

Policy paper on the role of standards in the safety and health of workers at work

Description of the process for reviewing the suitability of new work items relating to the safety and health of workers at work

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Authors: Commission for Occupational Health and Safety and Standardization (KAN)

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Editorial control: Commission for Occupational Health and Safety and Standardization (KAN)
– Secretariat –
Alte Heerstrasse 111, 53757 Sankt Augustin, Germany
Tel.: +49 2241 231-3462
Fax: +49 2241 231-3464
E-mail: info@kan.de
Internet: www.kan.de

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In 2015, the German Federal Ministry of Labour and Social Affairs (BMAS) published a national policy paper on the role of standards in the safety and health of workers at work¹. Firstly, this document governs the launching and monitoring of work items in standardization with a bearing upon the safety and health of workers at work in consideration of developments in German, European and international standards policy; secondly, it describes the use made of standards within the bodies of regulations of the state and the German Social Accident Insurance Institutions.

The policy paper stresses the priority accorded to the bodies of regulations of the state and the German Social Accident Insurance Institutions. It stipulates that as a rule, no standardization activity is to be launched by Germany within the scope of directives under Article 153 of the TFEU. However, the policy paper does not entirely rule out standardization concerning the safety and health of workers at work provided certain criteria are met. The policy paper describes the framework for standardization and its relationship to the safety and health of workers at work, and supports decision-making in this area based upon a questionnaire. Where necessary and/or advantageous, the body of regulations governing the safety and health of workers at work may make reference to standards. The occupational safety and health lobby therefore has an interest in the quality of standards remaining high.

¹ Joint Ministerial Gazette No 1, 2015, pp. 2 ff; www.kan.de/fileadmin/Redaktion/Dokumente/Basisdokumente/en/Deu/Grundsatzpapier_GMBI-Ausgabe-2015-1-en.pdf; the policy paper was agreed by the following stakeholders in OSH: the German state (federal and regional governments), representatives of employers and employees, the German Social Accident Insurance Institutions, and DIN Deutsches Institut für Normung e.V. Through their membership of KAN (the Commission for Occupational Health and Safety and Standardization), these groups represent the interests of occupational safety and health in standardization activity.

1 Purpose of the process description

This document describes the process followed for implementation of Section 2 (Use of standards in the area of safety and health of workers at work), 2.1 (New work items), of the policy paper referred to above. It can be applied only in conjunction with the policy paper.

At the end of the process a decision is to be reached that enjoys the support of all OSH stakeholders regarding whether a work item with a bearing upon the safety and health of workers at work is endorsed or is rejected in whole or part.

Consideration is given both to the launching of new work items at European or international level and to their launch at German level, and to the monitoring of ongoing work items, including the revision of existing standards.

The use of existing standards in accordance with Chapter 2.2 (Use of existing standards) of the policy paper is not addressed by this process description. The state committees and the expert committees of the DGUV develop procedures for this purpose.

2 Process description

2.1 Parties involved

The parties involved are KAN, the state committees, the expert committees of the DGUV, and DIN. The KAN Secretariat coordinates the process within which the issues concerning the safety and health of workers at work in standards are assessed, and the activities resulting from this assessment.

2.2 Information and review

2.2.1 Information

DIN

When work items (including the revision of existing standards) are launched, whether at German, European or international level, DIN examines the work item for possible relevance to the safety and health of workers at work, and promptly informs the KAN Secretariat if appropriate. Where explanatory documents, such as initial drafts, are already available at the application stage, DIN also forwards them to the KAN Secretariat.

Should it become apparent in the course of development of a work item that it is or could be relevant to the safety and health of workers at work, DIN informs the KAN Secretariat at the earliest possible opportunity, at the latest at publication of the

draft standard for the purpose of public enquiry, and forwards the up-to-date documents to the KAN Secretariat.

OSH stakeholders

If a new work item of relevance to the safety and health of workers at work is launched by a stakeholder in OSH represented in KAN², the stakeholder concerned promptly informs the KAN Secretariat. The stakeholder launching the work item must state the reasons for it in accordance with the questionnaire in Paragraph 2.1.2.2³ of the policy paper.

Should a stakeholder become aware of a planned work item or work item in progress, it must likewise inform the KAN Secretariat promptly.

2.2.2 Review

The KAN Secretariat reviews the available documentation with reference to the questionnaire in the policy paper⁴.

If the KAN Secretariat is able to assess the work item clearly with reference to the available information and the answers to the questionnaire, it produces a draft KAN comment, which it submits to KAN for agreement in accordance with Section 2.3.2 of this process description. The KAN Secretariat informs the state committees and expert committees of this step.

Should the KAN Secretariat be unable to reach a decision on its own following review and interpretation of the available information, it examines whether state committees and DGUV expert committees should be involved in further work, and if so which committees. Should no state committee exist with responsibility for the topic, the KAN Secretariat consults the BMAS with regard to responsibility for the topic among the state bodies. Should the review by the KAN Secretariat have revealed that the topic is not dealt with by any DGUV expert committee, the responsible DGUV department (SiGe) clarifies which expert committee is responsible.

² The following are represented in KAN: the state (German federal and regional governments), the German Social Accident Insurance (DGUV), employers, employees, and DIN; see also www.kan.de

³ See p. 7 of the policy paper: 2.1.2.2 (German-initiated projects)

www.kan.de/fileadmin/Redaktion/Dokumente/Basisdokumente/en/Deu/Grundsatzpapier_GMBI-Ausgabe-2015-1-en.pdf

⁴ See p. 6 of the policy paper: 2.1.2.1 (Initiation elsewhere in Europe or the world):

www.kan.de/fileadmin/Redaktion/Dokumente/Basisdokumente/en/Deu/Grundsatzpapier_GMBI-Ausgabe-2015-1-en.pdf

The KAN Secretariat obtains expert opinions in accordance with the processes set out by the state bodies and the DGUV. For this purpose, it describes the situation and formulates specific questions to be put to the stakeholders involved. Owing to the deadlines in standards development for comments, the voting processes in the committees must take place as quickly as possible.

Depending upon the topic, the KAN Secretariat may obtain the opinion of further bodies even at this early stage. Agreement with the positions of the social partners is reached through the employers' and employees' representatives in the KAN Secretariat.

2.3 KAN comment

2.3.1 Creation of a common position

The KAN Secretariat examines the feedback received. Should no feedback be received by the deadline stated, the party concerned is deemed to have abstained.

- If all feedback received is free of disagreement, the KAN Secretariat formulates the draft of a KAN comment.
- If the feedback received is not free of disagreement, the KAN Secretariat endeavours to bring about a consensus. Should it not be possible to reach a consensus, the KAN Secretariat informs KAN of the different positions.

2.3.2 Formulation of resolutions in KAN

- The KAN Secretariat presents KAN with the draft of the comment or the different positions, as applicable, in order for KAN to reach a final decision.
- KAN decides whether to endorse the work item or to reject it in whole or part in compliance with the policy paper.
- The KAN Secretariat forwards the KAN comment to DIN and represents it to the relevant DIN committee. The KAN Secretariat informs all committees and stakeholders involved of the final comment and the result.

Should no common KAN position be reached, the individual stakeholders are at liberty to represent their own position to DIN.

Further provisions, for example concerning the formulation of forewords or participation in standardization work, are to be taken from the policy paper.