



European Communities

EUROPEAN PARLIAMENT**SESSION DOCUMENTS**

English Edition

4 February 1991

A3-0015/91

**I

R E P O R T

of the Committee on Social Affairs, Employment and the Working Environment

on the Commission proposal for a Council directive on the implementation of minimum safety and health requirements at temporary or mobile work sites
(Eighth individual directive within the meaning of Article 16 of Directive 89/391/EEC)
(COM(90) 275 final - C3-0291/90 - SYN 279)

Rapporteur: Mr Bartho PRONK

DOC_EN\RR\103671

PE 145.043/fin.
Or. EN/NL

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-right: 5px;">*</div> = Consultation procedure requiring a single reading | <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-right: 5px;">**II</div> = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment |
| <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-right: 5px;">**I</div> = Cooperation procedure (first reading) | <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-right: 5px;">***</div> = Parliamentary assent which requires the votes of a majority of the current Members of Parliament |

C O N T E N T S

	<u>Page</u>
Procedural page	3
A. Amendments to the Commission's proposal	4
DRAFT LEGISLATIVE RESOLUTION	14
B. Explanatory statement	15
Opinion of the Committee on Budgets	18

By letter of 5 September 1990 the President of the Council requested the European Parliament, pursuant to Article 118a of the EEC Treaty, for its opinion on the proposal from the Commission to the Council for a directive on the implementation of minimum safety and health requirements at temporary or mobile work sites (Eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC)

On 14 September 1990 the President of the European Parliament announced that he had referred this proposal to the Committee on Social Affairs, Employment and the Working Environment as the committee responsible, and to the Committee on Budgets for its opinion.

At its meeting of 28 September 1990 the Committee on Social Affairs, Employment and the Working Environment appointed Mr Pronk rapporteur.

It considered the Commission's proposal and the draft report at its meetings of 5 November 1990, 20 December 1990 and 31 January 1991.

At the last of these meetings it approved the draft legislative resolution by 16 votes to none with one abstention.

The following took part in the vote: Van Velzen, chairman; Barros Moura, vice-chairman; Pronk, rapporteur; Alvarez de Paz, Buron, Cabezon Alonso, Carniti, Donnelly, (for Glinne), Hughes, McCubbin (for Pagoropoulos), McMahon, Marques Mendes, Megahy, Oddy (for Peter), O'Hagan, Onur (for Peters) and Suarez Gonzalez.

The opinion of the Committee on Budgets is attached.

The report was tabled on 4 February 1991.

The deadline for tabling amendments will appear in the draft agenda for the part-session at which the report is to be considered.

A

Proposal from the Commission to the Council for a directive on the implementation of minimum safety and health requirements at temporary or mobile work sites (Eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC)

Commission text¹

Amendments

(Amendment No. 1)

Title

Proposal for a Council directive on the implementation of minimum safety and health requirements at temporary or mobile work sites (Eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC)

Proposal for a Council directive on the implementation of minimum safety and health requirements in the construction sector (Eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC)

(Amendment No. 2)

Recital 2a (new)

Whereas ILO Convention 167 fixes minimum standards for work in the construction sector;

(Amendment No. 3)

Recital 3a (new)

Whereas the increasing internationalization occasioned by Directive 89/440/EEC² on public works contracts has meant that these risks have increased further;

(Amendment No. 4)

Ninth recital

Whereas, moreover, self-employed persons may, through their activities on a temporary or mobile work site, jeopardize the safety and health of workers;

Whereas the coordination of safety and health on the work site must also cover self-employed persons working on the site;

¹ For full text see COM(90) 275 final - OJ No. C 213, 28.8.1990, pp 2-13.

² OJ No. L 210, 21.7.1989, p. 1.

(Amendment No. 5)
Article 2, first indent

For the purposes of this Directive:

- *temporary or mobile work sites, hereinafter referred to as 'work sites'* means any site at which building and civil engineering works are carried out; a non-exhaustive list of such works is given in Annex 1,

For the purposes of this Directive:

- *temporary or mobile work sites, hereinafter referred to as 'work sites'* means any work site at which work of the type featured in the non-exhaustive list in Annex I is carried out,

(Amendment No. 6)
Article 3(1)

Member States shall take the necessary steps to ensure that, before the commencement of work on their territory, the client(s) forward(s) to the authorities responsible for safety and health at work a 'prior notice' containing the information indicated in Annex II. In particular, this notice shall indicate the names(s) of the person(s) responsible for coordinating the safety and health of workers:

- during the 'project design' stage,
- during the 'project execution' stage.

A copy of this notice shall be available at all times on the site.

Member States shall take the necessary steps to ensure ~~that,~~ before the commencement of work ~~on~~ their territory, the client(s) forward(s) to the authorities responsible for safety and health at work a 'prior notice' containing the information indicated in Annex II. In particular, this notice shall indicate the name of the person designated as being responsible for coordinating the safety and health of workers:

- during the 'project design' stage,
- during the 'project execution' stage.

A copy of this notice shall be prominently displayed at all times on the site and be available to all who have access to the job.

(Amendment No. 7)
Article 3(2)

However, in the case of works the planned duration of which is less than 30 working days, excluding those of the types listed in Annex III, Member States may regard the forwarding of the 'prior notice' as optional.

In the case of works where it can be demonstrated that the total duration of the activities, regardless of the number of sub-contractors and the allocation of the work, will be less than 20 working days and less than 30 calendar days, Member States may regard the 'prior notice' as optional.

(Amendment No. 8)
Article 4, second paragraph (new)

In the area of workers' safety and health a general safety, evacuation and health plan shall be drawn up for the site, indicating the planning, equipping and administrative measures to be taken so as to guarantee safety and health at the place of work, in particular in the case of activities that are to be carried simultaneously or in succession by different employers or self-employed persons working in equivalent conditions. A copy of the plan must be present on the site at all times.

(Amendment No. 9)
Article 5

The person(s) indicated in the 'prior notice' as being responsible for coordinating safety and health during the 'project design' stage, as referred to in Article 3(1) shall:

- a) ensure that the provisions of Article 4 are implemented;
- b) in the case of works coming under one or more of the categories listed in Annex III, draw up a safety and health plan setting out the specific rules applicable to the site concerned:

The person indicated in the 'prior notice' as being responsible for coordinating safety and health during the 'project design' stage, as referred to in Article 3(1) shall:

- a) ensure that the provisions of Article 4 are implemented;
- b) in the case of works coming under one or more of the categories listed in Annex III, draw up a supplementary safety, evacuation and health plan setting out the specific rules applicable to the site concerned:

c) prepare documents adapted to the characteristics of the project containing appropriate safety and health information to be taken into account during any subsequent works.

c) prepare documents adapted to the characteristics of the project containing appropriate safety and health information to be taken into account during any subsequent works.

(Amendment No. 10)

Article 6(1)

The persons designated in the 'prior notice' as being responsible for coordinating safety and health at the site during the 'project execution' stage:

The person designated in the 'prior notice' as being responsible for coordinating safety and health at the site during the 'project execution' stage:

a) shall ensure that the employers and, wherever necessary, self-employed persons:

a) shall coordinate the activities of the employers and self-employed persons, in order to:

- apply the principles set out in Article 7 in a consistent manner,

- apply the principles set out in Article 7 in a consistent manner, taking account of the safety, evacuation and health plan drawn up pursuant to Article 4;

- take account, when required, of the safety and health plan required under Article 5(b);

- implement the additional safety, evacuation and health plan required under Article 5(b);

b) shall adapt, where necessary, this safety and health plan to take account of the progress of the work and any changes which have occurred;

b) shall adapt, where necessary, the abovementioned safety, evacuation and health plans to take account of the progress of the work and any changes which have occurred;

c) shall organize the cooperation in matters of safety and health provided for in Article 6(4) of Directive 89/391/EEC, ensuring that self-employed persons are brought into this process whenever necessary;

c) shall organize the cooperation and coordinated action in matters of protection and prevention, as well as coordinated provision of information provided for in Article 6(4) of Directive 89/391/EEC, ensuring that self-employed persons are brought into this process;

d) shall make arrangements to check that the working procedures are being implemented correctly;

d) shall coordinate the correct implementation of the working procedures;

e) shall take the necessary steps to ensure that no unauthorized person enters the site.

e) shall take the necessary steps to ensure that no unauthorized person enters the site.

(Amendment No. 11)

Article 8

In order to preserve the safety and health of all persons present at the site, under the conditions set out in Article 6, employers shall, when implementing Article 7, take measures in respect of their own workers that are in line with the minimum requirements set out in Annex IV.

In order to preserve the safety and health of all persons present at the site, under the conditions set out in Article 6, employers shall, when implementing Article 7, take measures in respect of all workers under their management and supervision that are in line with the minimum requirements set out in Annex IV.

(Amendment No. 12)

Article 9(a)

a) the principles set out in Article 7 of this Directive

a) the principles set out in Article 13 of Directive 89/391/EEC and in Article 7 of this Directive

(Amendment No. 13)

Article 10

Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and health of workers at the site. In particular, they shall be informed of the measures relating to the implementation of Articles 6, 7 and 8, and, where necessary, of the safety and health plan referred to in Article 5(b).

Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and health of workers at the site. In particular, they shall be informed of the measures relating to the implementation of Articles 4, 6, 7 and 8, and of the safety, evacuation and health plan referred to in Article 5(b).

In accordance with Article 10(2) of Directive 89/391/EEC, workers from a different language area shall be provided with the information to workers as stipulated above in their own language.

(Amendment No. 14)
Article 11a (new)

1. If workers of different employers are engaged in work at the site, such workers and/or their representatives shall have the right to form an employees' committee for safety and health. The size of the committee shall depend on the size of the site. The employees' committee for safety shall be heard during the construction process on all decisions relating to the planning or changing of measures relating to safety, hygiene and health by the person chiefly responsible on the employers' side. The committee shall have the right to deliver opinions, whether solicited or not, as well as the right to take part in drawing up the overall safety plan, the supplementary safety plans and important changes thereto during the construction process.

2. The Member States may not declare the above applicable:
- to projects within the meaning of Article 3(2);
- and/or if less than 25 workers are engaged on the project;

(Amendment No. 15)
Article 11b (new)

The worker shall have the right to leave the work site if he has reasons to believe that a serious danger to his safety and health exists. Such action shall be immediately communicated to the safety coordinator. Subsequent procedures and action to be taken shall be as laid down in Article 8 of Directive 89/391/EEC.

(Amendment No. 16)
Article 13(1), first paragraph

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1993 at the latest. They shall immediately notify the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1992 at the latest. They shall immediately notify the Commission thereof.

(Amendment No. 17)
Article 13(3)

Member States shall report to the Commission every five 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 Council, the European Parliament, the Economic and Social Committee, and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

Member States shall report to the Commission every four 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 Council, the European Parliament, the Economic and Social Committee, and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

(Amendment No. 18)
Annex I, 12th and 13th (new) indents

- Maintenance

- Maintenance, decorating and cleaning work

- Environmental technical activities.

(Amendment No. 19)
Annex II(2), (5) and (6)

4. Project supervisor(s) (name(s) and address(es)):

4. Project supervisor (name and address(es)):

5. Safety and health coordinator(s) during the 'project design' stage (name(s) and address(es)):

5. Safety and health coordinator during the 'project design' stage (name and address(es)):

6. Safety and health coordinator(s) during the 'project execution' stage (name(s) and address(es)):

6. Safety and health coordinator during the 'project execution' stage (name and address(es)):

(Amendment No. 20)
Annex IV(1), first indent

- must be protected against climatic conditions that may jeopardize their safety and health;
- must be protected against climatic conditions that may jeopardize their safety and health; the Council shall adopt, not later than 31 December 1992, a special directive implementing the relevant measures;

(Amendment No. 21)
Annex IV(2.2a) (new)

2.2a. Scaffolding and gantries

the Council shall adopt, not later than 31 December 1992, a special directive implementing the relevant measures;

(Amendment No. 22)
Annex IV(5.1)

- 5.1 Depending on the characteristics of the site, the dimensions and use of rooms, the on-site equipment, the physical and chemical properties of the substances present and the maximum potential number of people present, an adequate number of appropriate fire-fighting devices and, where required, fire detectors and alarm systems must be provided.
- 5.1 Depending on the characteristics of the site, the dimensions and use of rooms, the on-site equipment, the physical and chemical properties of the substances present and the maximum potential number of people present, an adequate number of appropriate fire-fighting devices and, where required, fire detectors and alarm systems must be provided.

Such fire-fighting devices, fire detectors and fire alarms must be regularly checked and maintained. Appropriate tests and drills must be carried out at regular intervals.

(Amendment No. 23)
Annex IV(7.3a) (new)

7.3a In situations of persistent high temperature appropriate provision will be made for regular work breaks as well as for drinks, salt replenishment and training in the effects of heat stress.

(Amendment No. 24)
Annex IV(7.3b) (new)

7.3b In situations of persistent low temperature appropriate provision will be made for regular work breaks as well as for protective clothing, heated shelter and hot drinks.

(Amendment No. 25)
Annex IV(16.3)

16.3 In addition, first aid equipment must be available at all places where working conditions require it.

This equipment must be suitably marked and easily accessible.

16.3 In addition, first aid equipment must be available at all places where working conditions require it.

This equipment must be suitably marked and easily accessible.

In the absence of trained medical personnel a clearly displayed sign must also be provided showing the address and telephone number of the local emergence accident service.

(Amendment No. 26)
Annex IV(17), introductory sentence

17. Sanitary equipment

17. Sanitary equipment

This shall comply fully with minimum standards of hygiene.

(Amendment No. 27)
Annex IV(17.3.1)

17.3.1 Suitable showers in sufficient numbers must be provided for workers if required by the nature of the work for health reasons.

17.3.1 Suitable showers in sufficient numbers must be provided for workers.

(Amendment No. 28)
Annex IV(17.3.3)

17.3.3 Where showers are not required under the first subparagraph of 17.3.1, adequate and suitable washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms.

17.3.3 Adequate and suitable washbasins with running water (hot water if necessary) must be provided in the vicinity of the workstations and the changing rooms.

DRAFT LEGISLATIVE RESOLUTION

(Cooperation procedure, first reading)

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a directive on the implementation of minimum safety and health requirements at temporary or mobile work sites (Eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC)

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(90) 275 final - SYN 279)¹,
 - having been consulted by the Council pursuant to Article 118a of the EEC Treaty (Doc. C3-291/90),
 - having regard to the report by its Committee on Social Affairs, Employment and the Working Environment (Doc. A3-15/91)
1. Approves the Commission's proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Commission to amend its proposal accordingly pursuant to Article 149(3) of the EEC Treaty;
 3. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 149(2)(a) of the EEC Treaty;
 4. Instructs its President to forward this opinion to the Council and the Commission.

¹ OJ No. C 213, 28.8.1990, pp. 2-13.

B
EXPLANATORY STATEMENT

The improvement of workers' safety, hygiene and health is an objective which should not be subordinated to purely economic considerations.

Directives on safety and health are vital to achieving the social dimension of the Community and the present directive is a valuable contribution to this objective.

In considering the proposal for a directive, the Committee on Social Affairs, Employment and the Working Environment has been guided by the fact that the situation on construction sites cannot be compared with that in other workplaces where it can be assumed there will be permanent facilities.

The construction sector is extremely important and is one of the leading economic sectors in Europe with a large number of employees. It is also one of the most dangerous sectors in terms of accidents.

This emerges clearly from the Commission's explanatory memorandum (p. 3). Just over 7% of the Community workforce are employed in the construction sector but 15% of the total number of accidents and as many as 30% of fatal industrial accidents occur on construction sites.

The number of accidents per hour worked is twice the average for all industrial sectors, construction included. The number of days lost as a result of accidents is more than three times as high.

An analysis of fatal accidents shows that 80% are attributable to design faults (architectural features, choice of equipment) and organization and 20% to project execution. The organizational difficulties arise mainly from the fact that people in different occupations are required to work together, resulting in problems of coordination.

Table: Causes of accidents in the construction industry

Cause	Belgium	United Kingdom	Federal Republic of Germany	Denmark
	1976-1977 %	1970-1974 %	1970-1977 %	1972-1977 %
Design	46	49	37	36
Execution	22	29	30	22
Faulty equipment	15	11	14	25
Wrong use	8	10	11	9
Miscellaneous	9	1	8	8

Source: Pierre MARDAGA, From the Design Stage to the Building Site - Working conditions, quality, economic performance, European Foundation for the Improvement of Living and Working Conditions, Dublin, 1989, p. 34

The total cost of accidents is estimated at 3% of the turnover of the construction sector and represents between 7 and 10% of its wage bill, without calculating the cost of a human life. Moreover the amount spent on preventive protection is only 1.5% of turnover².

A further feature of the construction sector today is that it has remained fairly national in character. This has to do with the fact that public works contracts are often awarded to national firms whose geographical location puts them at an advantage compared to firms further away.

We are now moving towards a situation in which the construction sector is being opened up to an increasing extent. It is thus extremely important that there should be a directive in this area.

Construction sites have particular features which make them unsuited to the approach adopted in the framework directive, which is in fact geared more to factories than to building sites, which are mobile and constantly changing. Moreover, the safety and health of workers has recently acquired a much higher profile.

Amendments

The first amendment concerns the title of the directive. Initially the directive was concerned with work places and not with construction sites. Now that it in fact relates to construction sites, there is no need to spell out 'temporary and mobile' and the title should read 'a Council directive on the implementation of minimum safety and health requirements at work sites'.

When one work site incorporates several others with a large number of contractors and different employers problems may occur. In the rapporteur's view, the safety provisions do not adequately cover this situation. The proposal stipulates that each employer is individually responsible. This is all well and good but difficulties arise when it comes to coordination. A number of the annexes are unclear. For example, under Annex IV, paragraph 1, first indent, workers 'must be protected against climatic conditions that may jeopardize their safety and health'. Although this is quite right, the following questions need to be clarified: When? what climatic conditions are meant? how it is to be established whether they will in fact jeopardize safety and health in the long or short term? and from what angle should the problem be approached?

A further safety problem arises when employers of different nationalities are working together. A number of countries such as the Netherlands, Belgium, Germany and France, have special safety committees that are responsible for liaison in such cases. The directive makes no mention of such committees and a provision covering them should be added.

² M. LETOUBLON, Politique et stratégie des entreprises du bâtiment et travaux publics en matière d'accidents de travail, (Policy and strategy of construction and public works contractors with respect to industrial accidents) Lyon 1979.

Finally, reference is repeatedly made to employers or responsibilities in the plural. It is generally recognized that when several people are responsible no-one is responsible. Consequently, the singular should be used so that it is absolutely clear - even for the national authorities - who exactly is responsible.

In drawing up this report the rapporteur has taken note of the proposals made by Mr HUGHES and by the two sides of industry and has been in touch with Mr ETTY, rapporteur for the Economic and Social Committee.

OPINION

of the Committee on Budgets

Letter from the chairman of the committee to Mr van VELZEN, chairman of the Committee on Social Affairs, Employment and the Working Environment

Luxembourg, 14 November 1990

Subject: Opinion of the Committee on Budgets on the proposal for a Council directive on the implementation of minimum safety and health requirements at temporary or mobile work sites (COM(90) 275 - C3-291/90)

Dear Mr van Velzen,

At its meeting of 7 November 1990 the Committee on Budgets considered the above proposal.

Although the members were favourable to the proposal, they expressed reservations about entering the resultant administrative expenditure in the budget's operating appropriations (Part B). The Commission should take account of the budget authority's decisions of principle concerning mini-budgets during the 1991 budgetary procedure.

Yours sincerely,

(sgd) Thomas von der VRING

The following were present for the vote: von der Vring (chairman); Arias Canete, Goedmakers, Langes, Lo Giudice, Kellest-Bowman, Marques Mendes, Miranda da Silva, Theato and Wynn.