

Procedure file

| Basic information | | |
|--|--------------------------------|---------------------|
| CNS - Consultation procedure Recommendation | 2002/0079(CNS) | Procedure completed |
| Health and safety at work: application of legislation to self-employed workers | | |
| Subject 4.15.15 Health and safety at work, occupational medicine | | |

| Key players | | | |
|-------------------------------|--|---|---|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | EMPL Employment and Social Affairs | | 23/04/2002 |
| | | PPE-DE PÉREZ ÁLVAREZ Manuel | |
| European Parliament | Committee for opinion | Rapporteur for opinion | Appointed |
| | JURI Legal Affairs and Internal Market | | The committee decided not to give an opinion. |
| | ENVI Environment, Public Health, Consumer Policy | | The committee decided not to give an opinion. |
| Council of the European Union | Council configuration | Meeting | Date |
| | Economic and Financial Affairs ECOFIN | 2485 | 18/02/2003 |
| | Employment, Social Policy, Health and Consumer Affairs2431 | | 03/06/2002 |
| European Commission | Commission DG Employment, Social Affairs and Inclusion | Commissioner | |

| Key events | | | |
|------------|---|---|---------|
| 03/04/2002 | Legislative proposal published | COM(2002)0166 | Summary |
| 29/05/2002 | Committee referral announced in Parliament | | |
| 03/06/2002 | Debate in Council | 2431 | |
| 01/10/2002 | Vote in committee | | |
| 01/10/2002 | Committee report tabled for plenary, 1st reading/single reading | A5-0326/2002 | |
| 22/10/2002 | Debate in Parliament |  | |
| 23/10/2002 | Decision by Parliament | T5-0498/2002 | Summary |
| 18/02/2003 | Act adopted by Council after consultation of Parliament | | |

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| 18/02/2003 | End of procedure in Parliament | | |
| 28/02/2003 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|------------------------------------|
| Procedure reference | 2002/0079(CNS) |
| Procedure type | CNS - Consultation procedure |
| Procedure subtype | Legislation |
| Legislative instrument | Recommendation |
| Legal basis | EC Treaty (after Amsterdam) EC 308 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | EMPL/5/16124 |

| Documentation gateway | | | | | |
|---|--|---|------------|------|---------|
| Legislative proposal | | COM(2002)0166 | 03/04/2002 | EC | Summary |
| Committee of the Regions: opinion | | CDR0168/2002 OJ C 287 22.11.2002, p. 0011 | 03/07/2002 | CofR | |
| Economic and Social Committee: opinion, report | | CES0863/2002 OJ C 241 07.10.2002, p. 0139 | 17/07/2002 | ESC | |
| Committee report tabled for plenary, 1st reading/single reading | | A5-0326/2002 | 01/10/2002 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T5-0498/2002 OJ C 300 11.12.2003, p. 0164-0286 E | 23/10/2002 | EP | Summary |

| Additional information | |
|------------------------|-------------------------|
| European Commission | EUR-Lex |

| Final act |
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| EP/Council Recommendation 2003/134 OJ L 053 28.02.2003, p. 0045-0046 Summary |

Health and safety at work: application of legislation to self-employed workers

PURPOSE : to propose a Council Recommendation concerning the application of legislation governing health and safety at work to self-employed workers. **CONTENT** : the Commission's interest in this initiative arises from the fact that workers whose work is not subject to any employment relationship with an employer or, more generally, who are not bound by any link or contract of employment to a third party are not, as a general rule, covered by the Community directives dealing with health and safety at work. Nevertheless, self-employed workers are generally subject to the same health and safety risks as are employees and it turns out that there is a need for a Community initiative in this regard. Thus, already in 1996, the Commission began to discuss the issue and to examine the health and safety at work situation of self-employed workers in the European Union. The results of this analysis show that the sectors in which self-employed workers are concentrated are often high-risk ones (transport, agriculture, construction, and fishing). Coverage by Community law is extremely limited and national legislation varies greatly. Therefore, there is a need to apply legislation governing health and safety at work to self-employed workers. The Council recommends that Member States: - recognise, in the context of their policy on preventing occupational hazards and accidents, the right of self-employed workers to health and safety protection on an equal footing with employed workers and the duties to which they are subject in this area; - organise the recognition of this right and these duties within their domestic legal order, in particular by making provision for the inclusion of self-employed workers in the scope of their legislation on health and safety at work and/or the adoption of specific measures relating to self-employed workers; - adapt, if necessary, this legislation to the specific needs of self-employed workers; - take the necessary measures so that self-employed workers can obtain from the services and/or bodies appointed for this purpose useful information and advice on the prevention of health and safety risks in the context of their occupational activity; these measures must be adapted to the needs of self-employed workers and allow them to control the risks to which they are liable to be exposed; - take the measures necessary so that self-employed workers can have access to sufficient training to acquire appropriate safety and health skills; - ensure easy access to this

information and training without involving excessive expense to self-employed workers; - take the necessary measures, in line with their national legislation and/or practice to ensure appropriate surveillance of the health of self-employed workers, depending on the health and safety hazards in question; - take account, in preparing relevant legislation, of experience in other Member States; - ensure that these rules on the health and safety protection of self-employed workers are effectively enforced.?

Health and safety at work: application of legislation to self-employed workers

The European Parliament adopted the resolution drafted by Manuel PEREZ AIVAREZ (EPP-ED, E) on the proposal for a Council recommendation concerning the application of legislation governing health and safety at work to self-employed workers. This resolution calls for better protection for the health and safety of the self-employed people. The self-employed are rarely covered by Community legislation on health and safety at work. It should apply to all self-employed workers, irrespective of whether they work alone or with employees in a firm belonging to the self-employed worker or to another person. If the measures taken by the Member States do not prove effective after 4 years from the adoption of this recommendation, the Commission should submit binding measures to ensure that the self-employed are fully covered by existing and future health and safety legislation. The Parliament stresses the need for national information campaigns on health and safety at work, focusing on the specific risks in the various sectors where there is a large number of self-employed workers. Moreover, considerations should be included regarding the health and safety of self-employed workers in their national employment plans, using the experience gained in other Member States or at Community level as a basis for developing appropriate, comparable indicators, such as the rate of accidents among self-employed workers, by sector and sex, age group and other social circumstances. Lastly, the Parliament highlights that as a matter of priority, on specific hazards, taking into account the results of such surveillance in evaluating risks and in planning preventative activities, either in terms of public health, health at work and social security policies, or in terms of sectoral and company level measures, in particular where the use of self-employed workers is relatively regular and foreseeable. ?

Health and safety at work: application of legislation to self-employed workers

PURPOSE : to improve health and safety protection for self-employed workers. COMMUNITY MEASURE : Council Recommendation 2003/134/EC concerning the improvement of the protection of the health and safety at work of self-employed workers. CONTENT : self-employed workers may be subject to health and safety risks similar to those experienced by employees. There are a certain high-risk sectors in which the number of self-employed workers is very high (agriculture, fishing, construction, transport). Therefore, the Council made the following recommendations to the Member States: - to promote the health of self-employed workers, while taking account of the special risks existing in specific sectors; - to choose the most appropriate measures to promote health and safety for such workers, such as legislation, incentives and information campaigns; - to ensure that self-employed workers can obtain information from relevant organisations on the prevention of occupational accidents and diseases; - to ensure that self-employed workers have easy and inexpensive access to training to acquire safety and health skills; - to allow such workers to have access to health surveillance appropriate to the risks to which they are exposed; - in the context of prevention, to take account of the experience of other Member States; - to examine the effectiveness of measures taken after four years. ENTRY INTO FORCE : 18 February 2003.?