

To the Petition Committee of the European Parliament

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PETITION:

Framework on Health and Safety at police workplace

The European Confederation of Police, EuroCOP, is the umbrella organisation for 35 police unions and staff organisations in Europe based in Luxembourg. It represents the interests of almost half a million police officers in 27 European countries, dealing with issues which range from police cooperation across borders to a safer working environment for police officers on the street. EuroCOP was established in November 2002. It is an independent, non-profit and secular organisation and has no affiliation with any government or political party. It is self-financed through contributions of its members and is open to any organisation representing police officers in member countries of the European Union or the Council of Europe.

There are Directives and framework regulations regarding the health and safety at the workplace:

Article 31 of the European Fundamental rights: Fair and just working conditions: Every worker has the right to working conditions which respect his or her health, safety and dignity. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

The health and safety of workers is currently regulated at the EU level by the Safety and Health of Workers Directive-Council Directive 89/391/ EEC.

This Directive provides that Member States *“shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonisation of conditions in this area, while maintaining the improvements made”*.

Pursuant to Article 2 of the Directive 89/391/EEC, stipulates that the directive is not applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

Anyway, in that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this directive and this clause has been found to cause confusion for some Member States, which are invoking it in order not to apply the directive within the public sector — a sector to which the directive should apply all the more, given that, in many instances, it involves a high level of commitment, irregular hours and a host of possible stress factors.

However, the answer given by Ms. Thyssen (Euro-secretary) on behalf of the Commission (E-002416/2016, 15.6.2016) was as follows:

“The framework Directive (1) applies to all sectors of activity, both public and private. In light of its wording, and its objective to encourage improvements in the safety and health of workers at work, its scope must be broadly construed with the result that the exceptions of Article 2(2) must be interpreted restrictively (2).

As regards the public sector, the EU Court of Justice has for example held that the activities of the police(3), public fire services (4) and doctors in primary care teams (5), insofar as they are carried out under normal circumstances, fall within the scope of the directive.

It is for the competent national authorities to monitor and enforce the implementation of the national provisions transposing Directives, including as regards the scope (6). In situations where the rights of workers would not have been respected under existing national and/or EC law, means of redress should be available at national level.”

(1) Council Directive 89/391/EEC of 12.6.1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.6.1989, p. 1.

(2) Case C-303/98, Simap [2000] ECR I-7963.

(3) Case C-227/09, Antonino Accardo and Others v Comune di Torino, [2010] I-10273.

(4) Case C-52/04, Personalrat der Feuerwehr Hamburg [2005] ECR I-07111, and C-132/04, Commission v. Spain [2006] ECR I-00003.

(5) Case C-303/98, Simap [2000] ECR I-7963.

(6) Pursuant to Article 4 of Council Directive 89/391/EEC, Member States must take the necessary steps to ensure that employers, workers and workers' representatives are subject to the legal provisions necessary for the implementation of the directive and shall ensure adequate controls and supervision.

In addition to the framework Directive, a series of individual directives focusing on specific aspects of safety and health at work were adopted. Nevertheless, the framework Directive continues to apply to all areas covered by the individual directives. Where individual directives contain more stringent and specific provisions, these special provisions prevail.

The individual directives define how to assess these risks and, in some instances, set limit values for certain substances or agents, in example:

- Specific tasks (e.g. manual handling of loads)
- Specific hazards at work (e.g. exposure to dangerous substances or physical agents)
- Specific workplaces and sectors (e.g. temporary work sites, extractive industries, fishing vessels
- Specific groups of workers (e.g. pregnant women, young workers, workers with a fixed duration employment contract). Police officers are a specific group of workers and have to be considered to create an individual directive.
- Certain work-related aspects (e.g. organisation of working time)

In addition, some EU directives based on Article 114 of the Treaty on the Functioning of the European Union relate to safety and health aspects.

On that legal basis, a series of technical directives under the so-called ‘New Approach’ were adopted whereby the European standardization organizations — European Committee for Standardization (CEN), European Committee for Electrotechnical Standardization (CENELEC) and European Telecommunications Standards Institute (ETSI) — set and update European standards on a regular basis.

But in none of all the directives mentioned above it is for sure that police officers will also have these rights of fair working conditions and the protection of their health and welfare.

Increasingly, police officers are not provided with the same health and safety rights as other European workers. EuroCOP believes that the main driver to redress this imbalance needs to be political will and the proper implementation of current EU health and safety legislation.

The very nature of policing and the varied duties performed by police forces to ensure public safety, means police officers are exposed to health and safety risks on a daily basis. The EuroCOP 2014 Members Survey has found that EU police forces are observing very specific work-related illness amongst their officers as a result of their work environment, and exposure to physically and mentally extreme situations.

Common examples of work-related diseases include depression, burnouts, cardiovascular diseases, PTSD and stress. In Belgium, the Netherlands and the UK, health and safety concerns relate primarily to sick leave caused by workload and understaffing. Elsewhere in Europe health and safety concerns are tied to the lack of proper equipment and training. Whereas exposure to extreme situations is often considered “part of the job”, EuroCOP is particularly concerned about the underlying reasons for these work-related illnesses identified in the 2014 survey.

Reasons for work-related physical illness, identified by the national police forces, include:

- Exposure to dangerous situations
- Poor equipment
- Lack of physical training
- Stress

Reasons for work-related mental illness, identified by the national police forces, include:

- Stress
- Personnel cuts
- Job insecurity
- Extreme incidents
- Work environment
- (work shifts, workload etc.)
- Lack of support from Management / scrutiny by external agencies

The 2014 EuroCOP Members Survey also raised concerns about inequalities between the police health and safety facilities on offer across European Member States, as well as the quality of equipment. It is important to emphasize that these differences between Member States hamper enhanced police cooperation within the EU and its ambition to create a common culture of European policing.

The 2015 EuroCOP members’ survey, which focuses specifically on implementation of the Directives across Europe, highlights major discrepancies between Member States. For instance in Denmark and The Netherlands the Health and Safety and Working Time Directives are reportedly well implemented whereas various issues of concern were raised in Spain.

In a Dutch study case from 2014 Dutch police chief Gerard Bouman drew attention to the fact that more police officers suffer from post-traumatic stress disorder (PTSD) than was previously understood. The Dutch National Police expects to refer 1,500 to 2,500 police officers suspected of suffering from PTSD, for treatment every year. Emeritus Professor of Psychiatry Berthold Gersons, at

the Academic Medical Centre (AMC) of the University of Amsterdam, also concluded that 7% of the police officers suffer from PTSD.

Therefore EuroCOP stresses the need for the health and safety of police officers to be addressed at the political level to enable information-sharing and best practices on the prevention of violence against law enforcement officers and the reduction of their exposure to extreme situations, allowing them to perform their duties safely. The capabilities of European police forces depend to a large extent on the appropriate working conditions.

Directive topics in which police officers are related to the risks they are exposed:

- The OSH Framework Directive
- Workplaces, equipment, signs, personal protective equipment
- Exposure to chemical agents and chemical safety
- Exposure to physical hazards
- Exposure to biological agents
- Provisions on workload, ergonomically and psychosocial risks
- Sector specific and worker related provisions
- Directive 89/391/EEC about personal protective equipment at the work place.
- Directive 2009 / 104 /EC of the European Parliament and of the Council

Notwithstanding all the efforts and improvements done by the European Union in this area, the work of police officers is not mentioned in any directive,

- 1. EuroCOP calls on EU policymakers to recognize the particularities of police work and to ensure that police officers are provided with the appropriate working conditions (including equipment and training) to carry out their duties and to keep citizens and themselves safe and healthy.**
- 2. EuroCOP believes that it is of utmost importance for injured police officers to have equal access to the necessary medical and psychological support across the EU Member States.**
- 3. EuroCOP recommends including police officers in all the European legal acts especially those which are related to work places, equipment, signs and personal protective equipment.**

And,

Therefore, EuroCOP demands that a specific directive is introduced making provisions for the work place, equipment, signs and personal equipment for police officers, and to include the work of the police to the directives mentioned in this petition paper.

With this petition EuroCOP would like to draw the attention of the Member States as well as the European Parliament to this issue and to support all police officers in Europe to have the same rights of fair working conditions like all other citizens in Europe.