

European framework agreement

On the protection of occupational health and safety in the hairdressing sector

1. PREAMBLE

- (1) Health and safety at work is an issue which should be important to everyone in the hairdressing sector.
- (2) General measures to encourage improvements in health and safety of workers at work are laid down in Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work¹ and its relevant individual directives.
- (3) It is necessary to strengthen the role and importance of national and European sectorial social dialogue.
- (4) The social partners Coiffure EU and UNI Europa Hair & Beauty intend to contribute to protecting occupational health and safety to the hairdressing sector and have therefore concluded this Agreement.
- (5) The social partners have adopted a Declaration on Health and Safety in the Hairdressing Sector emphasising the importance of health and safety at work and including recommendations for appropriate practices in the sector.
- (6) In accordance with Article 155 of the Treaty on the Functioning of the European Union ('TFEU'), the Parties to this Agreement jointly call upon the European Commission to present this framework Agreement to the Council for a decision, so that the Agreement becomes binding in the Member States of the Union.
- (7) The Parties are of the view that all self-employed in the sector face similar risks to their health and safety as do workers: the objective of protecting health and safety at work and the application of the preventive measures laid down in this Agreement should not depend on employment status, but should benefit all persons active in hairdressing. The Parties therefore urge the Member States to complement the implementation of the Council decision implementing this Agreement by appropriate measures to ensure that the entire hairdressing sector is covered. They urge the Member States to ensure in particular that all self-employed active in that sector benefit from the same level of protection as provided for in this Agreement.

2. GENERAL CONSIDERATIONS

- (1) Whereas more than one million workers in 400 000 hairdressing salons receive 350 million potential customers.
- (2) Whereas hairdressing constitutes an important labour-intensive branch of the economy providing services to persons.
- (3) Whereas the development of hairdressing requires respect for the highest quality standards, both for customers and for workers, and imposes social and ecological responsibility.

¹ OJL 183, 29.6.1989, p.1.

- (4) Whereas the quality of social relations is based on mutual trust, a spirit of cooperation and a continuous social dialogue between employers and workers and constitutes an element of productivity.
- (5) Whereas the occupational risks are comparable, whatever the Member State in which the activity is performed.
- (6) Whereas the Parties are acting in the firm belief that it will contribute to protecting jobs and securing the economic future of hairdressing and businesses within a framework of sustainable development and qualitative growth.
- (7) Whereas the general principles of risk assessment and prevention are laid down in Council Directive 89/391/EEC and its relevant individual directives which apply in full to the area covered by this Agreement.
- (8) Whereas, in order to avoid repeated contact for long periods of time with water and substances that may cause irritations and allergic reactions, the employer shall take both collective protective measures, such as for example the organisation of a balance between wet and dry work activities, as individual protective measures. He shall also provide task adapted protective gloves and assure the hygiene at work.
- (9) Whereas workers shall apply individual protective measures and thus, not wear jewellery on their hands or arms during work, immediately clean aqueous solutions containing substances or preparations that may cause irritations and allergic reactions on the skin and not dry their hands with the customers' towels.
- (10) Whereas the Parties take note of the provisions laid down in Regulation (EC) 1223/2009 on cosmetic products², including the obligations of manufacturers, importers or distributors under that regulation.
- (11) Whereas one of the main challenges identified in the EU OSH Strategic Framework on Health and Safety Strategy 2014 - 2020³ is to prevent work-related diseases by tackling existing, new and emerging risks.
- (12) Whereas the Parties undertake to make this Agreement public in the Member States.
- (13) Whereas the Parties will periodically reassess risks in light of technical progress, including scientific developments and findings of relevant bodies.
- (14) Whereas it is the Commission's ambition to provide workers with decent protection and sustainable jobs.
- (15) Whereas the Parties will make every effort to achieve application of this Agreement in all hairdressing businesses.
- (16) Whereas the objective of promoting health and safety of workers requires ensuring a healthy and safe working environment in hairdressing undertakings.
- (17) Whereas scientific occupational health research through the Safe Hair projects, have demonstrated that the long term use of certain materials, products and tools in a moist environment can damage the skin and respiratory tract, careful consideration is required by the employer in the selection/ purchase of materials, products and tools needed to perform their activities, as well as their substitution where possible, abiding by the general principles of risk assessment and prevention.

² OJ L 342, 22.12.2009, p. 59.

³ COM(2014) 332 final.

- (18) Whereas the employer shall ensure an ergonomic workplace and the use of ergonomic tools, in order to make work less strenuous.
- (19) Whereas, self-employed persons and employers, where they are personally engaged in work activity in a hairdressing undertaking next to workers, may, through their activities, jeopardize the safety and health of workers; in these cases it is necessary to extend to self-employed persons and employers certain provisions of this Agreement.
- (20) Whereas until present, it has not been possible to sufficiently achieve, on a national level, the objectives of this Agreement, namely ensuring and promoting a high level of protection of the health and safety for all workers active in the hairdressing sector within the Union.
- (21) Whereas the Parties have come to the conclusion that those objectives can be better achieved at the level of the Union and consequently worked out this Agreement. The Parties consider that this allows the Union to adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union.
- (22) Whereas the Parties are of the opinion that in accordance with the principle of proportionality, as set out in that Article 5, this Agreement does not go beyond what is necessary in order to achieve those objectives.
- (23) Having regard to Article 155 of the Treaty on the Functioning of the European Union.

PART 1

GENERAL PROVISIONS

Clause 1 – Objectives

This Agreement aims at:

- (1) ensuring and promoting a high level of protection of the health and safety for all workers active in the hairdressing sector, by establishing provisions in order to prevent, eliminate or reduce work-related health risks in that sector;
- (2) work in a healthy environment, which is a precondition to providing efficient service;
- (3) an integrated approach for the prevention of risks and protection of health and safety at the workplace, particularly in the following areas:
 - protection of the skin and respiratory tract,
 - ergonomic workplaces,
 - accident prevention and safety at work,
- (4) avoiding work-related ill-health in order to assure that workers can continue to exercise their profession in the sector.

This Agreement shall be without prejudice to existing or future national and European Union provisions which are more favourable to protection of the health and safety of workers at work in the hairdressing sector.

Clause 2 – Scope

- (1) This Agreement addresses health and safety related aspects of the working environment of workers in the hairdressing sector.
- (2) In order to preserve safety and health in the hairdressing undertaking, where self-employed persons or employers are personally engaged in work activity in a hairdressing undertaking that is the workplace of a worker, these self-employed persons and employers shall comply, *mutatis mutandis*, with the following provisions of this Agreement that apply to workers:
 - Part 1, Clause 4(8)
 - Part 2, Clauses 9 (2), (7), 8 (5) and 8 (6)
- (3) In order to preserve safety and health in the hairdressing undertaking, where self-employed persons are engaged in work activity in a hairdressing undertaking that is the workplace of a worker, these self-employed persons shall comply, *mutatis mutandis*, with the following provisions of this Agreement that apply to employers:
 - Part 1, Clauses 4(5), 6(1) and 6(2),
 - Part 2, Clauses 8 (3) and 8 (4).

Clause 3 – Definitions

For the purposes of this Agreement, the following terms shall have the following meaning:

- (1) employer: any natural or legal person who has an employment relationship with a worker and has responsibility for a hairdressing undertaking and/or establishment;
- (2) hairdressing undertaking: an undertaking carrying out an economic activity in the hairdressing sector, whether or not operating for gain;

- (3) worker: any person who, for a certain period of time, performs services for and under the direction of another person in return for which he receives remuneration; for the purpose of this Agreement, trainees and apprentices are considered workers;
- (4) self-employed persons: all persons, other than employers and workers.

Clause 4 – Protection of the skin and respiratory tract

- (1) In accordance with Articles 6(3) and 9 of Council Directive 89/391/EEC, the employer shall carry out a risk assessment and shall take measures on the basis of the conclusions of such an assessment, making it possible to eliminate or reduce to a minimum the risks. The hierarchy of general principles of prevention according to Article 6 of Council Directive 89/391/EEC is applicable.

In carrying out this risk assessment and in taking the corresponding prevention and protection measures, the employer shall take into account the possible and specific risks that result from the presence, at the same workplace, of hairdressers operating under different contractual statuses. Such risks include the risks resulting from the shared use of the same products and tools and the risks deriving from the work organisation in the hairdressing undertaking.

Self-employed persons who are engaged in work activity in a hairdressing undertaking that is the workplace of a worker shall comply with the prevention and protection measures that address these risks.

- (2) In order to avoid repeated contact for long periods of time with water and skin-irritating substances, the employer shall organise a balance between wet and dry work activities and take individual protective measures.
- (3) The employer shall provide facilities dedicated to hand hygiene and care of the workers and put at their disposal adequate equipment and products for this purpose.
- (4) The employer shall only use materials, products and tools that have been placed legally on the "Union" market.
- (5) Within a range of similar materials, products and tools the employer shall, where possible, give preference to those which offer the highest level of protection of the health and safety of workers (*Principle of substitution*). Where substitution is not possible, the employer shall use materials, products and tools in a form which involves the lowest exposure (dual chamber applicators, pastes, granulates, etc.).
- (6) The principle of substitution shall in particular be applied to the following:
 - products releasing dust into the air;
 - powdered natural rubber latex gloves;
 - tools (e.g. clippers and scissors) which can transfer nickel⁴.
- (7) The employer shall ensure that hairdressing rooms are properly ventilated. This requires at least a fresh air flow of 100 m³/hour per person working at the workplace. Ventilation can be provided by fans, natural cross ventilation or a technical ventilation system.
- (8) The employer shall ensure that the mixing or transferring of chemicals that can generate hazardous gases, fumes or particulates shall take place at specific workstations with mechanical ventilation systems or local extraction systems, provided and maintained by the employer. Such workstations are unnecessary only if the mixing and transfer

⁴ Nickel refers to nickel metallic (CAS No 7440-02-0) as specified in Annex XVII of the REACH Regulation (Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, OJ L 396, 30.12.2006, p. 1.)

procedures used ensure that no hazardous gases, fumes or particulates can escape (e.g. hermetic systems).

Clause 5 – Ergonomic workplaces

- (1) The employer shall organise the rotation of tasks whenever possible in order to avoid repetitive movements or strenuous work over an extended period of time. He shall give appropriate instructions to workers to that end.
- (2) The employer shall take account of technical progress in ergonomics when purchasing new equipment and tools and newly furnishing or re-equipping premises. In particular:
 - a. Whenever newly furnishing or re-equipping premises, the employer shall, in keeping with technical progress in ergonomics, endeavour to purchase height-adjustable, rotating chairs and height-adjustable roller stools (for support when standing), which ensure that arms, shoulders and backs are at the right working height.
 - b. Whenever newly furnishing or re-equipping hair wash installations, the employer shall, in keeping with work processes and technical progress in ergonomics, endeavour to purchase a selection which enables working in a position that is as ergonomic as possible, while taking into account the comfort of the customer.
 - c. Whenever re-equipping, the employer shall, in keeping with work processes and technical progress in ergonomics, endeavour to purchase handheld hair dryers and scissors that are as light, quiet and low in vibration as possible, without this affecting their technical efficiency.
- (3) The employer shall ensure that tools and products to be used, including care products and protective gloves (except products prepared at mixing stations) are within reach of the workstation. Preference is to be given to trolleys.

Clause 6 – Accident prevention and safety at work

- (1) The employer shall ensure sufficient unoccupied space at the workstations that allows workers to carry out their duties without getting in each other's way, even when there are a lot of customers.
- (2) The employer shall ensure that cosmetics, within the meaning of Regulation (EC) 1223/2009, are stored under suitable conditions (cool conditions up to room temperature), bottles are stored sealed in the original package and products that are a fire hazard are kept away from flammable materials.

PART 2

SPECIFIC PROTECTIVE MEASURES AT WORK

Clause 7 – General obligations for workers

It shall be the responsibility of each worker to take care as far as possible of his own health and safety in accordance with his training and the instructions given by his employer in accordance with this Agreement.

Clause 8 – Collective protective measures

- (1) The employer shall provide protective gloves:
 - that are sufficiently resistant to hairdressing chemicals and strong enough to ensure that they are not damaged by normal work,
 - that are non-sensitising,
 - that are of such a size and style as to fit the hands of users,
 - that are stretching beyond the wrists when washing.
- (2) The employer shall equip the hand wash and care facilities for workers with suitable skin cleansing, protection and care agents and disposable towels.
- (3) The employer shall ensure that tools (combs, scissors, hair clips, razors and clippers) are cleaned and disinfected systematically.
- (4) The employer shall ensure that the premises, including the toilets, are maintained in a clean condition and that the floors are maintained regularly with a view to avoiding slips, trips and falls.
- (5) The employer shall ensure that workers use mixing appliances, portion dispensers and suitable containers for diluting concentrates.
- (6) The employer shall ensure that workers do not eat or smoke in workrooms.

Clause 9 – Individual protective measures

- (1) It shall be the responsibility of the employer to give instructions to the workers to comply with the individual protective measures laid down in this Agreement.
- (2) Workers shall wear suitable protective gloves :
 - when applying dyes, tints and blonding agents, including when checking the results, emulsifying and rinsing;
 - when applying permanent waves, including trial curling and setting;
 - when preparing, mixing or transferring chemicals;
 - when washing hair;
 - when washing or disinfecting equipment, instruments or rooms.In particular, disposable single-use gloves shall be used for operations involving hairdressing chemicals, including rinsing of dyes.
- (3) To ensure a high level of skin protection and hand hygiene, workers shall cream their hands with skin protection preparations before starting work, before breaks and at the end of the working day. In addition, when appropriate, workers shall cleanse their hands with pH-neutral cleanser, dry them well and cream them.
- (4) Workers shall wear suitable clothes for their activities or work wear clothing.
- (5) Workers shall neither wear jewellery on their hands nor arms during work.

- (6) Workers shall immediately clean aqueous solutions containing irritating substances or preparations on the skin.
- (7) Workers shall not dry their hands with the customers' towels.

PART 3

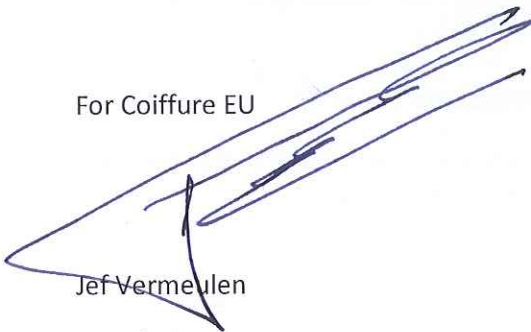
IMPLEMENTATION

Clause 10 Provisions on implementation

- (1) Member States and the Parties can maintain or introduce more favourable provisions for workers than those set out in this Agreement.
- (2) Implementation of this Agreement shall not constitute valid grounds for reducing the general level of protection afforded to workers in the field of this Agreement.
- (3) The prevention and settlement of disputes and grievances arising from the application of this Agreement shall be dealt with in accordance with national law, collective agreements and practice.
- (4) The Parties shall review the application of this Agreement five years after the date of the Council decision if requested by one of the Parties to this Agreement.

Done in Brussels on 23 June 2016

For Coiffure EU



Jef Vermeulen
President

For UNI Europa Hair & Beauty



François Laurent
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General Secretary



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