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REPORT

on promoting health and safety at the workplace
(2004/2205(INI))

Committee on Employment and Social Affairs

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CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
EXPLANATORY STATEMENT	10
OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY.	16
PROCEDURE.....	19

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on promoting health and safety at the workplace (2004/2205(INI))

The European Parliament,

- having regard to the Commission Communication on 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) (COM(2004)0062),
 - having regard to the Commission staff working paper 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 (SEC(2004)0635),
 - having regard to the Commission report on the ‘27th annual activity report of the Advisory Committee on Safety, Hygiene and Health Protection at Work 2002’ (COM(2004)0539),
 - having regard to the Commission Communication on Adapting to change in work and society: a new Community strategy on health and safety at work 2002–2006 (COM(2002)0118),
 - having regard to Rules 112(2) and 45 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 Gender Equality (A6-0029/2005),
- A. whereas Article 31(1) of the Charter of Fundamental Rights of the European Union stipulates that ‘every worker has the right to working conditions which respect his or her health, safety and dignity’,
- B. whereas in Article 137(1)(a) of the EC Treaty the European Community set itself the objective of supporting and complementing the activities of the Member States in the field of improvement of the working environment to protect workers' health and safety,
- C. whereas Article 152(1) of the EC Treaty states that ‘a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities’,
- D. whereas health and safety at work, which should be treated as a core objective in itself, constitutes one of the most important EU policy sectors; whereas a safe and healthy working environment and work organisation are also performance factors for the economy and for society,
- E. whereas the European labour market and its population have changed in many aspects - enlargement of the European Union, better possibilities for free movement of both

enterprises and labour, flexible working hours including part-time work, fragmentation of labour markets, subcontracting, temporary and casual employment, ageing population and declining population - which need to be considered as major challenges in order to achieve the goal of an economy that will create more and better jobs,

- F. whereas the Community's efforts in the area of the working environment are very important with a view to meeting the Lisbon Strategy objective of creating more and better jobs; whereas a better working environment not only creates better conditions for European workers but also promotes productivity and growth in Europe,
- G. whereas the Community directives in the field of health and safety protection do not apply to workers in the home, most of whom are female,
- H. whereas three of the original EU-15 Member States have failed to submit any national report on their implementation of Directive 91/383/EEC despite numerous reminders from the Commission,
 - 1. Welcomes the Commission's analysis of the implementation of health and safety legislation and its assessment of how the directives are being applied in the workplace and looks forward to seeing the Commission's evaluation of the application of the remaining individual directives; notes the decrease in the number of accidents at the workplace as a positive result and that measures to protect health and safety at the workplace contribute to better working conditions and promote productivity, competitiveness and employment; regrets, however, the belated publication of the Commission's report, as the Member States' national implementation reports should have been delivered already in 1997; calls for future evaluation reports better to assess the extent to which health and safety legislation has been complied with in practice in the Member States;
 - 2. Welcomes the Commission's general conclusions, but considers that more focused and systematic orientations for the future Community health and safety strategy are necessary; calls, in this connection, on the Commission and the Council to consider the possibility of extending the framework directive to cover excluded groups such as the self-employed; also stresses the need to look particularly at the situation in sectors such as construction, fisheries and agriculture, as well as in the health sector; also calls on the Commission to evaluate as soon as possible the implementation of the new Community strategy on health and safety at work 2002–2006;
 - 3. Welcomes the intention of the Commission to launch a study to analyse and assess the practical implementation of Directive 91/383/EEC; supports the Commission's proposal to present a single report covering the practical implementation of all the directives in all 25 Member States; calls on the Commission to actively promote harmonisation and greater comparability of national data gathering systems; also with a view to improving data gathering on proper risk assessment and control and on the impact of outsourcing, subcontracting and contingent employment;
 - 4. Considers it essential to improve the statistical system for accidents at work, since the absence of reliable and compatible statistics makes it difficult to devise Community policies and promote them in an effective way, particularly after incorporating 10 new Member States;

5. Considers that the Advisory Committee on Safety, Hygiene and Health Protection at Work must be fully involved in the negotiations for and the preparation of the single report as well as the constituent reports, and that national reports should be written up as the result of tripartite consultations, which does not always happen at present;
6. Underlines the vital role of the social partners, empowered under national as well as European legislation and required to engage in social dialogue in meeting the basic conditions allowing trade unions and representative bodies of workers to work properly (especially as regards information, consultation and participation, training, participation in risk assessments) and to improve the means for extending representation; points out that the culture of prevention must also be strengthened by integrating occupational health and safety issues into basic education, apprenticeship programmes and further education; also calls on the Commission to stimulate social dialogue between the social partners on health and safety and calls on the Member States to stimulate social dialogue at the workplace with regard to the working environment;
7. Considers that Directive 89/391/EEC on health and safety at work offers greater scope for equal participation by workers and employers in drawing up a preventive strategy which makes constant improvements to health and safety; stresses the need for greater representation of women on management bodies of trade unions and businesses to ensure that their health and safety needs are taken into account and provision is made for appropriate policies to meet those needs;
8. Points out that according to recent research about 50 % of workers in the EU have no access to preventive services, that most existing services are not fully multidisciplinary and many do not properly reflect the hierarchy of preventive measures laid down in the Framework Directive; calls on the Commission to examine the state of Member States' preventive systems in greater detail and to come forward with proposals, in cooperation with the competent national authorities, for framing coherent national prevention policies based on an overall EU strategy;
9. Urges the Member States to take concrete measures to increase the level of application of the relevant directives in SMEs and the public sector, reaffirms its resolution of 23 October 2002¹, in which it supported the development of guides on how to apply existing directives – which should be accompanied by better training material and information, especially for SMEs, in high-risk sectors and situations where there are specific, persistent and recurrent risks; considers that there needs to be encouragement for including subject areas dealing with risk prevention in training programmes for SMEs; calls on the Commission and the Member States to take account of gender, age and cultural factors, to enforce legislation in a uniform, efficient and equivalent way and to pay particular attention to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
10. Notes that the level of information provided to SMEs in particular on the Framework Directive 89/391/EEC is inadequate and must be improved;
11. Considers that EU funding of programmes to improve worker protection, information, participation, cooperation in a social dialogue on health and safety at the workplace, etc.

¹ OJ C 300 E, 11.12.2003, p. 290.

in general, and especially in or for SMEs, should be organised on the basis of simpler procedures, and that the adequate financing foreseen in budget plans for such programmes and projects should be allocated in time;

12. Urges the Member States to increase the number, quality and power of labour inspectorates and to amplify and extend the training and qualifications of labour inspectors; invites the Commission to encourage the activities of the Senior Labour Inspectors Committee (SLIC); considers, however, that preventing industrial risks should not be based on the role of the labour inspectors but also on cooperation between the social partners, particularly between employers and workers in their workplace;
13. Points out that despite frequently successful infringement proceedings there are still failings in a number of Member States (e.g. regarding the definition of the capabilities and aptitudes of preventive service personnel, the definition of the employers' and workers' safety obligations, and the transposition of various directives); calls on the Commission to continue instituting infringement proceedings against these failings of Member States;
14. Stresses the crucial significance of mainstreaming, i.e. the incorporation of gender issues into activities and analyses in the field of health and safety at the workplace and notes that the 'Community health and safety strategy' promotes the incorporation of the gender dimension into health and safety at work; calls on the Member States to implement and promote that dimension systematically and effectively;
15. Stresses that the discrimination suffered by women in the labour market and the work environment affects their health and safety; calls on the Member States to implement Directive 2002/73/EC¹ which aims to eliminate discrimination, in particular sexual harassment and other forms of discrimination relating to motherhood; also calls on the Commission, once transposition into national law is complete, to carry out a qualitative and comparative assessment of the legislative provisions introduced and to promote the exchange and spread of good practice;
16. Calls on the Commission to include in its action programme gender-specific problems faced by men and women, paying particular attention to the following:
 - (i) care and control of specific health and safety problems,
 - (ii) work-related risks and long-term psychological illnesses (such as burnout and depression) due to the dual burden on men and women who attempt to combine work and family life, or the enormous pressure on the labour market,
 - (iii) stress and violence, bullying and harassment at the workplace,
 - (iv) the inferior coverage of all such problems by good quality preventive services,
 - (iva) ergonomically unsound working conditions;
17. Draws attention to the need to step up research into and the prevention of work-related illnesses, giving illnesses of a psycho-social nature the importance they deserve but without confining such efforts to them exclusively;

¹ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ 269, 5.10.2002, p. 15).

18. Notes that Community directives on health and safety at work do not cover household work or work performed by spouses as 'helpers' in family firms, particularly in the retail, craft and agriculture sectors; calls on the Commission to take initiatives to protect the health and safety of all workers, in particular by finally proposing the changes called for by Parliament's resolutions of 21 February 1997¹ and 3 June 2003² to Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood;
19. Expresses deep concern regarding the excessively high rate of accidents among temporary and short-term workers, which in some Member States is at least double that of permanent workers; points out that Directive 91/383/EEC establishes as a general rule that temporary workers have the same occupational health rights as other workers, but that the directive fails to lay down specific mechanisms to make this principle workable in practice; calls on the Commission to remedy these shortcomings; calls on the Member State governments to reach agreement as soon as possible on the Commission's proposal for a directive on temporary workers;
20. Notes that the latest figures³ indicate an increase, albeit slight, in accidents in sectors mainly employing women; calls on the Commission and the Member States to put forward new measures relating to the specific problems faced by women in the workplace; also calls on the Member States to include occupational risks for women among the indicators used for monitoring health and safety at work (national accident reports, research and studies);
21. Calls on the Commission to ensure that Member States implement the specific preventive measures necessary to protect healthcare workers from injuries caused by needles and other medical sharps in view of the risk of infection from potentially fatal bloodborne pathogens (group 3 biological agents); notes that these should include the appropriate application of training, safe working practices and medical technology incorporating sharps protection mechanisms, and that the applicable guidance provided by the European Agency for Safety and Health at Work (FACTS 29, ISSN 1681-2123) should be employed to determine the minimum standard of protection; considers, nevertheless, that Directive 2000/54/EC on the protection of workers from risk related to biological agents at work also requires further revision to specifically address the risk arising from work with needles and other medical sharps;
22. Calls on the Commission to reduce, by means of appropriate measures, the health risks posed by 'atypical' employment contracts;
23. Stresses the significance and scale of the recent enlargement, and is particularly concerned about the sometimes poor level of implementation of EU directives in the new Member States and notes that the new Member States had very little time for the transposition and

¹ OJ C 85, 17.3.1997.

² OJ C 74, 24.3.2004.

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives (COM(2004) 0062). This is occurring in textiles and clothing, commerce, repairs, hotels and catering, financial services and administration.

practical application of legislation, while at the same time having to address problems of economic and social transformation; considers that workers throughout the EU must be provided with at least the level of protection laid down in the directives;

24. Calls on the Commission and the Council to insist on the unrestricted implementation of the 'acquis communautaire', initially through the exchange of best practice and increased cooperation in all 25 Member States, and, where necessary, to take appropriate measures for their actual implementation; to provide practical support for all Member States falling below the required standards, especially the new ones, by making provision for adequate resources, exchange of best practices and experience, and stronger cooperation; in that connection, calls on the Commission, in cooperation with the Advisory Committee on Safety, Hygiene and Health Protection at Work, to investigate the possibility of introducing a separate open coordination method for health and safety at the workplace;
25. Urges the Commission to present without delay an action plan outlining the next steps to be taken in order to solve at least the problems presented in its own analysis, and to develop as soon as possible a mid-term and long-term strategy for a follow-up; also calls on the Commission to look more closely at the possibility of presenting a global approach to health at the workplace, to include all types of risk such as stress, bullying, harassment and violence – while welcoming the measures the Commission has already taken with regard to sexual harassment and stress; calls on the social partners in the Member States to develop their own strategies, both at bilateral and EU level, to combat bullying and violence at the workplace and to exchange experiences in this area on the basis of best practice;
26. Asks the Commission to provide information on the action it is taking regarding those Member States who have failed to provide in due time information that they have agreed to provide;
27. Expresses its concern over the proposed working time and services directives as regards in particular the intensification of work and the possibilities of control, the risk of extreme flexibility of working time and the danger of individual opt-outs; expresses its opposition to any re-regulation in the field of health and safety which does not guarantee an equivalent level of protection for all workers in the EU;
28. Considers that corporate social responsibility applies both to society and companies themselves; calls on employers and trade unions to ensure that the legislation protecting women workers is duly implemented and, in particular, to help them reconcile family and working life; also calls on the social partners to create favourable conditions and a suitable working environment for pregnant women and nursing mothers;
29. Insists on the need to examine the planned Services Directive (Proposal for a Directive of the European Parliament and of the Council on services in the internal market¹) in the light of its likely consequences for health and safety and the quality of jobs;
30. Finds it unacceptable that three countries have not complied with their reporting obligations on the implementation of the provisions relating to fixed-term work contracts;

¹ Proposal for a Directive on services in the internal market (COM(2004)0002 final).

31. Considers that there is still a considerable need for specific and increased information and instructions and for technical support to businesses;
32. Instructs its President to forward this resolution to the Council and Commission, and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

1. Introduction

On 5 February 2004 the Commission of the European Communities issued a Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on 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).

The present report is based on this Communication and also on the Commission Communication COM(2004) 539, the 27th annual activity report of the Advisory Committee on Safety, Hygiene and Health Protection at Work, and SEC(2004) 635, on the Commission staff working paper 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.

It is beyond doubt that health and safety at work represents one of the EU's most important policies and that a safe and healthy working environment and organisation of work have a very important positive effect on the economy and competitiveness. While generally welcomed, nevertheless the Commission Communication on the implementation of the above mentioned directives was a long time coming. These directives mentioned above came into force on 31 December 1992 and the Member States' first national implementation reports were scheduled for 1997. However, it lasted until 2004 that all the Member States reports were finally delivered. In the personal view of the rapporteur, the Member States and the Commission both share responsibility for this delay.

The present report makes use of a wide range of data in order to take into account the opinions of all interested groups. For example, the following material was used: information from the European Agency for Safety and Health at Work (the Bilbao Agency), the views of employers' representatives (UNICE), the views and studies of the European Trade Union Technical Bureau for health and safety, the views of the employees' representative group at the Luxembourg consultative committee, the views of the European Trade Union Confederation, the national reports of Member States and other analyses, information, studies and the like.

2. Analysis of the Commission Communication

The first part of the Communication deals with the legal impact of the new legislation and control and conformity of transposition.

The second part evaluates the bases for practical implementation such as publication and promotion of the new legislation, raising awareness and enforcement systems. It analyses in detail the basic elements of the Framework Directive, including:

- risk assessment, documentation and supervision;
- provision of protective and preventive services;
- information, consultation, participation and training of employees; and

- organisation and management of health and safety at work.
Particular attention is paid to specific examples - SMEs and the public sector.

The third part is devoted to an assessment of the effectiveness of the newly implemented legislation based on the number of injuries at work and occupational illness, the costs and benefits to businesses, economic impact and the effects on employment and competitiveness.

The final part examines the positive effects of implementation as well as the main difficulties, makes suggestions for improvement and ends by considering further steps to facilitate full and correct application throughout the enlarged European Union.

3. Rapporteur's comments

First of all it must be said that the implementation of the above mentioned directives cannot be considered to be complete and that in many countries the impact of the directives has led only to 'cosmetic changes' to meet the requirements of the Community legislation. The rapporteur deeply regrets the very belated transmission of the national reports as well as the publication of the Commission evaluation report.

The main plus point of the Commission's report is that it evaluates how the directives are being applied in the workplace rather than limiting itself to a general description of the transposed legislation. This is undoubtedly a useful and positive approach. The Commission has correctly sought to show how the individual directives have been implemented in practice.

In the view of the rapporteur, the Commission limited itself to monitoring the current situation and naming and identifying problems, but so far has not put forward any specific programme or a strategy as to how to improve the current state of affairs.

A further basic shortcoming consists in the fact that the Commission does not deal with the issue of how to increase participation of employees' representatives in the national occupational health and safety system, and in particular in the public sector. It seems that the Commission does not sufficiently take account of the existing empirical evidence –in this respect. Statistics show that where there is an organised participation of employees' representatives in health and safety at work, the situation improves rapidly. It is, however, necessary to provide these representatives with the necessary powers to declare their status (in countries where the existence of such workers representation organisations depends explicitly on the acknowledgement of employers the situation appears to be quite unsatisfactory). The Commission does not seem to recognise the importance of the organised bodies and organised participation for the participation of individual employees in the definition of the prevention policy in the enterprise. But this is not the case. A reduced participation of representative bodies of the workers would lead to a decreasing level of health and safety at work (in some Member States similar trends can already be observed).

Although social dialogue is one of the Commission's themes and occupational health and safety is a part of it, the Commission's overall approach to the issue of participation of workers' representative bodies cannot be considered sufficient. The statistical data included in the Commission Communication is alarming for both the Commission and the European Parliament: 5 200 workers lose their life as a result of a work-related accident every year. Throughout the EU there are about 4.8 million work-related accidents per year. About two

thirds of accidents lead to an absence of more than three days at work and almost 14 % of workers suffer more than one accident in a year. This means that around 158 million days' work are lost annually, and nearly 300 000 workers will get various degrees of permanent disabilities resulting from a workplace-related accident or disease every year. It is estimated that the total cost to the economy amounts to between 2.6 % and 3.8 % of GNP. These data are evidence of the high economic cost of not having appropriate social policy in place, which constitutes a major obstacle to attaining the strategic objective of full employment. The rapporteur fears that if this established trend continues in the future, the next Commission Communication, which will also cover the new Member States, may return even worse results.

The rapporteur furthermore takes the view that despite Commission's effort to take advantage of all accessible instruments, including infringement proceedings against some Member States in cases of incorrect transposition of the Framework Directive, it is arguable whether it has sufficient competencies, which enable it to enforce correct transposition efficiently and thereby to react flexibly and in a satisfactory way to detected failures and to minimise delays.

Generally in the rapporteur's view, the Framework Directive could be more ambitious and specific: in the area of occupational health and safety there is a lack of strategy concerning a highly effective prevention policy. A strategy based solely at the level of individual businesses is not sufficient because it does not make for equally high standards in all businesses. A strong national strategy is therefore required, naturally with the involvement of trade unions, in order to compensate for and improve the poor conditions in some businesses.

The Framework Directive is not specific enough on preventive services. The current situation can be characterised as a 'self-regulatory system'. It is up to Member States how the requirements of the Framework Directive are applied in practice. Legal arrangements concerning preventive services are totally inadequate if they merely require that such services should be carried out by a 'competent body' but do not specify its character.

The area of preventive services requires what is known as a multidisciplinary model, which would include technical safety experts, doctors, psychologists, toxicologists, experts in ergonomics etc., either internally or externally, depending on the size and capabilities of individual businesses. It is essential for preventive services to cover all employees, which in practice is far from being achieved. According to a Finnish study, fewer than 50 % of the population of the 15 pre-enlargement Member States of the EU are covered.

The area of psychological conditions is also dealt with in the Framework Directive, but none too clearly. The problem of psychological conditions should be dealt with more clearly and more comprehensibly than has been the case to date. An inspiration for this could be the European agreement on work-related stress.

The Communication indicates that the situation in SMEs is worse than that in large businesses. Over the last decade the average size of enterprises in the EU has been getting smaller, with 90 % of them employing less than 20 workers. Not only is the number of SMEs growing but there is also a huge turnover in these companies and what can be qualified as an associated instability in labour conditions. Informal organisational groups, little experience with management, prevention and even accidents, working in traditionally high-risk sectors, lack of resources and poor access to qualified help are further hindrances to improvement. In

the rapporteur's view, the Commission's analysis limits itself only to identifying problems and providing somewhat general proposals on how to improve the situation. A change in the approach to responsibility for prevention of work-related accidents involving subcontractors would contribute very much towards improving the current state of affairs. Responsibility should lie not only with the subcontractor, but also with the main contractor of the order, which would mean that subcontractors would not be chosen only on the basis of price but also according to how they ensure health and safety at work. One possible course of action could be to step up compulsory certification or, in a first phase, to introduce at least a voluntary certification system such as exists in Germany, for example.

Regarding the public sector, the erroneous view prevails that risks are insignificant in comparison with the private sector. The Commission correctly points out the existing problems in this area, in particular: the lack of a safety culture, awareness and motivation of workers for the improvement of health and safety conditions in this sector. In the rapporteur's view, the Commission has limited itself only to identifying the problems and, in contrast with the area of SMEs, does not suggest a general or more concrete course of action to remedy this situation.

Special attention must be devoted to high-risk groups, which mainly include temporary workers, contingent workers, immigrants and women. It cannot be ignored that the language barrier plays a very significant role for immigrants, often making it difficult for them to obtain all the information they need in the area of health and safety at work.

Another way of contributing to an improvement of the situation would be to increase the number of labour inspectors, which would have the positive effect of a higher frequency of inspections. Emphasis should be placed mainly on ensuring that labour inspectors are adequately trained and educated in a given area, in practice as well as in theory, in order to be able to uncover potential risk factors in preventive inspections. Inspectors clearly need to be granted greater powers so as to ensure that the penalties contained in the legislation are applied consistently in practice. However, in no event should labour inspectors replace the activity of employees' representatives in this area, because the employees' representatives monitor the state of health and safety at work permanently, whereas, sadly, labour inspectors visit only at random or not until after a work-related accident has already occurred. The powers of inspections should be further complemented with 'comparative tests'. This issue should also be dealt with at European level in future.

Although the rapporteur is concentrating mainly on the Framework Directive in this report, because correct implementation of this Directive leads to correct implementation of the individual directives as well, there is a need to revise the Directive on the minimum safety and health requirements for work with display screen equipment and the Directive on the minimum health and safety requirements for the manual handling of loads, because research shows that the current legislation and practice in this area often lead to muscular and spinal disorders.

Directive 91/383/EEC does not provide adequate solutions for the categories of workers it covers. The Commission staff working paper on the implementation of this Directive rightly stresses a completely inadequate collaboration from the Member States. The rapporteur encourages the Commission to actively take action to ensure full implementation of Directive 91/383/EEC in all the Member States. In the rapporteur's view, this directive also needs to lay

down specific mechanisms which help to ensure that temporary workers can exert the same occupational health rights in practice as other workers.

In the rapporteur's view, the Commission should also more actively monitor the proper implementation of these directives in all the Member States, if necessary by initiating infringement procedures. A Community guide on the implementation of directives would also be a very useful measure. As the directives generally lay down European minimum standards, the rapporteur would like to encourage the Member States to use their competency to require higher standards than these in national legislation.

The Commission should, as part of its strategy, seek to increase the number of signatories to Convention 161/1988. This would certainly have a positive effect on health and safety at work.

Studies and analyses show that the new Member States are some way behind the pre-accession 15. The standard of occupational health and safety legislation in these countries is unsatisfactory and the level of implementation of EU legislation worse still. One reason for this consists mainly in their historical conditions and national traditions. While some countries have reported full harmonisation with EU legislation, there is in many cases still a huge gap between theory and practice.

Nevertheless, the national reports indicate that the impact of the new legislation is contributing to an improvement in working conditions and fostering productivity, competitiveness and employment. Yet some Member States have come to the conclusion that the standard of health and safety at work would lead to a situation in which they would not be competitive with the countries of eastern Europe if full harmonisation with the *acquis*, as well as effective application, were not also achieved there.

The main shortcomings include: too weak or vague occupational health and safety legislation, a total lack of reliable data, a lack of financial resources to develop occupational health and safety in countries where there is high unemployment, low incomes and ageing technologies, and an inability or reluctance to understand the complexity and importance of occupational health and safety.

There is thus a clear need to create new, improved and wide-ranging strategies in order to ensure that at least the basic level of occupational health and safety required is also achieved in those countries.

4. Conclusions

Despite its belated publication, it is a positive step that the Commission report not only provides a description of how Member States transposed the directives into national law, but also an assessment of how these were applied in the workplace.

It concludes that EU legislation has had a positive effect on national standards and has contributed to an increasing emphasis on a preventive approach. But there are also still many problems concerning implementation.

The following steps are considered vital for the future:

- an analysis of the issue of health and safety at work in the enlarged EU;
- a medium- and long-term strategy reflected in all EU policies and containing practical measures;
- in order to support positive changes in the area of occupational health and safety, it would also be useful to seek to increase the number of signatories to Convention 161;
- in the framework of the Community strategy on health and safety, simplification and rationalisation of the legal framework and instruments for practical application in businesses and public sector;
- institutions should be foreseen with a perspective to consolidate the existing level of protection and to improve it where failings have become obvious;
- future programmes must aimed fostering increased in awareness, training, active participation by businesses and workers, and they must receive adequate financial support at both European and national level;
- improving the situation calls for systematic supportive actions, Commission guidelines, increased participation by employees' representatives, codecision also regarding control;
- the Commission should include in its priorities improving the risk assessment system, reducing the amount of contingent employment, gender issues and coherent overarching national preventive policies;
- positive changes in health and safety at work will henceforth require a consistent approach of the Commission in the infringement proceedings as well as essentially better responses of Member States in questions of implementation – while it is neither in the Commission's nor the Member States' interest to wait until an infringement proceeding is induced on them in public;
- in order to improve the current situation, it is vital to aim for a multidisciplinary approach adapting current standards to respond to technological development, strengthening prevention and control;
- the Commission should continue to evaluate the financial expression of both the negative and the positive effects of the adopted directives.

27.1.2005

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Employment and Social Affairs

on the promotion of health and safety at work
(2004/2205(INI))

Draftswoman: Rodi Kratsa-Tsagaropoulou

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses that the 'Community health and safety strategy'¹ promotes the incorporation of the gender dimension into health and safety at work; calls on the Member States to implement and promote that dimension systematically and effectively;
2. Notes that the latest figures² indicate an increase, albeit slight, in accidents in sectors mainly employing women; calls on the Commission and the Member States to put forward new measures relating to the specific problems faced by women in the workplace; also calls on the Member States to include occupational risks for women among the indicators used for monitoring health and safety at work (national accident reports, research and studies);
3. Notes that Community directives on health and safety at work do not cover household work or work performed by spouses as 'helpers' in family firms, particularly in the retail, craft and agriculture sectors; calls on the Commission to take initiatives to protect the health and safety of all workers, in particular by finally proposing the changes called for by Parliament's resolutions of 21 February 1997³ and 3 June 2003⁴ to Council Directive

¹ Commission communication entitled 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006' (COM(2002) 0118).

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives (COM(2004) 0062. This is occurring in textiles and clothing, commerce, repairs, hotels and catering, financial services and administration.

³ Resolution on 'the situation of spouses assisting self-employed workers (OJ L 359, 19.12.1986, p. 56)

⁴ Resolution on 'women in rural areas of the European Union in the light of the mid-term review of the common agricultural policy (OJ C 74 E, 24.3.2004, p. 882).

86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood¹;

4. Stresses that the discrimination suffered by women in the labour market and the work environment affects their health and safety; calls on the Member States to implement Directive 2002/73/EC² which aims to eliminate discrimination, in particular sexual harassment and other forms of discrimination relating to motherhood; also calls on the Commission, once transposition into national law is complete, to carry out a qualitative and comparative assessment of the legislative provisions introduced and to promote the exchange and spread of good practice;
5. Considers that corporate social responsibility applies both to society and companies themselves; calls on employers and trade unions to ensure that the legislation protecting women workers is duly implemented and, in particular, to help them reconcile family and working life; also calls on the social partners to create favourable conditions and a suitable working environment for pregnant women and nursing mothers;
6. Considers that Directive 89/391/EEC³ on health and safety at work offers greater scope for equal participation by workers and employers in drawing up a preventive strategy which makes constant improvements to health and safety; stresses the need for greater representation of women on management bodies of trade unions and businesses to ensure that their health and safety needs are taken into account and provision is made for appropriate policies to meet those needs.

¹ OJ L 359, 19.12.1986, p. 56.

² Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ 269, 5.10.2002, p. 15).

³ Council Directive 89/392/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

PROCEDURE

Title	Promotion of health and safety at work
Procedure number	2004/2205(INI)
Committee responsible	EMPL
Committee asked for its opinion Date announced in plenary	FEMM 18/11/2004
Enhanced cooperation	No
Drafts(wo)man Date appointed	Rodi Kratsa-Tsagaropoulou 25/11/2004
Discussed in committee	24/01/2005
Date suggestions adopted	25/01/2005
Result of final vote	for: unanimous against: 0 abstentions: 0
Members present for the final vote	Edit Bauer, Emine Bozkurt, Maria Carlshamre, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Anneli Jäätteenmäki, Lívia Járóka, Rodi Kratsa-Tsagaropoulou, Urszula Krupa, Pia Elda Locatelli, Astrid Lulling, Angelika Niebler, Siiri Oviir, Doris Pack, Marie Panayotopoulos-Cassiotou, Christa Prets, Marie-Line Reynaud, Teresa Riera Madurell, Raúl Romeva i Rueda, Amalia Sartori, Eva-Britt Svensson, Britta Thomsen, Corien Wortmann-Kool, Anna Záborská
Substitutes present for the final vote	Katerina Batzeli, Jillian Evans, Anna Hedh, Sophia in 't Veld, Elisabeth Jeggle, Karin Jöns, Christa Klaß, Karin Resetarits, Zuzana Roithová, Marta Vincenzi
Substitutes under Rule 178(2) present for the final vote	Kathy Sinnott

PROCEDURE

Title	Promoting health and safety at the workplace		
Procedure number	2004/2205(INI)		
Basis in Rules of Procedure	Rule 45		
Committee responsible Date authorisation announced in plenary	EMPL 18.11.2004		
Committee(s) asked for opinion(s) Date announced in plenary	JURI 18.11.2004	FEMM 18.11.2004	ENVI 18.11.2004
Not delivering opinion(s) Date of decision	JURI 24.11.2004	ENVI 30.11.2004	
Rapporteur(s) Date appointed	Jiří Maštálka 20.9.2004		
Discussed in committee	2.12.2004	17.1.2005	
Date adopted	1.2.2005		
Result of final vote	for:	40	
	against:	1	
	abstentions:	0	
Members present for the final vote	Jan Andersson, Roselyne Bachelot-Narquin, Jean-Luc Bennahmias, Philip Bushill-Matthews, Milan Cabrnoch, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Jean Louis Cottigny, Ottaviano Del Turco, Harald Ettl, Richard Falbr, Carlo Fatuzzo, Ilda Figueiredo, Stephen Hughes, Karin Jöns, Jan Jerzy Kułakowski, Sepp Kusstatscher, Jean Lambert, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Mary Lou McDonald, Thomas Mann, Mario Mantovani, Jiří Maštálka, Ana Mato Adrover, Maria Matsouka, Ria Oomen-Ruijten, Csaba Óry, Siiri Oviir, Jacek Protasiewicz, José Albino Silva Peneda, Kathy Sinnott, Jean Spautz, Anne Van Lancker, Gabriele Zimmer		
Substitutes present for the final vote	Udo Bullmann, Richard Howitt, Jamila Madeira, Dimitrios Papadimoulis, Eva-Britt Svensson, Evangelia Tzampazi, Anja Weisgerber, Tadeusz Zwiefka		
Date tabled – A6	8.2.2005	A6-0029/2005	
Comments			