

SELF press release on arduousness at work

April 2013

According to the Act dated 9th November 2010, regarding pensions reform, arduousness at work is now recognized by the French Labour Code and, therefore, employers are required to ensure its prevention. The French Language Ergonomics Society (SELF) welcomes this initiative and regards it as a real opportunity to strengthen or even broaden the scope for the improvement of conditions for work performance by taking into account this reality, which has often been identified and analysed in ergonomics, in order to help reduce it more efficiently.

However, SELF is concerned by the orientations brought about in the definition to which arduousness has been attributed in the Act and by the conditions for its prevention included in the decrees that followed its publication. Having been considered in a very restrictive way, these orientations can lead to the weakening of prevention models and practices and, more specifically, of those adopting the ergonomics approach which places the actual work activity at the centre of its preoccupations.

Emerging in the context of pensions reform, arduousness at work first appears within the Social Security Code with compensation as the objective point, allowing employees who would have performed strenuous work during their career to retire early. Such departure due to strenuousness is granted to workers with permanent disability rate (PD) of higher than or equal to 20%. For PDs below 10% no compensation is envisaged. For PD rates of between 10% and 20%, this right is open to those workers who would have been exposed to certain types of occupational risk factors for a period of 17 years and, if their disability is related to the exposure in question. In order to determine the level of such exposure, the Act provides for the employer to ensure the monitoring of workers “exposed to one or more occupational risk factors determined by the decree and linked to dramatic physical constraints, an aggressive physical environment or some work routines which may leave lasting, identifiable and irreversible traces on their health” (CT-L4121 3-1). This latter statement is now systematically repeated, in a number of publications, to define arduousness at work. It tends, in fact, to direct the analysis of arduous situations toward the identification of ten risk factors, which have since been specified by the decree, (1) and to act, in terms of prevention, on these factors. Yet, as seen above, this definition is determined by compensation terms and not by prevention issues.

SELF warns about an approach on arduousness at work which, by directing action towards these risk factors alone, is designed to prevent only those PD risks ranging between 10 and 20%, thereby excluding any other form of damage to health, either by its nature or severity, related to the exercise of strenuous activities. This would, in effect, imply addressing the risk for early retirement and not the risk of harm to health. It would mean a serious drifting away from the right interpretation of the text.

The apparent lack of reference to the “psycho-social” dimension of the arduousness of working conditions in this Act may also lead to a drift in the interpretation of the text. Indeed, this shortcoming is, once again, applicable only to conditions for early retirement provided for in the case of PD rates of between 10 and 20%. Yet, in the case of disability rates of over 20%, a wide range of diseases or injuries resulting from work related accidents could be eligible for an early retirement on arduousness grounds, including “psychiatric injury (2)” (cognitive impairment, anxiety disorders, depression, etc..). In other words, though psycho-social risks are not taken into consideration in exposure records, they are, nonetheless, likely to cause lasting, identifiable and irreversible traces on worker’s health which, accordingly, would rate them similar to arduousness.

Finally, by assigning a direct causal relationship between exposure to certain factors of arduousness and the onset of long-term effects on health, the Act tends to exclude any reference to the actual work activity. Yet, arduousness of work cannot be understood without reference to work activity which it affects. In ignoring this dimension, the Act could encourage expert analysis which is strictly technical and normative or even legal, regarding factors of stress and associated thresholds. This approach can be justified within the scope of negotiated compensation, but is highly restrictive in the field of prevention.

In this context of reinforcing the legislation regarding the arduousness of work, which tends to increasingly identify and recognize occupational hazards rather than anticipating them in order to better protect the health of workers, SELF reaffirms the need to act upon work and its organization.

Hence, it emphasizes the important role played by the ergonomics approach in areas of the study of arduousness, its ability to understand the actual situations, to seize the opportunities of the resources of actors or to identify issues of transformation, especially during the initial phase of the analysis of the application. Thus, SELF is determined to develop a better understanding of the real activity with the aim of getting into the logic of the prevention of actual and/or potential risks by working for an environment which is both safe and enabling and contributing to the dynamic of the development of individuals and systems. This understanding does not, strictly speaking, separate the physical, mental and psychological dimensions which are involved in all forms of work and which remain inseparable in the concrete realization of activities. In fact, “working” results from harnessing one’s body and mind, staying in perpetual motion to solve tasks and putting into action one’s mental, emotional or affective processes in a social and organizational context. Similarly, the term arduousness refers to both objectifiable constraints in work situations and experiences of people who have undergone such situations. Finally, through its various methods which have proven their worth (observations, simulations, experiments) ergonomics has repeatedly shown that work situation may pose a risk to the health of workers without generating negative feelings (carcinogenic or toxic substances) and, conversely, a situation can induce a sense of arduousness without obvious or apparent risk to health (in the current state of knowledge).

It is clear that the arduous nature of work appears to be a complex process, bringing together a set of determinants in work situations which are broader than those provided for by the Act, and one that must be made visible and intelligible.

SELF stresses on underlining the commitment made by ergonomists as well as the actions they have been conducting, for a long time, on the fight against multiple forms of arduousness. It recalls the relevance of their analytical models in comparing the reality of work with the management reasoning and, thus, providing a different perspective to health, seen primarily as a resource and not as a cost to the organization. It wishes to continue to contribute towards ensuring that all forms of arduousness of/at work are better taken into account, regardless of their nature or their potential seriousness, in accordance with the new obligation on the employer to prevent them.

The Board of Directors of the French Language Ergonomics Society

[1] Decree n° 2011-354 dated 30th March 2011 concerning the definition of occupational risk factors.

[2] Judgement dated 30th March 2011 setting the reference list of injuries as a result of an accident at work and identical to those compensated in respect of an occupational disease mentioned in Article R.351-24-1 of the Code of Social Security.