

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.