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**MID-TERM REPORT**

**ON THE COMMUNITY PROGRAMME**

**CONCERNING SAFETY, HYGIENE AND**

**HEALTH AT WORK**

**(1996-2000)**

(presented by the Commission)



# **MID-TERM REPORT ON THE COMMUNITY PROGRAMME CONCERNING SAFETY, HYGIENE AND HEALTH AT WORK (1996-2000)**

The Commission undertook to prepare a report on the state of the activities carried out under the Community Programme on Health and Safety at Work 1996-2000.<sup>1</sup>

The programme was presented following the putting into place of a comprehensive body of Community legislation adopted under Article 118A. It was designed to support the implementation and application of the existing legislation, and also to put increased emphasis on non-legislative measures.

## **THE PERIOD 1996-1998**

The following actions which were scheduled for the period 1996-1998 deserve particular attention.

- Setting up of the European Agency for Safety and Health at Work in Bilbao

The Agency is now in place and operational. Its mission is to provide relevant information on work conditions, health, and safety at the workplace. In this context it will work closely with the European Foundation for Living and Working Conditions in Dublin which has established a complementary work programme for 1998-2000 in this area. The Bilbao Agency will be a source of scientific, technical and economic information to all concerned.

- The SAFE Programme

A proposal for a Council decision adopting a programme of non-legislative measures to improve health and safety at work (SAFE) was transmitted in 1995 by the Commission to the Council<sup>2</sup>. The SAFE proposal envisages in particular the financing of guidance and information to help correctly apply legislation in force, paying particular attention to improving safety and health in small and medium sized enterprises. The proposal was modified in 1997 after consultation of the European Parliament<sup>3</sup>, and was discussed on several occasions by the Council Working Party on Social Questions, without agreement being reached.

A number of preparatory and pilot projects were co-financed with a view to help accommodating particular needs of small and medium sized enterprises, to promote best

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<sup>1</sup> COM(95)282 final - OJ C 262 of 07.10.1995, p. 18

<sup>2</sup> COM(95)282 final - OJ C 262 of 07.10.1995, p. 18

<sup>3</sup> COM(96)652 final - OJ C 92 of 21.03.1997, p. 3

practice as a standard for the development of a work environment that is safe, productive and competitive, and to advance in correct and effective application of EU health and safety legislation.

The Commission is concerned that this Programme remains unadopted. It was presented with considerable support from social partners, Governments and the European Parliament, as a means of furthering the culture of health and safety as an essential component of good management and a key component of the Community's endeavours to improve and enhance application of the legislation in place.

The Commission will discuss with the Parliament and the Council this and other pending proposals in the field of health and safety in order to encourage progress.

In this context, it may be useful to reflect on whether the Bilbao Agency, in particular, or the Dublin Foundation could take over some of the essential components of the SAFE Programme. This could only be envisaged provided sufficient resources were made available. For this to be put into practice, the Budgetary Authority would have to make adjustments to the relevant budgetary provisions.

- Transposition and updating of existing legislative measures

#### *Transposition*

In 1996 the rate of transposition by Member States of the Directives adopted under Article 118A was (about) 74%. This has now reached 95%.

During the reference period some 30 reasoned opinions, six decisions to seize the Court of Justice and one ruling of the Court against one Member State has led to a significant improvement in the level of transposition. There are now only nine cases outstanding.

#### *Updating*

The Chemical Agents Directive was adopted on 7 April 1998.<sup>4</sup> This text represents the outcome of long discussions at the European Parliament and at the Council and is an example of simplified and rationalised legislation, given that it consolidates several Directives in this area.

Similarly, the adoption by Council of an amendment to Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work<sup>5</sup> extends the minimum safety and health requirements to mobile equipment and equipment for lifting loads. The provisions for scaffolding were not adopted by Council on this occasion. The Commission is considering a separate proposal to deal with the needs in this respect.

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<sup>4</sup> Council Directive 98/24/EC of 07.04.1998 – OJ L 131 of 05.05.1998, p. 11

<sup>5</sup> Council Directive 95/63/EC of 05.12.1995 – OJ L 335 of 30.12.1995, p. 28

The Commission has proposed updating the health and safety Directives in the light of advances in scientific and technological progress and other relevant factors. In particular in the field of the establishment of Indicative Limit Values (ILVs) the Commission adopted Directive 96/94/EC establishing a second list of indicative limit values<sup>6</sup>.

Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work was adapted to technical progress by Commission Directives 97/59/EC<sup>7</sup> and 97/65/EC<sup>8</sup>. The Commission took into account new scientific evidence concerning the transmissibility of the BSE agent to humans as soon as it became available. Directive 97/65/EC in particular reinforces substantially the protection of workers from risks related to the exposure to BSE and TSE agents at work.

Council Directive 97/42/EC, amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work, was presented by the Commission in September 1995, and was adopted by the Council in June 1997. This Directive represents an important step forward because it extends the scope of the Directive by covering the handling of substances and preparations (responsible for increased risks of cancer) which were not previously included. In addition the directive contains an occupational limit value for a known carcinogen.

### **THE PERIOD 1998-2000**

The second period of the Community programme will take place in a different environment, following the political agreements in the Amsterdam and Luxembourg Summits, and the start of negotiations on enlargement.

The general context is that the structure of the working population and employment patterns are changing : an ageing workforce; a steady increase in the proportion of female workers; an increase in casual and part-time work and, in economic sectors other than agriculture, self-employment, with a continuing increase in jobs in the service sector. The Commission's aim continues to be to involve all players in achieving a modernised, effective and efficient health and safety for Europe, which reduces the accident and ill-health record and is positive for employability and business.

The Commission has re-examined its priorities from now until the year 2000 in safety and health at work.

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<sup>6</sup> OJ L 338 of 28.12.1996, p. 86

<sup>7</sup> OJ L 282 of 15.10.1997, p.33

<sup>8</sup> OJ L 335 of 6.12.1997, p.17

### **PRIORITIES 1998-2000**

- ✓ Making legislation more effective
- ✓ Preparing for enlargement
- ✓ Strengthen the link with employability
- ✓ Working conditions in a time of change: focus on new risks

### **MAKING EUROPEAN LEGISLATION MORE EFFECTIVE**

A comprehensive up-to-date body of Community legislation exists in the area of occupational health and safety. Member States have made considerable efforts to transpose the legislation so that 95% is now transposed. The Commission is at present examining whether National legislation is in conformity with the EU standards.

Correct transposition needs to be matched by proper **implementation** and practical application. The Commission, based on reports which Member States are required to submit, and its own evaluation, will assess the implementation of national legislation, its degree of compliance at workplace level as well as the enforcement effort deployed in application. In order to ensure transparency, the Commission intends to send the evaluation reports to the European Parliament, ECOSOC, the Committee of Regions and the Council of Ministers.

The Commission will promote the greater involvement of the 9000 labour inspectors in the 15 Member States in encouraging the effective enforcement of Community law. The Committee of Senior Labour Inspectors (SLIC) gives opinions on problems relating to the enforcement by the Member States of Community law on health and safety at work. The Commission is working closely with the SLIC to develop the necessary initiatives in this field, and to ensure that SLIC can actively co-operate in evaluating the implementation of Community legislation.

It is also essential that the views of the social partners are properly integrated into the process of evaluation, given that they have a primary responsibility for applying the rules on the ground. This will involve the Advisory Committee for Health, Hygiene and Safety at Work and the Health and Safety Commission for the Mines and Other Extractive Industries.

The Commission will examine how to develop in co-operation with national authorities a set of Community indicators which could provide information on the most effective policies. The European statistics on accidents at work (ESAW) and European occupational diseases statistics (EODS), a labour force survey planned for spring 1999, and studies of the European Commission on the socio-economic costs of occupational accidents and diseases will form elements for the setting up of these indicators. This

should help in assessing whether the legislation is really effective in creating and maintaining the right safety and health conditions, or if it needs **improvement**. Modifications to existing legislation may also be required in view of the rapidly changing work situation and of the appearance of new risks. The Commission will continue its policy of reviewing the existing Directives with a view to ensuring modernisation and rationalisation wherever required.

The Commission will support the initiatives of the Member States directed to the creation of the necessary safety culture in the individuals, starting from the earliest age possible. Community legislation is encouraging employers and workers to participate in this endeavour and the roles of the Bilbao Agency and the Dublin Foundation in providing information are key components of this policy. In this context, the Commission will re-examine the scope for improving the exchange of information with the Member States on proposed national legislation on safety, hygiene and health at work. Early consultation as foreseen by Commission Decision 88/383/EEC will contribute to achieving this aim.

There is in general a lack of understanding by small and medium-sized enterprises (SMEs) of the importance of health and safety measures and their positive economic benefits, as they often perceive it merely as a cost. The Commission has initiated a number of actions in order to improve the awareness of SMEs on health and safety at work and to develop ways of encouraging good performance and the exchange of information. The response to the preparatory projects for SAFE has shown that SMEs can be influenced to implement good conditions of safety and health.

A recent study of European SMEs has shown that authoritative **guidance** is helpful and effective in implementation of legal provisions. SMEs in particular need information on national legislation and also guidance on best practices, on methods of improving standards in their workplace and on the need to integrate health and safety in management. Up-to-date electronic information on both European and national health and safety provisions, for access by enterprises and their intermediaries, is important and is now being developed. In addition the Commission is developing electronic access to legislation, and the guidance documents which are associated with the legislation. As a consequence employers will soon be able to provide specific and targeted high quality information to their workers.

The Commission, in co-operation with Member States, intends to carry out specific studies on the impact of Community legislation at the level of the enterprise, in order to evaluate what effect it has had on improving safety and health.

In addition, various Community policies including transport and environment also contribute to improvements in safety and health at the workplace. The Commission intends to review the impact of these other policies on health and safety.

## PREPARING FOR ENLARGEMENT

The Commission has drawn up its future strategy on enlargement in its Communication 'Agenda 2000'<sup>9</sup>. One of the key principles is that the applicant countries will take on the rights and obligations of membership on the basis of the *acquis* and that they will be expected to apply, implement and enforce the *acquis* upon accession. The Commission has identified health and safety at work as one of the key elements of the *acquis* in the social area and stressed that it will require considerable efforts from the candidate countries to meet the level of health and safety protection attained within the Union.

The Commission, by means of the Accession Partnerships will assess the degree of compliance of the applicant countries with the *acquis* and at the same time will give support through, inter alia, PHARE and TAIEX, to these countries' efforts in the framework of a reinforced pre-accession strategy. This assessment will address:

- ⇒ What the on-the-ground situation is regarding health and safety at work in the applicant countries, including the numbers of accidents and occupational diseases;
- ⇒ how the situation is evolving in these countries (i.e. is it getting better or worse?)
- ⇒ what are the biggest challenges to improved standards in these countries (e.g. lack of information, lack of resources, obsolete and dangerous plant and equipment, unsafe inputs, environmental factors, etc.?)
- ⇒ how does the legislation compare with that in the EU, and what are the procedures for enforcement?
- ⇒ what are the most effective measures that can be promoted to raise health and safety standards in the applicant countries?

The results of this assessment will identify what help is required to carry out the changes, for instance, through support for the training of specialists in areas such as occupational health and hygiene, law and technical inspections. This will require a substantial contribution to training, information and technical knowledge which could largely be provided through the Bilbao Agency, and the Dublin Foundation, and expertise drawn from the Member States and other authoritative sources. Similarly, the Senior Labour Inspectors' Committee (SLIC) will provide a valuable forum not only for exchange of technical information but also for the dialogue between the applicant countries, which are informally represented on the Committee.

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<sup>9</sup> COM (97) 2000 final



## **STRENGTHEN THE LINK WITH EMPLOYABILITY**

A good and safe working environment is important for the individual in order to maintain health and working capacity. At the same time, a good and safe working environment is an important competitive factor for the enterprises. The quality of work and its organisation increasingly influences the availability of skilled labour, the motivation of personnel and the development of human resources in general.

Increasing employment on a lasting basis and promoting employability are two of the main concerns of the European employment strategy agreed in the Amsterdam and Luxembourg Summits. Measures to improve health and safety at work provide an important contribution to employability in the work force. These policies can contribute in two ways to the maintenance and improvement of employability:

- ⇒ Prevention of accidents and diseases: every year a significant number of the workers involved in the 5 million accidents at work and occupational diseases are forced out of work either temporarily or permanently. Health and safety policy aims to prevent work accidents and occupational disease and palliate their effects on health. In this way, health and safety measures can contribute to improving productivity and help to improve the economic performance of the enterprises.
- ⇒ Employment of people with disabilities: according to the European Household Panel Survey conducted by Eurostat in 1994 about 17% of the working age population regarded themselves as being severely or to some extent hampered in their daily activities by a chronic physical or mental health problem, illness or disability. Eurostat estimates based on a census carried out in 1991/1992 in 10 Member States indicate that in most Member States around 10-12% of the population is disabled. Where workers are disabled either through accidents at work or occupational disease or for other reasons, there should not be an assumption that those people should be permanently excluded from the labour market. Disabled workers need to be facilitated to find jobs, and the working environment should take into account their specific needs.

Progress in the employment of disabled people requires fundamental changes in actions to remove long-standing labour market disadvantages. This includes access to quality training and educational programmes, removing discriminatory practices in the labour market, and adaptation of workplaces. It is here that health and safety legislation has a role to play.

For these reasons it is essential to improve the infrastructure to facilitate access to workplaces. It is important to make the necessary adjustment of workplaces to fit better the individual needs and capacities of people with disability and such improved health and safety at work will contribute to improving the employability of the disabled.

The Commission intends to initiate a debate to ensure that these issues can be given more attention in the preparation of the future employment guidelines.

## **WORKING CONDITIONS IN A TIME OF CHANGE: FOCUS ON NEW RISKS**

The labour market is changing. One important trend is the transformation of the economy into a service economy which raises new challenges for occupational health and safety. Occupational accidents are less frequent in this sector than in the traditional high risk areas such as agriculture, construction and manufacturing. 45 per cent of accidents at work occur in the service sector, where 65 per cent of employed persons are working. However, other health-related problems, such as stress, now appear more frequently.

Another aspect to take into consideration is the steady increase of women in employment. Women's employment rate has increased from 44 per cent in 1975 to over 50 per cent in 1996 and this increase is expected to continue. This implies some specific health and safety requirements.

A third trend is the ageing of the workforce. The percentage of workers aged 40 and over is projected to increase from around 45 per cent in 1996 to just over 50 per cent in 2005 and to over 54 per cent in 2020. This underlines the need for workers to stay longer in the labour market and may also imply specific health and safety requirements.

A fourth factor affecting the conditions for health and safety is the transformation of the economy into a service economy and the development of new forms of organisation of work. This has led to a change in working patterns with an increase in part-time work, from less than 11 percent in 1985 to more than 16 per cent in 1996, an increase of 12-13 million, and in fixed term contracts, from 9 per cent to almost 12 per cent. The widescale implementation of new technologies and of new forms of organisation of work might reduce old risks but may also lead to new problems.

⇒ The Commission will put more emphasis on the implication of these changes and the anticipation of further developments to ensure that these issues are addressed in future health and safety policies. The changing patterns of work may also have significant potential consequences for the implementation of occupational health and safety policies. For instance training may be affected, the supervision chain may not be adequate, and there may be a lack of continuity for personnel that leads to a loss of corporate knowledge of health and safety problems and how to address them.

The Commission will initiate a debate on changing working conditions in order to increase the awareness of the consequences for health and safety and to stimulate the development of policies to improve working conditions.

- ⇒ The monitoring of the effects of such changes is now supported by the first data based on an harmonised methodology at European level on occupational accidents and diseases. European statistics on accidents at work (ESAW) have been collected by the Statistical Office of the European Communities (Eurostat) from the reference year 1993. The 1995 European occupational diseases statistics (EODS) pilot data on 31 items of the European schedule of occupational diseases are now available in Eurostat and their comparability is being evaluated. These data are now collected on an annual basis by Eurostat to allow the Commission and Member States to obtain a meaningful picture of how the Member States are performing in comparative terms and to identify best practice at Community level, and those areas where further actions are required. The Commission (Eurostat) and the relevant departments in the Member States will continue to develop a system of harmonised data for accidents and occupational diseases. The Commission will also look at statistics available from other sources.

The available data will be collated in a report on “The State of health and safety in the EU” to be published by the Commission. This will draw on a detailed technical report which the Bilbao Agency is preparing as well as scientific and technical information from the Dublin Foundation, and other Agencies.

- ⇒ Working conditions within the European Union are also affected by technological innovations, economic changes and perception of health and safety in the rest of the world. Similar changes are occurring elsewhere in the world, and bilateral contacts will also be pursued. The joint EU/US Action Plan for example identifies health and safety as a priority area in the context of the creation of the New Transatlantic Marketplace. The Commission will also pursue further initiatives with Japan. This change in working conditions is also being reflected by the work of the international organisations. The Commission will continue to cooperate with international organisations (e.g. UN, WHO, ILO), which promote health and safety at work.
- ⇒ This will also be underpinned by the relevant activities on health and safety research foreseen in the proposal for a Council decision adopting a specific programme on “Quality of Life and Management of Living Resources” (1998 – 2002) in the context of the Fifth Framework Programme of the EC for research, technological development and demonstration activities.

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