BAVC DIE CHEMIE ARBEITGEBER

POSITION PAPER

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GEMEINSAM ZUKUNFT GESTALTEN

Preventing Overregulation – Preserving Mobile Work as a Future Model

Demands of the German Chemical Employers Regarding the Revision of the EU Workplace Directive (89/654/EEC) and EU Display Screen Equipment Directive (90/270/EEC)

- Preventing the expansion of workplace regulations to mobile work
- Strengthening employee responsibility
- Avoid overregulation in workplaces and screen work

The German Federation of Chemical Employers' Associations (BAVC) is the head organisation for collective bargaining and social policy in the chemical and pharmaceutical industry, as well as large parts of the rubber and plastics processing industries in Germany.
It represents the interests of its ten regional member associations, with 1,700 companies and 585,000 employees, vis-à-vis trade unions, politics and the public.

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The European Commission is planning a revision of the workplace and display screen equipment Directives to adapt them to the modern working world. For this purpose, the Advisory Committee on Safety and Health at Work (ACSH) has been tasked with preparing two opinions. From the perspective of German chemical employers, mobile work has proven valuable in various forms across businesses and does not require further, especially not EU-wide uniform, regulation. ACSH's opinions include proposals for new obligations for employers that are bureaucratically burdensome and unfeasible. These proposals would not only significantly impact occupational safety but also touch upon labour and social policy issues, and consequently affect the competitiveness of European companies. Strict regulations, particularly those assigning additional duties and responsibilities to businesses, could result in mobile work as it exists today becoming unavailable in many instances.

Against this backdrop, a comprehensive and careful impact assessment by the Commission is essential to prevent unintended negative effects on mobile work formats. Furthermore, in line with the objectives of the von der Leyen II Commission for increased competitiveness and reduced bureaucracy, regulation must only occur where absolutely necessary, be targeted, simple to implement, and avoid unnecessary burden.

No Expansion of Workplace Regulations to Mobile Work

A clear distinction between mobile work and telework with existing legal requirements remains necessary. The proposed expansion of the Directive's scope to include "homeworking" and "off-premises" work undermines this distinction.

"Homeworking," as defined in the opinion, refers to working from home. Outside the company premises but not from home is considered "off-premises" work. Work performed "in transit" (e.g., at a café or onboard a train) is excluded.

The proposed expansion to regulate workplaces would mean that even briefly answering an email could turn any location into a workplace, regardless of frequency or duration. Since employer control is limited ("homeworking") or impossible ("off-premises"), strengthening employee responsibility is crucial.

We strictly oppose the minimum requirements for a home office workplace listed in the annex. These would significantly constrain or even make mobile work infeasible in practice. Many employees' private homes may not meet the construction standards, and employers cannot ensure compliance within their employees' private environments. They cannot be required to provide two fully equipped workplaces.

Strengthening Employee Responsibility

We welcome the proposed change to Article 13 of the workplace Directive, which emphasizes employee responsibility for their own safety, health, and that of others during their activities:

> *"It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer."*

Avoid Overregulation in Workplaces and Screen Work

The proposed expansion of workplace requirements regarding potential limitations of employees goes too far. Maintaining and adapting workplaces for all conceivable limitations is too costly and impractical. In advance, it is not foreseeable which measures will be effective for an employee with limitations. Adjustments to workplaces should only occur when specific limitations are identified – this is the only way to provide tailored, individual solutions.

We strictly oppose the expansion of the display screen equipment Directive to additional digital devices. We do not share the Advisory Committee on Health and Safety at Work's assertion of necessity. Studies do not substantiate an increase in psychological stress linked to digital devices; rather, a shift in stress types has occurred. The one-sided negative portrayal overlooks advancements in screen ergonomics over the years and the fact that potential stresses are already accounted for during risk assessments.

When deriving minimum requirements for screen work, the definition of "suitability for the task" remains unclear. Additionally, limitations in mobile work should include the addition of "where possible and reasonable" (e.g., work in trains or airplanes often cannot accommodate external keyboards or mice due to spatial constraints).