

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 213 final -SYN128

Brussels, 25 April 1989

Amended Proposal for a Council Directive

on the minimum health and safety requirements
for handling heavy loads where there is
a risk of back injury for workers

(fifth individual Directive falling within the terms of Article 16
of Directive ...)

(presented by the Commission under
Article 149-3 of the Treaty)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Unchanged

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

Having regard to the Commission
proposal drawn up after consultation
with the Advisory Committee for
Safety, Hygiene and Health Protection
at Work,

In cooperation with the European
Parliament,

Having regard to the opinion of the
Economic and Social Committee,

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 of the Treaty
provides that the Council shall adopt,
by means of directives, minimum
requirements for encouraging
improvements, especially in the
working environment, which will ensure
better protection of the safety and
health of workers;

Whereas Article 118A also recommends
that directives shall avoid imposing
administrative, financial and legal
constraints which would hold back the
creation and development of SMUs;

Deleted

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

Unchanged

Whereas the Council Resolution of 21
December 1987 on safety, hygiene and
health at work took note of the
Commission's intention to submit to
the Council in the near future a
directive on protection against the
risks resulting from the handling of
heavy loads;

Unchanged

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

Deleted

Whereas Member States' legislative systems differ widely with regard to the prevention of industrial accidents and occupational diseases caused by the manual handling of heavy loads;

Deleted

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;

Deleted

Whereas cooperation between employers and workers and workers' representatives must be strengthened;

Deleted

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

Deleted

Whereas compliance with the minimum requirements for ensuring a better level of safety and health at workplaces is essential to ensure the safety and health of workers and whereas these requirements are also essential to promote fair competition;

Whereas this Directive is an individual directive within the meaning of Article 16 of the Directive on the introduction of measures to encourage improvements in the safety and health of workers at work and that therefore the provisions of the latter are fully applicable to the fields of the manual handling of heavy loads, without prejudice to more stringent and/or specific provisions set out in the present Directive;

Whereas a committee must be set up to assist the Commission in implementing the additional measures provided for in the Directive;

Deleted

Whereas, pursuant to Decision No 74/325/EEC(1), the Advisory Committee for Safety, Hygiene and Health Protection at Work shall be consulted by the Commission on the drawing up of proposals in this field,

HAD ADOPTED THIS DIRECTIVE

Article 1

This Directive, which is an individual Directive within the meaning of Article 13 of Directive ...

1. This Directive, which is an individual directive within the meaning of Article 16 of the Directive on the introduction of measures to encourage improvements in the safety and health of workers at work, lays down minimum safety and health requirements for the manual handling of heavy loads by workers.

2. The provisions of the Directive referred to in paragraph 1 are fully applicable to the field of the manual handling of heavy loads, without prejudice to more stringent and/or specific provisions set out in the present Directive.

Article 1 bis

The Member States shall provide adequate checks and supervision to ensure the implementation of this Directive.

Article 2

The Member States shall take the necessary measures to ensure that, in order to protect the health and safety of workers, employers, as far as possible, prevent them from having to handle heavy loads without mechanical assistance.

Article 2

Employers shall take steps to reduce the risks arising from the handling of heavy loads and shall take the necessary measures to protect the safety and health of workers by, where technically feasible, preventing them from having to handle such loads without mechanical assistance.

Article 3

1. Where the manual handling of a heavy load cannot be avoided, in order to assess the safety of the type of work involved, the employer must examine in advance:

- the physical effort required, and
- the characteristics of the load.

For the assessment of these two factors reference shall be made to Annex I.

Unchanged

2. In order to take the necessary measures to reduce the risk of back injury, employers must take into account the physical and organizational factors listed in Annex II when heavy loads are to be handled manually.

Article 4

Employers must take account of the individual characteristics of the workers when organizing manual handling work on the basis of Annex III.

Article 5

1. Workers must be given proper training and information on the risks they incur when carrying out activities which may cause back injury if they are not done correctly. There must be qualified staff to carry out frequent supervision

2. As far as possible workers shall also be informed of:

- the weight of a heavy load
- the centre of gravity or the heaviest side when a package is eccentrically loaded.

Article 6

The employer must consult the workers or their representatives about the measures taken pursuant to this Directive.

Article 7

1. The Commission shall adapt the annexes of this Directive to take account of technical progress and the development of international regulations or specifications on the manual handling of heavy loads.

2. In order to take the necessary measures to reduce the risk of back injury, employers must take into account the physical and organizational factors listed in Annex II, when work involves the manual handling of heavy loads.

Unchanged

1. Workers must be given proper training and information on the risks they incur when carrying out activities which may cause back injury if they are not done correctly. There must be qualified staff to carry out frequent supervision.

Workers shall also be informed of:

- the weight of a heavy load;
- the centre of gravity or the heaviest side when a package is eccentrically loaded.

Unchanged

For the purposes of making changes to Annexes I, II and III as a result of:

2. The Member States shall forward to the Commission the texts of any national legislation which they adopt in the field governed by this Directive.

-- technical progress, changes in international regulations or specifications and know-how in the field of the manual handling of heavy loads,

the Commission shall be assisted by the Committee and shall follow the procedure set out in Article 17 of the Directive referred to in Article 1, paragraph 1, of the present Directive.

Article 8

1. The Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 1.1.1991 at the latest. They shall immediately inform the Commission thereof.

1. The Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by the date fixed for the entry into force of the Directive referred to in Article 1, paragraph 1, of the present Directive. They shall immediately inform the Commission thereof.

2. The Member States shall forward to the Commission the texts of any national legislation which they adopt in the field governed by this Directive.

2. The Member States shall forward to the Commission the texts of any national legislation which have already been adopted or which they are adopting in the field governed by this Directive.

3. The Member States shall report back to the Commission every two years on the practical implementation of the provisions of this Directive on the handling of heavy loads, indicating the views of the employers and workers. The Commission shall inform the Committee and the tripartite committee.

3. The Member States shall report back to the Commission every five years on the practical implementation of the provisions of this Directive, indicating the opinions of the two sides of industry. The Commission shall inform the Council, the European Parliament, the Economic and Social Committee, the Advisory Committee for Safety, Hygiene and Health at Work and the Committee described in Article 17 of the Directive referred to in Article 1, paragraph 1, of the present Directive.

4. At regular intervals, the Commission shall forward a report on the implementation of the Directive to the Council, the European Parliament and the Economic and Social Committee, taking into account the provisions of paragraphs 2 and 3.

Article 9

Unchanged

Done at Brussels,

For the Council

The President

ANNEX I

Beginning unchanged

Characteristics of the load and the physical effort involved

1. A load may present a risk of back injury if it is:

- too heavy, too large or both
- unwieldy and/or difficult to grasp
- unbalanced, unstable or has contents likely to shift
- located in a position requiring to be held or manipulated at a distance from the trunk, or with the trunk in a stooped or twisted posture, or with the trunk leaning sideways.

1. A load may present a serious risk of back injury if it is:

- excessively heavy
- unchanged
- unstable or has contents likely to shift
- unchanged

2. A physical effort may present a risk of back injury if it is:

- too strenuous
- badly placed in relation to the body (see last indent above)
- only achieved by a twisting movement of the trunk
- likely to result in a sudden movement by the object being manipulated
- made with the body in an unstable posture.

2. A physical effort may present a risk of back injury if it is:

- too strenuous
- deleted
- unchanged
- unchanged
- unchanged

ANNEX II

beginning unchanged

Reference factors referred to in Article 3

1. The work environment may present a risk of back injury if:

- the activity cannot be carried out with adequate headroom
- the floor is uneven, presents tripping hazards, or is slippery in relation to the worker's footwear
- it prevents access to, carriage of or placement of a load at a safe height with good posture by the worker
- an exceptional effort is required for maintenance work on machinery.

2. The task may also present a risk of back injury if it requires:

- too frequent or prolonged physical effort by a part or all of the body
- an insufficient rest and recovery period
- excessive lifting, lowering or carrying distances.

ANNEX III

1. The work environment may present a risk of back injury if:

- rest of point 1 unchanged

2. The task may present a risk of back injury if it requires:

- too frequent or prolonged physical effort by the spine

rest of point 2 unchanged

Unchanged

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