



CEC European Managers is one out of the six cross-industry European social partners. Through its national member organisations and professional federations it represents 1 million managers in Europe. CEC represents the specific views of managers towards the European institutions and other stakeholders.

CEC position

Exposure to environmental tobacco smoke at the workplace: Consultation of the European social partners on the protection of workers from risks related to exposure to environmental tobacco smoke at the workplace

Introduction

The purpose of this consultation is to obtain the views of the social partners on the protection of workers from health risks related to exposure to environmental tobacco smoke (ETS) at the workplace.

The European Commission reminds of the harmful effects of passive smoking, citing several studies. It also points to the significant costs stemming from increased healthcare expenditure, productivity losses and for the individual worker himself.

The European Commission considers that, despite recent national smoke free laws and existing EU occupational health and safety Directives on the issue, there is a need for a comprehensive legislative initiative specifically targeting the prevention of workers' exposure to ETS at the workplace.

The European Commission considers both binding and non-binding initiatives for this purpose and is asking the European social partners if they think that a law to prevent passive smoking at work is relevant and what legal form they think future measures should take.

CEC European Managers' remarks

The CEC European Managers acknowledges that exposure to ETS imposes significant costs on the economy, including direct costs stemming from increased healthcare expenditure and indirect costs linked to productivity losses. These costs can be avoided if workers are protected from health risks related to exposure to ETS at the workplace.

The CEC European Managers agrees that a high quality of work is necessary to ensure workers well being and thus high productivity and economic growth.

The CEC European Managers also considers that employers have to ensure the protection of health and safety of workers and should take the necessary measures to offer smoke free working environment. Besides, the Supreme Court of the Netherlands has recently condemned an employer to compensate a worker for exposure to tobacco smoke.

CONFÉDÉRATION EUROPÉENNE DES CADRES

CEC, Rue de la Loi 81a, B-1040 Brussels

Tel: +32 (0) 2 420 10 51 Fax: +32 (0) 2 420 12 92

info@cec-managers.org

www.cec-managers.org

Answers to the European Commission question:

(1) Do you consider that the existing national and EU health and safety legislative framework is appropriate and sufficient to protect workers from health risks related to exposure to environmental tobacco smoke at the workplace?

Studies reveal that a high number of workers are subject to ETS. The CEC European Managers thus considers that the some of the existing national and the EU health and safety legislative framework is not appropriate and sufficient to protect workers.

The CEC European Managers think that it is important to tackle the problems of ETS exposure at the workplace not only because of health and safety reasons but also since the executives and managerial staff because of their position in the company have a special responsibility to take measures to achieve a good working environment both with respect to the physical and psychosocial aspect of the working environment.

(2) In particular, do you think that the absence of comprehensive legislative measures in this area has an adverse impact on the protection of workers' health?

The CEC European Managers considers that the absence of comprehensive legislative measures in this area has an adverse impact on the protection of workers' health.

(3) Do you consider a legislative initiative under Article 137 of the EC Treaty to be a more comprehensive and explicit way of protecting workers from health risks related to exposure to ETS at the workplace?

The CEC European Managers agrees that a legislative initiative under Article 137 of the EC Treaty is a more comprehensive and explicit way of protecting workers from health risks related to exposure to ETS.

(4) If you consider such a legislative initiative at EU level appropriate, what form do you think it should take? (For example, the amendment of existing Directives, the adoption of a specific Directive or other approaches.)

The CEC European Managers does not have a specific opinion on the form that the EU legislation should take. The most efficient, time and cost saving instrument should be preferred.

(5) Do you consider that non-binding measures would be a more appropriate means of tackling this issue? If so, can you identify such measures and say how they could be effective at Community level?

The CEC European Managers believes that non binding measures would not bring concrete results in this field.

Brussels, 13 February 2009.

Aude Guillemin
Adviser