The fight to protect hairdressers’ health: the inside story

The never-ending saga of the framework agreement of the European social partners on health and safety in the hairdressing sector well illustrates the influence of gender stereotypes on policymakers. The virulent attacks of those opposed to transposing this agreement into a directive are partly explained by the fact that 80% of employees in the sector are women.

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The occupations of hairdressers and barbers have been classified as “probably carcinogenic to humans” by the WHO.

Image © Belga
More than one million people work in the hairdressing sector in Europe, 80% of them women. Many of them are quite young, with 56% of those recruited being younger than 19. The bad working conditions and their impact on employee health are important factors explaining the sector’s high turnover rate. As a rule, you start work in the trade at a young age, but don’t stay very long. Forms of employment are very variable and often precarious. A lot of hairdressers are self-employed, in one of the three categories: those with their own salons; those working in salons belonging to someone else (a situation often exploited by owners to avoid employing someone); and those offering mobile services at customers’ homes, in nursing homes, before weddings, etc.

Over the last few years, we have been seeing a polarisation of work between very small salons (the majority of which employ less than three people) and chains of salons (often quite large and sometimes even multinational companies). In certain cases, staff are directly employed by these companies, while in others labour relationships are more complex, featuring various forms of franchising. Cosmetics firms exercise a certain control over part of the sector, sometimes by way of a franchise system, sometimes partially financing certain salons, etc. – and thereby influencing which products are purchased. The downside of this dependence of various salons on multinational cosmetics companies is that they are not free to choose less toxic products.

The negative health impact of the bad working conditions has been amply documented over the past few years. The work involves major ergonomic constraints: having to work in an upright position leaning over a customer’s head, holding the tools of the trade for prolonged periods with one’s arms above the shoulders. This is the cause of many musculoskeletal disorders, whether in the back or in the shoulders. The repetitive movements of the hands and wrists are made worse by the fact that in many cases the scissors, brushes and hair-driers do not ergonomically match hairdressers’ hands and the work they do.

The design of hairdressing salons can also pose problems. While they are often quite spacious and attractive for customers, they are rarely adapted to the characteristics of the work, meaning that the hairdressers often have to move around a lot in limited space. Falling, slipping, bumping into each other, having to lean over or to reach up for things placed well above the shoulders are all part and parcel of the daily work. Falls and slips are the main cause of accidents in the sector.

There are also massive chemical risks associated with hairdressing work. Part of the work involves working with water and other liquids. This causes skin problems, making the hands more vulnerable to harmful chemicals. On the other hand, working with a clientele for whom having their hair done is synonymous with pleasure and relaxation makes it more difficult to effectively avoid chemical risks: it is difficult to work with gloves and a mask, as this would permanently highlight the toxic nature of the substances used. Ventilation in many salons is insufficient and it is rare to find high-exposure zones (in particular for permanent dyeing) completely separated from the other workplaces. A hairdressing salon can easily become a multi-exposure hotspot. Problems with allergies are commonplace. Asthma and skin disorders are some of the main reasons why people leave the trade. When a person – in this case a hairdresser – is allergic to a certain allergen, she becomes very vulnerable, even if exposure is at a very low level. This will not only stop her from working as a hairdresser, but will also mean her having to live with a serious handicap for the rest of her life.

Other risks concern the physical environment. Noise levels from certain appliances are often quite high, lighting inadequate and temperatures high. Electrical installations are rarely up to industrial standards. The psychosocial dimension also has to be
taken into account: relations with customers may be strained.

The most invisible risks are often the most insidious ones. We are seeing a major link between occupational exposure and several forms of cancer (in particular, bladder cancer associated with the use of hair dyes). In a monograph published in 2010, the International Agency for Research on Cancer (IARC) confirmed that the occupational exposure of hairdressers should be considered as probably carcinogenic (IARC group 2A). Exposure to endocrine disruptors is frequent, contributing to reproductive health problems (miscarriages, congenital deformities). One recent study published in the United States showed that the risk of developing breast cancer was higher for hairdressers and beauticians. According to certain studies, they are five times higher than for the population in general.

A never-ending saga

Contrary to what people often think, the sector does have a trade union tradition, though it varies greatly from one country to the next. The UNI Europa “hair and beauty” sector has affiliated members in 17 of the 28 EU Member States, while the corresponding European-level employer organisation, Coiffure EU, is present in 19 Member States (+ Switzerland). Note the asymmetry. On the union side, the sector includes the beauty business (i.e. mainly staff working in beauty salons, nail studios, etc.), while on the employer side, the beauty sector is represented by an organisation with a much more blurred profile. CEPEC, the European Confederation of Professional Beauticians and Cosmeticians, has member organisations in nine EU countries, though with a variety of profiles: not only beauty salons but also producers of equipment and/or products used in beauty treatments.

Trade union density and collective agreement coverage vary a lot from one country to the next, though at European level there is now a system of collective relations which has become consolidated over time. Following the European rules, the hairdressing sector is responsible for a range of activities defined in sectoral social dialogue. And it is far from being an inactive sector: it is the only one to have negotiated two framework agreements between 2009 and 2013. As occupational health problems are behind the sector’s high turnover rate, it is only logical that this aspect plays a key role. Beginning in 2000, the two sides have negotiated a range of instruments. Debates initially ranged around the issue of qualifications, leading to the introduction of certification systems for various qualification levels. In 2005, a covenant on the use of cosmetic products was adopted. A general framework agreement was signed in 2009 to improve working conditions in the sector, relating mainly to training and the certification thereof. Various activities conducted within the context of the European social dialogue helped to identify the health and safety problems in the sector and to look into the positive experiences with prevention in a number of countries, leading to a specific framework agreement on health and safety being adopted in 2012.

In accordance with the EU Treaty, the signatory organisations requested that the agreement be enforced via a directive, as had already been the case in a different sector in 2010. A social dialogue agreement in the hospital sector related to injuries caused by sharp instruments. Concluded on 17 July 2009, the agreement was transposed into a directive adopted on 10 May 2010. For an agreement negotiated independently by the employers and unions to become a directive, all the Commission has to do is to check the representativeness of the signatories and whether the agreement contains any provisions going against EU law. Once this has been done, it is up to the Council of Ministers to adopt the draft directive without being able to amend the agreement’s text. In other words, it can either accept or reject the text in its entirety. The European Parliament has no say in the matter, being solely informed of the process.

There is nothing in the Treaty allowing the Commission to give any opinion on the opportuneness or content of the framework agreement and above checking its compliance with EU law. This explained the signatories’ optimism – they were convinced that a draft directive would be adopted by the Commission within just a few months. The only question-mark was over whether the Council would waive it through. But things were to turn out differently...

It all started with a “fake news” item

The request to adopt a directive came up against an unprecedented and aggressive campaign. Two weeks before the agreement was formally concluded, the attack got underway, initiated by two UK tabloids. The headline in the Sun on 9 April 2012 did not mince words: Nazism was rearing its ugly head again: “Hair Hitlers. EU rules to ban hairdressers from wearing rings and heels”. The Daily Mail was quick to follow: “High heeds to be cut down to size under new EU proposals forcing hairdressers to wear non-slip flat shoes”. The agreement in fact said nothing about high heels, solely stipulating two fundamental prevention principles: that salons be equipped with non-slip flooring and that employees wear non-slip shoes. The information was thus inaccurate. But this press campaign had all the workings of being orchestrated, with the two tabloids quoting UK Employment Minister Chris Grayling: “We should be creating jobs, not killing them. This kind of stupidity has to stop. It makes no sense and I will do everything I can to stop it.” At this point in time, it seemed that we were witnessing the umpteenth demagogic invention of the London gutter press, kick-started by a minister in need of publicity. The European Commission website issued a disclaimer on 12 April 2012. But we were in for more surprises. In November 2012, the next attack by the UK tabloids began, and this time the Commission’s disclaimer of 2 November was somewhat less firm, containing two notes of caution: that the Commission had not yet decided what it would be doing with the agreement and would drop the proposal if an impact assessment showed that the costs outweighed the benefits, and that the transposition of the agreement into European legislation must not go against the interests of small businesses. This had nothing to do with simply checking representativeness or legality.

These reservations were proof that the agreement – and with it the whole principle of social partner autonomy guaranteed by the Treaty – had been taken hostage by the “Better Regulation” campaign. From a practical
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A version 2.0 of the agreement

At the request of the Commission, the signatory organisations drafted a new version of the agreement, with each sentence taking account of the remarks made by the Commission's legal department. Adopted in September 2016, this agreement contained basically the same elements as the initial agreement, though without any wording likely to provoke hostile reactions from the Commission.

Eighteen months later, the situation remains stalemated. A directive to protect the lives and health of a million hairdressers is still not ready to see the light of day... nine years after the first agreement was signed. Unions and employer organisations are launching new initiatives in the health and safety field. They will be assessing the results and, dependent on these, are planning to again request that a directive be adopted. UNI Europa negotiator Dimitris Theodorakis had this to say: "We were not expecting so much obstinacy and hostility towards an agreement based on a simple principle: that of being able to work in the sector without having to sacrifice your health. We will be continuing our efforts to improve working conditions via European initiatives, but, to put it frankly, this last experience has turned out to be a cold shower for many unions."

Seeking to understand why the European Commission is so much against transposing the agreement into a directive, we can see the combined effect of four factors. First of all, there is the typical stereotype of female occupations being less exposed to occupational risks, especially when they are merely seen as an extension of unpaid domestic work. Working as a hairdresser is often seen as a simple and pleasant way for a housewife to make a few euros on the side. But you don't have to be a psychoanalyst to suspect that this absurd fixation with high heels clearly shows to what extent hairdressing is associated with the substitution principle being applied in the haircare sector (see article on page 24).

It quickly became clear that the impact assessment was nothing more than a smokescreen masking a Commission policy decision. Even before knowing the results, Commission President Barroso announced that he would never accept a directive in this field, declaring on the German TV channel ARD on 2 October 2013 that he saw no reason for adopting European rules on "hairdressers' heels". Betraying his disdain, he stated: "You don't want Europe to meddle where it should not. We have not interfered with the height of hairdressers' heels". The arrival of Mr Juncker as head of the European Commission didn't change much. Though the tone was perhaps more subdued, the Commission's attitude towards the agreement remained unchanged. In November 2015, a Commission publication promoting "Better Regulation" and targeting the public at large featured a picture making fun of the agreement: a hairdresser cutting a custom-er's hair, with a high-heeled shoe in the foreground, accompanied by the words: "The EU must not be big on small things". Was the fact that thousands of avoidable cancers occurred a small thing? Was the fact that tens of thousands of people quit their work each year due to serious health problems a small thing?

point of view, it was clear that the cost of the planned measures was largely offset by the life-saving and health-promoting effects for hairdressers. Moreover, the employer organisations had been convinced – otherwise they would never have signed the agreement. They wanted the agreement to be transposed into a directive for the very reason of preventing a savage price war which would have made working conditions even worse. But back-stage, it was obvious that others were at work: the cosmetics companies. These had managed to get a tailor-made regulation allowing them to market harmful products when used professionally. They wanted absolutely nothing to do with the substitution principle being applied in the haircare sector (see article on page 24).

More information

Broughton A. et al. (2014) Improving quality of work and employment in the hairdressing sector: scenarios for social partner cooperation, Dublin, Eurofound.

