

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (88) 802 final - SYN 123

Brussels, 5 December 1988

Amended proposal for a

COUNCIL DIRECTIVE

on the introduction of measures to encourage improvements in the safety
and health of workers at the workplace.

(presented by the Commission pursuant to article 149 (3)
of the EEC Treaty)

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Start of text 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 on
Safety, Hygiene and Health Protection
at Work,

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

In cooperation with the European
Parliament,

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, to guarantee a better
level of protection of the safety and
health of workers;

*

Whereas this Directive does not justify
any reduction in levels of protection
already achieved in individual Member
States, the Member States being
committed, under the Treaty, to
encouraging improvements in conditions
in this area and to harmonizing
conditions while maintaining the

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

*

Whereas in February 1988, following the debate on the internal market and worker protection, the European Parliament adopted four resolutions specifically inviting the Commission to draw up a framework Directive to serve as a basis for more specific Directives covering all the risks connected with health and safety at the workplace;

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 have a responsibility to encourage improvements in 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 work accidents and occupational diseases;

Whereas Member States' legislative systems differ widely with regard to the prevention of work accidents and occupational diseases and need to be improved; whereas national provisions on the subject, which often include technical specifications and/or self-regulatory standards, may result in different levels of safety and health protection and allow competition at the expense of safety and health;

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

*

Whereas protecting the health and safety of workers also helps, in certain cases, to preserve the health and safety of persons residing with them;

Whereas the incidence of accidents at work is still regrettably high, and preventive measures must be introduced or improved in order to guarantee the safety and health of workers;

Whereas the incidence of accidents at work and occupational diseases is still regrettably high, and whereas preventive measures must therefore be immediately introduced or improved in order to guarantee a higher degree of protection;

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, 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; whereas it is also essential that they be allowed to verify and ensure, by means of **balanced** participation in accordance with national practice and/or legislation, that the necessary protective measures have indeed been taken;

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

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

Whereas it is recognized as essential to take safety and health considerations into account from the earliest stages of workplace design;

Whereas information, dialogue and negotiations on safety and health at work must be developed between employers and workers and their representatives by means of appropriate procedures and instruments, in accordance with national practice and/or legislation;

Whereas the improvement of safety and health at work and of the physical and mental health of workers are objectives which should not be subordinated to purely economic considerations;

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

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

Whereas this Directive constitutes an overall social complement to various technical harmonization directives designed to complete the internal market, and whereas it supplements the provisions of Directive 80/1107/EEC of 27 November 1980;

Whereas it is planned, as of now, to establish specific provisions containing measures liable to improve safety and health at work;

Whereas employers and workers' representatives exercising participation rights under this Directive shall be obliged to keep themselves informed of the latest advances in technology and scientific findings concerning workplace design, so as to be able to guarantee a better level of protection of workers' health and safety.

Whereas the provisions of this Directive apply to risks from all sources, and in particular to those arising from the use at work of chemical, physical and biological agents covered by Directive 80/1107/EEC of 27 November 1980, without prejudice to more stringent Community provisions already in force;

Whereas, pursuant to Council Decision No 74/325/EEC of 27 June 1974, the Advisory Committee on Safety, Hygiene and Health Protection at Work is required to be consulted by the Commission with regard to the drafting of proposals in this field;

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

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;

Whereas a Committee composed of members nominated by the Member States needs to be set up to assist the Commission in making the technical adaptations provided in this Directive;

HAS ADOPTED THIS DIRECTIVE

Object

Article 1

The object of this Directive is the introduction of measures to encourage improvements in the safety and health of workers at the workplace. The Directive contains general principles concerning in particular the prevention of occupational risks, the protection of safety and health and the informing, consultation and training of workers and their representatives, as well as general principles concerning the implementation of such measures.

1.
The object of this Directive is the introduction of measures to encourage improvements in the safety and health of workers at the workplace. The Directive contains general principles concerning the prevention of occupational risks and the protection of safety and health, the elimination of sources of accidents and hazards, the informing and consulting of workers, worker participation in accordance with national practice and/or legislation, the training of workers and their representatives, as well as general principles concerning the implementation of such measures.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

2.

If the particular nature of certain public sector activities (e.g. the armed forces, the police and the emergency services) demands it, the provisions of this Directive shall not apply. However, in all these cases care must be taken to ensure a higher level of protection of workers' health and safety in accordance with the aims of this Directive.

3. (new)

This Directive shall be without prejudice to any national and Community provisions prevailing at the time of its entry into force which provide for a higher level of safety and health protection at work.

Definitions

Article 2

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

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

ORIGINAL COMMISSION
PROPOSAL:
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- workplace:

any place to which the worker has
access in the undertaking and/or
establishment; Unchanged

- worker:

any person who performs work in
some form, including students
undergoing training and apprentices; Unchanged

- undertaking and/or establishment:

a public-sector or private-sector
entity engaging in particular in
industrial, agricultural,
commercial, administrative,
educational, cultural or service
activities;

- undertaking and/or establishment:

a public-sector or private-sector
entity engaging in particular in
industrial, agricultural, commercial,
administrative, educational,
cultural, leisure or service
activities.

- employer:

the body or person in charge of the
undertaking and/or establishment; Unchanged

- prevention:

all the provisions or measures
taken or developed at each stage of
the activities performed within the
undertaking with a view to avoiding
or reducing the occupational risks; Unchanged

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

*

- Workers' safety and health
representatives:
the person or persons elected, chosen
or designated, in accordance with
national practice and/or legislation,
to represent the workers with regard
to problems of safety and health
protection at work.

- occupational risk:

any work-related situation liable to damage the physical or psychological safety and/or health of the worker, excluding accidents on the way to and from work. Unchanged

Article 3

Member States shall ensure that employers, workers and workers' representatives comply with those provisions of this Directive which apply to them.

1. Member States shall take the requisite measures to ensure that employers, workers and workers' representatives comply with the legal obligations necessary for the implementation of this Directive;

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Responsibility of the employer

Article 4

1. The employer shall be responsible for the safety and health of the workers in every aspect which is directly or indirectly related to the work in the undertaking and/or establishment.
2. Where an employer calls in a specialist safety and health service or an outside consultant for organization of protective measures, this shall not discharge him from his responsibilities in this area.
3. The obligations of the workers in these fields shall not affect the principle of the employer's responsibility.

Responsibility of the employer

Article 4

1. The employer shall be responsible for the safety and health of the workers in every aspect which is directly or indirectly related to the work or to presence in the undertaking and/or establishment.
2. Unchanged.
3. The obligations of the workers in these fields shall not affect the principle of the employer's responsibility. The employer may not transfer that responsibility to an individual worker or a group of workers.
4. This Directive shall not affect the employer's right to be excluded from responsibility for events due to unfamiliar, abnormal or unforeseeable circumstances, the consequences of which could not have been avoided however much care had been taken.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Obligations of the employer

Article 5

- | | |
|---|---|
| <p>1. Within the context of his responsibilities, the employer shall take the necessary measures for the protection of the safety and health of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and resources. The employer shall be constantly alert to the need to adjust these measures and improve existing situations.</p> <p>2. The employer shall put the following general preventive principles into practice, adapting them to match the specific conditions applying to his undertaking, including the size of the undertaking:</p> <ul style="list-style-type: none">- combating the risks at source;- adapting the work to the man;- adapting to technical progress;- replacing the dangerous by the non-dangerous or the less dangerous; | <p>1. Unchanged</p> <p>2. Start unchanged</p> |
|---|---|

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- developing a coherent overall prevention policy based on technology, organization of work, working conditions and human relationships.

- developing a coherent overall prevention policy based on technology, organization of work, working conditions, human relationships and the influence of environmental factors.

*

3. The employer must ensure that adequate consideration is given to ergonomic principles, in particular as regards:

- the design of workplaces;
- the choice of work equipment;
- the choice of working methods and production methods.

3. The specific obligations on employers shall be as follows:

- a) The employer shall evaluate the safety and health risks to workers in the choice of work equipment, the chemical substances or preparations used, and the design and fitting out of workplaces.

4. The specific obligations on employers shall be as follows:

- a) The employer shall take the necessary measures to evaluate the safety and health risks to workers in the choice of work equipment, the chemical substances or preparations used, and the design and fitting out of workplaces.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Subsequent to this evaluation, the preventive measures, working methods and production methods introduced by the employer must provide the maximum protection that it is reasonably practicable to achieve in respect of the safety and health of the workers.

b) The safety and health measures taken by the employer must be integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels.

c) The employer must ensure that adequate consideration is given to ergonomic principles, in particular as regards:

- the design of workplaces;
- the choice of plant and equipment;
- the choice of working methods and production methods.

d) The employer must take the necessary measures to permit workers to organize their work in accordance with their capabilities where reasonably practicable.

Subsequent to this evaluation, the preventive measures, working methods and production methods introduced by the employer must guarantee a better level of protection of the safety and health of workers.

b) Unchanged

Text deleted, see new Article 5.3

c) With a view to improving safety and health at the workplace, the employer must take appropriate measures to permit workers to take part in organizing their work in accordance with their capabilities.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- e) In planning and organizing the work, the employer shall ensure that monotonous work involving repetitive activities of brief duration and work where the workrate is governed by a machine or conveyor belt such that the worker is prevented from influencing his workrate himself are avoided where reasonably practicable.
- f) The planning and introduction of new technologies shall be undertaken in close cooperation with the workers and/or their representatives, particularly in respect of the choice of equipment and the working conditions, including those aspects connected with the working environment and the physical and psycho-social well-being of the individual. Workers shall receive appropriate training.
- d) In planning and organizing the work the employer shall ensure that monotonous work involving repetitive activities of brief duration, or work where the workrate is governed by a machine or conveyor belt such that the worker is prevented from influencing his workrate himself, is reduced to the minimum compatible with the efficient functioning of the undertaking.
- e) The planning and introduction of new technologies shall be undertaken in close cooperation with the workers and/or their representatives.
- All aspects of the safety and health protection of workers should be taken into account, particularly those in respect of the choice of equipment, working conditions and the impact of environmental factors on the physical and psycho-social well-being of the individual.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

g) When several undertakings share a workplace, the employers shall coordinate their measures for the prevention of occupational risks, and shall inform one another and their workers and/or workers' representatives of these risks.

f) When several employers share a workplace, the employers shall cooperate in the application of provisions concerning safety, health protection and hygiene, shall coordinate their measures for the prevention of accidents and health risks, and shall inform their workers and the workers' representatives of those risks in good time.

Preventive services

Article 6

1. The employer shall designate from the supervisory staff one or more workers to be responsible for the organization of measures for the prevention of occupational risks in the undertaking and/or establishment.

1. Unchanged

*

2. In order to carry out this task, the designated workers shall be freed from all other work or be given sufficient time in which to fulfil their duties without hindrance. The workers involved must be neither financially nor socially penalized as a result. This shall also apply to their career within the undertaking.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- | | |
|--|---|
| 2. If this is not feasible for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist the services of competent outside agencies or individuals. | Unchanged
Has become Article 6.3 |
| 3. Where the employer calls in competent outside agencies or individuals, he shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. | Unchanged
Has become Article 6.4 |
| 4. In all cases, the workers designated from within the undertaking and/or the outside agencies or individuals consulted must have the necessary training and be sufficient in number to deal with the organization of preventive measures, taking into account the size of the undertaking and/or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/or establishment. | 5. In all cases, the workers designated from within the undertaking and/or the outside agencies or individuals consulted must have the necessary training from qualified instructors and be sufficient in number to deal with the organization of preventive measures, taking into account the size of the undertaking and/or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/or establishment. |

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION-PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN-PARLIAMENT
OF 16.11.88

5. Member States shall define the size of undertakings in which the employer, provided he is competent, may himself take responsibility for the measures referred to in paragraph 1.

6. Member States shall define the training needed and the number of persons needed to fulfil the conditions set out in paragraph 4 of this article.

*

*

6. Member States shall, taking due account of the nature of the activities carried out and the size of undertakings, define the categories of undertakings in which the employer, provided he is competent and has the necessary time available, may himself take responsibility for the measures referred to in paragraph 1.

7. With regard to paragraph 5 of this Article, Member States shall define the capabilities necessary and may define the number of persons deemed sufficient.

8. Where the undertaking or establishment possesses a medical service, the activities of the workers and outside agencies or individuals referred to in the previous paragraph shall be carried out in cooperation with this service;

9. In no case must workers be required to bear any of the costs arising from measures relating to safety, hygiene and health at work.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Article 6a.

Health surveillance of workers

1. In order to ensure health surveillance of workers commensurate with the safety and health risks at their workplace, measures shall be laid down in accordance with national practice and/or legislation. These measures shall be such as to ensure that each worker, where appropriate, is given a medical check-up at regular intervals.

Article 7

1. The employer shall make the requisite arrangements for first-aid, fire-fighting and evacuation of workers and other persons present, and shall arrange the necessary contacts with outside agencies, particularly as regards first-aid, emergency medical care, rescue work and fire-fighting.

1. Unchanged

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

2. For first-aid, fire-fighting and the evacuation of personnel, the employer shall designate the workers required to implement such measures.

The number of such personnel, their training and the equipment available to them shall be commensurate with the size and/or specific hazards of the undertaking and/or establishment.

3. The employer shall take precautionary measures to allow the worker to protect himself by immediately leaving the workplace if a serious, imminent, unavoidable danger arises.

2. Unchanged

3. The employer shall take precautionary measures to allow the worker to reach safety by immediately leaving the workplace if a serious, imminent, unavoidable danger arises.

4. A worker who leaves his workplace and/or a danger zone because he may justifiably assume that he would otherwise be risking his life or health shall not be penalized and shall be protected from any unjustified prejudicial consequences, in accordance with national practice.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- | | |
|---|---|
| <p>4. The employer shall as soon as possible give details of these precautionary measures to all workers exposed, or likely to be exposed, to a risk of serious and imminent danger.</p> | <p>5. Where workers are exposed, or are likely to be exposed, to a risk of serious and imminent danger, the employer shall as soon as possible inform them about that danger and about the protective measures taken.</p> |
| <p>5. In the event of a serious and imminent danger to his own safety and/or that of other persons, each worker shall be in a position to take the necessary measures to avoid the consequences of such a danger, on the basis of his own knowledge and the technical and hierarchical means at his disposal.</p> | <p>Start unchanged.
Has become Article 7.6</p> |

He shall not be penalized in any way because of his actions.

Information to be held

Article 8

- | | |
|--|---------------------|
| <p>1. The employer shall:</p> <p>a) be in possession of an analysis of existing risks to safety and health at the workplace;</p> | <p>1. Unchanged</p> |
|--|---------------------|

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- b) decide on the protective measures to be taken and, if necessary, the protective equipment to be used;
- c) keep a list of accidents and occupational diseases which have resulted in a worker being unfit for work for more than three working days;
- d) draw up a report on accidents and occupational diseases having resulted in, or liable to result in, partial permanent unfitness for work, indicating the causes and the measures taken or to be taken.
2. Member States shall establish the criteria for exempting undertakings from having to draw up the documents required to fulfil the obligations described in paragraph 1 (a) and (b).
2. Member States shall, taking due account of the nature of the activities carried out and the size of undertakings, define the obligations which the various categories of undertakings must fulfil when drawing up the documents referred to in paragraph 1.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Information of workers

Article 9

- | | |
|---|--------------|
| 1. In accordance with the practices adopted in the Member States, which may take account in particular of the size of undertakings, the employer shall take appropriate measures to ensure that the workers and/or their representatives in the undertaking or establishment receive adequate information concerning: | 1. Unchanged |
| a) the safety and health risks and the preventive measures and activities in respect of the undertaking in general and in respect of each worker's workstation and/or job; | |
| b) the measures taken pursuant to Article 7, paragraph 4. | |

Such information shall also be provided to temporary workers and the employers of workers from outside firms present in the undertaking.

- | | |
|--|--------------|
| 2. Workers or workers' representatives with specific responsibility for the protection of the safety and health of workers shall have access to: | 2. Unchanged |
|--|--------------|

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- a) the risk analysis and analysis of protective measures referred to in Article 8, paragraph 1 (a) and (b);
- b) the list and the report on accidents and occupational diseases referred to in Article 8, paragraph 1 (c) and (d);
- c) the information yielded by preventive measures, inspection agencies and bodies responsible for safety and health.

Consultation of workers

Article 10

*

Consultation and participation of workers.

1. Employers must work closely with workers and their representatives on all questions involving safety and health protection at work.

This shall involve in particular:

- consultation of workers;
- the right of workers and their representatives to act on their own initiative;
- balanced participation in accordance with national practice and/or legislation.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

- | | |
|---|---|
| <p>1. Workers or their representatives with specific responsibility for safety and health shall be consulted in advance by the employer with regard to:</p> <ul style="list-style-type: none">- any measure which may substantially affect health and safety;- the designation of persons referred to in Article 6, paragraph 2 and Article 7, paragraph 2;- the information referred to in Article 6, paragraph 1 and Article 9;- the setting up of a specialist safety and/or health service or, where appropriate, the enlistment of an outside preventive service as referred to in Article 6, paragraph 2;- the planning and organization of the training referred to in Article 11. | <p>2. Workers and/or their representatives with specific responsibility for safety and health shall be consulted in advance by the employer with regard to:</p> <ul style="list-style-type: none">- any measure which may substantially affect health and safety;- the designation of persons referred to in Articles 6(2) and 7(2);- the information referred to in Articles 6(1) and 9;- the setting up of a specialist safety and/or health service or, where appropriate, the enlistment of an outside preventive service as referred to in Article 6(2);- the planning and organization of the training referred to in Article 11. |
|---|---|

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

2. The consultation referred to in paragraph 1 may be restricted to the workers' representatives with specific responsibility for the protection of the safety and health of workers, on condition that there are enough of them.
- * 3. (formerly 2)
The consultation referred to in paragraph 2 may be restricted to the workers' representatives with specific responsibility for the protection of the safety and health of workers, on condition that there are enough of them.
4. Workers and/or their representatives shall have the right to call in the authority responsible for safety and health protection at work to make inspections or lend support if they feel that the measures taken and the resources deployed by the employer are inadequate to guarantee safety and health protection at the workplace.
- Workers' representatives shall attend all visits and inspections conducted by the responsible authority.
3. Workers and workers' representatives with specific responsibility for the protection of the safety and health of workers shall not be placed at any disadvantage as a result of such activities.
5. Workers and their representatives shall not be penalized in any way as a result of their activities in the field of safety and health protection at work.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

2. The training referred to in paragraph 1 shall also be given, under the same conditions, to temporary workers present in the undertaking or establishment. The employer shall also ensure that workers from outside firms engaged in work in the undertaking and/or establishment have received training from their own firms appropriate to the work in which they are engaged.

2. The training referred to in paragraph 1 shall also be given, under the same conditions, to temporary and subcontracted workers present in the undertaking or establishment. The employer shall also ensure that workers from outside firms engaged in work in the undertaking and/or establishment have received training from their own firms appropriate to the work in which they are engaged.

3. Workers' representatives with specific responsibility for the protection of the safety and health of workers shall be entitled to appropriate training.

Rest unchanged.

4. The training referred to in paragraphs 1, 2 and 3 shall be provided during working hours and shall not be at the expense of the workers.

5. Member States:

- shall ensure that guidelines are drawn up concerning the content and duration of the training courses provided for in paragraphs 1 and 3;

- shall establish general rules concerning the conditions under which this training shall be provided.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Obligations on workers

Article 12

- | | |
|--|---|
| <p>1. It shall be the duty of each worker during his working hours to take reasonable care of his own safety and health and that of all other persons affected by his actions or omissions at work.</p> <p>2. To this end, workers must:</p> <ul style="list-style-type: none">- make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production;- make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place;- refrain from changing or removing unnecessarily safety devices fitted to tools, pieces of apparatus, etc., and use such devices correctly;- notify the employer immediately of any safety and/or health hazards which they have noticed; | <p>1. It shall be the duty of each worker, in accordance with the instructions given by the employer, to take care of his own safety and health and the safety and health of all other persons affected by his actions or omissions at work.</p> <p>2. Start unchanged.</p> <ul style="list-style-type: none">- refrain from putting out of operation, changing or removing unnecessarily safety devices fitted to tools, pieces of apparatus, machinery, plant and buildings and use such devices correctly;- immediately notify the employer and/or the persons responsible for safety and health at the workplace of any safety and/or health hazards which they have noticed and of any defect which they have noticed in the systems of |
|--|---|

ORIGINAL COMMISSION

PROPOSAL

COM(88) 73 final

AMENDED COMMISSION PROPOSAL

FOLLOWING THE OPINION OF

THE EUROPEAN PARLIAMENT

OF 16.11.88

- cooperate with their employer for as long as necessary in order to fulfil any tasks or requirements imposed by the responsible authority to protect the safety and health of workers;

- perform their tasks in accordance with the safety and health training and instructions they have received;

- cooperate in ensuring that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity, and monitor the effectiveness of the safety and health measures taken

- cooperate with their employer and/or with the persons responsible for health and safety at work for as long as is necessary in order to fulfil any tasks or requirements imposed by the responsible authority to protect the safety and health of workers.

Unchanged

- cooperate in ensuring that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity

Article 12a

- * 1. Particularly high-risk groups, such as pregnant women and nursing mothers, must be protected against the dangers which specifically affect them.
2. Measures must be taken to ensure that disabled workers can perform their work without additional strain or risk.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88.

Article 13

The Council, acting on proposals from the Commission, shall adopt individual Directives laying down specific provisions concerning chiefly the technical areas listed in Annex I.

1. The Council, acting on proposals from the Commission based on Article 118A of the EEC Treaty, shall adopt individual Directives, specifically in the areas referred to in Annex 1.

Without prejudice to the procedure described in Article 14 concerning technical adaptations, amendments to this Directive and to the individual Directives shall be made following the procedure described in Article 118A of the EEC Treaty.

*

2. The provisions of this Directive shall apply in full to all the areas covered by the individual Directives referred to in paragraph 1, without prejudice to more stringent and/or specific provisions contained in the individual Directives.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Article 14

For the purposes of adapting this Directive and the Directives provided for in Article 13 under the conditions specified in each of them, to take account of

- the adoption of directives in the field of technical harmonization and standardization,
- technical progress, changes in international regulations or specifications, and new findings,

the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

1. If the Commission considers that technical adaptations need to be made to this Directive and to the individual Directives referred to in Article 13, to take account of:

- the adoption of directives in the field of technical harmonization and standardization, and/or
- technical progress, changes in international regulations or specifications, and new findings,

these adaptations, of a strictly technical nature, shall be adopted in accordance with the procedure referred to in paragraph 2.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

2. For the purpose of making the technical adaptations referred to in paragraph 1, the Commission shall be assisted by a Committee composed of the representatives of the Member States and chaired by the representative of the Commission. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of the period to be laid down in each act adopted by the Council under this paragraph but which may not in any case exceed three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Final provisions

Article 15

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.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

1. Unchanged

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

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.
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.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt, as well as those already adopted, in the field covered by this Directive.

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 Council, the European Parliament, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

*

The Commission shall report periodically to the Council, the European Parliament and the Economic and Social Committee on the implementation of the Directive, taking into account the provisions of Article 15(1) and (3).

ORIGINAL COMMISSION
PROPOSAL
COM(88) 73 final

AMENDED COMMISSION PROPOSAL
FOLLOWING THE OPINION OF
THE EUROPEAN PARLIAMENT
OF 16.11.88

Article 16

This Directive is addressed to the
Member States.

Unchanged

ANNEX TO THE DIRECTIVE

List of technical areas referred to
in Article 13

- Workplaces
- Work equipment
- Personal protective equipment
- Work with visual display units
- Handling of heavy loads involving
risk of back injury

(amendment No 103)

List of technical areas referred to in
Article 13:

1. workplaces
2. work equipment
3. personal protective equipment
4. work with visual display units
5. handling of heavy loads involving
risk of back injury
6. means of transport
7. temporary or mobile work sites
8. mining and quarrying
9. fishing and agriculture
10. nuclear installations