

EUROPEAN PARLIAMENT

1999



2004

Committee on Employment and Social Affairs

PROVISIONAL
2002/2124(COS)

26 June 2002

DRAFT REPORT

on the Commission communication: Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002) 118 – C5-0261/2002 – 2002/2124(COS))

Committee on Employment and Social Affairs

Rapporteur: Stephen Hughes

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PROCEDURAL PAGE

By letter of 11 March 2002, the Commission forwarded to Parliament a communication: Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002) 118 – 2002/2124(COS)).

At the sitting of 10 June 2002 the President of Parliament announced that he had referred the communication to the Committee on Employment and Social Affairs as the committee responsible and the Committee on Women's Rights and Equal Opportunities for its opinion (C5-0261/2002).

The Committee on Employment and Social Affairs appointed Stephen Hughes rapporteur at its meeting of 13 March 2002.

The committee considered the Commission communication and the draft report at its meetings of 19 June 2002, ...

At the latter/last meeting it adopted the motion for a resolution by ... votes to ... , with ... abstention(s)/unanimously.

The following were present for the vote: ... chairman/acting chairman; ... (and ...), vice-chairman/vice-chairmen; ..., rapporteur; ..., ... (for ...), ... (for ... pursuant to Rule 153(2)), ... and... .

The opinion of the Committee on Women's Rights and Equal Opportunities is attached. The Committee on the Environment, Public Health and Consumer Policy decided on 23 April 2002 not to deliver an opinion.

The report was tabled on

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication: Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002) 118 – C5-0261/2002 – 2002/2124(COS))

The European Parliament,

- having regard to the Commission communication (COM(2002) 118 – C5-0261/2002¹),
 - having regard to Article ... of the Treaty,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Equal Opportunities (A5-0000/2002),
- A. Whereas the priority given to workplace health and safety in the Commission has dwindled in the last decade, reflected in drastically reduced staffing (estimated now to be just 20% of 1992 levels) and, for example, a real gap in the Sixth Framework Programme for research,
 - B. This drastic reduction in resourcing and priority runs counter to the Commission's rhetoric on the importance of occupational health and safety for better employability and quality in work,
 - C. Whereas the strategy must be accompanied by an action plan with clear deadlines and financial commitments,
 - D. Whereas the proposal to codify and simplify (rather than de-regulate) the existing Community legislation in this area sits well with the wider project to simplify and improve the *acquis communautaire* in general²,
 - E. Whereas neither this nor non-legislative instruments such as benchmarking lessens the need to amend existing legislation and to introduce new legislation in order to address gaps and defects and to reflect changes in the labour market and the nature of risk,
 - F. Whereas the gender dimension is evoked in the Commission's analysis but is almost entirely absent from the actions proposed,
1. Calls on the Commission to allocate the resources necessary to reflect the high priority to be accorded to occupational health and safety in the context of the on-going debates on quality in work and employability, sufficient to re-establish a dynamic and proactive Directorate for occupational health and safety;

¹ Not yet published

² COM(2001) 726 and COM(2002) 278

2. Welcomes the Commission's initiative and calls urgently for a detailed action plan with financial and timing commitments against each major proposal; such a plan should be endorsed by the Advisory Committees³, the European Parliament and the Council and could then be subject to annual monitoring through the Social Agenda scoreboard, as advocated by the Council⁴;

Legislative issues

3. Calls for the extension of the scope of the Framework Directive (89/391/EEC) to excluded groups of workers such as the military, the self-employed, domestic workers and home-workers; the exclusion of the latter two groups constitutes indirect discrimination against women and to end it would give concrete effect to the Commission's emphasis on gender;
4. Supports the "global approach to well-being at work" including psycho-social risks such as stress, harassment and violence; this echoes the judgement of the Court of Justice⁵ as to the wide interpretation of "working environment" (Article 137(1) TEC); however, the Commission should be more concrete by, for example, proposing legislation on workplace bullying⁶;
5. On musculo-skeletal problems, which are suffered by over half the people affected by work-related complaints in the EU⁷ and particularly older workers, urges the Commission to propose a comprehensive Directive on workplace ergonomics, to review and improve the implementation of the Display Screen Equipment Directive (90/270/EEC) and to propose amendments to the Manual Handling Directive (90/269/EEC), especially regarding repetitive handling of small loads;
6. Welcomes the commitment to extending the scope of the Carcinogenic Agents Directive (90/394/EEC) but warns that a more comprehensive approach is required; legislation should set exposure limits on priority dangerous substances, require substitutes to be used wherever possible and ensure workers' interests are reflected in environmental, commercial and other initiatives on chemical products;
7. Urges the Commission to propose amendments where legislation is defective or inadequate; for example, Directive 91/383/EEC on temporary agency workers does not specify who (agency or user company) should fund mandatory health and safety training; Directive 96/71/EC on posted workers has similar defects and the Pregnant Workers Directive (92/85/EEC) has several shortcomings as regards worker protection and pay and the length of maternity leave⁸;
8. Calls on the Commission and Council to progress proposals already on the table, in particular the remaining elements of the Physical Agents work⁹ (electro-magnetic fields &

³ The Advisory Committee on Safety, Hygiene and Health Protection at Work; and the Safety and Health Commission for the Mining and Other Extractive Industries

⁴ Council Resolution of 3 June 2002

⁵ UK v Council, 12 November 1996

⁶ European Parliament Resolution on harassment at the workplace, OJ C 77E, 28.3.2002, p. 138

⁷ "The health and safety of men and women at work" (Eurostat, ESAW, 1999)

⁸ European Parliament Resolution on health and safety of pregnant workers, OJ C 121, 24.4.2001, p. 473

⁹ COM(1992) 560

waves and optical radiation);

9. Calls for health and safety, as an established and citizen-centred area of Community law, to be a priority sector in the programme of legislative simplification to be jointly defined by the Council, Commission and Parliament; calls for representatives of the Advisory Committees to be part of the ad hoc body formed to take work forward in this sector¹⁰;
10. Welcomes the emphasis on reviewing the application of existing Community legislation and the proposal for a single implementation report covering all the Directives; hopes this will lead to more timely and comprehensive inputs to reviews; for example, the Commission must submit a review and proposal on the provision in the Working Time Directive (93/104/EC) for so-called 'individual opt-outs' in time for the Council to respond by November 2003 - which clearly means that work in the Commission should already be underway;
11. Welcomes the idea of developing guides on how to apply existing Directives - which should be accompanied by better training material and information on what works, especially for SMEs and in high-risk sectors, and take account of gender, age and cultural factors; requests more detail as to the "assessments...at company level" of implementation; underlines that the social partners should not only be involved in work on these guides but also, more systematically and comprehensively, in the implementation process itself;

New instruments

12. Believes more must be done to reinforce and harmonise labour inspection services: Member States should be required to maintain proper authorities that should carry out minimum numbers of missions, apply uniform standards and contribute to better Community-level data;
13. Supports the use of new instruments, including benchmarking underpinned by quantified targets; notes the proposals regarding the Employment Guidelines for 2003 but is concerned that proper coverage may not be secured, as the Guidelines are due to be simplified; suggests that a separate open method of coordination would ensure better coverage, as well as an appropriate role for the Advisory Committees;
14. Underlines that a successful benchmarking approach will require not just more comparable and reliable data but also a harmonised system of definitions, recording and reporting of occupational diseases, as well as comparisons of structural factors such as characteristics of Member States' prevention and inspection services; in this context, European level targets on occupational health and safety could be envisaged in due course;
15. Deeply regrets, given how much higher health and safety incidence rates are in SMEs, that the Commission has still not launched a multi-annual SME programme based on the two years of preparatory actions undertaken by the Bilbao Agency on the initiative of the European Parliament; such a programme was supported by the Commission in the

¹⁰ COM(2002) 278

European Social Agenda, endorsed at Nice¹¹, and would facilitate the testing, analysis and dissemination of successful measures in this critical sector, including as regards education, awareness-raising and work organisation; an example of such a measure is the Nordic model of roving and/or regional health and safety representatives working with SMEs;

16. Believes that health and safety at work issues should be given a clear priority within the European Social Fund (ESF), particularly in view of the challenges faced in this area by the candidate countries; wishes to see this taken up in the mid-term review of the ESF in 2003;
17. Calls for more detailed proposals regarding urgent technical, financial and other assistance to the candidate countries in the transposition and, critically, the implementation of the *acquis* in the occupational health and safety field - where the lag could hardly be underestimated - in particular, the development of the role of the social partners and other pre-requisites of the EU approach;
18. Welcomes the proposal for the Bilbao Agency to establish a Risk Observatory but is concerned to see two tasks conflated: promoting best practice, on the one hand, and monitoring emerging risks on the other; points out the need to ensure Member States contribute to both;
19. Agrees with the sentiments on prevention services but requests more concrete action, including the ratification of ILO Convention 161 by all existing and future Member States, thus increasing pressure on other countries to do so; to date, this Convention has been ratified by just three Member States and four candidate countries;

Institutional issues

20. Notes the proposals for the integration of the candidate countries into the Senior Labour Inspectors Committee and other Community bodies; supports the proposal to merge the two Advisory Committees and hopes this will also facilitate the candidate countries' integration into the new structure; recommends that the new Committee's role in social partner consultations under Article 138 TEC should be clarified¹²;
21. Is surprised to find so little mention of the Dublin Foundation and its invaluable five yearly surveys on working conditions, as well as to see new roles being proposed for the Bilbao Agency even ahead of its forthcoming external evaluation; hopes that the respective roles of these two agencies can be made to work in practice, not just on paper; and requests that the European Parliament be accorded a formal right to draw on the resources and expertise of both agencies;
22. Would like to see better cooperation between the Commission and the ILO, particularly in the context of development and trade policies, in order to extend the reach of Community approaches and experiences regarding occupational health and safety for the benefit of third countries;

¹¹ OJ C 157, 30.5.2001

¹² Building on contributions already made by the Advisory Committee on Safety, Hygiene and Health at Work and, jointly, by UNICE and ETUC.

23. Instructs its President to forward this resolution to the Commission, the Council, the Committee of the Regions and the Economic and Social Committee.

EXPLANATORY STATEMENT

Background

The Commission's proposed Community strategy on health and safety at work (2002-2006) comes some while after the end of the fourth Community programme concerning safety, hygiene and health at work (1996-2000). In presenting this new Community strategy, the Commission is responding to its commitment in the Social Policy Agenda¹ - since recalled on several occasions by the European Parliament.

Overview of the Commission Communication

The EU's record on health and safety at work puts it on a trend of overall improvement in the field. On the other hand, absolute figures remain high, the situation is actually worsening in some Member States and sectors and enlargement will bring its own challenges - all of which leaves no room for complacency.

The world of work is changing: the labour market is more service-orientated and comprises more diverse forms of employment in different sorts/sizes of organisations, with an ageing and increasingly feminised active workforce. Policies and measures need to take account of patterns of health and safety incidences across socio-economic and demographic groups.

New diseases and risks are emerging. These include "social risks" - such as stress, depression, anxiety, substance-abuse, violence at work and harrassment - and often relate to a whole set of factors rather than a specific risk.

All of this makes it an appropriate time for the Community to re-define its approach to issues of health and safety at work. Key features of the Commission's proposed response include:

- Importance of a global approach to workers' physical, moral and social well-being
- Emphasis on prevention
- Range of policy instruments (legislative and non-legislative)
- Partnership working

Rapporteur's position

The rapporteur's draft report emphasises three horizontal issues of utmost importance to the success of the strategy:

- Lack of resources. In 1992, some 130 officials were working on occupational health and safety within the European Commission; today, after several rounds of 'streamlining' and cutbacks, there are just 24 staff working in this field. Clearly this is no basis for a dynamic and proactive administration, as would be required to implement the strategy,

¹ COM(2000) 379 of 28.6.2000

capable of responding to a changing policy environment while continuing to monitor and scrutinise the implementation of existing legislation and policy measures. The rapporteur demands that this trend be reversed and that adequate resources be re-established for this policy area within the Commission.

- Lack of action plan. The strategy suffers from an unacceptable imbalance and lack of strategic follow-through. Where the initial analysis is basically pertinent, the proposals for action are interesting (albeit vague) but there is virtually no indication of the resources for, and timing of, the strategy's implementation. Indeed, most of the proposed overall objectives (pp.8-9) are actually factors that should be taken into account in how the strategy is pursued. The rapporteur looks forward to the definition of a proper action plan by the Commission which should then be subject to consultation of the appropriate Community bodies leading to annual progress reports.
- Lack of balance between legislative and non-legislative instruments. The rapporteur is concerned that the development of non-legislative instruments should in no way be seen as an alternative to maintaining and improving Community legislation on occupational health and safety. Specific instances are given where gaps and deficiencies in the existing *acquis communautaire* must be addressed and, furthermore, where comprehensive approaches to legislation, rather than ad hoc tinkering, will be of paramount importance regarding both established and emerging risks.

In responding to specific points and proposals, the rapporteur underlines:

- his support for efforts to simplify Community legislation in this area - as long as this is not seen as an opportunity for de-regulation by the backdoor - as well as measures to improve its implementation in the Member States (better reviews, new guides to implementation etc). Much more, however, will be needed to get implementation up to scratch: for example, better monitoring by the Commission, better involvement of social partners at all stages and minimum standards for labour inspection services.
- his interest in the development and use of non-legislative instruments such as benchmarking - as long as adequate coverage of what is a complex and wide-ranging policy field can be assured and as long as work to improve Community-level data is geared up.
- his recognition of the attention given in the Commission's analysis to important factors such as gender and size of enterprise. It is all the more disappointing, then, to find these elements so marginally reflected in the Commission's proposals for action. The rapporteur calls, in particular, for a multi-annual programme targetting SMEs to be launched on the basis of preparatory actions over the last two years.
- given the very real challenge faced in the Candidate Countries as regards occupational health and safety, the urgent need to develop concrete proposals in support of enlargement (more funding, better technical assistance, promotion of the social dialogue).
- the need for further rationalisation of the institutional framework at Community level: for example, the role of the Luxembourg Committee in social partner consultations and the

respective remits of the Dublin Foundation and the Bilbao Agency.

- the Commission's responsibility, working with the ILO, to use its global reach to share Community experiences and promote the Community approach in other parts of the world.