

4.

EUROPEAN AND NATIONAL POLICIES BY TOPIC

The aim of this section is to examine policy initiatives undertaken to reduce the risk to workers' health and safety at European, national, regional, local and sector levels, providing a representative coverage of activities across the EU and identifying success factors. These also include guides, actions and strategies, including action taken by social partners (e.g. through voluntary agreements).

The policy examples described are based on a representative survey of the Topic Centre Work Environment. For the survey at least eight institutions in each EU Member State were contacted via mail. The contacted institutions consisted of accident insurers, Horeca sector associations, trade unions, employer federations and OSH research institutions of each country. Where a successful contact could be established representatives of the different organisations were interviewed via telephone. However, despite all efforts, a complete response rate could not be achieved. Accordingly this is neither a complete list of actions of all countries, nor within the Member States are these the only relevant actions and policies in place.

4.1. EUROPEAN POLICIES

All workers are protected by the framework Directive (89/391/EEC). The directive's basic principle is risk prevention which requires risk assessment by the responsible employer, and imposes a general duty on employers to ensure the health and safety of all employees. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0391:EN:HTML>

The seven main points of the directive are the following.

- Employers shall ensure that an assessment is made of the risks to the health and safety of workers.
- They shall put in place the necessary preventive measures.
- They shall ensure that the workers and/or their representatives receive the necessary information, in particular on health and safety risks, preventive measures, first aid, and fire-fighting.
- They shall ensure that each worker receives adequate and job-specific health and safety training.
- They shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to health and safety at work.
- Each worker is obliged to take care as far as possible of his/her own health and safety and to make correct use of machinery, tools, dangerous substances, personal protective equipment, etc.
- The improvement of workers' safety, hygiene and health at work is an objective which must not be subordinated to purely economic considerations.

The framework directive is supplemented by individual directives to cover the health and safety requirements of employees:

- minimum requirements for the workplace (89/654/EEC);
- use of work equipment (89/655/ECC);

- manual handling of loads (90/269/EEC);
- display screen equipment (90/270/EEC);
- use of personal protective equipment (89/656/EEC)
(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31989L0656:EN:HTML>);
- exposure to biological agents (2000/54/EC)
(http://bccm.belspo.be/about/mucl_directive_200054EC.pdf);
- exposure to chemical agents (98/24/EC)
(http://eur-lex.europa.eu/LexUriServ/site/en/oj/1998/l_131/l_13119980505en00110023.pdf);
- minimum health and safety requirements regarding the exposure to the risks arising from physical agents (noise) (2003/10/EC);
- hygiene of foodstuffs (852/2004/EC)
http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00030021.pdf
- specific hygiene rules for food of animal origin (853/2004/EC)
(http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_226/l_22620040625en00220082.pdf)

4.1.1. Legislation and steps taken to support the implementation of the EU directives

Directive 89/391/EEC introduced employer responsibility, prevention, information, training, consultation and participation of workers. Directive 89/391/EEC and Directives 89/654/EEC, 89/655/EEC, 89/656/EEC, 90/269/EEC and 90/270/EEC led to the rationalisation and simplification of the national legislative corpora. Transposal of these directives obliged the Member States to switch from legislation which was often based on remedial principles to a preventive approach based on individual behaviour and organisational structures.

Although measures at national (action plans and awareness-raising campaigns) and European (through the European Agency for Safety and Health at Work) have contributed greatly to better understanding of the new legislation and better awareness by employers and workers alike of their rights and obligations, the impact of these measures varies depending on the economic players to whom they apply. While things run smoothly from this point of view in bigger companies, this is not the case in small and medium-sized enterprises (SMEs), where a great effort is needed.

As has been shown, more than 90 % of the enterprises in the Horeca sector employ fewer than 10 people, and 99 % of enterprises have fewer than 50 employees.

Analyses show that there are major shortcomings in complying with essential elements of EU health and safety legislation in SMEs, in particular as regards risk assessment, workers' participation and training, and in the traditionally high-risk sectors of agriculture and construction. These shortcomings stem primarily from:

- lack of information and specific (targeted information distributed locally) and comprehensible guidelines;
- poor capacity and skills in terms of health and safety;
- lack of resources to ensure appropriate basic training of the workforce and managers;
- poor access to effective, specific and specialised technical assistance ^(?).

^(?) European Communities, 1995–2006

Regarding statements and agreements by social partners at the EU level, in December 2004, the social partners in the hotels and restaurants sector signed a joint document on corporate social responsibility (CSR), covering areas such as equality, working conditions, pay, training, health and safety, and restructuring.

On 10 December 2004, the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) and the Confederation of National Associations of Hotels, Restaurants, Cafés and Similar Establishments in the EU and EEA (Hotrec), for employers, signed a joint document entitled 'An initiative to improve corporate social responsibility (CSR) in the hospitality sector'.

The document covers the following areas.

- Equal opportunities and non-discrimination: enterprises should develop policies to cover recruitment, pay, promotion, training and termination of contract.
- Working conditions and work organisation: practices such as 'job-splitting', flexitime and other forms of work life balance should be encouraged. Further, enterprises should seek to re-employ seasonal employees from one season to the next in order to ensure stability and continuity.
- Fair pay: the principle of non-discrimination should apply to pay at all levels, and non-financial incentives that have a financial and 'family-friendly' impact, such as the organisation of day care for children, should be considered.
- Vocational and continuous training and life-long learning: training should enhance the 'professionalisation' and employability of employees. Enterprises should offer more apprenticeships and traineeships where this is economically and socially feasible.
- Health and safety: policies in this area should be drawn up by enterprises, in discussion with employees, and specific programmes that are aimed at tackling health and safety problems that are specific to the sector should be developed.
- Restructuring: employees and their representatives should be kept aware on a regular basis of the situation of their company, and informed and consulted on planned restructuring exercises in good time, so as to avoid or at least limit any negative consequences for employment.
- The relationship between the social partners in the hotels and restaurant sector: the signatory parties note that there has been a social dialogue at EU level in this sector since 1987, resulting in a range of texts (EU0407202N). They state that they hope to continue and develop this dialogue.

4.1.2. Examples of steps taken to support the implementation of concrete EU directives in specific Member States

Le plan collectif de mise en conformité des machines dans l'industrie hôtelière, France (Collective plan for the compliance of machines in the hotel sector)

This plan is based on Directive 89/655 of 30/11/1989 (transposed into French legislation by two decrees Nos 93-40 and 93-41 of 11 January 1993, code du travail, art. R 233-14 and following and R 233-1 and following).

In order to help hotel companies to comply with the legal safety measures for machines, a plan was set up in collaboration between the Ministry of Work, Social Dialogue and Participation and the Confédération générale de l'alimentation en détail (General Confederation of Retail Foodstuffs). A step-by-step priority management plan was distributed, together with a checklist for companies to verify whether their machinery

was compliant with the safety legislation. If the response was negative, solutions were provided to adapt the machines ⁽³⁾.

Safety check for catering establishments, Luxembourg

Assessment of occupational health and safety risks in the selection of work equipment, chemical substances or preparations and in the layout of workplaces.

Framework Directive 89/391/EEC of 12 June 1989 on health and safety at work requires employers to produce an assessment of the health and safety risks in the workplace.

Small firms in particular usually find it difficult to comply. The 'safety check' leaflet provides firms with a practical aid to carrying out the risk analysis. It is intended to be used as a model and was produced with assistance from the Berufsgenossenschaftliches Institut für Arbeitssicherheit (BGIA, Germany), and in cooperation with the European Commission.

OSH-POLICIES IN DIFFERENT MEMBER STATES

4.2.

4.2.1. Austria

Sector-specific risk assessment tools

There is no sector-specific regulation in Austria. However, to provide information and checklists for the obligatory risk assessment, the Austrian Social Insurance for Occupational Risks (AUVA), the Austrian Federal Economic Chamber (WKO), the Association of the Safety Representatives, the Federation of Austrian Industry (IV) and the Austrian Trade Union (ÖGB) have made available documents for a proper accomplishment of the risk assessment on their website (www.eval.at).

They provide specific risk-assessment documents for many different sectors, for hotels as well as for restaurants. There, the documents are specifically adapted to the features of different work places and activities. Thus, there are specific documents for work places, dealing with things such as:

- cutting machines
- workstations
- dishwashers
- ironing presses
- manual handling

⁽³⁾ See: http://www.synhorcat.com/IMG/pdf/Plan_collectif_de_mise_en_conformite_des_machines_dans_l_industrie_hoteliere.pdf

- deep fat fryers
- passing machines
- cookers
- dispensing equipment.

4.2.2. Belgium

General legislation

In Belgium, there are no specific provisions for the sector regarding occupational health and safety.

The only legal obligations that specifically apply to hotels and restaurants are those regarding food hygiene. The required measures are designed from a public health point of view and aim more at consumer protection than protection of the workers, but they have without any doubt a beneficial impact on the working conditions in the sector. European and Belgian regulations have been completed by a HACCP guide on hygiene, the Royal Decree of 7.2.1997 on the hygiene of foodstuffs (OG 25.4.1997) and general rules of hygiene for foodstuffs.

The smoking ban, from which the hotels and restaurants were excluded before, came into force in the hotels and restaurants sector starting from January 2007.

There are certain social provisions for the sector. These include general provisions for all sectors on night work and non-discrimination against part-time workers, and for night work and employment on Sundays or holidays for young workers in the hotels and restaurant sector.

Collective work agreements (CWA), drawn up for the hotels and restaurants sector, also have an impact on health and wellbeing of workers. They include derogations that are often more advantageous than those of the general framework. They apply to the whole sector, or to one or more branches.

The recommendation of the National Joint Committee on the introduction of new workers in the hotels and restaurants sectors is that information provided for new workers should include working conditions, hygiene and occupational safety.

Besides that, a covenant, renewed every one or two years, between the Flemish government and the social partners in the sector, was concluded in 2002. Most of the measures are targeted at increasing the level and quality of employment in the sector, but there are also measures on non-discrimination and improvement of the diversity of staff, lifelong learning and work-life balance ⁽⁴⁾.

In addition, there are several actions and programmes concerning health and safety in the Horeca sector:

The Ministry of Employment and Labour has produced a safety guide for the hotels and restaurants sector, aimed at the improvement of working conditions and including practical guidelines on the prevention of fire, on electricity, the risk of falling, working with machinery, protection against burning, measures for good air quality in the workplace, sanitary installations, clothing, etc.

The Centrum voor vorming en vervolmaking in de Horecasector (Centrum Horeca – Centre for education and training in the hotels and restaurants sector), which is part of

⁽⁴⁾ See also <http://www.Horecanet.be/Horecavorming/default2.asp?w=opleidingen.asp>

the social fund for the hotels and restaurants sector, provides education and training for different target and risk groups and develops specific training material. Every course has a well-defined target group. The sessions are available all over the country in order to optimise participation and minimise the distance and the time expenditure for the participant. The centre offers different courses ranging from quality control and improvement to human resources, professional know-how and OSH. OSH themes include, for example, fire prevention, working with cleaning agents, ergonomics, first aid, how to handle difficult or aggressive customers, stress, diversity at work, and work-life balance.

Guidea is a Flemish knowledge centre on tourism and the hotels and restaurants sector. It gives advice to employers, employees and professionals in the sector. It also provides information, brochures, tools and courses on diverse topics such as corporate organisation, occupational health and safety corporate economics, marketing and communication, and HRM. The sector finances this initiative through Centrum Horeca and Toerisme Vlaanderen (Tourist Office of Flanders).

<http://www.guidea.be>

SERV (Sociaal-economisch raad Vlaanderen) provides sector profiles in cooperation with organisations in the sector (Federatie Horeca, Centrum Horeca, Cevora). The research is carried out in collaboration with different partners (Social Fund Horeca, European Social Fund, the VIONA-programme, the Flemish Ministry of Employment and several partners from the sector, e.g. Federatie Horeca Vlaanderen). The objective of the sector profiles is to map the necessary competences and educational needs of the sector in order to anticipate the changing context on the corporate and sector level. The aim of the project is to attain a coordinated approach and a uniform result that can serve multiple purposes and users. It also includes recommendations on health and safety for different job functions.

<http://www.serv.be> (Roskams and Hermans, 2003)

The action group RookVrij v.z.w. – Vereniging voor een rookvrije leefomgeving has striven over the years for a smoke-free hotels and restaurants sector. Their efforts are directed towards protecting the public visiting restaurants and bars as well as towards providing employees with a smoke-free work place.

Prevention et Interim is the central prevention service for the temporary employment agency sector. In this sector, many workers are employed in hotels and restaurants. The main target of the prevention service is to reduce the number of accidents in the sector through awareness-raising on health and safety issues and presenting practical prevention measures to improve wellbeing among the workers. The centre provides training packages, brochures and information sheets. The hotels and restaurant package contains a technical sheet with the main tasks, risks and prevention measures for workers, and prevention information sheets on the use of specific tools and instruments, personal hygiene, HACCP, ergonomics, etc.

<http://www.p-i.be/p/AB30029B1E1DC819C12570EB00310A6D?open>

<http://www.p-i.be/p/608D75DBA2C35B56C1256D090054CFAF>

In 2001, there was a project supported by the European Agency for Safety and Health at Work, called Switch: innovative tools for the catering and hotel industry. In this project (run with the cooperation of the Netherlands, Belgium and Germany), a prevention concept for small enterprises in the catering trade was developed. The aim was to reduce accident risks and simultaneously minimise health risks in small and medium-sized enterprises. The long-term objective was to prove the economic efficiency and competitiveness of these service companies. It was intended to create networks with the assistance of institutions that play an important role in qualification

and prevention in order to benefit from the resulting synergy effects. The project partners were union organisations, vocational schools and institutes of occupational health and safety, situated in the three countries' national health services. The contact institution was the German statutory accident insurance and prevention institution for the Horeca and the foodstuff industry, Berufsgenossenschaft Nahrungsmittel. und Gaststätten.

Workshops Federatie Horeca organised, in cooperation with Unizo and Prevent, 12 workshops in several regions of Flanders. The subjects covered were: safety and prevention in the kitchen, safety and prevention in the restaurant and ergonomic aspects of kitchens and restaurants. The target groups were schools and employers in SMEs. The sessions were completely free and were widely announced. Opportunities for advanced training in the field of occupational health and safety were offered to specific target groups who act as champions, particularly entrepreneurs and their wives, trainees, and other employees, as well as company trainers and teachers. The sector-specific orientation of the seminars, imparting practical advice, clearly shows the special benefits that health and safety can have on the quality and competitiveness of small enterprises. Integrating the subjects of occupational health and safety into professional training emphasises their positive effect in terms of productivity and product quality. The catering trade traditionally operates on an international level. Cross-border exchange of personnel takes place between Belgium, the Netherlands and Germany. With the aim of providing optimum service with regard to occupational health and safety issues and to minimise the time expenditure for employees in small and medium-sized enterprises, cooperation between hospital and accident insurance institutions is envisaged, offering cross-border consulting services (Roskams and Hermans, 2003).

4.2.3. Cyprus

Guideline of the Ministry of Labour

In Cyprus, the Labour Inspectorate of the Ministry of Labour has published a short guideline on managing OSH in hotels. The guide is in Greek and it is addressed to employers. It contains general information about risk assessment and basic risks. Then it identifies specific risks in hotels such as legionella, cuts and burns, violence from clients, fire risks, etc. Finally, it has a table with basic risks and prevention measures for each work area in hotels, namely the kitchen, rooms, restaurant, bar, outdoors, etc. The guideline can be found on the Cypriot Labour Inspectorate's website:

[http://www.mlsi.gov.cy/mlsi/dli/dli.nsf/All/5DEC8637D09A795CC22570420034FB38/\\$file/XENODOXEIA.pdf](http://www.mlsi.gov.cy/mlsi/dli/dli.nsf/All/5DEC8637D09A795CC22570420034FB38/$file/XENODOXEIA.pdf)

Agreement between the sectoral social partners

There is also an agreement affecting employees, which was signed by the sectoral social partners: the Union of Hotel and Recreational Establishment Employees of Cyprus (SYXKA-PEO), which is affiliated to the Pancyprian Federation of Labour (PEO), and the Federation of Hotel Industry Employees (OUXEB-SEK), affiliated to the Cyprus Workers' Confederation (SEK), which represents employees, the Pancyprian Association of Hoteliers (PASYXE), and the Association of Cyprus Tourist Enterprises (STEK), representing employers. The agreement's most important provisions regarding non-pay issues are those pertaining to workplace health and safety and the inclusion of new occupations in pay scales. With regard to health and safety, the unions' demand for the immediate establishment and operation of health and safety committees in all hotels, based on the provisions of current legislation, was accepted.



The agreement can be found on the website of the European industrial relations observatory, the Eurofound for the Improvement of Living and Working Conditions: <http://www.eiro.eurofound.eu.int/2004/10/inbrief/cy0410101n.html>

The recommendations for prevention in the guideline include the immediate establishment and operation of health and safety committees in all hotels, based on the provisions of current legislation.

4.2.4. Czech Republic

According to the Ministry of Health, the Czech Republic does not have any special law regarding the issue of protection of employees at work that is specifically focused on work in hotels, restaurants and catering. Work in canteens and their supportive premises, as well as the work of chambermaids, barmen, and waiters, are covered by occupational health laws.

Additionally, there is a non-governmental policy. The main non-governmental organisations active in this field are trade unions, namely the Czech-Moravian Trade Union in the hotel and catering industry and tourist trade. The programme and goals of the union are available at <http://www.phcr.cz/dokum.html>. The document also deals with the issue of occupational health and safety.

Furthermore, for all sectors, the Centre of Industrial Hygiene and Occupational Diseases offers, according to its website at <http://www.zupu.cz/>

- measurement and examination of living and working conditions and biological materials;
- physical examination to safeguard occupational health;
- participation in public health protection and promotional programmes with local and regional authorities and institutions;
- education of the public on protection and promotion of health, including the organisation of public courses, information campaigns and clinics;
- collection and analysis of epidemiological data to prevent the spreading of infectious diseases as well as to prevent workplace hazards and drug abuse;
- cooperation with the National Institute of Public Health, other regional Public Health Institutes and Offices and medical facilities;
- to put data into informational systems for statistical and scientific purposes.

4.2.5. Denmark

In Denmark, there are no specific laws or regulations on occupational safety and health for the Horeca sector. The Danish Work Environment Authority (Arbedstilsynet) provides a legislative and governmental platform and inspects and guides workplaces on work environment issues. It also participated in the preparation of instructions and regulation on these issues. For the Horeca sector it provides some checklists, guidelines and recommendations concerning various risks and hazards in the sector.

There is also the BAR-Service (Branche Arbejdsmiljøråd), a cooperative organisation of the social partners in the Horeca, cleaning and laundry workers, police, guarding services, hair dressers and entertainment sectors, which provides information on work environment. The BAR-Service maps out the special health and safety problems in the sectors it represents and helps the enterprises to solve them through information, seminars, thematic meetings, education and by proposing research.

For example, it provides information for Horeca concerning risk assessment and checklists in different workplaces and on specific subjects, such as kitchens, doormen, mental stress and strain, fire protection in hotels, etc.

The BAR-Service has been in operation since 1999, and has an annual budget of five million Danish Krone, which is provided through accident insurance fees collected from the members of the related unions and associations.

4.2.6. Finland

In Finland there is statutory occupational accident insurance, which covers all employees who work at least 12 days a year. The insurance covers unexpected and sudden external events, which cause injury or illness to an employee as well as occupational diseases and certain slowly developing injuries. The compensation covers medical and rehabilitation costs to their full amount, as well as examinations necessary to establish whether the disease or injury is related to work.

There are no specific laws on OSH targeted at the Horeca sector, but new provision of the tobacco laws have concerned mainly the protection of the restaurant workers.

Occupational health and safety administration is the responsibility of the Department of Occupational Safety and Health at the Ministry of Social Affairs and Health. The country is covered by eight Occupational Safety and Health Inspectorates. Inspections are carried out annually on about 30 000 workplaces out of the 240 000 workplaces in the country. The inspectorates' actions have been focused on hotels and restaurants as decided by the Ministry of Social Affairs and Health. Hotels and restaurants have been one of the target groups because of the accidents, violence and occupational disease risks associated with them. They have also been inspected more often due to the policing of the Finnish Foreign laws in relation to grey and black economic activity. More resources have been allocated to inspections in this sector, enabling inspections to reach about 21 % of enterprises in 2004–2006.

Actions focus particularly on prevention of noise exposure, protection against ETS exposure, and reducing the threat of violence from customers and improper management of working hours.

Concerning noise protection for employees, a code of conduct has been prepared in cooperation with stakeholders in the entertainment sector and experts at the Ministry and at the Finnish Institute of Occupational Health (FIOH), which is entitled to state subsidies. There is also a Finnish Code of Practice relating to noise exposure of Horeca staff serving in the music and entertainment sector (see the noise in the entertainment sector report).

Apart from research concerning exposure to noise, the FIOH's other research fields include ergonomics, work organisational factors and heat exposure.

OSH governance has set the general goals for action in 2007 that apply also to Horeca. FIOH has, in cooperation with OSH governance, prepared checklists for risk identification and assessment in the Horeca sector. Additionally, both FIOH and the Centre for OS have published the following guidance and information for the sector.

- The guide for violence prevention from the Centre of OS (ehkäise ennalta, vältä väkivaltaa).
- The code of conduct for noise abatement and noise risk assessment for the entertainment sector (to be published in 2007).
- Guidance on the smoking prohibition in restaurants from the National Product Control Agency for Welfare and Health, which is the central coordinating body for

the Tobacco Control Act (it also guides the Inspectorates both for OSH and municipal and regional monitoring of environmental health) at:
http://www.sttv.fi/ylo/tupakka_frameset.htm

- Safety checklists from FIOH at http://www.ttl.fi/NR/ronlyres/A163CDBE-2287-487D-988C-9DB959A0CC99/0/hotellit_ja_ravintolat.pdf (for hotels and restaurants) and http://www.ttl.fi/NR/ronlyres/EAF53D15-8349-4213-B9F0-A619A0E59727/0/ravintolat_ja_suurkeittiot.pdf (for restaurants and catering).
- Further guidance on ETS exposure and its prevention in workplaces and on shift work can be found on the FIOH website <http://ttl.fi>

This information is mainly disseminated through the Internet, through personal communication in inspections, and through guidebooks. The main target group was employers in the Horeca sector.

4.2.7. France

General legislation

France has transposed and ratified the European directives into national legislation.

Working time in hotels and restaurants

In some professional sectors such as hotels and restaurants, a specific regulation applies to working time. This is called a 'régime d'équivalence'. This means that an employee's presence at work for a certain time (e.g. 38 hours) is equivalent to the legal working time (35 hours). The overtime hours are deducted from this equivalent working time. This equivalent working time has to be introduced by decree.

<http://epmtth.org/employeur/journal7.htm>

Collective work agreements for the Horeca sector

Different collective working agreements (convention collectives de travail) exist for the sector: e.g. hotels and restaurants, hotels, cafés, restaurants, tourism, hotels with three, four, five stars, luxury hotels, canteens, etc.

<http://www.cncorg.com/conventions/listenumconventions.php>

They lay down the specific social provisions for the sector such as working time, night work, leave and holidays, the regulations concerning working conditions and food and accommodation for staff (healthy food, suitable and healthy accommodation if relevant), working uniforms and equipment, and concerning occupational accidents and diseases, etc. Depending on the region there can be extensions and alterations ^(?).

The Anti-tobacco Law (loi No 91-32 du 10 janvier 1991, called loi 'Evin' and the provisions of articles R. 3511-1 à R.3511-13 of the Code de la santé publique')

The objective is to protect workers from passive smoking but also from risks such as fire and explosions. It contains strict hygiene and safety measures for the workplace. It is forbidden to smoke in all covered or 'closed' places that are used as a working place by all employees (reception desks, catering establishments, meeting and training facilities, rest rooms). It may be tolerated in individual offices. In cafes and restaurants the prohibition of smoking is aimed at workers as well as customers.

^(?) See <http://cncorg.com>

Comité d'hygiène, de sécurité, des conditions de travail

A committee for occupational hygiene, health and safety has to be present in companies that have at least 50 employees. They watch over OSH for all workers in the company, contribute to improving working conditions, and raise the alarm in case of imminent danger.

http://www.synhorcat.com/article.php3?id_article=92

Le plan collectif de mise en conformité des machines dans l'industrie hôtelière

(Collective plan for the compliance of machines in the hotel sector)

This plan is based on the European Directive 89/655 of 30/11/1989 (transposed into French legislation by two decrees No 93-40 and 93-41 of 11 January 1993, code du travail, art. R 233-14 and following and R 233-1 and following). In order to help hotel companies comply with the legal safety measures for machines, a plan was set up in collaboration between the Ministry of Work, the social partners and the Confédération générale de l'alimentation en détail (General Confederation of Retail Foodstuffs). A step-by-step priority management plan was distributed to the companies. A checklist was distributed for companies to verify whether their machinery was compliant with the safety legislation. If the response was negative, solutions were provided to adapt the machines.

http://www.synhorcat.com/IMG/pdf/Plan_collectif_de_mise_en_conformite_des_machines_dans_l_industrie_hoteliere.pdf

SYNhorcat (Syndicat National des Hôteliers Restaurateurs, Cafetiers, Traiteurs (trade association for hotel, restaurant, cafés and catering professionals) also provides training and consultancy on legislative issues (health and safety, social provision for employees, etc.) and several kinds of information to help companies meet their OSH obligations (e.g. cleaning and disinfection plan, checklist for the reception of new workers, fire safety).

http://www.synhorcat.com/IMG/pdf/Plan_de_nettoyage_et_de_desinfection-2.pdf
<http://www.synhorcat.com/>

Working and living conditions of seasonal workers

In February 2000, France's Secretary of State for Tourism launched an action programme to improve the working and living conditions of seasonal workers working in tourism (most of them work in the hotels and restaurants sector). The programme included 15 measures, and was inspired by the 31 recommendations put forward by the 1999 Le Pors report on seasonal employment. The plan's aim was to improve housing conditions for seasonal workers, to provide better information for seasonal workers on their rights, to facilitate access to employment-related health check-ups, to enable workers with several jobs to pay into a single social security fund, and finally, to strengthen vocational training during the low season (Le Pors, 1999).

<http://www.tourisme.gouv.fr/fr/navd/mediatheque/publication/economie/att00006306/rapcomplet.pdf>

Seasonal workers: organisation of social dialogue on a local level

In order to improve the working conditions of seasonal workers, the local director of work of Haute-Savoie (Direction départementale du travail de Haute-Savoie) launched a social dialogue. The aim was to combine the efforts of the social partners of the department of Haute-Savoie and the local hotels and restaurants' representatives in order to introduce delegates at tourist sites.

Winter sport centres have 3 500 employees during winter. These employees are contracted mostly in SMEs that generally do not have any trade union representatives. The working conditions are mostly very difficult for seasonal workers. In the past, employers also complained that it was hard to find qualified and motivated staff. The contracted employees brought attention to the increase in social problems among seasonal workers and an increased intake of alcohol and drugs, leading to important health and safety risks and even to suicide. In order to establish a social dialogue in this region, the trade unions have installed local representatives that can deal with these problems during the winter season. A basic text has been developed defining the role, status, necessary means and the protection of employees.

Evaluation

Putting the delegates in place was complex: there was no precedent, and it took almost three years to draw up a memorandum of understanding regarding the creation of a joint committee between the social partners. There were also conflicts of interest between the different levels of consultation (at local and department level). However, the lesson learned is that the local social dialogue is pertinent if it meets a real need in the field and on condition that the local employers' organisation is supportive of the project.

(ANACT— <http://www.anact.fr>)

In-company training for Horeca – Asforest

(Organisme de formation des métiers de l'hôtellerie et de la restauration.)

This organisation provides in-company training and internships for Horeca. Although its activities are mostly aimed at technical schooling and management issues, aspects of hygiene, and health and safety are also included in some of the training (e.g. efficient work organisation, manual handling and slips and trips).

<http://www.synhorcat.com/asforest/>

The INRS (l'Institut National de Recherche et de Sécurité) provides publications covering the implementation of OSH in specific sub-sectors and jobs, such as:

- Work as room maids
- Work in fast-food restaurants
- Delivery of food and drink
- Work in 'traditional' restaurants

The INRS also provides advice regarding specific social issues in the sector such as aggression and violence, mobbing, psychosocial issues, etc.

In addition, the Institute provides legislative, methodological and public health information concerning the sector for occupational physicians as well as seminars on different OSH subjects. In May 2006 it organised a workshop on current thinking on OSH problems in the sector and how to prevent them. The target audience was professionals in the sector.

Preventive services on health and safety across all sectors are provided by the **Caisse régionale d'assurance-maladie**. In addition to undertaking health and safety inspections of companies, the Caisse régionale d'assurance-maladie provides advice on how to avoid occupational risks, and general information to increase awareness of health and safety issues. It also promotes good practice within organisations. For example, Cramif (Caisse régionale d'assurance maladie d'Île-de-France, <http://www.cramif.fr>) offers services to companies, individuals and health professionals. It also makes contributions in case of occupational disease. The prevention part of their actions includes training on

risks in Horeca. The target audiences are employers, employees, prevention officers, occupational physicians and ergonomists. The aim is to provide — starting with the most important problems in the sector (such as accidents and manual handling) — the ground rules for a risk evaluation in the hotels and restaurants sector in order to attain a suitable level of prevention.

4.2.8. Germany

In Germany, the most important legal basis for the prevention of occupational accidents and diseases and work-related health hazards is provided by Part VII of the Code of Social Law (Sozialgesetzbuch Teil VII), describing the duties of the accident insurance institutions, which is one part of the German social insurance system. Their job is to ensure, by all appropriate means, that occupational accidents and diseases and work-related hazards are prevented and that effective first aid is available. For the purpose of performing these tasks, insurers must advise and consult with both employers and insured persons. In addition, insurers are also obliged to supervise the implementation of accident prevention measures. Their duties further extend to the fields of research, education and training and the creation and distribution of motivational media presentations. Another legal basis is provided by the accident prevention regulations enacted by the accident insurers themselves.

The statutory accident insurance and prevention institutions (Berufsgenossenschaften) in Germany are branch-oriented. It is in the **Berufsgenossenschaft Nahrungsmittel und Gaststätten (BGN)** that the Horeca sector (apart from the foodstuff industry) is insured. The BGN deals with over 400 000 enterprises with about three million insured persons, of which 350 000 are small companies, and 292 000 firms with two million insured persons belonging to the Horeca sector. All employees and trainees are compulsorily insured by way of the statutory accident insurance. This is exclusively financed through contributions from employers, and is contribution-free for all employees.

Tasks

The tasks of the BGN as a statutory accident insurance institution comprise: prevention of occupational accidents, occupational disease and work-related health hazards; provision of medical treatment or services; reintegration of the insured into working and community life; and compensation in the form of cash benefits (and pensions).

Measures

For the purpose of preventing occupational accidents and diseases and work-related hazards, the following services are provided.

- Advising and supporting employers and insured persons in embracing aspects of technical safety, occupational medicine and organisation.
- Investigation of possible causes of occupational accidents and disease or work-related health hazards, and integrating the results in future prevention work.
- Providing occupational and safety-related medical support.
- Supervision of the operational measures taken to prevent occupational accidents, diseases and work-related health hazards.
- Providing training: the BGN trains and qualifies various target groups in matters of occupational health and safety protection, for example employers and managers, health and safety specialists, safety delegates or teachers, trainers and trainees. The seminars are always practice-oriented and especially developed for the target group. For example, for the Horeca sector there are topics such as 'Health and safety in

kitchens', 'Hygiene and HACCP in Horeca', 'Fire protection in hotels', 'Safety and health for executives', 'Skin protection', 'Coping with mental stress', 'Successful handling of customer complaints', 'Communication for cooks', 'Time management and organisation in the Horeca', etc.

- Providing information material such as teaching units, audiovisual media, magazines and brochures, signs, etc.
- Providing accident prevention regulations, which help simplify the practical implementation of governmental orders.
- Providing certification to support manufacturers, traders and operators of technical facilities ('GS mark').
- Carrying out research and development addressing practice-oriented problems such as displacement ventilation in kitchens.
- Providing information and communication, for example through campaigns such as 'Step safely' (2003-2005) or the new campaign 'Mach mit — Haut fit' (2007/2008) in the framework of the skin-prevention campaign, launched by both statutory accident and health insurance institutions, which aims to prevent occupational skin diseases. For this purpose, the BGN intensified its already existing media, qualification and information offers.

Characteristic of the German social insurance system is the self-administration principle: the organisation, rendering and financing of the services of the BGN lies in the hands of autonomous administrations supported by the social partners. Employers and employees are represented equally on their boards. The result is an efficient structure with sector-specific and demand-oriented services.

The regional OSH programmes of BGN

One special offer for small and medium-sized enterprises are the BGN's Regionalen Arbeitsschutzprogramme (regional OSH programmes). In 12 regions the BGN has established networks consisting of institutions which represent the interests of enterprises such as the Deutsche Hotel- und Gaststättenverband (Dehoga) or which play an important role in the field of qualification and prevention, such as the health insurance institution Allgemeine Ortskrankenkassen (AOK). Opportunities for advanced training in the field of occupational health and safety are offered to specific target groups which act as champions, in particular entrepreneurs and their wives, trainees, and other employees as well as company trainers and teachers.

These networks ensure the development of a participation, demand and practice-oriented information and training scheme which offers small enterprises in the Horeca sector sensible assistance in dealing with challenges concerning health and safety. The branch-specific nature of the seminars imparting practical advice clearly shows the special benefits that health and safety have for the quality and competitiveness of small enterprises. Integrating occupational health and safety into professional training emphasises the positive effect in terms of productivity and product quality. Thus, the uptake of the measures and offers is significantly increased. As well as being sent by letter to every enterprise in the different regions every year, the offers in the regions are presented at:

http://qualifizierung.portal.bgn.de/webcom/show_article.php/_c-545/_nr-2/_lkm-7103/i.html

Past initiatives

Switch: innovative tools for the catering and hotel industry – 2001

This proposed transnational project, which was supported financially by the European Agency for Safety and Health at the workplace, has already been mentioned in the description of policies in Belgium.

New media for small enterprises in the Horeca sector

Taking into account the often low levels of qualification among employers and employees in the Horeca sector, the BGN recently developed 'low-level' media: a portal referring to stress in the Horeca sector (www.gastronomie-stress.de), an audio CD entitled 'The emotional parachute' focusing on the topic of emotional competence, an educational game for trainees and a concept for a television programme for companies.

Integration of health and safety in vocational education

The ministries of education in Germany set the general curriculum for vocational education. The curricula in each sector have to observe the principles and measures of both accident prevention and health protection.

www.kmk.org/beruf/rlpl/rlplggb.pdf

4.2.9. Greece

The Hellenic Chamber of Hotels frequently informs its 9 000 members all over Greece, via e-mail and fax, regarding measures to prevent against legionnaires' disease, avian influenza, heat stroke, etc. The information is addressed to employees and customers. The information derives mainly from the Ministry of Health and Welfare, the National School of Public Health and Hellenic Centre for Infectious Diseases Control. The Chamber of Hotels reports that the OSH recommendations sent to the hotels are being followed by them.

4.2.10. Ireland

According to the Health and Safety Authority in Ireland, there are no initiatives currently underway for the sector. Some years ago, they produced a DVD/CD on manual handling in the sector funded by the agency.

There are several organisations in Ireland offering training and information concerning health and safety to various target groups.

One of these is the Irish Small and Medium Enterprises Association (ISME), an independent business organisation providing advisory services and training/development programmes for their members. They offer seminars such as 'Health and safety', 'Health and safety management', 'Time and stress management', 'Customer care', etc. with contents applying also to employers and employees in the Horeca sector.

A further organisation is the Small Firms Association (SFA), a national organisation exclusively representing the needs of small enterprises in Ireland, with over 8,000 member companies. The SFA provides OSH brochures and training courses specifically for small enterprises.

The **Irish Hotels Federation (IHF)**, the national hotel and guesthouse industry representing almost 1 000 hotels and guesthouses nationwide, provides practical guidelines to HACCP (such as 'Implementing Hazard Analysis') and other information concerning Health and Safety.

4.2.11. Luxembourg

There are no specific laws concerning health and safety in the Horeca sector.

However, there is certain legislation that are of a specific relevance for the Horeca sector:

Loi du 11 août 2006 relative à la lutte antitabac (Anti-tobacco Law)

This law stipulates that the employer is obliged to have a prevention plan to prevent passive smoking among employees. Smoking is forbidden in restaurants, teahouses and bakeries. It is also forbidden to smoke in bars where food is served between 12.00 and 14.00 and between 19.00 and 21.00. The law is mostly targeted at the general public and less to employees. It provides for:

- Protection of young workers (15–18 years old).
- Employment of young workers (adolescents) for no longer than eight hours a day and 40 hours a week.
- Resting times and breaks.
- Young workers being entitled to a paid break of at least ½ hour after four hours of work. In a period of seven days, they are entitled to a period of rest of two consecutive days.
- Work on Sundays with general legislation on young workers prohibiting their employment on Sundays and public holidays. However, the government authorities can grant permission on a case-by-case basis (and for a specified time period) for young workers in hotels, restaurants and cafés to work on Sundays and public holidays. (Law of 23.03.2001 concerning the protection of young workers, *Mémorial A*, No 40, 09.04.2001).
- Night shifts, with adolescents being prohibited to work during nights (from 22.00 until 6.00). In the context of continuous shifts and in the hotel and catering industry, young workers are allowed to work until 22.00. Exceptions for hotels and restaurants are possible if permitted by the Ministry of Employment (see 'Work on Sundays' above). In addition, young workers must not be employed for work that is disproportionately stressful physically or mentally, including 'piecework' or conveyor belt work where pay is governed by the speed of work.
- OSH measures for young workers with employers having to take measures to protect the health and safety of young workers. Every employer who employs a young worker must keep a record containing his personal data, the nature of the occupation, the amount of vacation he gets, working hours and dates of medical examinations.

Safety check for catering establishments

A specific safety check for catering establishments was also provided: small firms in particular find it difficult to comply with the framework Directive 89/391/EEC of 12 June 1989 on health and safety at work, which requires employers to make an assessment of the health and safety risks in the workplace. The safety check was produced with assistance from the Berufsgenossenschaftliches Institut für Arbeitssicherheit (Germany), and in cooperation with the European Commission. A field study at supra-regional level was conducted.

The evaluation showed that in Luxembourg, the booklet was well received by larger firms. The smaller firms (3–15 workers) found the checklist too elaborate and inconvenient, and did not have time to complete it on their own. Larger firms generally have a person responsible for safety and hygiene matters in house. Regular instruction and training is also given within the firm. According to the Handwerkskammer Trier a compulsory introduction of the safety checklist would improve general safety standards in the catering sector ⁽⁶⁾.

⁽⁶⁾ Source: 'Assessment of the safety check for catering establishments', Chambre des Métiers du Grand-Duché du Luxembourg, 1996

4.2.12. The Netherlands

Official policies from the government

In the Netherlands, there are no specific provisions for the sector regarding occupational safety and health. However, a general OSH Regulation applies to the hotels and restaurants.

The Working Hours Act provides standard norms for the maximum length of work days, work weeks, overtime, non-working time, breaks, shift work, on-call work, etc.

Since 1 January 2004 there has been a new smoking regulation that gives the employee the right to a smoke-free workplace. For the hotels and restaurants sector the application will go in phases until 31 December 2008. The sector strives every year for a gradually higher number of companies that are smoke free.

Collective work agreements and health and safety covenants

Most agreements in the collective work agreements (collectieve arbeidsovereenkomst – CAO) refer to the terms of employment and not to the quality of work itself. That is why specific covenants on health and safety at work were concluded to reduce exposure of employees to risky and unfavourable working conditions (the so-called Arboconvenanten), improving working conditions, curbing sick leave and reducing the number of cases of occupational disability. Covenants have been concluded on a sector-by-sector basis since 1999.

To begin with the current status is analysed and goals are determined for a period of two to four years. An action plan is developed, actioned and evaluated at the end (?). Safety & health covenants are agreements between employers' organisations, trade unions and the government.

There are collective agreements for the hotels and restaurants sector as well as for the catering sector. They lay down the specific rules for the sector on quality of work, safety, health and environment, covering things such as working conditions, the duty to designate a prevention officer within the company, to carry out risk analysis and to take the appropriate prevention measures.

In addition, there is a specific health and safety covenant for contract catering. Topics covered include work-related stress, physical work loads and absenteeism. Good practice examples and a manual for prevention officers on how to implement OSH policies are also available.

http://www.das-pas-lekker.nl/net-book.php?op=cms&pageid=68&pageid_up=60

Part of the collective agreement for the hotels and restaurant sector, as well as for the catering sector, involves guides providing job descriptions and tasks for every function in Horeca. A part of the sheet is dedicated to occupational health and safety risks that the employer must act upon.

One specific covenant is the covenant on work-related stress, 'Werkdruk Horeca', signed in 2000 by employers and employees as well as the Ministry of Social Affairs and Employment. The purpose was to decrease the number of stress complaints in hotels and restaurants by 10 % by 2004. The project (which is also included in the case study report) started with a pilot including eight companies in the hotels and restaurants sector. From this, a number of new measures and tools were created, such as the Quicksan Horeca. This led to a monitoring system to decrease pressure on workers.

(?) Ibid.

Various solutions were presented via a website (www.happyHoreca.nl) and a specific consultancy was set up. The actions were nationally accredited and framed in the Dutch legislation on working conditions. A standardised 'model' agreement (model contract) between companies and occupational health and safety services was developed, with statutory regulations regarding mandatory services for companies, and background information on optional services. The main goal of the model agreement is to help companies choose between different service packages.

The project has now finished for the hotels and restaurants sector, although the social partners continued working together. See <http://www.arboportaal.nl>.

Another covenant was concluded for the contract-catering sub-sector. It was valid for the period October 2001–July 2004. The covenant was concluded between Veneca, FNV Horeca, CNV Bedrijvenbond and De Unie. A second covenant was signed in 2005 (Arboplusconvenant). It focused on work-related stress, physical work load, and reintegration.

The results of the covenant were that work-related stress decreased by 14 %. It created awareness of the problem in companies, and has drawn attention to the importance of good working conditions. Sick leave has decreased by 1.2 %. Several measures to improve work load and work organisation have been put in place. Important conclusions from these activities include the following.

- The isolated focus on 'work pressure' was an approach that did not engage companies. Once the focus was broadened to the general management of the company, cost-benefit, job satisfaction and the motivation of employers as well as employees, it worked.
- It helps to approach companies by offering something that is complementary to the approach they already use to improve working conditions and OSH. These are sometimes already very practical measures, e.g. work organisation, dialogue regarding time schedules, etc.
- Instruments such as Quickscan also help workers discuss the risks they find the most stressful and the solutions they find the most interesting.
- Small companies have to be provided with very practical information and material that is specific for their sub-sector and company.

The Social Fund Horeca finances activities that aim to improve work relations between employers and employees, such as training activities, and subsidies for workplace learning. Specific training covers handling conflicts, aggression and violence, diversity, safety, HACCP, ergonomics and hygiene.

<http://www.Horeca.nl/cao/Fonds CAO/FONDS-CAO 2004-2008.pdf>

Continuous research on working conditions, the sector structure, mobility, the labour market, job satisfaction, etc. is being carried out (or coordinated) by the Bedrijf Horeca en Catering, a branch organisation. The Bedrijf Horeca en Catering also conducts research on the communications with small catering establishments (small bars, hotels, restaurants, etc); information on occupational health and safety often fails to reach these small companies. Possibilities are being explored for communicating typical OSH-related issues in a better way (Van den Bossche, Jettinghoff, Houtman, 2003).

The Horeca Branche instituut, which carries out training and educational tasks on behalf of the social partners in the sector, also provides a wide range of information for and on the sector. It also enables a safety plan to be developed by means of an interactive tool, that can be found at <http://www.horeca.nl>

Labour inspection focuses especially on the prevention of aggression and unwanted behaviour.

4.2.13. Poland

General legislation

Concerning workplace health promotion, general OSH policy covers all sectors, including Horeca. A specific policy for the Horeca sector has not been developed, nor are there any unofficial policies.

Information on health and safety

CIOP-PIB is a legally and organisationally independent state institute, which conducts research and development work and carries out other tasks set for the institute by the Council of Ministers in long-term programmes. It is the main research institute conducting studies and disseminating information on working conditions in Poland. Regarding Horeca, it issues OSH checklists, including employer guidance for restaurants (*Listy kontrolne bhp, poradniki pracodawcy. Opracowanie zbiorowe*. Wyd. CIOP, Warszawa, 1998, 1999, 2000, 2001).

The information resources are published by institutions involved in OSH promotion (CIOP-PIB, National Labour Inspectorate, other editors). The materials are prepared in Polish, in the majority of cases in printed versions.

In response to the information needs of SMEs, a dedicated website is provided by CIOP-PIB, covering the food industry among other things. (<http://www.ciop.pl/11121.html>).

4.2.14. Portugal

A prevention manual developed by trade unions

For the Horeca sector, a prevention manual was developed in 2005 by Unihsnor (Trade Unions of Hotels and Restaurants in the North of Portugal) and published by ISHST (Instituto para a Seguranca Higiene e Saude no Trabalho; the Institute for safety hygiene and health at work).

This manual initially provides information regarding prevention and the other obligations of employers and rights of employees in hotels and restaurants. It gives basic definitions for accidents at work and presents the more frequent types of accidents in the sector. It offers basic information on occupational physical services in the sector.

The larger part of the manual consists of a guide in the form of tables presenting basic occupational risks and related measures, including physical, biological, ergonomic, machinery and electrical risks, for different places of work such as reception, laundry, restaurant, conference rooms and other. Basic instructions for methods of risk assessment follow. Finally, relevant legislation for the sector is listed.

4.2.15. Spain

Existing principles for prevention

In Spain, there are no specific provisions for the Horeca sector regarding occupational safety and health. There is an agreement for the constitution of a bipartite sectorial commission on health, safety and environment matters, as part of the collective sectorial agreement signed by employers' federations the Federacion Espanola de Hosteleria-FEHR (Spanish Federation of the Hotel Industry) and the Confederacion

Espanola de Hoteles y Alojamientos Turisticos-CEHAT (Spanish Confederation of Hotels and Touristic Lodgings) and workers' representatives Fecoht-CCOO and Fecoht-UGT in 2005.

Actions that have taken place

The Federacion Estatal de Comercio, Hosteleria y Turismo de Comisiones Obreras, Fecoht-CCOO (State Federation of Commerce, Hotel and Tourism of the Workers' Unions General Confederation), the representative body of all workers' unions in the Horeca sector, has organised an information campaign aimed at workers in the sector in order to increase their awareness of health and safety matters, highlight the predominant risks in the sector (especially musculoskeletal disorders), and inform workers of the actions they can take in order to enjoy a safer workplace. Representatives of Fecoht-CCOO participate in the bipartite sectorial commission on health, safety and environment matters.

The information campaign launched by Fecoht-CCOO focuses on the prevention of musculoskeletal disorders in the hotel industry. In general, it classifies the dangers in the workplace as physical and psychosocial. It also highlights the risks associated with the tasks involved and promotes the need for prevention measures. A successful prevention policy involves four phases:

- (1) Evaluation of dangerous tasks
- (2) Recognition of risks to the musculoskeletal system
- (3) Preventive action
- (4) Intervention to reduce the risk.

The Fecoht-CCOO information campaign involves a brochure which is distributed to workers in the sector. Finally, advice is provided to workers on what practices to avoid and how to report any problems in the workplace and ask for help from their safety representatives.

The National Foundation for the Prevention of Occupational Risks (FPRL) has financed many projects aimed at the promotion of health and safety in the workplace. These can be classified as information actions, technical assistance actions, vocational training actions and actions to promote the implementation of the Act on Occupational Risks. Some of these projects take place in the Horeca sector, including:

- 'technical advice on the prevention of occupational risks in restaurants, bars, cafeterias and small hotels';
- 'Health and safety in the housekeeping sector in offices and the hotel industry';
- 'difficulties in the implementation of preventive actions in the hotel industry: practical solutions from the point of view of employers and employees'.

A complete list of the FPRL projects, listed by sector of interest and region of Spain, can be found on the FPRL website: <http://www.funprl.es/acciones/Acciones.htm>

INSHT has also organised a training programme offering training to workers in general, prevention delegates, workers entrusted with special prevention duties, professionals who are aiming to act as advanced technicians in prevention, and experts. More information can be found on the website (http://www.mtas.es/Insht/en/formacion/index_en.html).

INSHT has issued many technical guides, information pamphlets, a magazine about health and safety matters, and studies. They are all available in print format and some of them are also on the website pages (<http://www.mtas.es/insht/>) with some material available in English.

4.2.16. Sweden

General legislation

In Sweden, there are no specific laws on OSH in Horeca. Some relevant regulations from the Swedish Work Environment Authority (SWEA) for the sector are the following:

- H282 Cleaning book — why and how we should clean?
Provisions — (on the basis of the Work Environment Act SFS 1977:1166)
- 1988:02 — Work in cold food supplies
- 2005:16 — Noise
- 1994:53 — Simple pressure vessels
- 2000:01 — Manual handling
- 2005:06 — Medical examination in working life
- 2005:01 — Microbiological risks in the work environment (mites, effects of toxins and hypersensitivity)
- 1982:20 — Restaurant and institutional kitchens
- 1993:02 — Violence and (its) threat in the work environment

Brochures

- ADI 161 — Declare your work accidents
- ADI 344 — Noise and protection of hearing
- ADI 314 — Safety delegates (representatives)
- ADI 514 — Receiving, storing and delivery of goods
- ADI 495 — Dare to try new work environment (conditions) in restaurants
- ADI 553 — Violence and (its) threat at work

SWEA's provisions and general recommendations for the work environment in restaurants entered into force in 1984 (1982:20 Restaurant and institutional kitchens). Since then they have been developed in accordance with the observed risks and changes in working life, as well as new EU directives.

The report 'Service till varje pris' (which can be found at http://www.av.se/dokument/publikationer/rapporter/RAP1999_13.pdf) describes work-related illnesses among waiters and waitresses.

In addition, SWEA has created a database/registry programme to register all types of reported occupational accidents and work-related diseases among employees in all working sectors in Sweden, as well as the hotels, restaurants and catering sector.

SWEA meets and discusses new programmes or strategies for health and safety in hotels, restaurants and catering with representatives both from trade unions and employer organisations. SWEA has also arranged these types of meetings in some of its inspection offices in 10 districts throughout the country.

Inspections of the work environment in hotels and restaurants in Sweden are carried out by inspectors from the SWEA. Inspectors check whether the workplace (e.g. a restaurant) has an effective organisation for systematic work environment management. Inspectors also check the work environment in terms of the risks (physical, mental and social) which the operation entails, though there are also situations where the inspector targets a particular hazard (such as a certain type of machine or a certain type of job).

SWEA and others organise and participate in various conferences on health and safety in hotels, restaurants and catering, and thereby get the opportunity to discuss practices, programmes and strategies for health and safety in these environments. A new

brochure on the work environment in restaurants will be produced, as well as a website for the restaurant sector. This website will provide information on health and safety in restaurants for employees, employers, architects, interior designers, consultants, installation engineers, etc. SWEA's aim is to spread this information on health and safety in restaurants and thereby reduce the occupational injuries within this sector.

Unofficial policies and activities in the sector

The Hotel and Restaurant Workers' Union (Hotel. och restaurangfacket's, HRF) produced a report in 2002, describing its view of the state of the working conditions in the sector. The report also introduces the actions of the labour union to improve working conditions, relevant legislation and what they think should be done to improve the situation.

There are also several governmental and non-governmental institutes which carry out and support research, and implement programmes or training in various sectors in Sweden:

- The Swedish Council for Working Life and Social Research (FAS) works to promote the accumulation of knowledge in matters relating to working life and the understanding of social conditions and processes. FAS has contacts with research-funding bodies in other countries through its membership in the European Science Foundation (ESF), a collaborative organisation for a number of European research councils and academies.
- VINNOVA (the Swedish Governmental Agency for Innovation Systems) is a State authority which aims to promote growth and prosperity throughout Sweden.
- Other organisations which carry out projects and training in different sectors include Prevent, which carries out various projects and conducts training to promote healthy, sound and safe workplaces. Swedish insurance companies also support various kinds of research and preventive measures for the development of healthy work environments and better quality of life.

4.2.17. United Kingdom

Campaigns and information material relevant for the sector

In the UK, general OSH legislation applies to the Horeca sector. However, there are several campaigns relevant to the sector which are run by the Health and Safety Executive (HSE), who, together with the local government, are the enforcing authorities who work in support of the Health and Safety Commission in Great Britain.

The following are some examples of these campaigns.

- The 'Better Backs' campaign (see <http://www.hse.gov.uk/msd/campaigns/index.htm>), which includes workplace inspections, mass media advertising and events. The campaign aims to reduce the incidence of back pain caused or made worse by work, its impact and the number of working days lost due to back pain. The focus is on the holistic approach needed to manage back pain, promoting sensible workplace precautions that reduce the risk of back pain and emphasise the positive benefits of staying active with back pain. At the same time, employers and employees are encouraged to work together to help people return to normal activities including work.
- The 'Slips and Trips' campaign (see <http://www.hse.gov.uk/slips/index.htm>), which was created to develop a national strategy that would achieve a reduction in the number of fatal and major injury accidents caused by slips and trips by 5 % by 2004 and 10 % by 2010. By the end of 2007/08 the programme aims for an annual reduction of 525 fewer major injuries from slips and trips (from a baseline of 10 300).

- The sector-specific campaign 'Stop Slips in Kitchens' emphasises the importance of floor cleaning regimes and footwear in slips prevention. Information and publicity materials can be found at <http://www.hse.gov.uk/slips/kitchens/index.htm>
- There is also another free sector-specific leaflet on dermatitis: <http://www.hse.gov.uk/pubns/misc762.pdf>

The European Week campaign 'Safe Start' was aimed at young people, who are strongly represented in the hotel and restaurant sector (see <http://www.hse.gov.uk/campaigns/euroweek/index.htm>).

The HSE has furthermore developed a range of website material which is aimed at the hotel and catering industry (<http://www.hse.gov.uk/pubns/caterdex.htm> <http://www.hse.gov.uk/catering/index.htm>), some of which is also available in other languages.

For example, the following topics are covered:

- slips, trips and falls on wet or contaminated floors;
- manual handling/musculoskeletal injuries;
- exposure to hot or harmful substances (e.g. hot oil, or cleaning chemicals);
- being struck by something (e.g. sharp knives or falling objects);
- heat stress in the workplace;
- dermatitis;
- chronic ill health effects from manual handling and work-related upper limb disorders.

4.3. MISCELLANEOUS POLICIES

Compared with some industries, the hotels and catering sector is subject to less regulation and government intervention. However, the sector is now being directly affected by initiatives and legislation in areas relating to smoking, alcohol consumption and food safety and labelling. Regarding alcohol and anti-smoking legislation, bars are likely to be most affected, followed by restaurants and hotels. Food safety and hygiene legislation can be expected to affect restaurants the most.

More legislation, which is not profession-related but person-related, affects the Horeca sector, for example, legislation relating to part-time workers, seasonal workers and young workers.

4.3.1. Anti-tobacco legislation

Until now, the EU has merely invited Member States to tackle the issue of passive smoking and smoking in public places. Some Member States have taken the initiative by banning smoking in public places such as bars and restaurants. Hotrec is opposed to EU-wide legislation, believing instead that the sector can solve this problem on a voluntary basis. However, this is likely to be opposed by unions. Smoking bans have already been introduced on a national level and are having an immediate impact.

Passive smoking in Horeca

Many studies have been published on the effects of passive smoking in the hotels and restaurants sector. It can have a detrimental effect on the health of workers. A study by Dimich-Ward, et al. (2005) tried to determine whether workplace-smoking policy was linked to respiratory health effects among food and beverage servers (non-smokers). It found that the prevalence of irritant and respiratory symptoms among non-smokers was consistently higher among the participants from businesses where there was no restriction on smoking.

A study (Gorini, et al. 2004) investigated whether dedicated smoking sections in restaurants, bars and discotheques had an impact on the amount of nicotine concentration in workplaces. They conducted research in seven restaurants. The conclusion was that in the restaurants with smoking and non-smoking areas, the average nicotine level in the smoking section was not significantly higher than the level measured in the non-smoking section (2.54 microg/m³ to 2.14 microg/m³).

Another study looked into the effects of the Irish smoking ban on second-hand smoke exposure among Horeca workers, and found that the exposure to air nicotine and passive smoking and the risks associated were considerably reduced but not totally eliminated. Exposure is still possible for those working where smoking is still allowed and where the second-hand smoke migrates through open doors.

According to an article by Coombes (2004) one hospitality worker a week died from passive smoking in the UK. The findings were based on a survey by Professor Jamrozik of the University of London and were collected before the smoking ban in British hotels and restaurants came into force. Jamrozik calculated the figure from the number of employees in the industry, their exposure to second-hand smoke and their likely risk of dying as an outcome. He based it on the conclusions that a worker in a bar or restaurant suffers three times more exposure to second-hand smoke than a non-smoker who is married to a smoker.

Member State examples

Belgium

The Royal Decree of 13.12.2005 stipulated that starting from 1 January 2007, it is forbidden to smoke in the hotels and restaurants sector. Under certain conditions, the owners of Horeca venues can install a smoking zone. The zone has to be closed and cannot be part of a passage zone and it has to be equipped with a good ventilation system. The zone can take up a maximum of 25 % of the total space. It has to be clearly marked. It is only allowed to serve drinks in this area, not food.

Owners of pubs, bars, night clubs, discos and casinos and 'French fries stands' can install a smoking zone if they comply with the following requirements.

- The turnover of food must be limited to a maximum of a third of the total turnover (except for French fries stands).
- The smoking zone has to be clearly delimited and marked.
- The smoking zone has to take up less than 50 % of the total space, unless the café is smaller than 50m².
- In the smoking zone only beverages may be served.

Finland

There are no specific laws on OSH in the Horeca sector, but new provisions of the tobacco laws have been concerned mainly with the protection of restaurant workers. According to the latest prohibitions, it is forbidden to smoke tobacco in restaurant premises in any other place than a smoking room. The serving and consumption of food and drinks are not allowed in the smoking room.

Earlier changes to the Tobacco Control Act (an injunction prohibiting smoking at the bar and around game tables and areas (pool tables, dartboards, etc.) has reduced exposure to ETS, according to studies by FIOH.

Guidance is available on the smoking prohibition in restaurants from the National Product Control Agency for Welfare and Health, which is the central coordinating body for the Tobacco Control Act (as well as guiding the Inspectorates both on OSH and on municipal and regional monitoring of environmental health). It is available on the STTV website at <http://www.sttv.fi>

Further information from FIOH on ETS exposure and its prevention in workplaces can also be found on the FIOH website at <http://www.ttl.fi>

France

Anti-tobacco Law (loi No 91-32 du 10 January 1991, called loi 'Evin' and the provisions of articles R. 3511-1 à R.3511-13 of the 'Code de la santé publique'). The objective is to protect workers from passive smoking but also from risks such as fire and explosions. It contains strict hygiene and safety measures in the workplace. It is forbidden to smoke in all covered or 'closed' places that are used by employees (reception desks, catering establishments, meeting and training facilities, rest rooms etc.). It may be tolerated in individual offices. In cafes and restaurants the prohibition applies to workers as well as customers.

Netherlands

Since 1 January 2004 a new smoking regulation has given employees the right to work in a smoke-free workplace. For the hotels and restaurants sector the regulation will be applied in phases until 31 December 2008. The sector strives every year to increase the number of companies that are smoke free.

Lithuania

On 11 May 2006 the Lithuanian parliament voted for an amendment to the Lithuanian Tobacco Control Law to ban smoking completely in bars, restaurants, cafés, clubs and discotheques as of 1 January 2007 (no separate smoking rooms are permitted). Smoking in Lithuania was until then allowed in public places in specially designated areas. Members of parliament voted in favour of such a ban. An exception is that smoking will still be permitted in special cigar and pipe clubs. The Lithuanian Association of Bars and Restaurants was not in favour of the amendments, but support for the ban was very high (some 73 %) (ENSP, 2006).

Hungary

No specific anti-smoking regulations exist for Horeca. According to Act XCIII of 1993 on industrial safety, employers are required to provide adequate protection to non-smokers in the workplace. Designated smoking areas may be provided. The most important smoking regulation is Act XLII of 1999 on smoking in public places. Workplaces are regulated by the employer's policy and not by this act. However, it is

forbidden to designate smoking areas in premises (e.g. restaurants) that are part of the following institutions: primary healthcare and outpatient specialist care units; retail pharmacies that are open for access by patients, institutions of public education that are accessed by students, day-care or residential care service units for children, social care units, public transport facilities including commuter trains as well as buses in scheduled domestic interurban public traffic (e.g. the management of MALÉV Hungarian Airlines introduced a total ban of smoking on all its flights as of November 1999), and indoor areas of sports facilities. Workplaces can be declared totally smoke free if the majority of employers agree (ENSP, 2006).

4.3.2. Working time

As European statistics show, the hotels and restaurant sector has longer working weeks than the rest of the economy in most countries of the EU-25 (LFS, 2004). Various sources (Klein Hesselink, 2004; ILO, 2003; Gleeson, 2001) mention the unfavourable working hours in the sector, characterised by long shifts, irregular and unusual working hours. In the analyses of the data from the *Third European survey on working conditions* (Houtman, 2002), the sector is classified as 'unfavourable' with regards to non-standard working hours and long working hours.

Changing timetables as well as unsocial hours are also typical in this sector. Much of the work is done when other people are not at work. The working schemes range from shift work and, especially in restaurants, split shifts (where the normal working day is split up into two or more segments), to working on Sundays and Saturdays, evenings, nights and holidays. (Klein Hesselink, 2004; ILO, 2003; Roskams and Hermans, 2003). The length of the working week is often regulated by compulsory regulation. Employers' associations often ask for more flexibility with regard to the length of the working week and the scheduling of their staff (Klein Hesselink, 2004). Irregular working hours involving evening, night and weekend work especially affect students and workers with part-time contracts (Klein Hesselink, 2004).

Variable working hours, shift and night work can have negative health outcomes resulting in work–life conflict. Different factors come into play: the unpredictability of working time, the length of working days and weeks, control over working time, the type of contract, etc. Various researchers concluded that the more unpredictable the working hours and the less control the worker has over them, the more negative health effects will be (Bohle, 2004). This is confirmed by a study by Janssen and Nachreiner (2004) on the effects of irregular, variable working hours on the health of employees. They also found that a high variability in working hours and a lack of control over their working hours increases the impairments in the health of the employees. If this inflexibility is paired with company controlled shift work, this leads to a further decrease in the psychosocial and physical wellbeing. It is also noted that autonomy (see below) works as a buffer in this respect, and the type of contract is also important. Shift, weekend, and night work can be especially disruptive for work–life balance when the employee is in a precarious employment situation (e.g. in casual and temporary work). This is probably linked to the fact that they have less control over their hours than full-time employees.

Member State examples

France

In some professional sectors such as hotels and restaurants, a specific regulation is applied for working time. This is called a 'régime d'équivalence'. This means that being present at work for a certain time (e.g. 38 hours) is equal to the legal working time

(35 hours). The overtime hours are deducted from this equivalent working time. This equivalent working time has to be introduced by decree.
<http://epmtth.org/employeur/journal7.htm>

In addition, different collective working agreements (conventions collectives de travail) exist for the Horeca sector, covering hotels and restaurants, hotels, cafés, restaurants, tourism, hotels with three, four, five stars, luxury hotels, canteens, etc. They lay down the specific social provisions for the sector relating, for example, to working time, night work, leave and holidays, regulations concerning working conditions and food and accommodation for staff (healthy food, suitable and healthy accommodation if relevant), working uniforms and equipment, occupational accidents and diseases, etc. Depending on the region there can be extensions and alterations.

Belgium

Several collective work agreements (CWA) among the social partners in the hotels and restaurants sector on working time and reduction of working time have been concluded; a coordinated text has been valid since 1 July 1999.

The Netherlands

A collective work agreement for the hotels and restaurants sector (from 1 July 2005 to 31 March 2008) lays down the specific rules for this sector. Specific rules on health and safety relate to working time and work organisation, overtime, holidays and special leave.

4.3.3. Part-time workers and precarious work

In most countries the share of part-time work is greater in hotels and restaurants than in the rest of the economy. According to the sector report of the Eurofound (Klein Hesselink, 2004), part-time work is also related to gender. Women work more often in part-time jobs than men in the sector. Many women work part-time in canteens and catering and in the fast-food subsectors.

There is a large amount of casual work in the hotels and restaurants sector. This is often linked to seasonal variations in the sector, with short periods of sometimes rather unpredictable employment. On-call work and so-called zero hours contracts, which give the worker no guarantee of work, mean that the worker is sometimes notified on very short notice⁽⁸⁾. This leaves the worker in a very vulnerable situation. Casual workers report greater work–life balance problems than full-time employees (Bohle, 2004).

According to a report by London Economics (2003) on working conditions in French hotels and restaurants, seasonal workers have very little access to social protection. This means they often fail to have access to benefit rights because they are subject to many different regimes during their working life and consequently do not build up the required level of contribution. Young seasonal workers who work short periods of time and alternate between seasonal employment and unemployment have particular problems in qualifying for national security programmes.

(8) In this case there is a formal agreement between employer and worker but without a fixed commitment by the employer concerning the number of days a week, month or year on which workers will have work. It gives the workers no guarantee of work, but they agree to be available if and when the employer demands. In this case the employer is not obliged to find work and the worker stays without any remuneration when there is no work available. Generally the relationship between the employer and worker is not characterised by 'mutuality of obligation'. The employer is not obliged to find work and the employee is not obliged to accept what is offered.

Annualised working hours schemes, where workers are contracted for a fixed number of working hours a year that are worked in various quantities according to need, can be used to solve the employer's problem of irregular workload peaks (ILO, 2000).

Member State example

Belgium

Non-discrimination Act for part-time workers of 5 March 2002 (OG 13.3.2002). Royal Decree of 28 January 2002 implementing the EEE Agreement and Council Directive 97/81/CE of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and CES (OG 13.02.2002). General provisions for all sectors on night work and non-discrimination for part-time workers.

4.3.4. Young workers

Young workers are considered a vulnerable group in the workplace. They are more at risk from occupational accidents, diseases and violence at work. Several factors come into play: the physical and psychological characteristics of young workers such as lack of experience, lack of self-confidence, unfamiliarity with job demands, risk-taking behaviour, e.g. due to a feeling of invulnerability, and a physical mismatch between the young person and the task, as well as the failure of employers to create a safe work environment for their young employees (Eeckelaert, 2006). Many young workers also work temporarily in precarious jobs, which makes them more vulnerable. According to the ILO (2003), the combination of low status, low educational levels and youth among workers is linked to their vulnerability and susceptibility to stressors such as unclear responsibilities, demanding customers and (sexual) harassment.

A study by Mayhew and Quinlan (2002), describing the health and safety knowledge of young workers who worked for a fast food chain on the basis of temporary contracts, found on the contrary that the young workers in this chain did not have a higher injury incidence rate. These young workers had a superior knowledge of risk assessment, control strategies and occupational health and safety (OSH) legislation. This means that young and causal workers are also receptive to preventive OSH messages — even if their training is sometimes difficult — and the investment in OSH for young temporary workers can have a real impact on their health and safety. On the other hand, the young

The 2006 European Week campaign of the European Agency for Safety and Health at Work was dedicated to young people to ensure a safe and healthy start to their working lives. The Safe Start campaign is backed by all Member States, candidate and EFTA countries, then Austria and Finland EU Presidencies, the European Parliament and the European Commission, and by the European Social Partners.

European Week campaigns focus on promoting improved prevention at the workplace level by involving all the relevant stakeholders. As there is a large share of young people working in Horeca, the agency also provided resources targeted to the sector, e.g. a collection of good practice examples of catering and accommodation establishments:

[http://osha.europa.eu/good_practice/priority_groups/young_people/index_atoz?letter=C&kwpath=54161A/56761B57281C&kwname=Catering% 20and % 20accommodation % 20establishments](http://osha.europa.eu/good_practice/priority_groups/young_people/index_atoz?letter=C&kwpath=54161A/56761B57281C&kwname=Catering%20and%20accommodation%20establishments)



workers in this sector were more exposed to violence than temporary workers in other branches. The researchers also found that the problem was inadequately managed.

Member State examples

Belgium

Royal Decree of 11 April 1999 on night work for young workers in the hotels and restaurants sector (OG 20.5.1999): Young workers can work until 23.00 on condition that they can return home by public transport and if not, the employer should organise the transport or pay for the journey home.

Royal Decree of 10 July 1972 on the employment on Sundays or holidays of young workers in the hotels and restaurants sector (OG 21.7.1972): Young workers are allowed to work one Sunday out of two, but the local inspectorate must be informed.

4.3.5. Seasonal workers

Member State examples

Belgium

Prevention et Interim is the central prevention service for the temporary employment agency sector. Its main target is to reduce the number of accidents in the sector through awareness-raising around health and safety issues and presenting practical prevention measures to improve the wellbeing of workers. Many temporary workers are employed in the hotels and restaurant sector. The centre provides training packages, brochures and information sheets. The hotels and restaurant package contains a technical sheet outlining the main tasks, risks and prevention measures for workers, and prevention information sheets on the use of specific tools and instruments, personal hygiene, HACCP, ergonomics, etc.

<http://www.p-i.be/p/AB30029B1E1DC819C12570EB00310A6D>

In addition, there is a recommendation of the National Joint Committee on the introduction of new workers in the hotel and restaurant sector: among the information given to new workers, including information on working conditions, hygiene and occupational safety is recommended.

France

Working and living conditions of seasonal workers and seasonal workers: organisation of the social dialogue on a local level (see 3.2.4).

4.3.6. Worker mobility and prevention of racial discrimination in Horeca

Policy issues

The pursuit of greater labour mobility between the regions and countries of the EU, as well as between jobs, is part of the EU's Lisbon Strategy. Increased long distance geographical mobility and flexibility in the labour market, leading to a higher level of mobility between employers, sectors and occupations, are considered necessary to improve company adaptability and essential to deal with new challenges such as globalisation, technological change, etc. Even though the EU showed a keen interest in enhancing worker mobility, most EU countries limited the free movement of labour forces for a transitional period of

time. The Commission recommended the suspension of the transitional agreements in 2006, but some Member States communicated their intention to keep the existing restrictions of access to national labour markets (Krieger, 2006).

View of the social partners

In a joint response to the Commission consultation on '2006 — European Year of Mobility for Workers — Towards a European Labour Market' from the social partners in the European hotels and restaurants sector, EFFAT and Hotrec emphasise the positive effects of the free mobility of workers on growth and employment. They mention the importance of foreign workers for the sector. Some countries (e.g. Italy and Ireland) have taken initiatives at the national level to facilitate the entry and insertion of foreign workers into the Horeca sector.

It is too soon to tell whether the efforts to promote the free movement of workers in the EU has had an effect on the Horeca sector in particular. EU-wide sector figures are non-existent at this moment. Hay (2005) mentions that although the enlargement of the EU has positive economic consequences for the sector, the migration of the workforce from the new to the old Member States has turned out to be lower than expected before accession.

Some aspects — linked to certain socioeconomic barriers as well as the specific characteristics of the sector and the type of workers that are needed — can be mentioned to explain the potential of the sector to attract and retain foreign workers. Various sources mention the difficulty of achieving worker mobility towards and within the sector. One of the causes revealed is the lack of comparability and recognition of qualifications between the Member States.

According to the social partners, to promote worker mobility within the EU, it is crucial to eliminate the uncertainty that people face regarding their social rights (social security, pension rights, etc), and to streamline the different administrative requirements that are imposed on EU citizens who use their right to free movement. It is important to safeguard 'the occupational and supplementary pensions rights of workers that use their mobility right' and coordinate 'the social security for EU nationals, and extend this to non-EU nationals' (Hotrec, 2001).

Migrant workers and ethnic minorities in Horeca

Many migrant workers enter the sector via seasonal or casual work. Their jobs are in general more precarious than the jobs of natives. Migrants also work more often in unhealthy environments, they take the more dangerous jobs and they work more often below the level of their qualifications (Vartiainen and Pahkin et al. 2006; ILO, 2001; ILO, 2003; AFL-CIO, 2005).

Around 15 years ago the UK Commission for Racial Equality undertook a formal investigation into recruitment and selection in hotels (CRE, 1991) in response to concerns that the sector was failing to consider equal opportunities in employment practices. Its main interests were in jobs that provided a career, so the investigation focused on certain job categories with management responsibilities or trainee management roles. It found that ethnic minority staff were disproportionately concentrated in unskilled jobs, and found only one manager from an ethnic minority in 117 hotels investigated.

Undeclared labour is also a feature of the sector. In some countries, this involves clandestine employment of illegal foreigners who are inclined to accept less favourable working conditions. According to the ILO (2003), undeclared labour is mainly used in smaller enterprises.

A study from the British Citizen's Advice Bureau (CAB) confirmed that migrant workers, particularly those in the low-skilled sectors of the economy, are often vulnerable to exploitation in employment. The CAB has collected evidence from clients who use their services of the vulnerability of migrant workers in the low-wage sectors, such as agriculture, care homes, cleaning, food processing and hospitality, (CAB, 2004).

The problems connected with the employment of irregular migrants are particularly severe in catering and hospitality as well (Anderson and Rogaly, 2005). The study also mentions the problems with certain employment agencies in Britain, who are ready to use poor and illegal employment practices, and the presence of 'unscrupulous middlemen' often attracting people in their home countries with false promises of good pay, working conditions, and housing. They warn of the consequences in the long run, leading to a downward spiral in wages, working conditions and occupational health and safety, and increasing the pressure on good employers to use the same kind of practices if they want to make a profit.

Member State examples

Netherlands

Code of conduct for the control and prevention of racial discrimination in the Horeca, recreation and catering sectors (Code ter bestrijding en voorkoming van rassendiscriminatie in de Horeca, recreatie en catering): The aim is to prevent and control racial discrimination in every form. The code of conduct explains how racial discrimination can manifest itself in the sector and in the HRM policies of a company. Another chapter explains how to react to and handle cases of discrimination. The branch parties who have signed the code declare that their intention is to fight against racial discrimination.

In practice, the mentality is only changing slowly. Every employer is formally bonded to follow the code, but the lack of clear guidance, supervision and evaluation hinders effectiveness in the field. <http://www.bedr-Horeca.nl/content.jsp?objectid=6735>

Belgium

The covenant, renewed every year or two years, between the Flemish government and the social partners in the sector includes measures on non-discrimination and increasing the diversity of staff (see 3.2.2).

4.3.7. Food hygiene, HACCP (hazard analysis critical control point)

More policy challenges for the Horeca sector arise from the areas of food safety and labelling legislation. The EU has been working to strengthen existing food-labelling rules, partly in response to increasing consumer concern and interest in the provenance of their food.

In the area of food hygiene, Regulation No 853/2004 on the hygiene of foodstuffs came into force in 2006. Further amendments to be adopted relate to compliance with microbiological criteria. While both Hotrec and FERCO (the European Federation of Contract Catering Organisations) accept the importance of food safety, they are concerned with the scope and implementation of the regulation. Hotrec is campaigning on several provisions in the regulation to make it more sensitive to the needs and realities of small businesses.

Member State examples

Belgium

The only legal obligations that specifically apply to hotels and restaurants are those regarding food hygiene. The required measures are elaborated from a public health point of view and aim more at consumer protection than protection of workers, but they do without any doubt have a beneficial impact on working conditions in the sector. European and Belgian regulations have been completed by a HACCP guide on hygiene, the Royal Decree of 7.2.1007 on the hygiene of foodstuffs (OG 25.4.1997), and general rules on hygiene for foodstuffs.

Netherlands

A new regulation with regard to the prevention of legionnaires' disease came into force on 28 December 2004. It compels employers to take measures to protect workers (and guests) against contamination. The regulation is only applicable to the accommodation sector and not to restaurants, fast-food and catering venues. The sector has developed a checklist for companies to help them to set up a prevention plan.

<http://www.bhenc.nl/content.jsp?objectid=11207>

<http://www.Horeca.org>

The code of conduct Hygiëncode Horeca 2004 focuses mainly on the hygiene rules in the sector, but also on personal hygiene.

IMPACT OF OFFICIAL POLICIES ON WORKING CONDITIONS

4.4.

It is difficult to assess the real impact of the existing European, national and local policies on working conditions in the sector. As mentioned above, 90 % of all Horeca companies are small, employing less than 10 people, and many of them are family-run. Employers often lack the time and resources to understand and follow the legislative issues that are applicable to the sector.

The quality of work in the sector is strongly related to the large percentage of small companies. Smaller companies often lack in-house expertise to carry out an extensive risk assessment and sometimes are reluctant to call in (expensive) external expertise. The implementation of legislation at company level seems to be a real problem in the sector (Klein Hesselink, 2004).

Employers' associations often oppose too much regulation. Although in comparison to some other industries, Horeca is less subject to regulation and government intervention (Hay, 2005), general initiatives and legislation related to alcohol consumption, smoking, and food safety and labelling, working time, etc., have a direct impact on the sector. The legislation is often formulated at a general level, sometimes not fitting the unique situations in the sector and sometimes even leading to the opposite of what the legislator wants to accomplish.

A concrete example of this is mentioned in the Horeca report of the Eurofound, where a new regulation for 'marginal' part-time workers caused chaos in the sector and led to the encouragement of illegal work instead of regulating this form of flexible employment (Klein Hesselink, 2003).

4.4.1. Smoking regulations

At the moment, a number of non-binding EU resolutions and recommendations encourage the Member States to increase protection from second-hand smoke. Regulations to reduce the impact of second-hand smoke have been implemented in most of the Member States. Although some Member States excluded the sector as a whole or partly from the legislation at first, specific measures in the sector are increasingly being implemented (e.g. prohibition of smoking in restaurants except in designated, closed, ventilated smoking rooms). Bars and nightlife venues are often excluded from these measures (ENSP, 2007).

Where the smoking ban is total, it has improved the working conditions of workers in the sector. It is too soon to assess the economic impact of the smoking ban since the existing data is ambiguous.

4.4.2. Food hygiene

Regulations on food hygiene are aimed at consumer protection (Regulation No 853/2004 on the hygiene of foodstuffs) and urge companies to apply general rules of hygiene for foodstuffs to be observed at the time of preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer. This is achieved by the use of hazard analysis, risk assessment and other management techniques to identify, control and monitor critical points. Several provisions in the regulation can also benefit worker health and safety, e.g. the need for clean ventilation, control of contamination from biological or chemical substances, effective waste management, special storage rooms, facilities for the washing and drying of hands, sanitary arrangements and changing facilities, etc.

The regulations refer to HACCP standards that are similar to the principles of risk assessment in the OSH regulations, and call for a systematic approach. Therefore the philosophy of the system can help the company to combine hygiene, OSH and customer care all at once (Roskams and Hermans, 2003).

On the other hand, the extensiveness and complexity of the regulations has an impact on the work organisation and vocational knowledge that workers need to carry out their tasks. A concern of Hotrec and FERCO regarding the regulation is that it covers a broad range of activities and does not distinguish between large and small companies. They emphasise that it needs to be made more sensitive to the realities of small companies, and stress the importance of practical guidance for small businesses (Hay, 2005, Ferco 2001, Hotrec, 2005).

4.4.3. Working time

The legislative framework on the EU level is the Working Time Directive. The Directive was designed to protect workers from excessively long working hours. It also provided for statutory minimum rest-break entitlements, annual leave and working arrangements for night workers. The Directive has been under revision since 2004. Efforts to reach an agreement between the social partners have failed until now. Two main issues that are particularly difficult to reach an agreement on are the regulations on the opt-out and the definition of an on-call duty.

Especially in terms of working time, employers stress the need for (more) flexibility in order to adapt to seasonal changes in the sector. This implies that for part of the year workers need to work overtime, whereas at other times, they need to work less than the normal working time. Employers suggest that flexibility can be achieved by extending the reference period for calculating average working time, and they support the general reference period of 12 months. They are also in favour of the opt-out clause (Hotrec, 2005). This clause enables employers to get round the maximum 48-hour working week under certain conditions: workers must sign individual opt-out agreements, and must not suffer any penalty if they refuse to do so. Employers must keep records of staff who work more than 48 hours a week, and make them available to the appropriate authorities (ETUC, 2006).

National legislation in the Member States mostly allows limited flexibility. Most countries have legislation regarding the maximum duration of the working week. At the national level, sector-specific collective agreements regulate working time in the sector (e.g. in Belgium and France). The demand for more flexibility also partly explains the existence of illegal work (Klein Hesselink, 2004).

Employee associations stress the link between long hours, fatigue and the increased risk of occupational accidents or occupational disease (heart disease, stress-related diseases, etc.). They are in favour of shorter working hours that are adapted to workers. Limited working hours leading to higher productivity and flexibility allow for a better work–life balance.

4.4.4. Impact of working time patterns on social provisions

Social protection provisions can be problematic for workers in precarious situations, seasonal workers, on-call workers, etc. Due to the fact that they do not work long enough, or because they have to contribute to many different regimes during their working life and hence do not build up social rights, these workers have only limited (or sometimes no) possibilities to receive benefits and disability pensions if they fall ill (Klein Hesselink, 2004). It is clear that flexibility patterns asked for by the employers only work if they are adapted to the needs of employees as well.

4.4.5. Young workers

Young workers are protected under the Young Workers Directive (94/33/EC)⁽⁹⁾. This Directive includes measures to prohibit the employment of children (with certain

⁽⁹⁾ Commission of the European Communities, 'Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the application of Directive 94/33/EC on the protection of young people at work', Brussels, 2004 (<http://europa.eu/eur-lex/pri/en/dpi/rpt/doc/2004/act0105en01/1.doc>).

exceptions), to oblige employers to guarantee working conditions appropriate to their age, and to protect the health and safety of young workers in every aspect of the work. Certain activities are prohibited for young workers under 18 (exceptions exist for students under 18).

Member States are obliged to report on the practical implementation of European directives and to indicate the views of social partners. According to a 2004 report, most Member States have transposed and implemented the regulations into national legislation. According to the Member States, the directive has led to an increased awareness of the vulnerability of young workers and the need to protect them at work (European Agency for Safety and Health at Work, 2005). It is unclear to what extent the national regulations are implemented in the Horeca sector, a sector traditionally employing a lot of young people. In some countries (e.g. Belgium and Sweden) collective agreements for young workers exist on the sectoral level.