Health and safety of workers at work: simplifying and rationalising the reports on practical implementation

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The Commission presents a staff working paper on the implementation by Member States of Council Directive 91/383/EC 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. It is based on the information made available through two studies and the replies by Member States and social partners to a specific questionnaire.

The purpose of the paper is to **analyse the transposition and the application of the Directive** by all Member States and to assess its practical effects. It fulfils the Commission's obligation to monitor the implementation of the Directive and its practical effects.

The paper states that it is apparent that, while all Member States have implemented measures that cover the two categories of workers described by the Directive, they tend to have made comparatively more changes to national legislation in connection with workers employed by temporary employment agencies. This may be due to the legal complexity of the three-way relationship which is involved. As for fixed-term workers, the majority of Member States have implemented the Directive by means of their general rules on health and safety stating that they will apply to them, rather than enacting specific legislation. The problem is that a right to equal treatment is not automatically equivalent to a right to be afforded the same level of protection in a context where temporary and fixed-term workers are more exposed to risks.

In general terms, the implementation of the Directive does not raise substantial issues of interpretation or legal difficulties. There have been no recent cases brought before the Court and the number of complaints is very low. However, the paper identifies a number of **problems** with the implementation of the Directive, suggesting insufficient implementation by some Member States. Such problems are mainly related to the quality, timeliness and responsibility of providing information, especially to temporary workers. The achievement of the main purpose of the Directive may be impaired as a result, and the Commission services will give particular attention to the problems identified.