



# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">2004/2205(INI)</a>	Procedure completed
Promoting health and safety in the workplace		
Subject 4.15.15 Health and safety at work, occupational medicine		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>EMPL</b> Employment and Social Affairs		
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	<b>JURI</b> Legal Affairs	The committee decided not to give an opinion.	
<b>FEMM</b> Women's Rights and Gender Equality			25/11/2004
		PPE-DE <a href="#">KRATSA-TSAGAROPOULOU</a> <a href="#">Rodi</a>	

Key events			
05/02/2004	Non-legislative basic document published	<a href="#">COM(2004)0062</a>	Summary
18/11/2004	Committee referral announced in Parliament		
01/02/2005	Vote in committee		
08/02/2005	Committee report tabled for plenary	<a href="#">A6-0029/2005</a>	
23/02/2005	Debate in Parliament		
24/02/2005	Results of vote in Parliament		
24/02/2005	Decision by Parliament	<a href="#">T6-0056/2005</a>	Summary
24/02/2005	End of procedure in Parliament		

Technical information	
Procedure reference	2004/2205(INI)
Procedure type	INI - Own-initiative procedure

Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/6/23842

## Documentation gateway

Non-legislative basic document		<a href="#">COM(2004)0062</a>	05/02/2004	EC	Summary
Document attached to the procedure		<a href="#">SEC(2004)0635</a>	18/05/2004	EC	Summary
Supplementary non-legislative basic document		<a href="#">COM(2004)0539</a>	05/08/2004	EC	Summary
Committee opinion	<b>FEMM</b>	<a href="#">PE350.227</a>	27/01/2005	EP	
Committee report tabled for plenary, single reading		<a href="#">A6-0029/2005</a>	08/02/2005	EP	
Text adopted by Parliament, single reading		<a href="#">T6-0056/2005</a> <a href="#">OJ C 304 01.12.2005, p. 0278-0400 E</a>	24/02/2005	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2005)1076/2</a>	31/03/2005	EC	
Commission response to text adopted in plenary		<a href="#">SP(2005)1477</a>	29/04/2005	EC	

## Promoting health and safety in the workplace

**PURPOSE** : to evaluate the practical implementation of the provisions of the Health and Safety at Work Directives 89/391 (Framework), 89/654 (Workplaces), 89/655 (Work Equipment), 89/656 (Personal Protective Equipment), 90/269 (Manual Handling of Loads) and 90/270 (Display Screen Equipment).

**CONTENT** : this report examines how the Framework directive of 1989 and five of its individual directives have been transposed and are applied within the Member States. The EU legislation reportedly has had a positive influence on the national standards for occupational health and safety.

Preliminary estimations based on Eurostat data for 2000 highlight that the number of accidents per 100,000 workers, resulting in more than three days' absence from work, fell from 4,539 in 1994 to about 4,016 in 2000. The decline of this headline indicator clearly points to an improvement in bringing down accidents, even taking into account a shift in the economic structure and the typology of jobs as well as considering new risks. However, in absolute numbers, every year nearly 5 200 workers lose their life as a result of a work related accident. Almost 14% of workers suffered more than one accident in a year. Annually about 158 million days' work are lost.

A high level of protection of the safety and health of workers which is the overriding objective of the Framework Directive 89/391 and its five first individual directives, can only be achieved if all actors concerned, employers, workers, workers' representatives, national enforcement authorities, make the efforts necessary for an effective and correct application and engage in a co-operative interaction.

The report pinpointed miscellaneous flaws in the application, holding back the achievement of the full potential of this legislation. In several Member States attitudinal changes concerning the behaviour and the awareness of the persons concerned still have to take place before the concept of occupational safety and health will be fully implanted. Despite the accomplishments observed, the urgent need for a reinforced commitment emerges from the analysis in order to have a total and thorough application of the provisions throughout the European economy.

On the key characteristics of the legislation described in this report, various imperfections have been detected.

- Publicising and flanking of the new legislation is generally considered to be well advanced, although several Member States underline themselves already a need to step up information and advice activities to extend the application of the legislation.
- The need for specific and comprehensible information and guidance as well as for easy access to specific and adequate technical assistance is particularly relevant for all types of enterprises, in particular SMEs.
- A major innovation in the legislation consisted of the introduction of systematic risk assessments. The report underlines that the tasks of risk assessment, documentation and supervision are not universally spread. At the same time, there are concerns about the incomplete and superficial nature of the execution of the above mentioned tasks.
- Despite the possibility created to work with internal and external protective and preventive systems, the evidence shows that there is not yet a general and adequate access of all enterprises across the European Union to protective and preventive services. Furthermore, given the fact that the aptitudes and competencies are not defined by EU legislation, but have been left up to the Member States, such services, in particular the external ones, lead to a great variety of quality provided.

- For a preventive strategy to be successful, constructive participation of all actors is required. This implies that without the commitment of workers, the risk prevention potential remains unfulfilled. Despite the strong emphasis on information, consultation, participation, and training further support to extend the involvement of workers is required. Specific attention is needed for workplaces with workers from different enterprises.

- Increasingly complex work processes and changes in working conditions create new risks, coexisting with the traditional ones, or changing types of hazard that call for occupational health and safety to form part of the overall management of enterprises.

This report points to a deficit in the organisational structures for the improvement of health and safety in many enterprises. In particular, the largely insufficient situation in SMEs deserves immediate attention. There are also problems in industrial sectors with a high number of temporary workers or other so called 'atypical' employment contracts. The report highlights an intensification of efforts to ensure correct application throughout the economy is therefore necessary.

In several Member States there is a strong demand for the qualification of personnel in order to establish the necessary organisational structures. This relates to the qualification of the specialists needed as well as to the education and further training of workers. Very often the workers and their representatives do not have the competencies and necessary skills in order to deal with occupational safety and health effectively and to represent the workers interests in this field vis-à-vis the employers.

To overcome the current barriers in the application, it is also essential to integrate occupational safety and health much more into the policies of the European Union. In this context the European employment strategy as well as the structural funds, in particular the ESF, could play an important role, through encouraging and supporting new approaches. The development of a uniform, stringent monitoring system would be essential to observe and compare the policies and the trends in relation to occupational safety and health. The introduction of a "benchmarking" could be useful to overcome the observed and reported deficit of the activities of the enforcement authorities in some countries.

In connection with the further development of the European policies on occupational safety and health, the report underlines the need to co-ordinate the individual Directives more effectively in order to avoid overlaps and to clarify some of the terms used. The aim is to increase the consistency and the stringency of the provisions more than to change the substance. An analysis and debate will be performed to identify the provisions that could be subject of such exercise.

It should be noted that the Commission will continue its works towards a simplification and rationalisation of the Community legal framework by making the necessary legislative proposals for, on the one hand, the consolidation of existing directives to make them more comprehensible and, on the other, for the simplification of the provisions of the various Directives related to the implementation reports in view to foresee a single report on their implementation.

It should be clear, however, that also in the future a certain degree of flexibility should be maintained to give the social partners and the persons responsible for occupational safety and health the necessary leeway and scope for adapting the implementation and application to a specific workplace. At the same time, it should also be taken into consideration that self-regulation and self-activation are not equal to lean legal regulations and provisions.

## Promoting health and safety in the workplace

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The Commission has presented its staff working on the implementation of Directive 91/383/EEC supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship.

This report gives a general summary of the national reports drawn up by the Member States.

Despite numerous reminders, France, Belgium and Ireland have not submitted a national report to the European Commission and have therefore been left out of this report.

Various Member States say that the Directive has enabled them to make both industry and the national labour inspectorates more aware of the specific risks to which workers with fixed-duration or temporary employment relationships are exposed. Because they are working in a given job for a very short time, they need to be informed in advance of the working conditions and risks associated with the job. Furthermore, because such frequent changes of workplace require a great deal of adaptability on the part of such workers, specific training is required to meet their needs.

While the specific risks applying to the workers covered by the Directive are generally well understood, the national reports indicate certain practical difficulties in implementing the national provisions transposing it. Most of these stem from the very nature of this type of employment relationship, namely its brevity. Another problem frequently encountered is an insufficiently clear demarcation of responsibilities between temporary employment agencies and user companies, which can have repercussions on the actual protection afforded to workers.

All in all, the Member States consider that it is too early to evaluate the application of the Directive. The national statistics do not at present permit a sufficiently accurate assessment of the national implementing provisions. At the same time, Member States consider that the practical difficulties encountered can and should be overcome at national level.

Thirteen years after the adoption of the Directive, the European Commission takes the view that the situation revealed by the national reports is far from satisfactory. Given that the national provisions transposing this Directive have been applicable for a considerable period of time, the information available should be clearer, so that the implementation of the Directive can be evaluated in a detailed and, if not exhaustive, at least fairly complete manner.

The Commission received insufficient cooperation from the Member States in the drafting of this evaluation. Three of them submitted no contribution. The Commission also regrets that the quality of the national reports varied considerably. Very few Member States abided by, and provided sufficient information for, the standard format with which they had been provided, thus making it impossible to draw up coherent, harmonious data. Many reports were too brief and did not show the concrete, practical provisions adopted to implement the Directive. Although the point of view of the national social partners is required by the Treaty, it was not sought as a matter of course or was not reproduced in sufficient detail.

Consequently, the Commission calls on the Member States to take all necessary measures as soon as possible in order to ensure due implementation of the Directive, to step up inspections and to introduce the necessary statistical tools for identifying more accurately the working conditions of workers with a fixed duration or temporary employment relationship.

The Commission also intends to launch a study to analyse and assess the practical implementation of the Directive. In so doing, it wishes to support Member States, employers and workers in analysing the effects of the practical application of the national legislation transposing the Directive. This study should describe the existing situation and provide objective information so that the Member States can identify any needs in order to make the application of their national legislation more effective. It should also contribute to any future preparation of legislative or other measures for making the Directive more effective.

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The European Commission presented its 27<sup>th</sup> annual activity report of the advisory committee on safety, hygiene and health protection at work 2002.

In 2002, the Committee met on two occasions in Luxembourg, in April and November. At each meeting the Commission informed the Committee of developments with regard to all matters concerning safety, hygiene and health protection at work. The Committee adopted the annual activity report for 2001, together with two opinions which are reviewed below:

- Opinion on the Community strategy for health and safety at work (2002-2006) : following on from the opinion adopted in November 2001, the Committee's new opinion established the essential priorities for the correct implementation of the Community strategy 2002-2006. The Committee also emphasised the importance of establishing a European Risk Observatory, preparing a discussion document setting out the criteria for a possible benchmarking exercise in the field of health and safety at work, and defining indicators and ensuring that they are reliable through a rigorous examination of the credibility of existing sources or any sources that might be created. As regards possible legislation, an improvement in, and a concrete evaluation of, the way in which existing directives are applied must be undertaken by adapting evaluation reports and consolidating/simplifying existing legislation. The Committee would also welcome the rapid adoption of the new legislation currently under examination (physical agents, asbestos), adaptation of existing legislation on carcinogenic products, and amendment of the list of occupational diseases. Among the non-legislative instruments envisaged under the new strategy, the Committee emphasises the importance to be placed on the preparation of guides facilitating the implementation of directives and the need, in this connection, to develop a general approach for these instruments, identifying the users and appropriate forms of dissemination. It is also necessary to promote prevention training targeting employees, young people at school and persons attending vocational training. Special attention must also be paid to emerging risks (musculoskeletal disorders, psychosocial risks) and action to be taken in the context of the enlargement process.

- Opinion on the draft work programme for the Bilbao Agency for 2003 : the three groups welcome the fact that this year the Committee has been able to take note of the programme before its adoption by the Agency's Administrative Board. The government group fully supports the outlines and essential themes of the programme, while emphasising the importance of avoiding any duplication of work by the different institutions, given the very limited resources and the need for the various aspects of the programme to be better integrated.

The employers' group emphasises the need to find a reasonable balance between the necessarily ambitious nature of a European project and the associated risk of aiming too high. The group considers the objective very ambitious, in particular regarding the Agency's communication strategy, but the first thing should be to ensure that it corresponds to the right actors, the priorities of European policy and the available resources.

The workers' group supports certain remarks concerning the work programme, with which it is also generally in agreement.

Lastly, at its meeting on 13 November 2002, the Committee adopted its work programme for 2003, which reflects the indicative priorities set out in the forward timetable for implementation of the new Community strategy 2002-2006.

## Promoting health and safety in the workplace

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The European Parliament adopted the report by Jiří MAJÁLK (GUE/NGL, CZ) on promoting health and safety at the workplace.

To help the Member States, especially the new ones, to enact in their national legislation the EU's directives on health and safety at work, Parliament is asking the Commission to consider using the "open coordination method" in this area. This method requires the Member States to swap experience and good practice - but without introducing binding European legislation. Parliament believes the EU's future strategy on health and safety should include the liberal professions but should focus above all on the construction, fisheries, agriculture and health sectors.

Parliament's resolution highlights the importance of preventive measures in reducing the risk of workplace accidents and long-term health problems. Around 50% of workers in the EU do not have access to prevention services, so the report calls on the Commission "to examine the state of Member States' preventive systems in greater detail and to come forward with proposals for framing coherent national prevention policies based on an overall EU strategy". This would include, for example, guides on how to apply existing directives, taking into account the sex and age of workers as well as the nature of the risks.

Parliament notes that a high level of worker protection will lead to a competitive disadvantage for the old Member States within the Community unless it is ensured that, in the new Member States, the *acquis communautaire* is fully implemented and the health protection directives are applied in practice.

Moreover, Parliament considers that EU funding of programmes to improve worker protection, information, participation, cooperation in a social dialogue on health and safety at the workplace, etc. in general, and especially in or for SMEs, should be organised on the basis of simpler procedures, and that the adequate financing foreseen in budget plans for such programmes and projects should be allocated in time.

Member States are urged to increase the number, quality and power of labour inspectorates and to amplify and extend the training and qualifications of labour inspectors.

There is a need, according to the Parliament, to step up research into and the prevention of work-related illnesses, giving illnesses of a

psycho-social nature the importance they deserve but without confining such efforts to them exclusively.

As regards medical staff, Parliament calls on the Commission to ensure that Member States implement the specific preventive measures necessary to protect healthcare workers from injuries caused by needles and other medical sharps in view of the risk of infection from potentially fatal bloodborne pathogens (group 3 biological agents).

The Commission is called upon to reduce, by means of appropriate measures, the health risks posed by "atypical" employment contracts.

Parliament expresses its concern over the proposed working time and services directives as regards in particular the intensification of work and the possibilities of control, the risk of extreme flexibility of working time and the danger of individual opt-outs. It equally expresses its opposition to any re-regulation in the field of health and safety which does not guarantee an equivalent level of protection for all workers in the EU.

Lastly, Parliament considers that corporate social responsibility applies both to society and companies themselves and calls on employers and trade unions to ensure that the legislation protecting female workers is duly implemented and, in particular, to help them reconcile family and working life. Favourable conditions and a suitable working environment for pregnant women and nursing mothers are urged.