Basic information

2002/0079(CNS) CNS - Consultation procedure Recommendation	Procedure completed
Health and safety at work: application of legislation to self-employed workers **Subject** 4.15.15 Health and safety at work, occupational medicine	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	PÉREZ ÁLVAREZ Manuel (PPE-DE)	23/04/2002

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2485	2003-02-18
Employment, Social Policy, Health and Consumer Affairs	2431	2002-06-03

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	

Key events

Date	Event	Reference	Summary
03/04/2002	Legislative proposal published	COM(2002)0166	Summary
29/05/2002	Committee referral announced in Parliament		
03/06/2002	Debate in Council		

01/10/2002	Vote in committee		
01/10/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0326/2002	
22/10/2002	Debate in Parliament		
23/10/2002	Decision by Parliament	T5-0498/2002	Summary
18/02/2003	Act adopted by Council after consultation of Parliament		
18/02/2003	End of procedure in Parliament		
28/02/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0079(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Recommendation
Legal basis	EC Treaty (after Amsterdam) EC 308
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/5/16124

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0326/2002	01/10/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0498/2002 OJ C 300 11.12.2003, p. 0164-0286 E	23/10/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0166	03/04/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0168/2002 OJ C 287 22.11.2002, p. 0011	03/07/2002	
EESC	Economic and Social Committee: opinion, report	CES0863/2002 OJ C 241 07.10.2002, p. 0139	17/07/2002	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
EP/Council Recommendation 2003/0134 OJ L 053 28.02.2003, p. 0045-0046 Summary

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

2002/0079(CNS) - 18/02/2003 - Final act

PURPOSE : to improve health and safety protection for self-employed workers. COMMUNITY MEASURE : Council Recommendation 2003/134/EC concerning the improvement of the protection of the health and safety at work of self-employed workers. CONTENT : self-employed workers may be subject to health and safety risks similar to those experienced by employees. There are a certain high-risk sectors in which the number of self-employed workers is very high (agriculture, fishing, construction, transport). Therefore, the Council made the following recommendations to the Member States: - to promote the health of self-employed workers, while taking account of the special risks existing in specific sectors; - to choose the most appropriate measures to promote health and safety for such workers, such as legislation, incentives and information campaigns; - to ensure that self-employed workers can obtain information from relevant organisations on the prevention of occupational accidents and diseases; - to ensure that self-employed workers have easy and inexpensive access to training to acquire safety and health skills; - to allow such workers to have access to health surveillance appropriate to the risks to which they are exposed; - in the context of prevention, to take account of the experience of other Member States; - to examine the effectiveness of measures taken after four years. ENTRY INTO FORCE : 18 February 2003.

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

2002/0079(CNS) - 03/04/2002 - Legislative proposal

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.

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

2002/0079(CNS) - 23/10/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Manuel PEREZ AlVAREZ (EPP-ED, E) on the proposal for a Council recommendation concerning the application of legislation governing health and safety at work to self-employed workers. This resolution calls for better protection for the health and safety of the self-employed people. The self-employed are rarely covered by Community legislation on health and safety at work. It should apply to all self-employed workers, irrespective of whether they work alone or with employees in a firm belonging to the self-employed worker or to another person. If the measures taken by the Member States do not prove effective after 4 years from the adoption of this recommendation, the Commission should submit binding measures to ensure that the self-employed are fully covered by existing and future health and safety legislation. The Parliament stresses the need for national information campaigns on health and safety at work, focusing on the specific risks in the various sectors where there is a large number of self-employed workers. Moreover, considerations should be included regarding the health and safety of self-employed workers in their national employment plans, using the experience gained in other Member States or at Community level as a basis for developing appropriate, comparable indicators, such as the rate of accidents among self-employed workers, by sector and sex, age group and other social circumstances. Lastly, the Parliament highlights that as a matter of priority, on specific hazards, taking into account the results of such surveillance in evaluating risks and in planning preventative activities, either in terms of public health, health at work and social security policies, or in terms of sectoral and company level measures, in particular where the use of self-employed workers is relatively regular and foreseeable.