

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

Preamble

- (1) Health and safety at work is an issue which should be important to everyone in the hairdressing sector.
- (2) The social partners Coiffure EU and UNI Europa Hair & Beauty intend to contribute to protecting occupational health and safety in the hairdressing sector and have therefore concluded this Agreement.
- (3) 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 European Union with a view to the improvement in particular of the working environment to protect workers' health and safety.
- (4) However, 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 prevention 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 and in particular that all self-employed active in this sector benefit from the same level of protection as foreseen in this Agreement.
- (5) The Parties will set up a working group in the sector at European level. The group will be made up of five representatives of each of the Parties and will meet once a year. The group will report annually to the European Social Dialogue Committee on progress achieved nationally in implementing the Agreement. The group will periodically reassess risks in light of the state of the art, including scientific developments and findings of relevant bodies.
- (6) The Parties undertake to make this agreement public in the Member States.

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;

- (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 a productive factor;
- (5) Whereas the occupational risks are virtually the same, whatever the Member State in which the activity is performed;
- (6) Whereas the Parties to this Agreement 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 Parties will make every effort to achieve application of this Agreement in all hairdressing businesses;
- (8) Whereas the objective of promoting health and safety of workers requires ensuring a healthy and safe working environment in hairdressing salons;
- (9) Whereas it is therefore necessary that self-employed persons and employers, where they are personally engaged in work activity in a hairdressing salon that is also the workplace of workers, comply with the provisions of this Agreement as specified below;
- (10) Having regard to Article 155 of the Treaty on the Functioning of the European Union;
- (11) Having regard to the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work¹;
- (12) Having regard to the individual Directives in the sense of Article 16(1) of Directive 89/391/EEC, in particular Directives 89/654/EEC², 89/656/EEC³, 92/85/EEC⁴, 98/24/EC⁵, 2004/37/EC⁶ and 2009/104/EC⁷;

Part 1

General Provisions

Clause 1 – Objectives

This Agreement of the social partners of the hairdressing sector aims at:

- (1) An integrated approach for the prevention of risks and protection of health and safety at the workplace, particularly in the following areas:
 - use of materials, products and tools; protection of the skin and respiratory tract;

¹ OJ L 183, 29.6.1989, p. 1.

² OJ L 393, 30.12.1989, p. 1.

³ OJ L 393, 30.12.1989, p. 18.

⁴ OJ L 348, 28.11.1992, p. 1.

⁵ OJ L 131, 5.5.1998, p. 11.

⁶ OJ L 158, 30.4.2004, p. 50.

⁷ OJ L 260, 3.10.2009, p. 5.

- prevention of musculo-skeletal disorders;
- working environment and organisation of work;
- maternity protection;
- mental health and wellbeing.

- (2) Work in a healthy environment, which is a precondition to providing efficient service.
- (3) Establishing provisions in order to prevent, eliminate or reduce work-related health risks in the sector.
- (4) Retaining skilled workers in the sector.
- (5) Ensuring and promoting a high level of protection of the health and safety for all workers within the European Union.
- (6) Strengthening the role and importance of national and European sectoral social dialogue.

Clause 2 – Scope

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

Clause 3 – Definitions

- (1) Employers are persons who have an employment relationship with workers and have responsibility for an undertaking.
- (2) Workers are persons employed by employers in the hairdressing sector, including trainees and apprentices.
- (3) Self-employed persons are all persons, other than employers and workers, whose professional activity is hairdressing.
- (4) The Parties that are the signatories to this Agreement are the European federations representing employers and workers.

- (5) 'National practices' means guidelines or standards issued by competent authorities or the hairdressing sector which are neither laws nor regulations.

Clause 4 – Principles

- (1) The Parties will cooperate to reduce health and safety risks in the hairdressing sector at local, national and European levels, inter alia through the dissemination of this Agreement.
- (2) The Parties recognise that there is a need for a common prevention strategy in all Member States, to be pursued as a priority and taking account of the most recent scientific findings.
- (3) The Parties take note that the general principles of risk assessment and prevention are laid down in the Framework Directive 89/391/EEC and its relevant individual directives. They take note of the provisions laid down in the Cosmetics Directive 76/768/EEC as amended, including the obligations of manufacturers, importers or distributors under that Directive.⁸

Clause 5 – Use of materials, products and tools; protection of the skin and respiratory tract

- (1) In accordance with Articles 6(3) and 9 of Framework 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 Directive 89/391/EEC is applicable.
- (2) The parties agree upon the specific protective measures set out in Part 2 of this agreement.
- (3) In order to avoid repeated contact for long periods of time with water and skin-irritating substances that may cause irritations and allergic reactions, the employer shall take individual protective measures and organise a balance between wet and dry work activities. The workers shall comply with these safety instructions in accordance with the workers' obligations laid down in Article 13 of the Framework Directive 89/391/EEC.
- (4) The employer shall only use materials, products and tools that are authorised on the European market and that are not considered harmful for professional use according to the state of the art. In addition the employer shall endeavour to use materials, products and tools which are safer to the health and safety of workers. If the use of less dangerous alternatives is not possible, the employer shall use materials, products and tools in a form which involves low exposure (dual chamber applicators, pastes, granulates, etc.).

⁸ OJ L 262, 27.9.1976, p. 169. The Cosmetics Directive 76/768/EEC will be replaced by Regulation (EC) 1223/2009, which will apply as from 11 July 2013 (OJ L 342, 22.12.2009, p. 59).

- (5) In particular, the principle of substitution, as outlined in point (4), shall be applied to the following materials, products and tools:
- permanent wave compositions containing thioglycolic acid ester (acidic permanent wave compositions)
 - dusty hair cosmetics (e.g. blonding agents, dyes)
 - powdered natural rubber latex gloves
 - tools (e.g. clippers and scissors) which can transfer nickel to the skin when in contact with it for a lengthy period of time.

Clause 6 – Prevention of musculo-skeletal disorders

- (1) The Parties recognise that musculo-skeletal disorders (MSD) mainly occur in the muscles, tendons and nerves in the wrist, fingers, elbows, shoulder and back. They cause pain and limit flexibility, which may lead to impairment in occupational and private life.
- (2) The Parties recognise that MSD are caused by various factors, such as repetitive hand movements, mental load, inadequate rest periods, unsuitable tools or incorrect use of equipment, strain at work, etc.
- (3) 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.
- (4) The employer shall comply with the provisions regarding working hours as laid down by European Union and national law, collective agreements or the individual employment contract in order to prevent health and safety risks.
- (5) The employer shall take account of the most recent ergonomic good practices when purchasing new equipment and tools.
- (6) From the entry into force of this Agreement, whenever newly furnishing or re-equipping premises, employers shall, in keeping with the most recent ergonomic good practices, 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.
- (7) From the entry into force of this Agreement, whenever newly furnishing or re-equipping hair wash installations, the employer shall consider a selection based on work processes and ergonomic good practices with respect to design, function and layout of the installations, which enables working in a position that is as ergonomic as possible, while taking into account the comfort of the customer.
- (8) Handheld hair dryers and scissors in particular must meet ergonomic requirements. Handheld hair dryers must also be as light, quiet and low in vibration as possible without this affecting their technical efficiency.
- (9) The employer shall ensure that the organisation of the salon makes it possible that tools and products to be used (except products prepared at mixing stations) are within reach of the workstation. Preference is to be given to trolleys, which should generally be equipped with care products, especially protective gloves, to keep the skin healthy.

- (10) The Parties recommend that workers consult a doctor of their choice or an occupational physician as soon as experiencing initial signs of MSD, such as recurrent pain, numbness or tingling. This does not free employers from their existing national obligations regarding prevention.

Clause 7 – Working environment and organisation of work

The employer shall comply with the provisions of Directives 89/654/EEC and 98/24/EC. In addition:

- (1) The employer shall provide sufficient space to the workers at their workstations 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 the electrical, gas and water installations comply with relevant international, European and national standards, and that the workrooms are illuminated evenly and glare avoided. The light intensity at workstations shall comply with national standards but the Parties recommend a minimum of 400 lux.
- (3) When newly furnishing or re-equipping premises, the employer shall equip the salon with floor coverings that are non-slip so that persons can move about safely.
- (4) The employer shall ensure that hairdressing rooms are properly ventilated. A fresh air flow of 100 m³/hour per person working at the workplace is normally sufficient. Ventilation can be provided by fans, natural cross ventilation or a technical ventilation system.
- (5) The mixing or transferring of chemical substances that can generate hazardous gases, fumes or particulates shall take place at special workstations that have an appropriate complementary ventilation system, provided and maintained by the employer. Such workstations are unnecessary only if the mixing and transfer procedures used ensure that no hazardous gases, fumes or particulates can escape (e.g. hermetic systems).
- (6) 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.
- (7) The employer shall ensure that cosmetics 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 and out of the reach of children. Empty or partially used product containers shall be disposed of in a safe and environmentally-friendly manner.
- (8) Employers and workers shall comply with European Union and national legislation, and, where relevant, collective agreements with regard to working hours, work breaks and holidays.

Clause 8 – Maternity protection

- (1) The employment of pregnant women shall be in accordance with European Union legislation, particularly Directive 92/85/EEC, and national legislation and collective

agreements. The employer shall take into account the special requirements of pregnant women and nursing mothers when preparing and organising work.

- (2) While respecting existing specific national legislation, the employer and the worker assess whether the working conditions are opposed to having a task carried out by pregnant women. In case of doubts about a possible prohibition of certain work, a doctor has to be consulted.
- (3) The doctor decides which tasks may be harmful. The employer shall respect the decision of the doctor. In case of reasonable doubts the employer can ask the pregnant woman to consult another doctor.
- (4) If the doctor prohibits certain tasks for the pregnant woman, the employer shall take the necessary measures regarding the organisation of work and shall entrust the tasks to other workers.

Clause 9 – Mental health and wellbeing

- (1) The Parties recognise that effective social dialogue at the workplace makes an important contribution to creating a working environment that is conducive to high levels of mental health and wellbeing. They acknowledge that an active dialogue on the establishment's operations enhances mutual trust, creativity and the performance of the company and its workers.
- (2) To contribute to a healthy and balanced mental environment, the employer shall ensure a careful preparation of work, an appropriate planning of the working time and work organisation aiming at optimising resource management and preventing emotional collapses.
- (3) The Parties confirm their commitment to fully implement the European Social Partners' Framework Agreement on Work-Related Stress of 8 October 2004 in accordance with the procedures and practices specific to management and labour and the Member States.
- (4) In order to prevent, eliminate or reduce problems of mental health and wellbeing the employer takes measures as soon as possible, especially those recommended in Article 6 of the European Social Partners' Framework Agreement on Work-Related Stress. They include in particular measures regarding management and communication, such as the clarification of business objectives and the role of the individual workers, ensuring appropriate support for the individual and the teams, clarification of responsibilities and decision making powers.

Part 2

Specific protective measures at work

Complementing the Framework Directive 89/391/EEC, in particular the obligation to take collective protective measures (Article 6(2)(h)), and the individual directives 89/654/EEC, 2009/104/EC, 89/656/EEC and 98/24/EC, the following specific protective measures are agreed:

Clause 1 – Individual protective measures

- (1) Workers shall wear suitable clothes for their activities or workwear clothing and, in particular, shoes with non-slip soles.
- (2) Workers shall not wear jewellery on their hands or arms during work, as the skin underneath them is particularly prone to disease as a result of dampness or chemicals.
- (3) Workers shall not leave aqueous solutions containing irritating substances or preparations to dry on the skin, but shall wash them off.
- (4) To prevent involuntary contact with hairdressing chemicals, workers shall not dry their hands with the customers' towels.
- (5) Workers shall wear suitable protective gloves, provided by the employer, when
 - applying dyes, tints and blonding agents, including when checking the results, emulsifying and rinsing;
 - applying permanent waves, including trial curling and setting;
 - preparing, mixing or transferring chemical substances;
 - washing hair;
 - 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.

- (6) 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.

Clause 2 – Collective protective measures

- (1) For reasons of hygiene, workers shall not eat or smoke in workrooms.
- (2) Workers shall use mixing appliances, portion dispensers and suitable containers for diluting concentrates.
- (3) The employer shall equip the hand wash and care facilities for workers with suitable skin cleansing, protection and care agents and disposable towels.
- (4) 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. They shall be non-sensitising and shall be of such a size and style as to

fit the hands of users. The cuffs of washing gloves must stretch well beyond the wrist, so that no liquids can enter the gloves.

- (5) The employer shall ensure that tools (combs, scissors, hair clips, razors and clippers) are cleaned and disinfected systematically.
- (6) 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.

Part 3
Implementation

This agreement shall be without prejudice to existing or future national and European Union legislation and practices which are more favourable to workers' protection in the hairdressing sector.

Done at Brussels on 26 April 2012

For Coiffure EU

For UNI Europa Hair & Beauty

Horst Hofmann
President

Poul Monggaard
President