



European Communities

EUROPEAN PARLIAMENT**SESSION DOCUMENTS**

English Edition

25 April 1991

A3-0101/91

**R E P O R T**

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

on the Commission proposal for a Council decision on
an Action Programme for the European Year of Safety,
Hygiene and Health Protection at Work (1992)
(COM(90) 450 final - C3-0402/90)

Rapporteur: Mr. Stephen S. HUGHES

DOC_EN\RR\108671

PE 148.291/fin.
Or. PANACHE EN/FR

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

*	= Consultation procedure requiring a single reading	**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
I	= Cooperation procedure (first reading)	*	= 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 proposal.....	4
DRAFT LEGISLATIVE RESOLUTION	10
B. EXPLANATORY STATEMENT	11
Opinion of the Committee on Budgets	16

By letter of 6 December 1990 the Council consulted the European Parliament, pursuant to Article 235 of the EEC Treaty, on the Commission proposal for a Council decision on an Action Programme for the European Year of Safety, Hygiene and Health Protection at Work (1992).

At the sitting of 10 December 1990 the President of 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 as the committee for its opinion.

At its meeting of 31 January 1991 the Committee on Social Affairs, Employment and the Working Environment appointed Mr. HUGHES rapporteur.

At its meetings of 20 December 1990, 31 January, 27 February, 20 March and 23 April 1991, the Committee on Social Affairs, Employment and the Working Environment considered the Commission proposal and draft report.

At the last meeting it adopted the draft legislative resolution unanimously.

The following took part in the vote: Mr Van Velzen, chairman; Mr Hughes, rapporteur; Mr Alvarez de Paz, Mr Andrews (for Mr Nianias), Mr Cabezón Alonso, Mrs Van Dijk, Mrs Domingo Segarra (for Mrs Catasta), Mr Donnelly (for Mrs Buron), Mr Glinne, Mr Megahy, Mr Menrad, Lord O'Hagan, Mrs Onur (for Mr Pagoropoulos), Mrs Oomen-Ruijten (for Mr Pronk), Mrs Sandbæk and Mr Suarez Gonzalez.

The opinion of the Committee on Budgets is attached.

The report was tabled on 25 April 1991.

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

A

Commission proposal for a Council decision on
an Action Programme for the European Year of Safety,
Hygiene and Health Protection at Work (1992)

Commission text

Amendments

(Amendment No. 1)

Before the first recital, new recital

Whereas a substantial and far reaching body of safety, health and hygiene legislation will be adopted and implemented within the EC as part of the process of completing the Internal Market;

(Amendment No. 2)

Before the first recital, new recital

Whereas there is a need to maximise awareness, clarity and transparency in relation to this legislation to facilitate and ensure full transposition, implementation and enforcement at member state level;

(Amendment No. 3)

Before the first recital, new recital

Whereas the level of awareness of the content and implications of this legislation varies considerably between the various economic agents, workers and employers organisations and education training and information agencies involved in the health and safety field in the member states;

(Amendment No. 4)

Before the first recital, new recital

Whereas the resources likely to be available for implementation of the Year of Safety, Hygiene and Health will be relatively limited compared to the scale of the issues to be addressed and that it will therefore be necessary to direct resources at priority target groups and areas of activity;

(Amendment No. 5)

Third recital

Whereas 1992 sees the completion of this action programme and thus presents an opportunity to take stock of the programme and demonstrate its coherence;

Whereas 1992 sees the completion of this action programme and thus presents an opportunity to take stock of the programme and demonstrate its coherence and to place emphasis upon the involvement of workers and employers in accident prevention;

(Amendment No. 6)

Article 1 (1) 2nd phrase

To this end coordinated activities shall be organized by the Community, the Member States, the social partners and by public and private bodies.

To this end coordinated activities shall be organized by the Community, the Member States, the social partners and by public and private bodies and shall be selected on the basis of the criteria and sections included in the Annex.

(Amendment No. 7)

Article 3 (new)

To follow up the European Year, the Commission will publish an annual report, to be submitted to the European Parliament's Social Affairs Committee, on the implementation and enforcement of each Directive in the health and safety at work field in each Member State.

(Amendment No. 8)

ANNEX, third paragraph, first indent

Does not affect the English version.

(Amendment No. 9)

ANNEX 1 - Before A., new section
(insert)

Selection criteria

The following criteria shall apply to the selection of projects in the sections A, B and C below:

1. Priority target groups and areas of activity, representing those least aware of and/or adequately prepared to cope with the body of legislation, should be identified and that the resources available should be primarily targeted on such groups/areas;

2. The actions envisaged should be revised to take account of the priority groups/areas of activity identified;

3. Priority target groups should include employers and non-organised workers in SME's, trainee workers, workers at shop floor and workplace level belonging to trade unions, workers representatives, health and safety practitioners;

4. Priority areas of action should include the development of cross national sectoral links in the field of health and safety by means of seminars;

5. Seminars with manageable numbers of workers representatives, employers or health and safety practitioners are preferable to large conferences and that such seminars should be topic based and designed to produce tangible results (eg. practical papers) for broader dissemination;

Commission text

Amendments

6. National or international conferences or colloquia should be avoided as they are likely to involve those already best placed to comprehend the content and likely implications of Community health and safety legislation and will be unlikely to assist in the general downward dissemination of practical information required;

7. Information directed toward SME's should take the form of clear and explicit fact files, check lists or similar materials setting out the requirements of each directive and the rights and obligations of employers and workers in recognition of the fact that such enterprises are least able to release representatives to attend seminars, conferences or other outside activities;

8. Actions financed should be designed to lead to results which will continue beyond the Year of Action;

(Amendment No. 10)
ANNEX 1 - Section A.1

1. European colloquium to launch European Year; Delete.

(Amendment No. 11)
ANNEX 1 - Section A. 2.

2. Conferences in all Member States 2. Colloquia and conferences in all Member States to launch European Year and seminars with manageable numbers of workers representatives, employees of health and safety practitioners;

Commission text

Amendments

(Amendment No. 12)
ANNEX 1 - Section A.5

5. Television programmes and videos

5. Television programmes used as a means of mass information on the existence and content of Community legislation on the protection of workers should be targeted at:
- the more hazardous sectors
- the agricultural world
- out-workers
- moonlighters;

(Amendment No. 13)
ANNEX 1 - Section A.7

7. Production of booklets and stickers on the Community's health and safety policy.

7. Production of booklets and stickers on the Community's health and safety policy (in the Community languages but also in the non-Community languages most widely used by workers affected by this decision).

(Amendment No. 14)
ANNEX 1 - Section B.5

5. Actions by public and/or private organizations to improve the exchange of information on good enforcement practice in Member States regarding Community legislation on safety, hygiene and health at work.

5. Actions by public and/or private organizations to improve the exchange of information on the best enforcement practice in Member States regarding Community legislation on safety, hygiene and health at work.

(Amendment No. 15)
ANNEX 1 - Section B.6 (new)

6. Actions by public and/or private organizations to increase understanding of the importance of the influence of workers' organizations on safety, hygiene (physical working environment) and health at work.

Commission text

Amendments

(Amendment No. 16)

ANNEX 1 - Section B, last sentence

Applications for grants should be submitted to the Commission by Member States.

Applications for grants will be submitted to the Commission either by Member States or, for cross national sectoral initiatives, by the European Trade Union Confederation and its organisations (The European Trade Union College and the Trade Union Technical Bureau).

(Amendment No. 17)

ANNEX 1 - Section C, second indent (new)

- to promote among architects, ergonomists and related professions best practice in working systems and workplace design to take account of health and safety requirements,

(Amendment No. 18)

ANNEX 2 - BUDGET - TOTAL

1991 : 3.150.000
1992 : 6.200.000
1993 : 2.650.000
TOTAL : 12.000.000

1991 : 4.000.000
1992 : 13.000.000
1993 : 3.000.000
TOTAL : 20.000.000

A

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council decision
on an Action Programme for the European Year of Safety,
Hygiene and Health Protection at Work (1992)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(90) 0450 final) ⁽¹⁾,
 - having been consulted by the Council pursuant to Article 235 of the EEC Treaty (C3-0402/90),
 - having regard to the report of the Committee on Social Affairs, Employment and the Working Environment and the opinion of the Committee on Budgets (A3-0101/91),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Calls for the conciliation procedure to be opened if the Council should intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 5. Instructs its President to forward this opinion to the Council and Commission.

¹⁾ OJ No. C 293, 23.11.1990, p. 3-5

B
EXPLANATORY STATEMENT

1. Scope of legislation involved

In its proposal for a Council Decision, the Commission states that the European Year of Safety, Health and Hygiene at Work will set out to conduct a number of activities designed to promote and enhance the value of the substantial body of Community measures in this field.

The body of legislation in this field is indeed substantial and far reaching. It is no exaggeration to say that it will have implications for every workplace, employer and worker in the Community.

The extension of majority voting and the application of the cooperation procedure to working environment and health and safety issues, particularly under Article 118a of the SEA, has given a fresh impetus to EC legislation in this field. Rapid progress is being achieved; indeed, this is the one subject area where a range of useful social legislation was in train before the publication of either the Social Charter or Social Action Programme.

It is worth reviewing, briefly, the scope of the legislation expected to be transposed into national legislation in the health and safety field as part of the Programme for the completion of the Internal Market.

The Framework Directive of 12th June, 1989, (Directive 89/391/EEC) lays down comprehensive requirements on both workers and employers to encourage improvements in the safety and health of workers and forms the basis for a series of directives on specific aspects of workplace safety. These include:-

- Health and safety requirements for the workplace (Directive 89/654/EEC),
- Health and safety requirements for the use of work equipment (Directive 89/655/EEC),
- Health and safety requirements for the use of personal protective equipment (Directive 89/656/EEC),
- Health and safety requirements for the manual handling of loads (Directive 90/269/EEC),
- Health and safety requirements for work with display screen equipment (Directive 90/270/EEC).

In addition, the European Parliament has considered or is considering Commission proposals in the following areas:-

- Protection of workers against asbestos (COM(90) 185 final),
- Improvements in the safety and health at work of temporary workers (COM(90) 228 final),
- Protection at work of pregnant women or women who have recently given birth (COM(90) 406 final),
- The organisation of working time (COM(90) 317 final),
- Minimum safety and health requirements at temporary or mobile worksites (COM(90) 275 final),
- Medical assistance on board ships (COM(90) 272 final),

and, finally, the Commission is preparing proposals in the following subject areas included in the Health and Safety Action Programme:-

- The creation of a European Safety, Health and Hygiene Agency,
- Safety signs at the workplace (amending Directive 77/576),
- Exploration and exploratory drilling industries,
- Information systems for workers exposed to certain dangerous industrial substances,
- Quarrying and opencast mining,
- Fishing vessels,
- Exposure to physical agents,
- Activities in the transport sector,
- Medical checks on workers under 18.

The impact of this legislation will be more profound in some member states than others but new obligations will be placed on all.

2. Transposition, implementation and enforcement - the nature of target groups

Impressive and comprehensive though this body of legislation is, it will count for little unless it is fully transposed into national legislation and then fully implemented and enforced. Most is due to come into effect at the end of 1992.

Among the primary aims of the Year of the Action must be the maximisation of awareness, clarity and transparency of the legislation in question to help facilitate full transposition, implementation and enforcement. It would be naive to assume that all aspects of the body of legislation will be fully welcomed by all member states and employers - there has been and remains a degree of resistance in certain quarters. In this context, a high degree of awareness and vigilance on the part of, for example, health and safety enforcement agencies/inspectionates and workers representative bodies will greatly facilitate compliance.

In the experience of your rapporteur, the level of awareness among the key players in the health and safety field varies. In terms of the limited resources proposed and likely to be available for the Year of Action it would seem sensible to attempt to identify target groups to be addressed by specific types of initiative.

The Commission's proposal lists a wide range of potential audiences including the public at large, the various economic agents, workers' and employers' representative bodies, government organisations and the appropriate education, training and information organisations.

The extent to which "the public at large" needs to be made aware of the detail of the legislation under consideration is debateable. To the extent that this body of legislation represents a concrete step toward completion of the social dimension, it might be considered appropriate to make it known generally - the Community should not necessarily seek to hide its light under a bushel measure. But it would seem inappropriate to contemplate spending considerable amounts on, for example, general media promotion techniques aimed at the public at large when it is the working population which will be most effected by the legislation involved.

Leaving aside national enforcement/inspection agencies and government organisations which have been directly involved in the formulation of this

legislation and will be directly involved in its transposition, the main target groups are workplaces, employers and workers. Generally speaking, larger scale undertakings are well appraised of the nature of the legislation under consideration and its likely implications (as members will have gauged from the detailed nature of communications received from businesses and trade associations during the passage of the legislation through the Parliament) but SEM's are at a disadvantage in this respect. Similarly, the ETUC and Trades Unions at national level have generally been closely involved in the formulation of this legislation (not least through involvement in the tripartite Committee on Safety, Hygiene and Health) but the level of awareness among workers at shopfloor and workplace level needs to be improved. This is particularly so among the largely unorganised SME workforce.

At the cross national sectoral level, difference in the degree of organisation and awareness also exists. In most sectors cross national links between manufacturing, trading and employers associations have evolved to the extent that they are quite well defined. Cross national sectoral links between workers' organisations are less well developed and defined, especially at the level of worker's health and safety representatives. To a considerable extent the social partners have an unequal relationship in terms of the resources at their disposal.

One other problem concerns the characteristics of SME's and the types of initiatives which might best meet their needs. By their very nature, SME's can have such a small workforce that the release of even one representative to attend seminars or conferences can prove extremely disruptive. Bringing useful materials to employers and workers in SME's might be a more effective approach.

3. Targeting of resources

Bearing the above in mind, in considering resource allocation, at least four priority target groups emerge:-

- Employers in SME's,
- Non-organised workers in SME's,
- Worker belonging to workers representative organisations at shop floor and workplace level,
- Cross national sectoral links at the level of workers health and safety specialists.

For its part, the Commission proposes a range of actions at two levels. At the first, actions will be financed entirely from the Community budget and would include, European Colloquia to launch and close the year, conferences in all member states, a film festival, logo design and poster campaigns, TV programmes and videos and production of booklets and stickers. It is envisaged that 51% of the proposed budget would be expended on these measures. The question must be asked, however, to what extent measures of this sort would cater to the needs of the priority target groups suggested above. With the exception of videos and booklets (of appropriate form) it seems unlikely, for example, that the measures suggested would meet the special requirements of employers or workers in SME's.

The second level of action proposed would comprise actions, co-financed by the Community budget (up to 70% of the total cost of projects) and would include

actions by public and/or private organisations to improve and promote the dissemination of information on occupational risks and their prevention; to give greater importance to the training of workers in the field of safety, hygiene and health protection; to integrate instruction in health and safety protection into teaching and training programmes aimed at employers and workers; to improve the understanding and problems of health and safety at work in SME's; and to improve the exchange of information on good enforcement practice in the member states. It is envisaged that one third of the proposed budget would be devoted to these measures.

Without further detail on the types of actions foreseen within these categories it is difficult to gauge their likely impact on the priority target groups suggested above. Seminars and conferences would, however, probably not be a useful approach to the needs of SME's for the reasons already outlined. Given that applications for co-financed projects are required to be channelled to the Commission by member states, it is also clear that cross national applications by, for example, trade unions, would not qualify.

The likely budget breakdown between the areas of action proposed is also a cause for concern in relation to one category - to improve exchange of information on good enforcement practice in the member states. While there is no doubt that systems vary considerably and information exchange of this sort is desirable, it is your rapporteur's understanding that this is to be one of the primary functions of the proposed European Health and Safety Agency. It might, therefore, not be appropriate at this stage to devote more than a small proportion of the budget to this category of action.

4. Specific suggestions

Bearing the above considerations in mind, your rapporteur has sought the views of a range of enforcement and trade union organisations on the Commission's proposal. They have made a number of observations and practical suggestions as follows:-

- Conferences - Prestigious national conferences are likely to involve those already best placed to comprehend the content and likely impact of Community health and safety legislation but will be unlikely to assist in the general downward dissemination of practical information desired.
- Seminars - Seminars with manageable numbers of workers representatives, employers or health and safety practitioners would be preferable to large conferences. Seminars should be topic based and designed to produce tangible results and papers for broader dissemination.
- SME's - Information should take the form of clear and explicit fact files and check lists setting out the requirements of each directive and the rights and obligations of employers and workers.

- Cross National Sectoral Initiatives- The facility should be granted for International Trade Union Secretariats e.g. (European Graphical Federation) to submit applications direct to the Commission for cross national sectoral initiatives.
- On Going Action - Wherever possible, the actions financed should be designed to lead to results which will continue beyond the Year of Action - for example, the creation of a durable network of contact between worker representatives and managers in a particular sector of industry.
- Budget - All organisations surveyed were of the view that the proposed budget was too limited.

5. Budget - Scale and timing

The Commission has proposed a total budget of 12 mecu. The inclusion of 2.8 mecu for preparation during 1991 was proposed by the Commission during the 1991 budgetary procedure but this item was, unfortunately, deleted by Council.

In the explanatory memorandum to its proposal, the Commission states that in 1984 (the latest year for which complete data is available) 16,000 mecu was spent on compensation for accidents and ill health involving workers in the member states. It will be noted that the budget of 12 mecu proposed to promote prevention during the Year of Action represents only 0.00075% of that amount.

Looked at from another perspective, if the budget for the Year of Action were to be allocated just 1% of the amount lost in 1984 it would amount to 160 mecu. While such a level of spending would be entirely unreasonable within current budget constraints, your rapporteur would suggest, in this context, that a budget of 20 mecu would be reasonable when set alongside the magnitude of the problems to be tackled.

The lack of budgetary provision for preparatory work during 1991 is a cause for concern. The lessons of the "Year of Tourism" should serve to highlight the dangers of a failure to prepare adequately. Much detailed planning and preparatory work needs to be done if the Year of Action is to have the impact desired and, more importantly, if it is to lead to durable improvements. The Commission requested that 23% of the budget originally proposed should be allocated to preparatory work during 1991. It is suggested that at least 20% (4 mecu) of the 20 mecu budget now proposed will be needed to complete adequate preparation. Should the Commission request a transfer up to this level within the current budget, it is the view of the rapporteur that the Parliament should approve that request.

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

Brussels, 26 March 1991

Subject: Proposal for a Council decision on an action programme for the European Year of Safety, Hygiene and Health Protection at Work (1992)
(COM(90) 0450 final - C3-0402/90)

Dear Mr van Velzen,

At its meeting of 26 March 1991, the Committee on Budgets considered the proposal referred to above, which seeks to organize and finance, in full or in part, a series of information programmes and studies in connection with the European Year of Safety, Hygiene and Health Protection at Work.

In order to implement the action programme, the Commission wishes to create 21 posts to be filled by specialist outside staff and to allocate an appropriation of ECU 12 m, which the rapporteur would like to see increased to ECU 20 m.

The Committee on Budgets is prepared to approve the proposal, provided that the Commission releases the appropriations required from the 1991 budget and enters them in the preliminary draft budget for 1992.

Yours sincerely,

Thomas von der VRING

The following were present for the vote: von der Vring, chairman; Cornelissen and Welsh, vice-chairmen; Adam (for Cot), Arbeloa Muru, Böge, Desama, Elles, Fitzgerald (for Perreau de Pinninck), Forte, Gaibisso (for Zavvos), Kostopoulos (for Ferri), Lo Giudice, Martin (for Lamassoure), Onur (for Hory), Theato, Tomlinson, Samland and Wynn.