

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 77 final

Brussels, 7 March 1988

Proposal for a
COUNCIL DIRECTIVE
concerning the minimum safety and health requirements for work
with visual display units

(fourth individual Directive within the meaning of Article 13
of Directive ...) (1)

(presented by the Commission)

(1) COM(88) 73 final

EXPLANATORY MEMORANDUM

1. Legal basis

The proposal is based on Article 118A of the EEC Treaty.

It falls within the ambit of the Commission's Communication on its programme concerning safety, hygiene and health at work (1).

2. Aims

The main aims of the proposal are:

- to improve the safety and health of workers at VDU workstations;
- to provide a "social element" with regard to the internal market.

In drawing up this proposal the Commission has taken account of the specific nature of small and medium-sized undertakings. To this end, the proposal provides that the application of the provisions of the Directive may be modulated to take account of the size of the undertaking and "socio-economic factors". Member States should apply the same principles when implementing the provisions of the Directive at national level.

3. The proposal in relation to national laws and regulations

Most Member States of the European Communities have introduced regulations or issued practical guidelines concerning the design and fitting-out of VDU workstations and the use of VDU equipment.

(1) COM (87) 520 - Council Resolution 88/C28/01 of 21.12.1987, OJ C 28 of 3.2.1988

4. Characteristics of the proposal

As provided for in Article 118A of the EEC Treaty, the proposal sets out minimum requirements.

The increasing use of VDUs and new office-automation technology has affected the working conditions of many workers in the Community. The proposal gives guidelines concerning the characteristics of the equipment to be used, workstation design and organization of working time in order to optimize working conditions from the point of view of safety and health.

The establishment of high ergonomic standards in Europe for all equipment used at VDU workstations will be encouraged in order to ensure greater protection of the safety and health of workers.

5. Consultation of parties concerned

Detailed consultations have been held on the proposal, and an opinion has been given by the Advisory Committee on Safety, Hygiene and Health Protection at Work (Committee established by Council Decision 74/325/EEC of 27.6.1974 - OJ L 185 of 9.7.1974). The Committee's opinion was taken into account in the drafting of the proposal.

6. Content of the individual articles

- Article 1 indicates the object of the Directive.
- Article 2 gives definitions.
- Article 3 defines the general obligation imposed on Member States.
- Article 4 establishes the general obligations imposed on the employer.
- Article 5 deals with the minimum requirements for new workstations.
- Article 6 deals with the requirements for existing workstations.

- Article 7 specifies the obligations with regard to the training of workers.
- Article 8 deals with the information to be given to workers.
- Article 9 relates to ophthalmological examinations.
- Article 10 provides for adaptation of the Annex and the setting-up of a committee for this purpose.
- Articles 11 and 12 contain the final provisions.

Proposal for a Council Directive
concerning the minimum safety and health requirements
for work with visual display units (fourth individual Directive
within the meaning of Article 13 of Directive) (1)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and
in particular Article 118A thereof,

Having regard to the Commission proposal (1) drawn up after consultation with
the Advisory Committee on Safety, Hygiene and Health Protection at Work (2),

In cooperation with the European Parliament (3),

Having regard to the opinion of the Economic and Social Committee (4),

Whereas Article 118A of the Treaty provides that the Council shall adopt, by
means of directives, minimum requirements for encouraging improvements as
regards the health and safety of workers, especially in the working
environment;

Whereas Article 118A also recommends that Directives shall avoid imposing
administrative, financial and legal constraints which would hold back the
creation and development of small and medium-sized undertakings;

Whereas the Communication from the Commission on its programme concerning
safety, hygiene and health at work (5) provides for the adoption of directives
designed to guarantee the safety and health of workers;

(1) OJ

(2) Council Decision 74/325/EEC of 27.6.1974

(3) OJ

(4) OJ

(5) COM (87) 520 final - Council Resolution 88/C28/01 of 21.12.1987, OJ C 28
of 3.2.1988

Whereas Member States have a responsibility to ensure the safety and health of persons on their territory, and of workers in particular;

Whereas Member States' legislative systems differ widely with regard to the prevention of risks relating to work with visual display units (VDUs);

Whereas Council Directive 83/189/EEC of 28 March 1983 lays down a procedure for the provision of information in the field of technical standards and regulations (6);

Whereas, in order to achieve the maximum degree of protection which is reasonably practicable, it is essential that workers and their representatives be informed of the risks to their safety and health and of the measures required to reduce or eliminate these risks, and be allowed to verify that the necessary protective measures have indeed been taken;

Whereas employers must keep abreast of technological progress in order to provide optimum safety and health protection for their workers;

Whereas the requirements for work with VDUs are essentially expressed in terms of the desired results;

Whereas under the new approach to technical harmonization and standards (7) it is desirable to have access to technical reports detailing certain technical specifications;

Whereas a committee composed of members nominated by the Member States needs to be set up to assist the Commission in implementing the supplementary measures provided for by the Directive;

(6) OJ L 109 of 26.4.1983, p. 8

(7) Council Resolution of 7.5.1985 (OJ C 136 of 4.6.1985)

HAS ADOPTED THIS DIRECTIVE

Article 1

1. This Directive, which is an individual Directive within the meaning of Article 13 of Directive ..., lays down minimum safety and health requirements for work with visual display units (VDUs) as defined in Article 2.
2. This Directive shall apply to all workstations equipped with a VDU.

It shall not apply to drivers' cabs or control cabs for vehicles or machinery, nor to onboard computer systems.

Article 2

For the purposes of this Directive, the following terms have the meaning hereby assigned to them:

Visual display unit: an alphanumeric screen, regardless of the display process employed.

Workstation: the assembly comprising the display screen, keyboard, peripherals including the printer, the manuscript containing the data, the work chair, the work desk, and the immediate work environment.

Worker: any person using a VDU.

Article 3

1. Member States shall take all necessary measures to ensure that VDU work cannot compromise the safety or health of workers.
2. Member States shall ensure that the necessary checks pursuant to paragraph 1 are carried out.

Article 4

1. Employers shall be obliged to perform an analysis of workstations in order to evaluate the safety and health risks to workers.
2. They shall, where necessary, take appropriate remedial measures in the light of the risks found.

Article 5

Workstations put into service two years after the entry into force of this Directive shall take into account at least the minimum requirements laid down in the Annex to this Directive.

Article 6

Existing workstations not covered by Article 5 shall be adapted, insofar as is reasonably possible, to comply with the minimum requirements laid down in the Annex to this Directive.

Article 7

1. Every worker involved in VDU work shall receive adequate training before commencing this type of work and at regular intervals thereafter.
2. Workers shall receive information on all aspects of health and safety relating to their workstation, including the possible effects on their eyes and physical or mental problems.

Article 8

Workers or their representatives shall be consulted by the employer on the measures taken pursuant to this Directive which concern them directly, and in particular on the measures taken pursuant to Article 6.

Article 9

Workers shall have an appropriate ophthalmological examination prior to commencing VDU work and if they report visual discomforts which may be connected with the work.

The worker shall be provided with special glasses tested for the work concerned if an ophthalmological examination shows that they are required and that glasses intended for normal purposes cannot be used.

Article 10

1. The Commission shall adapt the Annex to this Directive to take account of technical progress and developments in regulations, giving priority to the European standards.
2. For the purpose of making the adaptations referred to in paragraph 1 the Commission shall be assisted by a committee, following the procedure laid down in Article 14 of Directive ... (1).

Article 11

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991 at the latest and shall forthwith inform the Commission thereof.
2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Any technical regulations which Member States intend to adopt under this Directive shall be communicated to the Commission at the draft stage in accordance with the procedure laid down in Article 8 of Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations.

3. Member States shall report to the Commission every two years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers. The Commission shall inform the committee and the tripartite committee.

(1)

Article 12

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

Minimum requirements concerning work with
visual display units (VDUs)

1. DISPLAY SCREEN

The characters on the screen shall be well-defined and clearly formed, of adequate size and with adequate spacing between the characters and lines. The image on the screen should be stable, with no flickering or other forms of instability.

The brightness contrast between the characters and the background shall be easily adjustable by the operator.

The screen shall, as far as reasonably practicable, be rotatable, tiltable and movable to suit the needs of the operator.

2. KEYBOARD

The keyboard shall be separate from the screen so as to allow the worker to find a suitable working position avoiding muscle fatigue in the arms and hands. The space around the keyboard shall be sufficient to provide support for the hands and arms of the operator.

The keyboard shall have a matt surface to avoid reflective glare; the keys shall have low-reflectance surfaces and concave tops.

The symbols on the keys shall be adequately contrasted.

3. WORK DESK

The work desk shall have a sufficiently large, low-reflectance surface and allow a flexible arrangement of the screen, keyboard, documents and related equipment.

The document holder shall be situated on the desk on the same level as the display screen to minimize the need for rapid head and eye movements.

Adequate leg space is necessary.

4. WORK CHAIR

The work chair shall be stable but allow the worker easy freedom of movement.

The seat height shall be adjustable, and all chairs shall have back rests adjustable in height and tilt. The possible need for a footrest shall be taken into account.

5. LIGHTING

Suitable ambient lighting is required so as to provide satisfactory working conditions and an appropriate contrast between the screen and the background environment.

Lamps for secondary activities shall be provided where necessary; they shall be adjustable but shall not cause glare or reflections on the screen.

6. REFLECTIONS AND GLARE

A VDU shall be positioned so that neither the screen nor the operator are facing a window. Windows shall be fitted with a suitable system of adjustable covering.

7. NOISE

The printer shall be placed where it does not distract attention or disturb speech.

8. HUMIDITY

An adequate level of humidity shall be established and maintained.

9. OPERATOR/COMPUTER INTERFACE

- The psycho-social factors applicable to work on screen and program writing (software development) shall be taken into account.
- The principles of software ergonomics shall be applied in particular to human data processing and decision-making capacities.

FINANCIAL RECORD SHEET

1. Budget item concerned

A 2510: Compulsory committees

A 2513: Advisory Committee on Safety, Hygiene and Health Protection at Work

B 6482: Health protection, hygiene and safety at work.

2. Legal basis

a) Article 118A of the EEC Treaty.

b) Commission Communication on its programme concerning safety, hygiene and health at work (COM (87) 520 – Council Resolution 88/C28/01 of 21.12.1987 – OJ C 28 of 3.2.1988).

3. Proposed classification into compulsory/non-compulsory expenditure

Non-compulsory.

4. Description and justification of the action

4.1 Description

4.1.1 Objectives of the proposed Directive

The proposed Directive is designed to improve the safety and health of the many workers engaged in VDU work.

4.1.2 Characteristics of the proposed Directive (with particular reference to those with financial implications)

4.1.2.1 The proposal may be adapted and supplemented, particularly in Annexes, in order:

-- to define more closely or amplify aspects concerning the safety and health of workers in relation to VDU equipment.

Parts of the proposal contain provisions which will have to be specified in technical terms by means of harmonized Community standards.

In accordance with the Council Resolution of 7 May 1985,
standardization work is not the responsibility of the Commission

The Commission Communication referred to in 2.b provides for trade union participation in this work.

4.1.2.2 The proposal stipulates that the Member States shall forward to the Commission their relevant national implementing legislation.

4.1.2.3 The proposal also makes provision for the creation of a committee to assist the Commission in supplementary and management work in this area.

4.2 Justification

The action is justified by the legal basis given in point 2. The financial implications will be associated with the additional activities to be undertaken in the future (see point 4.1) and are set out in point 5.

5. Nature of the expenditure and method of calculation

5.1 Nature of the additional activities to be undertaken following the adoption of the Directive:

- a) preparation of technical reports (standards) at Community level
- b) monitoring of the implementation of the Directive in the individual Member States
- c) revision of the Annex and the addition of new Annexes
- d) consultations with experts
- e) the running of the Adaptation Committee
- f) consultations with the tripartite Advisory Committee.

5.2 Types of activity resulting from 5.1 with financial implications

These are:

- "standardization" contracts (technical reports)
- study and/or service contracts for
 - . the comparison and appraisal of the information received by the Commission
 - . the study of the problems associated with the practical implementation of the Directive
 - . the study of the problems associated with the Annex and the preparation of new Annexes to be added to the Directive
- costs of consultation meetings with experts
- costs of running the Adaptation Committee and the tripartite Committee.

5.3 Calculation of expenditure

As only the nature and type of the additional activities are known with no indication of their scale or number, it is impossible to make a precise estimate of the expenditure.

The funding provided for the contractual standardization work (technical reports) will be based on the work assigned to each contractor.

It will include the costs incurred by the central units of the European standardization organizations in organizing the standardization programmes assigned to them as well as a contribution to the costs incurred by the committees and technical groups in carrying out such programmes. Costs may also include those incurred by experts appointed to carry out specific tasks in this area.

Costs are calculated on the basis of the "man/month" unit; at present, one unit is equivalent to 5 000 ECU.

The funding provided for trade union participation will depend on the number of European standards (technical reports) being prepared and on the scale of the work.

In any event, the expenditure will be spread over several years and will be progressive. The figures given in 6.1 are approximate estimates.

The work involved in drawing up standards (technical reports) will undoubtedly extend beyond the first five years.

6. Financial impact of the action on intervention appropriations

6.1 Schedule of commitment appropriations and payment appropriations

Item B 6482:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1988	50 000	50 000
1989	150 000	150 000
1990	200 000	200 000
1991	200 000	200 000
1992	<u>150 000</u>	<u>150 000</u>
Total	750 000	750 000

Item A 2510:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1988	—	—
1989	20 000	20 000
1990	40 000	40 000
1991	40 000	40 000
1992	<u>40 000</u>	<u>40 000</u>
Total	140 000	140 000

Item A 2513:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1988	—	—
1989	10 000	10 000
1990	15 000	15 000
1991	15 000	15 000
1992	<u>15 000</u>	<u>15 000</u>
Total	55 000	55 000

6.2 Percentage of Community funding in the total cost of the action

Since the bodies involved in standardization work normally bear their own costs, the Community contribution to the financing of the standardization projects (technical reports) should not exceed 50% of the overall costs.

However, it should be noted that the Community contribution will be reduced if the EFTA countries decide to participate in this standardization work.

The Community contribution to the financing of trade union participation in the standardization projects (technical reports) should cover most of the costs incurred.

As regards the other work provided for in the proposed Directive the Commission will provide 100% funding.

7. Remarks

None.

8. Financial impact on staff appropriations

8.1 Personnel needed solely for the action itself

As from 1989, one half-time A-grade official, one half-time B-grade official and one half-time C-grade official will be needed.

These resources will have to be found either by redeployment of staff within DG V or within the context of the budgetary procedure.

8.2 Appropriations needed for staff

The estimated appropriations needed as from 1989 are 120.000 ECU per year.

Assessment of impact
on competitiveness and employment

Proposal for a Council Directive concerning the minimum safety and health requirements for work with visual display units (fourth individual Directive within the meaning of Article 13 of Directive)

1. The main aim of the proposal is to protect the safety and health of workers by ensuring that VDU workstations are properly designed and fitted out.
2. The proposal applies to all undertakings in the Community, including small and medium-sized undertakings.
3. The national provisions introduced in implementation of this Directive will contain both guidelines and obligations for undertakings.

Guidelines will apply to existing workstations, obligatory requirements to new workstations.

The essential aim is to improve safety in undertakings, with consequent economic benefits for society as a whole.

4. The proposal provides that Member States shall take appropriate measures to ensure that VDUs are used in such a way as to ensure protection of the health and safety of workers. Undertakings will have to analyse such equipment accordingly and take the necessary measures to make them safer. This should lead to a reduction in accidents and occupational diseases.
5. Although the proposal does not impose any particular constraints on small and medium-sized undertakings compared with larger undertakings, small and medium-sized undertakings could find themselves at a disadvantage if Member States apply the various elements of the proposal to the letter

The proposal therefore provides that certain requirements may be modulated to take account of the size and activity of the undertaking and the safety and health risks involved for the workers.

The concept "where reasonably practicable" takes account of socio-economic factors.

6. Improved safety and health at work should make undertakings more efficient by increasing competitiveness without adversely affecting employment.

The measures provided for in this Directive will benefit employers since they will result in fewer working days lost.

7. Detailed consultations have been held on the proposal and an opinion has been given by the Advisory Committee on Safety, Hygiene and Health Protection at Work (Committee established by Council Decision 74/325/EEC of 27.6.1974 - OJ L 185 of 9.7.1974). The Committee's opinion was taken into account in the drafting of the proposal. The various employers' interests are represented in this tripartite Committee.

In view of the large numbers of persons working with VDUs this proposal for a Directive has been drafted as a matter of urgency by the Commission, subsequent to the transmission on 23 October 1987 of its programme concerning safety, hygiene and health at work (1). In order to cushion the economic impact of the Directive, Member States have until 1 January 1990 to adopt the implementing legislation.

(1) COM(87) 520 and Council Resolution 88/C28/1 of 21.12.1987, OJ C 28 of 3.2.1988