

BILBAO DECLARATION

‘BUILDING IN SAFETY’

European Construction Safety Summit

22 November 2004

Introduction:

Construction is one of Europe's largest industries. Unfortunately, it also has the most problematic occupational safety and health record. The human and financial costs to society and the industry are huge. Although significant progress has been made in improving standards in the industry, there is still much that can and needs to be done.

The European Union strategy on health and safety at work 2002-2006 requires the construction sector, given that it is one of the highest risk sectors, to make efforts towards a continuous and sustained reduction of occupational accidents and diseases. These efforts must be adopted by all actors involved in the activities of this sector.

This is why in 2004, the European Week for Safety and Health at Work focused on construction. Run by the European Agency for Safety and Health at Work in close co-operation with its focal point network in 31 countries as well as the European social partner organisations, the campaign was designed to help all stakeholders in the industry realise this potential and build a safer, healthier and more productive working environment.

On 22 November 2004, a European Construction Safety Summit was held in Bilbao, Spain, gathering together industry representatives from across Europe. The summit recognised that more needs to be done by all parties to decrease the number of accidents and enhance occupational disease prevention.

Reputable and sustainable occupational health and safety standards can only be secured within an overall context of high quality standards being achieved. The *Building in Safety* campaign is quality driven and the pursuit of high calibre buildings and civil engineering projects a central tenet. It also recognises that cooperation between competent construction partners is a key factor in achieving this.

The European Construction Safety Summit calls upon all relevant parties in the construction sector to commit to resolute actions to achieve the permanent improvements that are required by the EU health and safety strategy, notably through a full and effective application of the national legislation transposing Directive 92/57/EEC.

Call for action:

- **Procurement - building in safety**

Safety and health issues are integral to the construction project process. They are not confined to the construction phase of a project but occur throughout the entire lifetime of the finished project: design, construction, maintenance and demolition. Many safety and health problems encountered during construction and operation could be avoided by ensuring that due consideration is given to these issues during the design and procurement process. Projects that are well planned, well designed, carried out by competent, trained designers and contractors are not only inherently safer, but also enable the client to achieve good value for the money invested.

Directive 2004/18/EC of 31 March 2004 on the coordination of procedures for the award of public works' contracts, public supply contracts and public service contracts enables, in article 27, the contracting authorities to ask for confirmation that the tenderers have respected their obligations relating to employment protection provisions and to working conditions in force in the Member State.

This provision should be used to ensure that safety and health requirements laid down by the Health and Safety at Work directives, in particular by Framework Directive 89/391/EEC, by Work Equipment Directive 89/655/EEC (as amended by Directives 95/63/EC and 2001/45/EC) and by the Temporary or Mobile Construction Sites Directive 92/57/EEC are applied. In particular, these requirements shall be taken into account during the project preparation stage, as required by Directive 92/57/EEC.

This declaration welcomes initiatives already taken by some **Member States**, such as the United Kingdom's guidelines on public procurement. It gives its full support to the **Commission's Directorate General for Employment and Social Affairs** plan in 2005 to integrate good standards of safety and health into public procurement, including publicly funded construction projects. In this context, this declaration also welcomes the preparation of practical guides on safe and healthy procurement. It recognises that investment in health and safety through systematic budgeting during all phases of projects makes good business sense.

- **Enforcement - improving compliance**

Prevention is the guiding principle for occupational safety and health legislation in the EU. This legislation not only provides protection for workers, but also a level playing field for businesses operating in the European market. Enforcement authorities in all Member States monitor compliance with the legal requirements. The Senior Labour

Inspectors' Committee (SLIC) carried out a European Construction Inspection Campaign in 2003. The results indicated a high level of non-compliance in those projects inspected and also differences in the enforcement of legislation between Member States. The high incidence of accidents and occupational ill health in the industry and the level of non-compliance found by SLIC is not coincidental.

This declaration calls upon the **Member States** to ensure the effective enforcement of all safety and health legislation applicable to the construction sector. In the first instance, the recommendations of the SLIC working group on construction, from the 2003 campaign, should be acted upon. In particular, the ongoing attention to safety and health in the construction sector should be maintained and developed by the inspection authorities, ensuring that effective methods and systems of enforcement are used in all Member States¹.

- **Guidelines - sharing good compliance practice**

Safety and health legislation needs to be accompanied by guidelines that can help to explain how the legal requirements can be implemented and in this way share good compliance practice. This is of particular importance for the many small and medium-sized enterprises (SMEs) in the sector.

This declaration calls upon the Member States in co-operation with the social partner organisations to develop specific guidelines which:

- ensure effective implementation of the legislation;
- describe good practice during the project preparation stage to ensure that, in particular, the clients, designers, contractors, subcontractors and coordinators are aware of their obligations;
- ensure that any guidance and information is targeted and specific to the needs of the industry.

Additionally, this declaration calls upon the **European Agency for Safety and Health at Work** to support this process by making available all relevant information on good practice.

- **Designing safe and healthy construction work**

This declaration calls upon the design community in Europe, through its representative organisations such as the **Architects' Council of Europe (ACE)**, the **European Council of Civil Engineers (ECCE)** and the **European Federation of Engineering Consultancy Associations (EFCA)** to build on existing work in this area and to maximise to their full potential the safety and health aspects of design which are an integral part of the construction process.

¹ SLIC report ECC 2003-1042, 29-04-2004 entitled 'SLIC European Construction Campaign 2003' available at http://europe.osha.eu.int/good_practice/sector/construction/slic/

In particular this declaration calls on the design community in Europe to design out risk wherever reasonably possible and to highlight any remaining residual risk in all projects in which it is involved. The ACE, the ECCE and EFCA will work with the organisations representing the various sections of the industry with a view to researching and defining the actions that the design community in Europe can reasonably take to improve safety on construction sites, and will communicate this information to their Member Organisations

- **Improving safety and health performance through social partner commitment**

Social dialogue and agreements on occupational safety and health improvements are key tools to ensure the indispensable commitment to real improvements in safety and health in construction workplaces, entered into by the key actors, namely, on the one hand, the employers, i.e. construction enterprises of all sizes from SMEs to major groups, carrying out all kinds of building and civil engineering activities, and, on the other hand, the workers.

The summit therefore welcomes and supports the actions that are included in the Joint Declaration issued by the European construction industry's Social Partners, the **European Construction Industry Federation (FIEC)** and the **European Federation of Building and Wood Workers (EFBWW)**² and in particular:

- priorities given to prevention in specific areas, including the use of reduction targets where appropriate;
- extended training action;
- cooperation between social partners at project/site level;
- measurement and reporting on performance.

The summit also welcomes and supports the actions that are included in the **European Builders' Confederation** charter³ which aims to further improve safety and health in small and medium-sized construction enterprises and among craftworkers through:

- better informing craftworkers and SMEs of their legal duties and responsibilities in the field of safety and health, as well as those of their employees. EBC's national organisations commit themselves to the creation on their website of a health and safety section and to actively disseminate health and safety information to their members;
- creating a network of health and safety experts for sharing and cooperating on initiatives and proven good practice ideas.

Referring back to the conference 'Effective Intervention and Social Dialogue in Occupational Safety and Health' (Amsterdam, 15-17 September 2004), the Dutch presidency underlines the importance of implementing these actions.

² FIEC and EFBWW Joint Declaration is available at: www.fiec.org and www.efbww.org

³ EBC Charter is available on the EBC website: <http://www.ebuilders.org/>

Next steps:

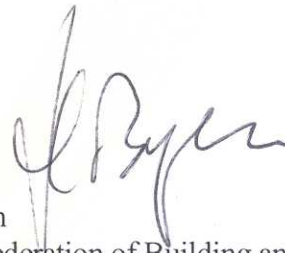
The Bilbao declaration calls upon all signatory parties to act on these commitments and report back on progress and future initiatives at a **follow-up Construction Safety Summit**, to be organised by the Agency in June 2006 and involving all key stakeholders that have joined this declaration.

In order to prepare the follow-up summit, to facilitate the exchange of information on the initiatives taken by the signatory organisations and to promote cooperation and joint action to implement the declaration, a **Construction Safety Forum** will be established.

Done at Bilbao, 22 November 2004,



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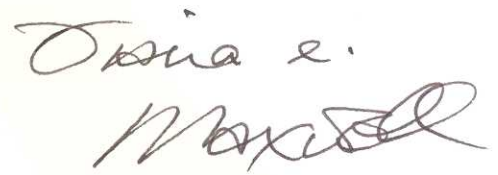
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