

CARLER

HEALTH AND SAFETY AT WORK

I – Carler Law firm: leader in Health and Safety at work

CARLER and the Health and Safety at work law is the matching between a family history and a country, Sweden. Mr. Olivier POUHEY, head department, comes from an industrial Family of Thiers, in the center of France. The symbol of this town is: « Labor omnia vincit » (« *An unremitting labour can solve every problems*»). That's why according to Mr. POUHEY the Work and the worker are the center of the economic activity. Since the merger with the Swedish law firm CARLER, which has existed in France since 1974, Mr. POUHEY also considers that the Health and Safety at work must be the priority in the working relationship.

Indeed, Sweden is exemplary in that field. The health and safety at work's law is old and the first statute on this topic was taken in 1889. Since 1993, there have been Statutes about mental harassment at work.

That's the reason why the law firm chose to concentrate on the law of health and safety at work. At first, our fields of expertise were the prevention and reduction of health-related risks, then preventing job-related psychosocial risks and we cover now the whole law of health and safety at work.

According to CARLER law firm, several principles must be followed:

The worker's health and safety is fundamental for all company staff. This is the key of prevention and reduction of health-related risks. The Swedish example is very convincing: only 5 % of labour safety representatives (compulsory institution if the firm has more than 4 employees which exists since 1912), consider that they have to face the hostility of the Managers in order to protect the health of the workers, knowing that they can ask the production to be stopped in case of health-related risks for workers.

No compromise should be made with health and safety at work. The simple respect of the law isn't enough to exonerate the Employer of his liability. The employer must constantly ask himself if there is a current or future risk for each employee while they are working (job-related psychosocial risks, cancer....).

The prevention of health and safety at work can significantly increase the competitiveness of the Company because of cost savings: better productivity, better quality, less absenteeism, less work related accident or occupational diseases, less turn-over, decrease of contributions, and insurance premium, etc.

Thus, it is interesting to underline that the accident at work or occupational disease's contributions is in Sweden from 0,30%.

According to the OPPBTP, prevention in this field get a 2,19 return on investment. Thus, for 100€ spent on prevention, the firm can obtain 219 euros, that is to say 119 euros net benefit.

An intervention in Health and Safety at work requires a multidisciplinary approach. That's why, CARLER Law firm have access to a permanent network of partners with security engineers, ergonomists, physiotherapists, work's psychologists, doctors, experts, ... and institutions as the ANACT, which is one of the principle public institution in the health and security at work.

II – An innovative approach

Due to the Swedish experience, Carler's lawyers help to give a sense of responsibility to all the protagonists of the health and security at work.

At first, it is important to underline our perfect expertise in the field of occupational injuries and disease's contributions, litigation due to inexcusable negligence and social protection, that allows us to financially evaluate the direct cost that represents occupational injuries and diseases and the absenteeism.

On this basis, it is possible to work together in order to diminish the costs generated by this risk.

In order to reach this goal, we must have an approach including:

- **prevention and**
- **decrease or cancellation of the cost of judicial claims on occupational injuries and diseases**

A) Prevention

→ PREVIOUS AUDIT

In order to give you the best advices, we recommend a short audit letting us know the status of your Company concerning the costs of occupational injuries and diseases, the respect of the rules concerning health and security at work, the organization of the health and security and the awareness of this issue by the executives staff and the communication with yours employees on this topic.

→ BUILDING A TEAM

Depending on the request of the Company, it can be necessary to build a multidisciplinary team with persons from outside and inside the firm.

→ ACTION'S PLANS

Then, we will have to define an action plan in order to implement the prevention measures and train and give responsibilities to the different protagonists:

- Analyze the safety procedures and technical assignment, systems Q.S.E. (ISO, NF, ...);
- Update the compulsory Document of risks evaluation ;
- Securisation of outside interventions firm or co-activity situations (prevention plans, intervention license, contracts, protocols...);
- Legal aspects concerning asbestos and other dangerous products ;
- Management of the CHSCT (information-consultation procedures, alert procedures, expertise...);
- Negotiation and conclusion of agreements (concerning arduousness, job-related psychosocial risks, psychological harassment situation...) and documents of information for the employees and the union representatives
- Risks situations Management and crisis situation (occupational injuries and diseases... : crisis unit, meetings ...)
- Review or introduction of delegations of authority and functions' definition ;
- Relationships with the Work Administration and labour doctors;
- Individual procedure of inability to work ;
- Training sessions about risks prevention (harassment, job-related psychosocial risks, relations with the CHSCT, management of the arduousness,...);

→ Decrease of occupational injuries and diseases contributions (AT – MP) :

Checking the rules for calculating your rate (AT/MP), examination of the employer's accounts, etc...

→SAFETY : AN EVERY DAY STAKE

B) Litigation

An efficient way to reduce the employer's contributions, while saving the right of the employees.

Litigation due to health and safety in front of competent Courts:

- Litigation related to health and safety at work (TASS, TCI, CNITAAT, Civil Court, Labour Court, ...)
- Litigation of the employer criminal liability
- Litigation about inexcusable negligence
- third party body liability

BE CAREFUL :

The scope of law is clarified: September 18, 2013 the Court of Appeal in Paris ruled that the activity of social costs audit concerning occupational injuries and diseases contributions of the Company Alma consulting is illegal. That's why costs killer groups are now forbidden to intervene in that field, only lawyers can.

→SOCIAL RESPONSIBILITY – ENVIRONNEMENT

Prevention and action concerning health and safety at work is a part of the social responsibility of the Company.

It is interesting to underline that these actions have an impact in favor of the environment. For example, less aggressive products for the user are also better for the **environment**.

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