

Promoting health and safety in the workplace

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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.