Commissioner Mr. László Andor

European Commission
B-1049 Brussels

25 October 2012

Dear Commissioner Andor,

**European framework agreement on the protection of occupational health and safety in the hairdressing sector**

Recently the European social partners requested the European Commission to present the hairdressers’ agreement on the protection of occupational health and safety for implementation by Council decision. In the light of this request we would like to draw your attention to our concerns regarding this specific agreement.

We all support the concept of social dialogue, particularly the important role it plays in providing a forum for the discussion and resolution of issues by those most affected by them. We also respect the social partners’ autonomy in making agreements.

The concerns about the content of the agreement focus on the nature of the proposed legal provisions. These are very detailed and include a considerable number of new elements which all have to be implemented. For instance, the agreement specifically requires all workers to wear non-slip soles, even if they work in a salon with non-slip flooring. At the same time an analysis of how the principles of subsidiarity and proportionality are respected by the proposal is lacking.

The agreement also includes the possible intention of incorporating self-employed hairdressers, who are not covered by EU health and safety provisions due to the lack of legal basis. Furthermore, it does not fit in with the numerous horizontal directives on health and safety. The agreement covers, among other things, hazardous substances, musculoskeletal disorders, workplace design, product safety and maternity protection when directives already exist in these areas. We would also like to mention that agreements such as the hairdresser’s agreement would introduce different levels of protection between sectors with the same type of risks.

Considering all this, we ask the Commission not to forward this agreement to the Council, and to consider whether it would be preferable for this agreement to be implemented by non-legislative means.
We also find it important that a wider discussion is held on how we might incorporate better regulation principles, including full impact assessments, into social partner agreements which lead to legislation. In this regard, we would respectfully ask the Commission to reflect on the current procedures to help launch such a discussion.

Letter signed by:

Hanno Pevkur, Minister for Social Affairs, Republic of Estonia

Paula Risikko, Minister of Social Affairs and Health, Republic of Finland,

Annette Niederfranke., State Secretary for Labour and Social Affairs, Federal Republic of Germany

Radostaw Mleczko, Deputy Minister of Labour and Social Policy, Republic of Poland

Mark Hoban MP, Minister of State for Work and Pensions, United Kingdom of Great Britain and Northern Ireland

Georgeta Bratu, State Secretary in the Ministry of Labour, Family and Social Protection. Romania

Hillevi Engström, Minister for Employment, Kingdom of Sweden

Mirando Mrsić, Minister of Labour and Pension System, Republic of Croatia (acceding state)

Andrej Vizjak M.Sc, Minister for Labour, Family and Social Affairs, Republic of Slovenia

Paul de Krom, State Secretary for Social Affairs and Employment, Kingdom of the Netherlands