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

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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 elf-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.