kabin*“); vnější faktory, jako je opotřebením silnic („*Je tak moc stromů, že sotva vidíme*“); pracovní doba a přestávky („*ve špičce musíme odjet prakticky hned*“, „*někdy musím řídit bez přestávky až čtyři hodiny*“). Zdůraznili také roli psychosociálních faktorů namáhavosti: „*práce řidičů opravdu není oceněna, nedostane se nám uznání*“; stres odvozený z nutnosti věnovat trvalou pozornost vnějším faktorům (dopravní provoz, kontrola vyhýbání se placení jízdného, dlouhé pracovní dny); riziko vystavení fyzické nebo verbální agresii; a systém organizace práce založený na produktivitě („*úroveň produktivity, která se od nás požaduje, je v rozporu s naší rolí orientovat se na veřejné služby*“).

Řízení namáhavosti se v tomto případě zdá být klíčovou prioritou: bylo zřízeno sledování zaměstnání používající ukazatele pro identifikaci faktorů přispívajících k namáhavosti ve společnostech; byl sestaven referenční seznam prahových hodnot jejich vystavení; namáhavost a sledovatelnost jsou hodnoceny; a byla přijata místní a průřezová opatření a akční plány. Nicméně přístup k prevenci rizik byl kritizován pracovníky a odbory: „*Akce managementu jsou zaměřeny spíše na nápravu škod než na jejich prevenci*“; „*Současný přístup k řízení rizik se zaměřuje na náhradu škody spíše než na prevenci, protože firma se více zajímá o ekonomickou než o sociální efektivnost*“.

Problematika zaměstnatelnosti také vyvolala diskusi: existují systémy pro přidělování tras na základě seniority řidičů („*ty ‘snadnější’ linky a časy jsou uloženy nejstarším řidičům*“) a v ostatních případech „*řidičům je někdy povolena přestávka v jízdě po dobu týdne nebo dvou a během té doby dělají drobnou údržbu a opravy, ale tento systém není dostatečně propagován*“, uvedl zástupce odborového svazu.

Namáhavost v rámci profese a v rámci konkrétních společností byla vždy řešena formou kompenzace: pro některé profese existují programy předčasného odchodu do důchodu (ty se liší v závislosti na tom, o jak namáhavé zaměstnání se jedná), které jsou doplněny ze strany firem. To je v souladu se zvláštním systémem sociálního zabezpečení pro zaměstnance společností, který se datuje do roku 1948. V současné době se stav s ohledem na reformu důchodového systému mění, což s sebou nese významné důsledky pro předčasný odchod do důchodu a související příplatky. Tyto změny odrážejí vývoj v pracovně právních vztazích v rámci společností: od roku 2009 je obecnou politikou najmout řidiče autobusů v rámci soukromoprávních smluv (na základě

soukromoprávních smluv nastoupilo do společnosti v roce 2009 nebo později 30% řidičů) a tito řidiči nemají nárok na předčasný odchod do důchodu, stanovený předpisem. Toto uspořádání si vysloužilo kritiku od odborů, které zdůrazňují existenci „nerovných mechanismů pro pracovníky, kteří vykonávají stejnou práci“ a postupné upouštění od úsilí rozpoznat namáhavost.

Hlavní faktory namáhavosti práce, identifikované **pracovníky distribučních center**, jsou: těžká břemena („musíme zvedat velmi těžké zásilky, někdy ve velmi stísněných prostorech“), dlouhé vzdálenosti, které pokrývají („Můžu mít na starost každý pracovní den mezi 20 a 25 km“), forma organizace práce, která vytváří stres („cítíme, jako bychom byli celou dobu sledováni“, „chození k píchačkám – které jsou na druhé straně skladu – ubírá čas z našich přestávek“) a systém bonusů produktivity, které motivují zaměstnance k velmi rychlé práci.

Pracovníci mají pocit, že preventivní opatření uplatňovaná v jejich sektoru neodrážejí jejich skutečné pracovní podmínky: „Přijatá opatření ke zlepšení vedla ke zvýšení požadavků na produktivitu a tím i ke zvýšení stresu“. Expert v rozhovoru pro studii poznamenal, že „probíhá práce na řešení fyzického prostředí, používání kolejových strojů a na konstrukci jednotlivých zařízení, ... ale jen málo se děje kolem organizace práce, hodnocení zaměstnanců a platebních systémů, nebo ve vytváření zdravotních ukazatelů, které zaznamenávají činnosti pracovníků sběru zásilek“.

V souvislosti s faktory namáhavé práce se neudělují naprosto žádné finanční náhrady; jediným bonusem je bonus za produktivitu, který dotazovaní odboráři považují pro zaměstnance za „škodlivý“, protože dělají vše ve svých silách proto, aby jej získali, aniž by přemýšleli o možných negativních dopadech na své zdraví. Pokud jde o zaměstnatelnost, tak pracovníci uvedli, že je „prakticky nemožné“ změnit zaměstnání a přijmout „méně namáhavou“ pozici, a všichni rovněž řekli, že „neplánují ukončit svoji kariéru ve firmě“. V podobném duchu ani firma nemá zavedený systém předčasného odchodu do důchodu.

Faktory namáhavosti práce uváděné **slévárenskými dělníky** zahrnovaly vystavení fyzikálními jevům (prach, hluk, změny teploty), nebezpečným látkám (jako je grafit, molybden a nikl), směnné provozy 3x8, opakované pohyby a organizaci práce (pracovníci, kteří odejdou do důchodu, nejsou nahrazeni, což vytváří další práci pro ty, kteří zůstávají). Zmínili rovněž vliv noční práce na jejich zdraví („víme, že výrobní dělník, který pracuje noci, bude žít o 10 let méně než manažer v kanceláři“). Přesto mají pracovníci spíše odevzdaný přístup k namáhavosti, neboť se domnívají, že jde o nedílnou součást jejich práce: „prostě je to tak, jak je, nemáme na výběr“.

S odkazem na vztah mezi faktory namáhavosti práce, které jsou „vlastní“ jejich zaměstnání, a jejich pracovními podmínkami, které se zlepšily v důsledku přijatých preventivních opatření, pracovníci uvedli: „Pokud máme pracovat ve slévárně, máme štěstí, že můžeme pracovat v této“. Nicméně zdůraznili, že jejich lepší pracovní podmínky a související vzrůst produktivity zvýšily tempo práce a vedly k vyšším výrobním požadavkům.

Pokud jde o náhradu za namáhavou práci (různé příspěvky), pracovníci mají pocit, že je jim vyplácena „nedostatečná kompenzace“ za faktory namáhavé práce, kterým byli vystaveni, a na každý pád „bonusy ztrátu zdraví nenahradí“.

Zaměstnatelnost je jednou z hlavních oblastí, jimiž se zabývají odvětvové odbory: „předčasný odchod do důchodu není řešením, s výjimkou velmi specifických případů“. Odbory se zaměřují na zlepšení pracovních podmínek a pomáhají pracovníkům rozvíjet další dovednosti tak, aby mohli

zůstat v práci. Odboráři dotazování pro účely studie uvedli, že s ohledem na zlepšení pracovních podmínek v jejich společnosti „*můžeme udržet lidi v práci až do věku 60–62 let, aniž by jejich zdraví v důsledku práce příliš trpělo*“. Nicméně zaměstnanci tento názor nesdíleli. Měli pocit, že by bylo spravedlivější, kdyby mohli odejít do důchodu dříve, protože „*nemůžeme vykonávat stejnou práci, když je nám 60 let*“ a dodali, že „*budeme mít co dělat, abychom to do 60 let vydrželi*“.

Pracovníci v sektoru péče o seniory identifikovali za hlavní **rizikové faktory** své práce **psychologické** faktory spojené se situací pacientů, organizací práce („*naše časové rozvrhy se neustále mění, takže nemůžeme vyvážit své osobní a pracovní životy*“, „*stále jsou k řešení mimořádné události a pokrytí směn za kolegy*“, „*naši vedoucí nás neustále tlačí k dodržování časového rozvrhu, takže musíme spěchat, abychom měli jistotu, že se nezpозdíme*“) a izolace („*pokud nastane problém se službou nebo pacientem, musíme ho řešit sami*“), ačkoliv také zmiňují fyzické rizikové faktory a rizikové faktory spojené s vystavením biologickým činitelům.

Povaha práce v tomto oboru (v domácnostech pacientů) ztěžuje vytvoření vhodných preventivních opatření; jak uvedl expert na ergonomii, „*v tomto oboru je těžké zabránit rizikům, protože nastavení práce se příliš liší*“. Prevence je pro firmy okrajovým problémem, a přesto, že je PPE obvykle poskytována (např. rukavice, pracovní uniformy), velmi málo se dělá pro zamezení psychosociálních rizik. Organizace práce je klíčovým faktorem pro bezpečnost a ochranu zdraví: jeden odborář poznamenal, že „*již jeden a půl roku se sektor stále více zabývá financemi ... To vedlo k prudkému nárůstu počtu návštěv a čas je rozdělen na více a více pacientů – v některých případech trvají návštěvy jen patnáct minut ... Došlo k nárůstu psychosociálních rizik, stresu a únavy, což vedlo k znepokojujícímu nárůstu dopravních nehod, a co je ještě horší, propouštění z důvodu pracovní neschopnosti*“.

V tomto kontextu, zvláště obtížném vzhledem k povaze práce a proveditelnosti uplatňování preventivních opatření, je problematika kompenzace za faktory namáhavosti práce zřídka přednesena na kolektivním vyjednávání a neexistují žádné mechanismy pro platové náhrady (s výjimkou příplatků za noční práci). Stejně tak neexistují žádné systémy předčasného odchodu do důchodu.

Hlavními faktory, které přispívají k namáhavosti pro **pracovníky v sektoru zpracování masa** jsou: opakující se pohyby („*máme 1:15 minut na každé zvíře, ale pohyby nejsou pro každé zvíře vždy stejné*“), nevhodné držení těla, celodenní vystavení umělému osvětlení („*když vyjdu po celodenní práci ven, trvá to několik minut, než vůbec něco vidím*“) a pracovní doby („*měli bychom pracovat 35 hodin týdně, ale když mají obchody speciální nabídku, děláme spoustu přesčasů. A když je státní svátek, máme jen čtyři dny na vykonání práce, kterou děláme normálně pět dní*“). Pracovníci rovněž zdůraznili význam psychosociálních faktorů: rychlé tempo, stres vyvolaný celodenním pohledem na krev, organizace práce a práce v narušených podmínkách.

Pracovníci rovněž uváděli poněkud „*fatalistický*“ postoj, který ztěžuje řešení namáhavosti („*namáhavost je prostě součástí práce na jatkách*“) a také ztěžuje zavádění odborného vzdělávání, rekvalifikace a školení.

Společnost zřídila systém rotace činností pro prevenci/omezení namáhavosti, ale pracovníci měli pocit, že se pro daný účel nehodí: zatímco pracovníci se střídají mezi činnostmi sestávajícími se z

úloh, které se zdají být odlišné, pohyby, které musí být provedeny, jsou stále stejné a skryté komplexnosti některých pracovních míst nebyly vzaty v úvahu.

Obdobně jsou pracovníci velmi kritičtí vůči opatřením, která byla zavedena s cílem zlepšit jejich práci: „když jsou opatření ke zlepšení prevence a naší práce přijímána, pracovní tempo se zvyšuje a my jsme povinni být ještě produktivnější, což občas činí naše úkoly namáhavějšími než předtím“.

Opatření na podporu zaměstnatelnosti jsou rovněž považována za nedostatečná, neboť „změny zaměstnání jsou prováděny v reakci na zranění, nikoliv proto, aby jim zabránily, a nejsou vždy úspěšné; vše, co ošetřující lékař udělá je, že řekne, že pracovníci nemohou vykonávat určité práce ... Neexistují žádné prognózy o vývoji patologií. Měl by se vytvořit soupis, aby se vidělo, která pracovní místa by mohla být organizována lépe, ale to se nestalo“.

Kompenzace za namáhavou práci nebyla řešena, protože příplatky nejsou za namáhavost vypláceny; v každém případě se pracovníci domnívají, že „finanční kompenzace není odpověď“. Zástupci zaměstnanců a odborů v rozhovoru pro studii poukázali na to, že nezaměstnanost a pracovní neschopnost po dosažení věku 50 let jsou dva různé způsoby, kterými starší pracovníci ve špatném zdravotním stavu opouští sektor: „namísto systémů předčasného odchodu do důchodu máme invalidní důchody (takže náklady jsou převedeny na společnost)“.

Poslední bod, který v tomto odvětví stojí za zmínku, je outsourcing namáhavosti. Společnosti přivádějí subdodavatele, dočasné pracovníky a vyslané pracovníky do svých jatek, což podle odborářů dotazovaných pro tuto studii povede k outsourcingu namáhavé práce, která se tak stane „problémem pro odbory, neboť tyto pracovníci jsou často zahraniční a dokonce ani nemusí mluvit francouzsky, nestěžují si na špatné pracovní podmínky a nemají kontakt s odbory“.

Obkladači dotazovaní pro účely studie identifikovali následující faktory jako přispívající k namáhavosti své práce: nepřírozená poloha („být obkladač znamená trávit celé dny na kolenou“), opakující se pohyby, těžká břemena („v průběhu jednoho dne jsme manipulovali s balíky obkladů a pytlí cementu, písku a lepidla“), vystavení teplu a chladu („v létě je příliš horko a v zimě je příliš chladno, nemluvě o průvanech...“) a stresu („jsme pod neustálým tlak, protože tu jsou sankce v případě, že práce není dokončena včas, nesledujeme přesčasy, které musíme dělat“).

Vystavení namáhavosti u obkladačů jen zhoršuje preventivní přístup, jemuž k dokonalosti hodně schází: jak odborníci, tak pracovní inspektoři poukázali na problémy v prevenci rizik na pracovištích – hodnocení rizika a preventivní plány nejsou sestaveny; PPE a kolektivní ochrana není poskytována; subdodávky jsou běžné, což oslabuje odpovědnost; nevykázaná práce je běžná, atd. Pracovní inspektoři také zmínili, že na pracovištích se pohybuje množství zahraničních pracovníků („někteří z nich ani nemluví francouzsky a co víc, nestěžují si a nevyžadují dobré pracovní podmínky“) a upozornili na problém falešné samoregulace zaměstnanosti („stavební firmy nutí zaměstnance registrovat se jako osoby samostatně výdělečně činné, aby na ně nemuseli přispívat nebo poskytovat ochranné pomůcky“).

Pracovníci také poukázali na nedostatky v systému bezpečnosti a ochrany zdraví: „společnost vám dá pouhé minimum (rukavice a podpurný zádový pás), ale to je vše...“ Nicméně si také uvědomují, že jejich práce je namáhavá ze své povahy: „nemůžeme nic dělat, tak to prostě je“.

Velmi málo je konáno pro prevenci rizik a situace není lepší, pokud jde o kompenzaci a zaměstnatelnost: pracovníci v rozhovoru pro studii uvedli, že jim nebyly poskytnuty žádné

příspěvky jako kompenzace za namáhavé práce a že neexistují žádné strukturované mechanismy zaručující jejich budoucí zaměstnatelnost: „to je všechno, co umíme dělat, čeho jsme schopní“; „až nebudu moci svojí práci dál vykonávat, budu žádat o invalidní důchod“, uvedl jeden z pracovníků. Postoj odborů zastupujících profesi (a sektor) je požadovat předčasný odchod do důchodu ve věku 55 let pro každého, kdo odvedl namáhavou práci. Argumentují tím, že pracovníka čas, po který je pracovník vystaven faktorům namáhavé práce, by měly být považován za roven celkovému času, který pracovník strávil v namáhavém zaměstnání.

6. DENMARK

XIV. The frame of the arduous work

In Denmark the issue of arduous work is dealt through two concepts: attrition and working capacity.

Attrition means gradual decrease in functional ability to a level which is lower than the "normal" functioning for that age while **working capacity** means the ability to perform work (both for the company as well as the person) in a satisfactory manner.

The working capacity and thereby attrition must be seen in relation to the requirements to carry out the work. If the requirements of the work are constant throughout the working life, the attrition eventually reaches the critical point where the person is no longer able to do the work satisfactorily. This will be reflected in increased sick leave and eventual retirement from the labour market.

The attrition can be either physical or mental; these two categories are described separately but in fact they interact between them and they can occur solely or combined.

Physical strains at the job consume the muscle energy reserves and put a strain on tendons and joints. If the body does not get sufficient rest to replenish energy reserves and repair minor injuries, repeated physical strain will lead to injury, i.e. **physical attrition**. Older people require more rest to completely recover from physical heavy influences, thus attrition is more frequent with age.

Potential adverse psychosocial impacts in the work (e.g. time constraints, low predictability and low impact, great emotional stress, bullying, violence, etc.) bring the body in a tense condition. Basically, **mental attrition** comes down to a question about the prolonged imbalance between the requirements of the individual and the opportunities we see in order to cope with them now and in the future. Psychosocial impacts can create muscle tension and pain and thereby intensify the signs of physical attrition. Moreover, the psychological mechanisms have great importance on how each person perceives pain and ability to continue to work.

The particularly attrition-threatened industries are identified by the Ministry of Employment as those with the highest risk of early pension, early retirement or long-term absence due to sickness. Today the list consists of a total of 18 industries and includes 1,010,466 employees (38% of all employees). The 18 industries are: civil Engineering; **construction** and demolition of construction ; completion of construction ; electronics ; **metal** and machinery ; plastic, glass and concrete ; textile and paper ; transportation ; wood and furniture ; agriculture, forestry and fisheries ;

slaughterhouses ; nutrition and stimulants (beverages, tobacco, etc.) ; police, emergencies and prisons ; haircuts and other personal care ; cleaning; **the transport of passengers ; day care centres and residential care and home care.**

A number of regulations have been amended in the recent years (Welfare reforms) and implies that citizens must be on the labour market for a longer period before retirement. In this context, the need for establishment of special retirement regulations for the affected citizens conducting arduous (attritional) work and work within the attrition industries is discussed. In the meantime, there are no such rules establishing general early retirement due to attritional work today.

Later retirement is determined not only by changing the rights and regulations, but also by providing extraordinary contribution to a longer life that becomes a better life and provide better conditions for the individual’s work life with the purpose to make it longer containing great quality. Therefore, The Welfare Reform has taken initiatives aiming to prevent attrition and improve the working environment, among others, in industries where many are threatened by attrition. One of these initiatives was to establish a Prevention Fund to prevent physical and mental attrition. Since 2012 it provides also support for:

- Initiatives that prevent physical and psychological attrition and accidents at work and occupational diseases,
- initiatives that help to retain seniors as well as employees with reduced working capacity or contributing to early return to work after illness, and
- initiatives that contribute to inclusion in the labour market.

XV. The results of the field research

The **foundry’s workers** consider their work as damaging due to a lot of heavy and awkward lifting, awkward postures (work that requires kneeling and twisting the bod), air pollution and noise. Unilateral repetitive work and vibrations are also described as factors of attrition by the experts. Psychosocial factors are also present: the mental stress is a reality mainly due to weak planning and work organization, resulting in significant time constraints.

Workers and trade unionists declare that the company experiences a relatively high level of sickness leave and so the management is fully aware that attritional work leads to strain; they recognise that the management is working continuously on improving in terms of technical aids and deflection in the form of technological and organizational changes. A strong cooperation between the management and the employees is highlighted.

There is no special remuneration systems associated with the various attritional tasks whilst the workers would like to see a wage differentiation connected to the strain/attrition.

With regard to the impact on the future work, the widespread perception indicates that it is not possible to dispute the current duties to the pension without the transition to less arduous work. Therefore, the interviewees believe that, at some point, they would be forced to switch to other less attritional work in another company, since they do not believe that such jobs will be present in their current company.

The trade union general policy in relation to the arduous work is to prioritize strong preventive working environment legislation in order to ensure workplace retention as long as possible. This is combined with a high priority for continuous upgrading of qualifications in the form of training.

Furthermore there is a focus on strengthening of the professional qualifications, limitation of the working hours, breaks and improved pensions schemes in the collective agreement system.

As far as possibilities of early retirement due to attrition are concerned, there is no legislation that ensures this option. Through the collective agreement system, a special senior plan is established. This senior plan allows a person to save holidays for the purpose of reducing working hours, the plan is set up through the local agreement in the individual company. Additionally, there is a possibility for agreed occupational pension and regulated retirement schemes such as early retirement, flexible and spare jobs as well as work testing course and disability pension.

The **floor coverers** consider their work as very arduous for the neck, shoulders, back, lower back and knees. With regards to the mental consequences of the work, emphasis was primarily focused on strains caused by long sick leaves, pain, intake of painkillers and loss of work ability. According to them the work has serious health-related consequences so that none of the interviewed expects to continue floor laying work until they are retired (this fact having serious economic consequences for their future)

Workers consider that *“the employers are conscious that the work is of attritional nature, but they are not specifically accommodating when it concerns reducing the strains because of fierce competition”*.

Despite this opinion, workers’ representatives speak about a common (trade unions and employers’ federations) preventive work characterized by consensus: the design of guides to companies about mitigation and reduction of specific health and safety problems at companies; the organizations have also established and funded a consultancy service which visits companies and advises them on prevention and resolution of health and safety problems. Finally, they have been heavily involved in the innovation of new organizational and technical prevention initiatives.

There are no forms of compensations for attritional work and the declared objective of the trade union is that members can maintain their work (however it is often very difficult in the context of attrition). The *“normal”* course for a person with attritional work is often that the pain for a shorter or longer period of time is handled with painkillers. Later the person goes on sick leave. Hereafter, the employee is being relocated to a less attritional job or possibly retraining to other professions and finally a possible early retirement.

None of the interviewed **older care workers** experienced their work as being attritional in the beginning of their career. However, as the different types of nuisances began to appear, they began to recognize the fact that parts of the work resulted in various forms of physical attrition in the body as the personal care often contains a lot of heavy lifting and awkward postures. On their hand, the workers’ representatives believe that the psychological area should be given a higher priority as it is a predominant issue (violence, stress...). They all agree that the work will have an impact on the quality of their future life as their various forms of attrition resulted in increasing nuisances.

The way in which attrition has been dealt with in the care sector is considered as *“best practice”* by trade unionists: elderly care has been regarded as attritional work in many years and there has been a wide range of initiatives from the authorities and social partners. The definition of the criteria for the attritional work has been authority borne, though with an extended social dialogue.

The criteria work has been built on research, which is conducted by multiple researchers over an extended period of years.

According to all the interviewees there is a good dialogue between the management and the employees to prevent the attritional work: relevant assistive equipment is acquired and various treatment services (physiotherapy and gymnastics) are offered. However, the most difficult discussions on prevention are about work organization as that often increases the economic costs and the economy is a crucial factor in relation to an enhanced prevention.

There is no special compensation linked to attritional work (sometimes the work is done on reduced hours but without any financial compensation); nor there are special arrangements for attrition in relation to downscaling and pensions: there are a number of arrangements of more individual characters, such as senior contract and gentle jobs just as there can be private occupational pension arrangements, which allows downscaling. In addition, there are ordinary arrangements for retraining, flexible jobs and early retirement.

Nevertheless workers representatives highlight that an increasing preventive activity from the pension industry with the development of incentives and ideas for prevention and retention rather than compensation and emission would be preferable.

The **processing line workers in the meat sector** did not consider the work as damaging during the first years of employment... but after a number of years they begin to experience different kinds of pain in the body and they start to realize the attrition. They mentioned a lot of heavy lifting, one-sided repetitive work and a high pace of work. The experts point out also significant problems with noise, as well as bullying at certain areas.

According to trade unionists there are criteria for assessments of both heavy work and one-sided repetitive work, which are designed in dialogue between the authority and the social partners.

Employees express that many actions that may reduce the damaging work are conducted, however, with the introduction of these measures there is simultaneously a continued increase in pace in order to ensure the effectiveness and wages.

According to the OSH expert a cornerstone in the prevention is the development and implementation of technical aids, both in relation to the slaughter, boning, processing and packing work. Another cornerstone is rotation between different work functions with the aim of achieving variation. Moreover the interviewed considers the piecework as a significant factor in relation to reduce attrition of slaughtering area, since this system contributes to an increased tempo and limited opportunities for rotation and therefore variation in the work.

The compensation of the attrition is not widely implemented: there is no special compensation associated with the exhaustingly work besides that chord arrangements result in a relatively high salary.

In a similar way, there are no formalized arrangements for retirement due to the attritional work, but senior conversations from the 55 year are being introduced aiming to adapt the work to the capacity of individual employees so that they can be maintained in the company. However, the possibilities for customization are limited and the most common form is reduced working hours with the consequent loss of earnings.

This fact is confirmed by trade union representatives: there are only very limited examples of early withdrawal in connection with attritional work and common to these is that the employees must bear the costs themselves.

The **bus drivers working in the public sector** regard their work as attritional work, physical attrition being linked to sedentary work, rigid posture as well as coldness while mental attrition is associated with time pressure in relation to adhering to the roadmap, cases of violence and harassment, as well as many "near misses". Trade union representatives and OHS experts agree on these points and they add the impact of vibrations.

Moreover, the competition within the bus area has during a number of years been increasing and the shifts have become more strained, among others seen in the light of the increasing intensity of traffic. This has resulted in increased pressure on the bus drivers and hence increasing attrition.

Trade unionists pointed out that the social partners have been involved in efforts to determine the criteria for the arduous work and they are very active in its prevention. The emphasis is placed on prevention taking place with an agreement between the employers and the employees, which is vital for an effective workplace. The prevention primarily takes place through the preparation of written guidelines and various forms of coursework.

Nevertheless both trade unionists and workers highlight the fact that while being aware of attrition, employers manage it very differently. With regards to the interior of the buses and thus part of the physical attrition, there is often goodwill to find or develop preventive measures. On the other hand, it seems to become increasingly difficult to find sufficient preventive measures against the mental stress in the form of tighter schedules and less opportunities for breaks; this last point must be related to the increased competition which has led to difficulties in getting a constructive dialogue on the prevention of, in particular, the mental attrition.

According to this, trade unionists recognise that *“examples are also set to develop further preventive measures. But the majority of these initiatives do not survive the fierce economic competition with the industry”*

There is no associated compensation in relation to the attritional work (obviously it is possible to work on a part-time basis but with corresponding reduction in salary).

The issue of retirement is one of concern for workers who wonder whether it would be possible to proceed to retirement in light of the changed retirement schemes; nevertheless there are no special retirement schemes in connection with the attritional work: in the collective agreement system, there is an option available for reducing the working hours from the age of 60. But this happens solely by different forms of user charge (pay for self).

In the **distribution centers sector** the work is considered arduous as it involves both the physical as well as mental stress connected with work that involved picking. The physical attrition is mainly daily big lifting (heavy and often unmanageable burdens) and rigid posture but also many poor postures and much walking and standing work. On the other hand the mental attrition occurs with an ever-increasing pace. Finally, there are a lot of evening and night work.

According to trade unionist some of the characteristics of the sector have a direct impact on the consideration of the work as arduous: there are many young employees who are in the industry only for a limited period of time; there is a tendency that the arduous work must be organized so

that it is carried out on a part-time basis with more loose compliance to the industry. Similarly, new companies are established in connection to the increasing online trade. Finally there are often problems with different kinds of workloads in these companies including, among others, space condition, lack of technical resources, work organization, etc.

On a global basis trade unionists stated that many technical resources are developed to reduce the physical stress, but they are not used adequately; however the interviewed supervisor considered that the technical aids in the form of vacuum suction, moving pieces, etc. has resulted in large reductions in attrition of the body.

The last recommendations are given by the OHS expert: working with the prevention of attrition, it is still necessary to focus on changing the work with lifting, impulsion and transport. Similarly, it is important to continue the development of technical means, from the fully automated warehouse to the manually operated devices and it is vital that the aids are used as intended. Thus, it is also important to focus on the development on the company’s skills as well with managers and employees to continuously assess the ergonomic and mental stress so that the necessary preventive measures can be developed and implemented. Finally, an important supplement for the prevention of attrition can be health-promoting measures in the form of exercise etc.

7. SPAIN

XVI. Arduous work: definition, criteria, procedures

The Spanish legal system has no definition for arduous work as such and it has no separate rulings on the arduous work factor. Nonetheless Spanish legislation does refer to this aspect in its rulings on working day hours as well as regarding the early retirement (the amount of pension and the reduction’s coefficients are set up).

In a similar way there are no nationally unified criteria to determine what constitutes arduous work and the only existing procedures on this issue concern the early retirement; with regards to this last point and theoretically there are common and objective procedures applying to workers and self-employed workers performing any type of **activity that is especially arduous,...**, entitling them to retirement age reduction coefficients.

The procedure may apply generally on the basis of the following two assumptions:

- Occupational activities in the scales, categories or specialties whose performance entails being subjected to an exceptional level of arduous, dangerous, unhealthy or toxic work.
- Occupational activities in the scales, categories or specialties whose fulfilment, depending on the physical or psychological requirements demanded for its performance, increase significantly from a certain age onwards.

The procedure includes:

- groundwork by the National Institute for Health and Safety in the Workplace (INSHT) to produce technical papers that measure how arduous, toxic, unhealthy or dangerous an activity is on the basis of an analysis of specific indicators;

- if the previous report concludes that working conditions cannot be changed and thus necessitates the application of reduction coefficients or lowering the retirement age, a cost calculation study is conducted in order to determine which these reduction coefficients are;
- afterwards it can be set the minimum retirement age in each activity and the relevant reduction coefficients to be applied on the basis of these cost analysis findings;
- once a coefficient has been approved for a specific occupation, the ordinary statutory age of retirement for each worker will be reduced by an equivalent period resulting from the application of the appropriate reduction coefficient for the scale, category or speciality of each sector or working activity to the effective period worked in that specific activity (in any case the minimum retirement age may be less than 52 years of age);
- finally the worker must prove that (s)he has carried out the activity entitling him/her to reduction coefficients for *“an effective working period equivalent to the minimum contribution period required for entitlement to a retirement pension yet on no account can the enforceable period exceed fifteen years for this purpose.”*

In practice this procedure hasn't still been used as so far the INSHT reports are too general and aggregate to meet trade union criteria. As a result the social partners and government have failed to reach agreement – which points to the difficulties or lack of political will to apply the new early retirement mechanisms effectively. Furthermore and as it stands, there is no preliminary list of potentially arduous occupations to be examined (despite a tripartite commitment agreed on 2011). Against this lack of effectiveness of existing mechanisms all through the field researches several factors have been acknowledged by workers, experts and trade-unionist as leading to the characterisation of jobs as arduous:

- **Bus drivers** mentioned: changing shifts and work schedules, extreme temperatures, night work and eating habits during the working day *“among professional drivers myocardial infarction is a major cause of death”*
- **Foundry's workers** mentioned: the exposure to dust, noise, chemical products, the high temperatures or sudden temperature changes, the constant physical effort as well as the repetitive movements and tasks; the work organisation is also mentioned *“at departure time, they cannot leave until the substitute has already arrived and they cannot leave the post in the middle of the production process”*
- Trade-unionists and workers in **distribution centers** mentioned *“the repetitive movements and the weight you have to carry”, “the cold, [and] the artificial light”*; pickers who work at three heights expressed the difficulties they encounter in this area *“due to the equipment they use being poorly adapted for such heights”*
- **Elderly care workers** highlight the risks of a physical character (manual handling of loads and the repetitive tasks) as well as the biological problems caused by the environmental conditions in the patient's home and the contagious diseases carried by patients; according to them and as the workplace is the user's home *“that exacerbates the above risk factors*

and working conditions at all levels”. “The beds are low, the furniture of the house in the way, working conditions are often very cramped, not to mention the stairs ...”, “Moving the patient to the bathroom can become a nightmare.”

- **Meat industry workers** put forward: major cadences of work, significant presence of blood, contact with bio-hazardous elements and working with noise all working day as well as the repetitive movements and the handling of loads.
- **Carpenters/floors coverers** mentioned the forced, painful and tiring postures and maintaining the same posture for prolonged times (“I've spent 50 years of my life working on my knees”, said one interviewee), repetitive hand and arm movements, the exposure to noise “Some sounds cannot be removed even with the PPEs”.

A common trend is the increasing importance of **psychosocial risks** as a factor of arduousness at work:

- **Bus drivers** stated “There are 200 bus lines that change every time and there are street cuts, detours or demonstrations, so the route is unpredictable” and they added that their chefs even phone them if they are not going in time;
- **Workers in the distribution centers** highlighted the direct relationship between the system of compensation and situations of stress: “it is the productivity bonus that makes some employees work at a pace which is well above what is considered to be healthy”; workers therefore feel there is a need for “an overall maximum salary to be established in order to avoid large increases in productivity and thus prevent workers from working at a very high pace in order to make a lot of money”.
- **Foundry workers** highlight the stress due to production targets: “We work time trial and depending on the continuous caster”, “sometimes we do not even have time to eat a sandwich”. In a similar way **workers in the meat sector** put forward the stress caused by the speed of the chain and the working organisation.
- **Carpenters/floor coverers** put forward the stress generated by the work “you finish your workday so tired that you don't even want to talk to your wife”, a worker said

The consequences of the exposure to arduous working conditions differ obviously according to the profession, going from musculoskeletal disorders or cardiovascular diseases to stress and depression; however there is one common feature: **consequences increase with age** and that is why workers, experts and trade-unionist advocate for early retirement policies: a retired older care worker said that she retired one year before the stipulated date because she reached an agreement with the company as she “couldn't take it any more”; trade-unionists declared that “Most workers become burned out and exhausted at an advanced age”; the retired floor coverer recognized that “my professional capacity was diminishing a lot, I could not have been repositioned, nowhere!”.

It must be highlighted that the issue of arduousness at work is not always adequately dealt or understood even at experts' or trade-unionists' level: **experts from IRSST** (Regional Institute for Health and Safety at Work) consider the issue of strenuous work as “quite tricky” because it is difficult to determine the criteria by which is determined as such. They think it is interesting to pay

attention to the following fact: “the arduous work may appear as a work in which, despite having no danger and have the appropriate risk prevention measures, there are certain aspects inherent to it that cannot be mitigated by technical or organizational means but it "should" do it in the future”; **trade-unionist in the construction sector** understand there are many jobs in construction sector which are “really strenuous”, but not the one of floor coverers; **trade union experts in the meat sector** state that “the arduousness is not an issue taken into account in collective bargaining and it is not a priority right now”; **union experts in the distribution center sector** confirm that “arduousness is integrated in the sector and in this profession specifically - **there is a normalization of arduousness**”.

XVII. How to deal with the consequences of arduous work?

Consequences of arduous working conditions can be addressed / avoided in a double way: prevention and compensation/reparation.

XVII.1.Prevention

Obligations in terms of prevention of occupational risks are clearly stated in the Spanish legislation and they cover the six professions included in the scope of the current research.

Nevertheless this legal obligation, the evidence provided by the field research shows that a lot is to be done regarding prevention:

- **Bus drivers** talk about a great difficulty in prevention: “company directors are not aware of the real hardness of our work, they just want buses to go faster and to save time”, “they could take many measures instead follow the minimums of law”. In a similar way, **workers in the meat sector** consider that “the company does not want to hear about increase preventive measures”
- The union experts in the **distribution center** sector believe that overall “the law is not fully enforced”, that “risk assessments have shortcomings”, that “there is no real culture of prevention in businesses”, and that “psychosocial risks are not properly detected in medical examinations, nor are stipulated rest periods respected in cases where working with cold is required.” Furthermore, they state that PPEs are not used properly because of “the slowing effect on the tasks to be performed until the worker gets used to the new material and because the workers are not used to them”.
- **Foundry workers** highly value the company’s health and safety plan because it is well above the legal provisions while admitting that its implementation is not always adequate as it is not always respected. However the trade-union expert considers that there is “a lot of paperwork but few technicians who actually check what happens to security.”
- **Elderly care workers** feel that “there has been an improvement on the past in terms of technical means and their availability, but the current period of crisis has caused a regression compared to previous years”; “In very extreme cases, they provide a hoist or two persons to help move the patients, but this possibility is not considered in most cases, only when the weight is significantly high.”
- On the **construction** branch the pensioner recognizes that prevention measures have improved compared to the past “but there is a problem with no solution, to cover floor it is compulsory to bend down, there is no other way to do it, this fact is not possible to be avoided”.

The issue of employability, which can be related to the prevention, is addressed piecemeal both at state and collective bargaining level; nevertheless and in practice the issue is highly controversial:

- **Unionists on the bus drivers** sector are skeptical about it, *"There may be relocations but in very small percentages, if we insist on this measure will create a lot of idle labor". "if you renew the staff you bring young workers with better conditions to increase productivity"*.
- The crisis suffered by the **foundry sector** in recent years makes difficult the management of workers employability
- The issue of employability is addressed in a somewhat fatalistic way in **the meat sector**: *"anyway, you cannot promote inside your company and, because of the crisis, neither is changing jobs (either inside or outside the sector)"*. This idea is supported by the trade unionist who judges the functional mobility in low-skilled occupations as very difficult.
- In the **construction sector** *"Only some collective agreements foresee relocations but in very specific circumstances"* says a unionist. Furthermore there is a majority of SMEs companies which are unable to absorb relocations.

XVII.2.Compensation/reparation

The issue of **compensation/reparation** can be addressed in a double way: compensations (bonus, working time arrangements...) and the mechanisms of early retirement.

The analysis of the case studies shows that arduous working conditions are not always compensated but it shows also that this issue is quite controversial: no bonus or compensation exist for **bus drivers** (but the interviewees said that they rejected a bonus for dangerousness and instead of that they demanded more training and better PPE (personal protective equipment) during a process of collective bargaining; for the **center distribution** case study various bonuses (nocturnal, cold) are provided to partially offset factors of arduousness and the workers questioned were seen to be particularly attached to them; in the **foundry case** study there was an arduousness bonus but it became part of the base salary; in the **older care sector** and according to trade-unionist *"In the absence of proper prevention, it is not possible to discuss compensation policies either"*; **workers in the meat sector** earn a number of bonuses in order to compensate their exposure to occupational hazards (arduous bonus, noise bonus and productivity bonus), but the workers express their desire not to receive bonuses to compensate for the risk factors: *"If I earn (bonus), it's ok, but I don't want to become deaf"*; finally in **the construction sector** a trade unionist said *"To advance in prevention issues we should say goodbye to compensation policies" "the struggle for bonuses is not the best way to prevent... we do not want money for health"*.

The second aspect of the compensation/reparation policies is the **early retirement policy**.

In Spain there is a theoretical close link between arduous work and retirement policies as the carrying out of an arduous work entitles to early retirement according to the law; however and as long the procedures aiming to regulate the access to early retirement have not been implemented, **nothing is happening in the practice**; according to trade unionists the main barriers to progress on issues of strenuous work are mainly political and secondly economic. *"The catalogs and reports we need are costly in time and money, meanwhile the government does not step, so strenuous work rather than a problem of legality is a feasibility problem"*, expert in retirement says.

The issue of early retirement related to arduous working conditions presents the same features in almost all the professions covered by the present research:

- Workers in distribution centers, elderly care workers, processing line workers in the meat sector, carpenters/floors coverers and bus drivers do not benefit from early retirement mechanisms.
- In the foundry case study the collective bargaining has improved the conditions of retirement:
 - The Group’s Framework Agreement states that *"The Company, (...) will offer partial retirement, with simultaneous replacement contract subscription, to workers born until 1958 inclusive." "It will be created a committee at the central level to carry out an analysis of those positions or activities for which a reduction coefficient of the retirement age could be established..."*
 - The company collective agreement extends the possibility of partial retirement with replacement contract to workers born in 1949.

The feelings of workers towards the issue of early retirement are the same for all professions: they all consider that they should have the possibility of retiring earlier due to their arduous working conditions.

The issue of early retirement is largely debated at trade union level: **The union pension expert from distribution center sector** considers that *“currently, what is at stake in Spain is the very continuity of the system as known until now. This is going to impose a model which is more in tune with the European pension model, in which the state provides a minimum and the rest is funded privately, primarily by companies. Companies are against this system and are trying to ensure that it be the workers themselves who bear the cost of private contributions through private pension plans. To this is added the fact that wages in the sector are low, and therefore so is the contribution base, which is why existing pensions are rather small, and why with the new model sought to be imposed, they will be even lower”*; **the Metal federation expert** understands that *"there was little progress in legislation regarding the reduction coefficients, there has been many requests from the trade unions, but none has been heard”*; finally **a unionist in the construction sector** is very critical about the legislation of early retirement:

- Early retirement is financed by extra contributions from employers and workers, and the latter ones shouldn’t be allowed because early retirement is a compensation for injuries caused by work. *"It is even unconstitutional"* he says, *"the contributions of workers should be replaced by mutual contributions, for example"*
- The initiative to ask for the application of these coefficients is inoperative because it comes by the administration that *"will not react according his current cuts policies"* or by employers and unions through an agreement, but companies don’t want to negotiate because it means more costs for them

8. POLAND

XVIII. Arduous work: definition, criteria and procedures

The concept of arduous working conditions is not defined in the Polish Labour Code, nor in its implementing provisions. However, the 2008 law on bridging allowances establishes a link between early retirement and some professions with conditions that could be considered arduous.

Professions of a special nature are professions that entail a certain degree of responsibility and require certain psychological and physical abilities; the probability that these professions are exercised correctly, without jeopardising public safety (including people’s health and lives), decreases before the statutory retirement age because ageing causes psychological and physical capacities to deteriorate.

Professions with special conditions are professions linked to risk factors that are more likely to permanently damage health as a worker gets older. These professions are exercised under special conditions, in a working environment characterised by:

- forces of nature and/or environmental factors;
- technological processes:
 - associated with temperatures below 0 °C or above 28°C ;
 - associated with high atmospheric pressure;
 - associated with excessive physical efforts and the high static load that comes from keeping the joints in certain positions for long periods, and requiring energy use exceeding 6,300 kJ for men and 4,200 kJ for women;
 - requiring postures that entail keeping the joints in awkward positions due to the need to exercise a force exceeding 10 kg for men and 5 kg for women for 50% of the total working time.

Despite the implementation of technical, organisational and medical prevention measures, these professions have requirements that go beyond workers’ capacities as these end up being limited, by the ageing process, before the statutory retirement age to such an extent that workers can no longer work as well as before in their usual jobs.

Employers must register lists of jobs that could be considered arduous and provide a list of the employees performing those jobs. The social security office then uses the data to create a centralised register of the workplaces where arduous jobs are done, plus a centralised register of the employees doing those jobs. Employers must pay contributions to the bridging allowance fund for each of the arduous jobs within their company.

In addition to the registers mentioned above, employers must keep an up-to-date register of factors that may be harmful to health for each of their professions. The register is made up of sheets that describe each profession in terms of the technological processes it uses, the production type, the operations performed, the equipment, and the associated harmful factors (broken down into *chemical factors*, *physical factors* and *factors linked to industrial particles*).

The factors contributing to arduousness vary from job to job, but it is worth highlighting the increasing importance of psychosocial factors:

Tilers reported the following: awkward postures (kneeling or crouching while working), exposure to dust, chemical substances and physical phenomena (cold, vibrations, noise), heavy loads and repetitive movements. Some of these factors (heavy loads, repetitive movements and awkward postures) were also mentioned by **slaughterhouse** workers, who also reported issues with pace (which stem from the award of very high bonuses for productivity), work organisation and psychosocial factors deriving from the attitude of their superiors, “*who tend to be rude, and even humiliate workers*”. **Healthcare workers** described their work as “*arduous and exhausting – both physically and mentally*” and mentioned that “*in four years, 80% of the staff have been replaced*”. In **foundries**, workers had noticed the appearance of a new phenomenon in the past 10 years: psychological pressure and stress due to increasing emphasis on profitability and productivity. Both workers and trade union representatives said that “*depression is on the rise, and more and more workers require psychological support*”. **Distribution centre workers** found work organisation and the pace of work to be the biggest factors in arduousness: “*for some jobs, the company only recruits young people because performance standards make the work too difficult*”. **Bus drivers** experienced the same kind of psychological pressure: “*it is very difficult to keep exactly to the timetable, and yet you stand to lose your monthly bonus if you are just 30 seconds late.*”

The impact of arduous work on workers’ health varies depending on the exposure factors and the length of exposure. Effects may include MSDs, a feeling of exhaustion, trouble sleeping or psychological problems. However, workers, experts and trade unionists all agree on one thing: **the effects of arduous work become more severe as workers age.**

For example, **bus drivers** say that “*the probability that tasks will be correctly, without jeopardising public safety (including people’s health and lives), decreases before the statutory retirement age because ageing causes psychological and physical capacities to deteriorate*”, adding that “*drivers are dying younger and younger – at the moment, the average age at time of death is 64*”. A fork-lift truck operator working in a **distribution centre** said that he could “*continue working in this kind of job for another seven years or so,*” but that after that, he would have to “*find a far less arduous job for health reasons*”. In the **foundry** examined for the study, one of the workers (aged 58) reported that his “*health clearly deteriorated*” when he was 55, while his colleagues pointed out that workers were dying at ever younger ages: “*it is becoming increasingly common for people to die one or two years after retiring*”. Finally, all the interviewees from the **elder care sector** said that the physical effects of their job were too severe for anyone aged over 60 to do the work without taking risks and exposing the patients to risks.

XIX. How should the consequences of arduous work be addressed?

XIX.1. Prevention

According to the law on work arduousness, employers must: organise work in such a way as to reduce its arduousness, particularly for monotonous, repetitive tasks that are carried out at the same pace; reduce the length of working time spent in conditions that are particularly arduous or harmful in the long term, by introducing breaks (to be included as working time); organise medical examinations for workers transferred to arduous jobs; and provide meals and drinks for workers working in particularly arduous conditions.

- However, the cases studies showed that the situation on the ground does not reflect these requirements:
 - According to **bus drivers**, prevention is simply ignored: *“when the transport company buys a new bus, it puts financial criteria ahead of the safety and comfort of its drivers and passengers”*;
 - **Distribution centre workers** felt that not enough was being done in terms of prevention: *“the situation would only get better if management complied with the Labour Code and respected employees and their work”*;
 - Some **foundry workers** had a fatalistic view of arduousness in their line of work; they said that *“some factors contributing to arduousness (e.g. noise, temperature) cannot be significantly reduced or eliminated”*;
 - In the **elder care sector**, staff wished there was *“a real prevention system and treatments tailored to their needs, as well as compensation for occupational diseases”*;
 - The trade unionists in the **construction** sector reported that *“health and safety rules are violated almost systematically”* and stressed that *“the level of prevention provided by the current legal framework is inadequate”*.

The interviewees sharply criticised two key elements in the prevention of arduousness, namely labour inspectors and occupational health physicians.

Foundry workers said that *“people only ever consult the occupational health physician to get a paper certifying that they are in good health”*, adding that *“occupational health physicians have a limited knowledge of our jobs and of the occupational diseases that tend to arise”*. They concluded that *“at present, occupational health physicians do not fulfil their role of preventing and diagnosing illness”*. In the same vein, the workers and trade unionists in the **meat processing sector** said that *“the doctors never talk about occupational diseases”* and that *“the labour inspectorate does not always take ergonomics into consideration”*. Finally, one of the **tilers** interviewed for the study said that *“the labour inspectorate does not penalise the company enough when it sees non-compliance on a site”*.

The issue of employability – as a corollary of arduous work – is starting to be addressed by Polish legislation:

- In February 2014, the social insurance body (ZUS) announced a programme for funding measures that would enable the employees of micro-companies and SMEs to continue

working until the statutory retirement age, i.e. to guarantee their employability in terms of health;

- the employment minister must, before 31 December 2014, suggest measures to open up access to vocational retraining courses for people who have worked for at least 15 years in a profession of a special nature or a profession with special conditions, and who are not entitled to early retirement or a bridging allowance. A national training fund will be set up to finance this.

Only time will tell if these measures prove effective. However, they could help to make up for the current lack of employability tools, an issue that was highlighted by the case studies:

- There are no special training or retraining measures for **bus drivers**, which is all the more problematic given that the sector does not have an efficient system for recognising occupational diseases. According to the workers, *“if a worker is declared unfit for work after a medical exam, he is laid off without compensation”*.
- In **distribution centres**, *“there are no training systems to help us switch, in the medium term, to less arduous jobs. All in all, training is handled poorly”*.
- Everyone interviewed in **slaughterhouses** said that there were no programmes for retraining or job switching, even though *“several hundred employees leave the company each year, and many of them leave because of mental and physical exhaustion”*.
- Almost nothing is done to address the employability of **tilers**, and there are no systems for retraining or job switching.

XIX.2. Compensation/reparation

Compensation and reparation can be addressed in two ways: compensation (e.g. bonuses, adjustment of working time) and early retirement schemes.

Analysis of the survey results shows that compensation is not a very common solution:

- There is no compensation at all for **bus drivers, tilers and elder care workers**, or there is no system of bonuses for arduous work;
- In the **meat processing sector**, the compensation system that existed before the pension reform (allowances and compensation linked to working conditions) was phased out when the reform was adopted, as it enabled employers to terminate most of the collective agreements that provided for these systems; the situation is similar in **foundries**, which used to have compensation schemes for arduous work. These included additional leave and allowances for the workers most exposed to arduous conditions;
- Finally, **distribution centre workers** do not receive any compensation for arduous work, other than energy-rich meals and drinks for people working in the cold.

The second component of compensation/reparation policies is **early retirement schemes**.

The issue of recognising arduousness in early retirement schemes was one of the key points of contention between the government and the trade unions the last time the system was reformed. Among other things, the trade unions called for the inclusion, in the bill, of a list of jobs of a special nature and tasks performed under special conditions for certain professions. Their suggestions were rooted in medical arguments derived from analyses and studies commissioned by the trade unions and performed by recognised bodies.

Nevertheless, the law came into force on 1 January 2009 without taking account of the trade unions’ arguments. This has resulted in:

- a reduction of (around) half in the number of jobs giving entitlement to early retirement (there are now around 50);
- gradual erosion of the right to early retirement for jobs recognised as being arduousness (except for the special schemes in place for the police, security and armed forces and miners).

The gradual erosion of the right to early retirement is creating a situation where there are two categories of workers performing work recognised as being arduous: one group who are entitled to early retirement at the age of 55 or 60 (after 20 years’ work for women, or 25 years’ work for men) and one group who are not entitled to early retirement because they cannot meet the conditions set down by the law – namely the requirement to have worked under special conditions or done a job of a special nature before 1 January 1999.

The trade unionists interviewed for the study held that these criteria had been set in the aim of gradually dismantling the early retirement system, which they felt to be “*an unacceptable measure*”.

However, there is a compensation measure for people who have done a job of a special nature or worked under special conditions for at least 15 years, and who are not entitled to early retirement. This compensation is paid at the worker’s request and takes the form of a supplement on top of the initial retirement payment.

The early retirement situation differed in each of the sectors included in the study:

- Following the reform, **bus drivers are no longer entitled to retire at 60**, except for the oldest workers, who meet the requirements outlined by the law on bridging allowances.
- The situation is the same in **foundries**, where, prior to the reform, 52 professions in the sector were considered arduous and almost 50% of foundry workers were entitled to compensation for the negative effects of their work on their health. Now, only eight professions in the sector meet the criteria for inclusion as a profession exercised under difficult conditions.

- The same goes for the **meat processing sector**: only two types of job remained classified as arduous (due to the temperature at which the work must be performed), subject to criteria linked to age and length of contribution period, whereas 30 professions in the sector were considered arduous in the early 1990s;
- The working conditions for some professions in **distribution centres** (refrigerated warehouses and warehouses for frozen products) and the conditions experienced by people working outside in the cold fit in with the definition of arduous work, and so entitle workers to early retirement. However, in the case examined for this study, the workers cannot take advantage of early retirement schemes because the law sets down an additional condition: to qualify, a worker must have worked under arduous conditions before 1 January 1999, and the workers interviewed for the study had not. These conditions introduce an element of discrimination and reduce the protection offered to young workers.
- Work in the **elder care sector** is not included on the list of arduous professions, so workers in the sector are not eligible for early retirement schemes. In this regard, the workers commented that “*political decision-makers just pretend to care about arduous conditions at work*”.
- **Tilers’** work is not included in the list of arduous jobs giving entitlement to early retirement, despite the trade unions’ efforts to ensure its inclusion when the reform was being drafted.

9. ROUMANIA

I. Arduous work: definition, criteria, procedures

There is no definition of arduous work in the Romanian legislation but a classification of labour conditions: normal, difficult (outstanding) and special, depending on the difficulty and risks associated to a certain job; the pension contributions differ depending on the classification of the job:

- **Jobs in special working conditions:** jobs where the degree of exposure to professional risk factors or to specific conditions pertaining to some categories of public services, during at least 50% of the normal working time, can lead in time to occupational diseases, to dangerous behavior in the activity, with severe consequences on occupational health and safety.

The Law provides a list of occupations that qualify for special working conditions, including, with regards to the scope of the present project, a range of professions from the iron and steel sector and other metalworking sectors.

- **Jobs in difficult (outstanding) working conditions:** jobs where the degree of exposure to professional risk factors or to specific conditions pertaining to some categories of public services, during the entire duration of the normal working time, can lead in time to

occupational diseases, to dangerous behavior in the activity, with consequences on occupational health and safety.

The inclusion of a workplace in difficult (outstanding) conditions involves:

- nomination of the workplaces by the employer together with the representative trade unions or workers’ Health and Safety representatives who assess also together the workplaces in order to identify the presence or not of occupational risks,
- obtaining the approval from the Territorial Labor Inspectorate which is accompanied by a list of technical, sanitary and organizational measures to be implemented to remediate the factors that have led to such a qualification,
- declaration to the territorial pension offices on a monthly basis of the list of all the persons that have worked in difficult (outstanding) working conditions (as they are granted specific medical checks-up and their social security contributions are taken into account for early retirement)

According to the Ministry of Labour as of August 1, 2013:

- 145 units that have approval for the inclusion in difficult working conditions
- 1213 jobs were included in difficult working conditions
- 32 993 workers were employed in difficult working conditions, i.e. 0,76% of the total workforce

Difficult (outstanding) working conditions are established for a workplace and are assessed depending on the presence in the working environment of certain risks: physical, chemical or biological factors.

All through the field researches these factors have been acknowledged by workers, experts and trade-unionist as leading to the characterisation of jobs as arduous:

- **foundry’s workers** mentioned: the dust “which is everywhere”, the physical effort, “*on a daily basis we have to lift weights of around 7 kg*”, the presence of gases and pollutants in the air or the very low temperatures in the winter “*in winter hands are sticking to the control panel*”
- trade unionist and workers in **distribution centers** mentioned physical factors (low and high temperatures, air flows) as well as the manual handling of loads and the repetitive physical operations (bending, lifting)
- **elderly care workers** highlight the efforts needed to move and lift the patients “*it is very hard lifting a person that has no strength*” as well as the working environment and the long shifts (up to 12 hours)
- **experts on the meat industry** recognize as major factors of “arduousness” the postures (normal standing or sitting down) as well as the overuse resulting from the manual handling of loads, the repetitive movements and the forced pace of production system

- **carpenters/floors coverers** put forward: repetitive gestures, postures (arms raised, leaning forward), presence of pollutants, dust, sawdust, unpaid extra hours, stress related to deadlines and technical and mechanical malfunctions

It must be highlighted that **psychosocial risks are not taken into account** when defining a job as being done in difficult working conditions. However and as shown by the case studies it appears that psychosocial risks are put forward by workers when describing their work as arduous:

- **Bus drivers** consider “*very stressing to drive fully focused for 9 hours for 2 days in a row and 6 hours on a third day*” “*Some of our colleagues died as they were driving due to heart attacks caused by stress*” and they add “*Compared to a truck driver, the stress is sensitively higher: a truck driver carries only goods that in addition are insured and they have a more regulated working program, while as a bus driver you have to transport human beings and the responsibility and pressure are much higher*”.
- **Workers in distribution centers** mentioned the stress associated with the verification of products: the employee must report any discrepancy between the product and its characteristics according to the invoice and if errors are made, they are to blame.
- **Elderly care workers** highlighted that “*in some cases the patient can turn aggressive towards the staff*” and that leads to stress.

The consequences of the exposure to arduous working conditions differ obviously according to the profession, going from musculoskeletal disorders or cardiovascular diseases to stress and depression; nevertheless there is one common feature: **consequences increase with age** and that is why workers, experts and trade-unionist advocate for early retirement policies: bus drivers agreed that “*after 55 years old the risk of a work related accident or occupational disease is consistently higher and that an early retirement policy is absolutely necessary*”; the metalworking trade unionist considers that “*employees in the foundry, especially in the most difficult areas such as cleaning, cannot work for more than 20 years without harm to their health... these persons should be able to retire around the age of 50*”; the interviewed caretaker agreed that “*being 55 years old (or even 50 years), you cannot carry out your duty due to your physical condition*”.

II. How to deal with the consequences of arduous work?

Consequences of arduous working conditions can be addressed / avoided in a double way: prevention and compensation/reparation.

II.1. Prevention

In Romania there is a close link between the compliance with the legal framework on occupational health and safety and the issue of special or difficult working conditions as the recognition of the latest depends on the **preventive measures** taken in the company.

Nevertheless this legal obligation, the evidence provided by the field research shows that a lot is to be done regarding prevention:

- **Bus drivers** explain that prevention measures exist, but they are not enough in order to mitigate the risks or they are not fully implemented: the buses have ergonomic seats that reduce the negative impact of vibration, but *“as they broke, the company doesn’t replace them with new ones”*,
- **Trade unionists in the foundry** said that the company hasn’t made more than requested by the law ; the same conclusion is drawn by workers who highlight that additional protective measures are needed especially during the cold season adding that *“protection boots are often used until completely worn-out”*
- On the contrary, **elderly care workers** assert that *“Prevention measures are carefully taken by the management: gloves, masks, waterproof overalls and boots”* however they *“don’t have special equipment that can help reducing the physical effort, such as cranes for lifting the patients”*
- On the **construction** branch the lack of collective bargaining is damaging the prevention activities; according to trade unionists *“working conditions in the workshops are not according to decent work conditions and the only implemented thing is better ventilation systems”*.

Two important pillars of the prevention systems are Labour inspectors and Occupational doctors; however their activity is widely criticized by workers and trade unionists: bus drivers consider that *“the role of the Labour inspectors regarding prevention is quite limited”* and in a similar way tilers explained *“In all our years of work, we have seen no labour inspector ever to come to the workshop and talk to the employees. The Labour inspector talks directly to the employer, checks the documents superficially and moves on”*; another worker added *“I went to the Labour Inspectorate to complain about the employer and I found no support at all”*

A last element must be taken into account regarding prevention: the adoption in 2011 of the new Social Dialogue Law meant a profound change of the rules of industrial relations leading a weakening of the collective bargaining and allowing employers to decide by themselves of the rules and measures to be implemented being obliged only to respect legal provisions.

In fact trade unionists state that *“the issue of working conditions is seldom discussed during the collective bargaining and if it happens it’s dealt at company level”*; the metalworking trade unionist adds *“compensatory measures are given priority in comparison to prevention measures”*

The issue of employability, which can be related to the prevention, is not directly addressed in the Romanian legislation or by trade unions.

Instead, it is considered that:

- When the rules of occupational health and safety are respected, employees maintain their employability,
- When the presence of pollutants or other factors leads to an “arduous” work, it is acknowledged that the employability of workers is reduced in time and that is why

compensation has been implemented (i.e. the reduction of their retirement age for some professions).

In practice, the lack of provisions on this issue is highly criticized by the interviewed persons:

- the trade unionist on the metalworking sector said *“Employability is a sensitive issue, for several reasons: firstly, there are no other companies with a similar professional profile in the region, secondly, workers exposed to health risk factors during a long period of time have lesser chances to be accepted by other employers and finally, as employees approach retirement age, their employability decreases naturally”*;
- the workers acting in the elderly care sector highlight that *“they can only apply to a similar job (i.e. nurse) but that is difficult to achieve as a degree as nurse is needed and they have rather few possibilities to attend the school given the working schedule”*
- the floor coverers emphasized that *“many of their colleagues that suffered a work-related accident were laid off after coming back to work for not being physically competent for the job”*

II.2. Compensation/repairation

The issue of **compensation/repairation** can be addressed in a double way: compensations (bonus, working time arrangements...) and the mechanisms of early retirement.

The analysis of the case studies shows that arduous working conditions are not always compensated: no bonus or compensation exists in the meat industry, elderly care sector nor in the carpenter/floor coverer profession; however and with regards to this point a tiler said that *“economic repair is not a long term solution... my demand is the reduction of years of work and early retirement”*

Regarding the other three professions concerned: in **the distribution center case study** some special bonuses are given to persons working in refrigeration areas, below zero or above 30°; the collective agreement on **public transport** establishes a compensation system related to the route where bus drivers are working on (several criteria are used to calculate the percentage of increment granted to each route) but bus drivers state that *“the actual system of compensations is not enough to cover the negative impact of their working conditions on their health”*, and they add *“an early retirement policy is absolutely necessary as arduousness increases with age”*; in the **foundry** case study there is no specific compensation for arduous work except for the salary grid, which takes into consideration to a certain extent the working conditions.

The second aspect of the compensation/repairation policies is the **early retirement policy**.

In Romania there is a close link between arduous work and retirement policies:

- For workers who have made contribution periods in **difficult (outstanding) working conditions**, the reduction of the standard retirement age is between 1 and 8 years (a 3 months' reduction per year worked in difficult working conditions). A minimum of 6 years' contribution is required.
- For workers in **special working conditions** the reduction of the retirement age ranges from 1 to 13 years, according to the achieved contribution period in these working conditions (for each year in special working conditions the retirement age is reduced by 6 months up to a maximum of 13 years).

On a global basis the reductions of the standard retirement age can be cumulated, but cannot exceed 13 years and the retirement age cannot go below 50 years for women and 52 years for men (some exceptions apply to military and Defense staff)

The issue of early retirement related to arduous working conditions presents the same features in almost all the professions covered by the present research:

- Workers in distribution centers, elderly care workers, processing line workers in the meat sector, carpenters/floors coverers and bus drivers are not concerned by the legislation on special or difficult working conditions granting the access to early retirement
 - Before the last reform, bus drivers were considered as carrying out a job in difficult working conditions and so were allowed to leave on early retirement but today this measure has been cancelled.
- Activity in the foundries is considered an arduous work in terms of the national Pension Law, and results into a reduction of the retirement age, in the sections where workers are exposed to:
 - above limit presence of crystalline CO₂ dust in the smelter area
 - above limit noise in the cleaning area

This legislation means in practice that 63% of the total workforce of the foundry analyzed is recognized under special working conditions and benefits from a reduction of the retirement age between 3 and 13 years depending on the length of the exposure. In the view of the trade union leader, “*all employees of the company should have been included in the special working conditions scheme*” and the fact has been considered as discriminatory, leading some employees to go to court to have their working conditions recognized as special working condition but with no success.

The feelings of workers towards the issue of early retirement are quite different in each profession:

- workers in distribution centers are quite young and they say that “*they do not experience particularly difficult working conditions*”, in fact the issue of retirement policies is not really of their interest and the low level of remunerations and social packages seem to be a more stringent problem for the interviewed workers than working conditions.
- caretakers declared that “*the right to early retirement should be recognized given the risks and the responsibilities of their profession*”

The last pensions’ reform (2010) did not change much of the framework related to arduous work while it increased the legal retirement age. The provisions related to difficult (outstanding) and special working conditions were similar to those provided by the former legislation (2001). However, some professions (as bus drivers) have been taken out of the list and that has led sectorial trade unions (metalworking sector, for instance) to fight for the preservation or inclusion of workplaces in special working conditions.

Indeed trade-unionists consider that “*At the national level, the pension system is in discussion, but the difficult working conditions are not taken into consideration...; changes are necessary, like the recognition of the arduous working conditions for a series of jobs...*”

IV. JOINT RESOLUTIONS

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