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COMMUNICATION FROM THE COMMISSION

on a Community programme concerning safety, hygiene and health at work  
(1996-2000)

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Proposal for  
COUNCIL DECISION

adopting a programme of non-legislative measures to improve  
health and safety at work

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(presented by the Commission)

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## **I. OVERVIEW**

### **New circumstances call for an innovative approach to health and safety**

The European Union is undergoing a period of profound change. The forthcoming period to the year 2000 will be characterised by rapid and far-reaching changes in technology and skills. The EU economy is becoming increasingly knowledge-based. Manufacturing activities are being contracted out and more high added value goods are being produced. Services are accounting for an ever greater share of total output. The revolution in information technology is leading to the prospect of a new "information society" where the possession and transmission of information is assuming ever greater importance.

This means in practice that the European Union must also adapt its programme of action on health and safety to these changed circumstances. A rapidly changing world means that the Union must be ready to try new means of developing its policy in this area. Therefore, this programme aims to be both innovative and forward looking. The challenge is to ensure that this new approach can be realised while remaining faithful to the need to ensure that the safety and health at work of the citizens of the Union is protected.

### **Work accidents continue to account for huge human and economic losses**

The objective of the Commission's policy in the field of safety and health at work over the past thirty years has been to reduce to a minimum both work accidents and occupational diseases. However, despite the considerable progress made, both the number of work accidents and the incidence of occupational diseases are too high. About eight thousand workers die each year in the Union as a result of work accidents. A further 10 million workers are the victims of work accidents or occupational diseases. This entails a huge cost in terms of human suffering. However, it also represents a huge cost in economic terms. The direct costs alone are estimated by the Commission at ECU 27 billion in 1992. This acts as an impediment to increased growth in output and employment.

### **Health and safety has been driven by legislation in the past**

In the past the main focus of EU action on health and safety at work has been legislative. This was particularly the case under the third action programme, initiated in 1988, which coincided with the introduction of the Single European Act. It gave the Commission a new competence under Article 118a of the Treaty to promote improved health and safety. In particular it was considered essential to provide a set of minimum standards in health and safety to facilitate the completion of the internal market and the freedom of movement of workers. This was also necessary to assure workers that increased European integration would have a social as well as an economic dimension.

### **A new focus on information is proposed for the future**

The focus of the new programme will be broadened to provide a much greater emphasis on information. This is necessary to ensure that the substantial body of EU health and safety legislation in place is correctly and effectively communicated. It is also required to ensure that the particular needs of small and medium sized enterprises are accommodated. In this respect a new initiative will be launched aimed specifically at SMEs. This programme (SAFE, Safety Actions for Europe) will use best practices as a standard for the development of a work environment that is safe, productive and competitive.

SAFE will support the development of reference workplaces which have developed practical solutions to workplace risks and which can serve as models for others. Industry and workers will learn from the best practices of their peers rather than from the EU or national authorities. SAFE will also promote innovative approaches to emerging areas of risk or to high risk activities. The aim of the programme is also to demonstrate that improved health and safety in the workplace can strengthen companies competitiveness rather than be a burden.

### **Better health and safety standards will strengthen competitiveness**

The over-riding priority of the actions that the Union will undertake on health and safety will remain the protection of workers. This is not incompatible with the need to support the competitiveness of enterprises, in particular SMEs. The Commission considers that measures aimed at reducing the costs (to employers, workers and Member States) of ill-health and accidents can all play their part in the development of an efficient, competitive, quality-based economy. The Commission will encourage the integration of efficient health and safety practices in best management practices under this programme. In addition to reducing costs, this can improve competitiveness as a workforce convinced that serious efforts have been made to protect its safety will respond with improved productivity. This in turn will contribute towards a better employment performance and a reduction in the EU's current unacceptable jobless level.

### **Existing legislation on health and safety will be better enforced**

Legislation will also remain a focus of EU activity. EU legislation on health and safety must be transposed accurately and on time into national legislation. It must also be enforced effectively and impartially in all Member States. Otherwise the effectiveness of this legislation will be impaired and safety standards will be damaged. The Commission aims to ensure that the Member States fulfil their obligations and transpose accurately and on time the Community health and safety directives. It is proposed, therefore, under this programme to initiate infringement proceedings in those cases where Member States fail to do so.

To facilitate the improved enforcement of EU legislation, the Commission proposes that the "Group of Senior Labour Inspectors" be placed on a formal footing. This will assist, on the basis of close cooperation between its members and the Commission, the effective and equivalent enforcement of Community health and safety legislation. Similarly, the Commission proposes to formally establish a scientific committee to provide it with expert scientific advice, where legislation require it.

The programme, therefore, includes draft Commission decisions to establish both of these committees.

Finally, the Commission will also press for the adoption by Council of the draft directives presented to it on "physical agents", "chemical agents", "transport" and "work equipment". The enactment of these directives would serve to consolidate and rationalise the Union's overall approach to health and safety.

### **New risks and hazards may require new legislation**

New legislation will be considered where appropriate. The rapid pace of technological change can result in the resurgence of occupational diseases which had been mastered previously or the appearance of new risks. Additional measures, including new legislation, may be necessary to deal with such developments. The Commission will be undertaking investigations to evaluate the health and safety implications of such developments and the appropriate response. The Commission will also use all the legal powers at its disposal to combat

accidents and occupational diseases arising from the worst cases of risks and hazards. Finally, new legislation may also be necessary to review and update existing legislation in line with changed circumstances and technical developments.

**The social dialogue will remain central to the development of policy**

The success of the Commission's actions in safety and health at work has been largely due to the involvement of the social partners. It is evident that the development of future EU action in this area will require close collaboration between the social partners in the preparation of Commission decisions. Successful action on health and safety can only be achieved with their joint support. In its previous three programmes the Commission has ensured that the social partners have been consulted by means of the two advisory committees set up for this purpose. This policy will continue under the new programme which has already benefited from their close collaboration with the Commission services.

## II. THE CURRENT SITUATION

### A. Historical perspective

#### The earlier programmes

The Commission has implemented three action programmes on safety and health at work since 1978, which were all the subject of Council resolutions. The third action programme was an essential complement to the social aspects of the development of the internal market. The principles used in that programme are still valid today, and form an essential base for the further actions now being developed.

It was based on three fundamental concepts: the need to push on with improving the safety and health protection of workers on a broad front; the obligation to ensure that workers have adequate protection from the risks of work accidents and occupational diseases; and, finally, the need to ensure that the competitive pressures of the Single Market did not jeopardise the safety and health protection of workers. With these three objectives in mind, the programme was strongly focused on legislation. In this context the objectives of the legislative programme were to:

- cover a maximum number of risks with a minimum number of directives;
- cover the specific requirements of certain high-risk activities or sectors and of certain categories of workers who are particularly vulnerable;
- ensure consistency between Community provisions adopted as part of the completion of the internal market (Article 100a), which lay down the main safety and health requirements to be met during the design, manufacture and marketing of products, and directives adopted on the basis of Article 118a, which relate to their use at the workplace.

The Commission's first step was to define the essential principles underlying the main aspects of safety and health at the workplace. The framework Directive was adopted by the Council in 1989 and outlines general principles for the prevention of occupational risks and the protection of safety and health. It also defines the respective roles and obligations of employers and workers in order to achieve these objectives and provides for the establishment of prevention, protection and emergency services at the workplace. To date 12 individual directives have been adopted by the Council under the framework directive.

#### Improving the availability of information

The provision of information also remained a priority. The most significant and successful information initiative was the 1992 European Year of Safety, Hygiene and Health Protection at Work. The campaign was based on the one hand on Community directives drawn up under the Commission's third action programme and on the other hand on the promotion of projects throughout the Member States to improve safety and health at work. A clear lesson from the exercise was the importance attached by workers to the need to improve health and safety at work. The creation of a system of mutual information by means of "JANUS" (a publication which has a circulation of over 15000 copies) has also contributed significantly to the flow of information between Member States.

## **B. The situation in the European Union**

More than 8 000 European workers lose their lives each year as a result of industrial accidents. The sector of activity most affected is agriculture, where the rate of mortality per 100 000 people employed is approximately 13, contrasted with approximately 8 in industry and 3 in the services sector.

The annual number of industrial accidents and occupational diseases is estimated at about 10 million. Survey evidence clearly highlights that workers continue to have serious concerns regarding their safety at work. All in all, one worker in seven claims to have had a recognised industrial accident or occupational disease. Quite apart from the unacceptable human and social costs, there is a resulting huge burden on the economy. In 1992 the direct costs paid out in compensation for industrial accidents and occupational diseases were nearly ECU 27 000 million, representing approximately 4.6% of employer social security contributions. This figure would be much higher if indirect costs such as production losses and staff replacement costs were taken into account.



### III. THE PROGRAMME

#### Legal basis

A substantial proportion of work will be either non-legislative or will involve the control of the implementation of the Directives which already exist, for which the basis for action is provided by Article 155 of the Treaty and by Article 235 where a Council Decision is requested.

As far as new legislation is concerned, the main basis for action will continue to be Article 118a of the Treaty which states that:

- "Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonisation of conditions in this area while maintaining the improvements made."
- "The Council ... shall adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States."

In addition the Commission will continue to use other provisions in the Treaty and in particular Articles 118 and 118b, when required.

#### Structure and contents

This programme has been devised in three parts covering a series of actions setting out the basis for current and future work between January 1996 and December 2000.

- Part I. Non legislative measures to improve safety and health at work
- Part II. Existing and new legislative issues
- Part III. Safety and health at work in other policies

It also takes account of the rapid pace of change currently underway in technology, communications and work organization. These changes call for a continual surveillance of their effects on safety and health at work. As a consequence this programme must retain the flexibility to adapt to changing circumstances. The programme also draws on the result of the considerable number of comments made on the consultative document, the "General Framework for Action by the Commission of the European Communities in the field of safety, hygiene and health protection at work (1994-2000)" (COM(93) 560 final). Hence, the views of the other EU institutions (Parliament, Economic and Social Committee), of official bodies such as the Advisory Committee and other interested bodies have all been taken into account and are reflected in the contents of the programme.

In terms of implementation the programme will focus on 11 specific actions which are outlined below. Their successful implementation will require a number of accommodating measures. Firstly, a Council decision will be necessary to approve the non-legislative measures (actions 1 to 4) to improve safety and health at work and especially to provide for the establishment of the SAFE programme. Secondly, a Commission decision is necessary to set up the Committee of Senior Labour Inspectors on a formal basis. Finally, a Commission decision is also necessary to set up the Scientific Committee for Occupational Exposure Limits (OELs) for Chemical Agents. Otherwise, the programme will be implemented through existing powers and resources.

## **PART I: Non legislative measures to improve safety and health at work**

### **A. Action 1: Guidance notes and core information material on legislation**

#### Non binding guides to legislation

During the European Year on Safety and Health at Work, a considerable number of explanatory documents (papers, booklets, etc.) relating to Community Directives were published with the Commission's support. These texts, while not legally binding, do provide a lot of useful assistance to those who need simple explanations of their obligations under the legislation, and are a source of considerable technical support and background. There has been a heavy demand, both in the EU and in third countries, for these documents, proving that there is a real need for such information.

The Commission intends to pursue such initiatives, updating existing publications and developing new non-binding guides. In order to make sure that such guides and similar documents are sufficiently practical and to the point, competent bodies, organizations or experts, will continue to be involved in their preparation. To begin with the Commission will release non-binding guidance documents regarding risk assessment and a model safety and health plan and file for construction sites.

#### The needs of small and medium sized enterprises

The Commission is conscious of the need to ensure that health and safety legislation does not hold back the creation and development of SMEs. It is important to ensure, therefore, that information on EU health and safety legislation takes account of their particular needs and allows them to meet their obligations effectively. This in turn can aid their competitiveness and contribute to higher safety standards in SMEs. The Commission aims to assist this process through more user-friendly guides to the legislation concerned.

### **Action 2: Information, education and training on non-legislative matters**

#### **(i) Development of health and safety awareness**

The Commission will assist Member States to encourage a greater awareness of health and safety, especially in relation to improved risk assessment in the workplace. This awareness is clearly dependant on its early development at the school level, where lessons from home and leisure accidents have to be learned. The Commission will take initiatives to assist Member States in applying these principles at national level. These initiatives will include training and guidance documents for people involved in health and safety, the development of a network of training centres with and a review of first-aid provisions. This process will be assisted by the European Agency for Safety and Health at Work.

#### **(ii) Information on Commission policies**

The Commission will seek ways to improve the gathering and dissemination of reliable, authoritative and comparable data relevant to the effectiveness of Community action in the field of health and safety. Potential information sources include, for example, available statistics, studies on working conditions in Europe, surveys based on epidemiological monitoring in various activity sectors, research on products to replace carcinogenic and other high-risk substances, the toxicity of new products, limit values for health, etc. To this end the Commission will

examine how best to encourage cooperation between Member States and the social partners.

In particular, the Commission will facilitate the publication of data on risks and precautions to be taken connected with physical, biological and chemical agents. It will also encourage the harmonisation of statistics on accidents and diseases in the workplace. Finally, the effectiveness of information required under the Framework Directive and its subordinate texts will be examined.

In order to improve the information environment in the field of health and safety at work and to avoid duplication of effort, the Commission will encourage improvements in exchanges of information between Member States on national and Community initiatives. This can be achieved through improved use of JANUS, the Commission publication on health and safety, the increased use of audio-visual products and better information on best practices in the Member States on health and safety.

(iii) Awareness and events

In keeping with the Commission's information policy relating to Community activity and the raising of awareness, particularly amongst the general public, the Commission will, in consultation with the Member States, propose that a European week of safety and health at work be organized. The Commission will also evaluate what is happening in Member States as concerns the concept of developing, generalizing and systematizing lifelong learning and continuous training on health and safety. Likewise, the Commission will promote the development of information products by organizing on a regular basis a festival of audio-visual products on safety, hygiene and health at work.

**Action 3:** The emergence of new health and safety risks

Occupational health and safety investigations on the development of the working environment and the effects of the health and safety efforts in relation to the prevention objectives are an essential part of this Programme.

The Information Society and Health and Safety at Work

It is crucial that important questions regarding the impact of the Information Society on working and living conditions are actively addressed, in order to minimize the potentially negative effects. For teleworkers indeed the new forms of work organization, in particular the flexible organizational structures of enterprises, pose questions not only of social protection but as well of health and safety at work.

The Commission has established a Group of Experts on the Social and Societal Aspects of the Information Society. It has been asked, inter alia, to investigate the health and safety implications of the information society and careful note will be taken of its findings and the possible need for follow-up action. The European Foundation for the Improvement of Living and Working Conditions will also undertake a wide debate to assess the current situation in Member States and evaluate possible legal provisions aimed at preventing risk occurrence.

## Investigations on important problems

It is intended to intensify or initiate investigations in particular in the following matters:

- on the incidence and control of violence in the workplace where workers, especially in the security business and in sales outlets, are increasingly subject to violent attacks;
- the influence of excessive stress and personal behaviour on the incidence of work accidents, occupational diseases and work-related diseases;
- advantages or disadvantages from the use of particular techniques for the monitoring of the state of health of the workforce (including genetic screening and monitoring) in respect of the ethical, social, psychological and legal consequences concerned;
- the implications for health and safety of new technologies, production techniques, the introduction of modern telecommunications and the resulting increase in home-working;
- the potential exposure of workers, especially in health care premises, to potential health and safety hazards, such as certain infectious microorganisms, chemical agents and dusts, physical agents, mutagenic and teratogenic agents, skin irritants etc;
- the need for specific measures for women or young persons;
- incentive systems favouring prevention activities as regards their efficiency and their suitability for general application.

### **B. Action 4: The SAFE programme (Safety Actions for Europe)**

Small and medium-sized enterprises have particular needs in relation to health and safety. This part of the Programme will support projects of a practical nature intended to address these needs in a constructive and efficient manner. In particular it will aim to demonstrate that good safety practices and efficient management are intrinsically linked. Good management is essential to business survival, especially in today's competitive market place. It is a key element which plays a large role in determining the fate of enterprises, large or small. In this context safety and health measures must become an integral part of best business practice.

The approach used by enterprises to manage their workforce not only affects productivity but also helps to reduce the number of work accidents and the level of absenteeism. Successful projects designed to improve the work situation, work organization and working practices have been carried out at many workplaces. One result has often been a distinct reduction in absenteeism. One of the objectives of the SAFE programme is therefore to support this type of project. It may be directed towards a specific problem impacting on safety and health at the workplace or at demonstrating best practices to combat work accidents and/or occupational diseases or at the ways and means of effectively complying with Community legislation.

At many workplaces it is quite clear that the work environment needs to be improved. However it is not always quite so obvious how this is to be done. This is why the SAFE programme will also support the development of reference workplaces, which have developed practical solutions to workplace risks and which will serve as models for others who would like to change existing workplaces or design new ones. It will also promote innovative approaches to emerging areas of risk or to high risk activities,

whether this is by promoting the use of safe and/or clean technologies, or by other innovative measures.

The role of the SAFE programme is to provide the conditions needed to carry out measures which will stimulate enterprises to improve safety, hygiene and health at work, as well as environmental risks and demonstrate that it can provide support to them rather than being a burden. In this respect it will be important to develop systems to enable a continuous flow of information from employers as to their information needs in the implementation of a high level of health and safety at work. It is important to stress that the projects supported by the SAFE programme will not replace the dedicated work which is already being carried out. Nor will it take over the responsibility which Member States social partners and official organizations already have.

The SAFE programme will also consider projects prepared by European organizations. Such projects should provide guidance for decisions concerning measures to be put into practice throughout entire sectors of activity especially in more than one Member State. In summary the SAFE programme will be used to support measures to ensure proper implementation of Community directives on health and safety at work, to continue to promote high standards in health and safety at work in the Community and to ensure effective involvement of the two sides of industry in developing, formulating and implementing Community policy initiated by the Commission on protection of the health and safety of employees.

## **PART II: Existing and new legislative measures**

### **Action 5: Correct implementation by Member States of the Community legislation already adopted**

The Commission under Article 155 of the Treaty is required to ensure that the provisions of the Treaty and the measures taken by the institutions pursuant thereto are applied. In addition, in order to turn Community legislation into reality for individual citizens it is not only essential that it is transposed accurately and on time into national legislation but also it must be enforced effectively and impartially in all Member States. Therefore, the Commission has to ensure that the Member States transpose accurately and on time the Community health and safety directives.

In so doing the Commission will pursue its control of the communication and conformity of the national measures transposing the health and safety Directives. The Commission will continue its dialogue with the national authorities to evaluate the potential non-conformities detected. The Commission when necessary will initiate infringement proceedings in those cases where Member States have failed to communicate the relevant national law or when that law does not conform with Community provisions. At periodic intervals, the Commission will report on the status of implementation of the health and safety Directives.

The enforcement of Community legislation on health and safety falls mainly within the competence of Member States. While clearly respecting the principle of subsidiarity, the Commission intends to take measures to ensure the correct and effective application of Community directives. It proposes that the "Group of Senior Labour Inspectors" be placed on a formal footing in order to encourage, on the basis of close cooperation between its members and the Commission, the effective and equivalent enforcement of Community health and safety legislation and the rigorous analysis of the practical questions of enforcement of legislation in this field.

The Commission, in accordance with the conclusions of the Council of 21 December 1992 (on the effective implementation and enforcement of Community legislation in the area of social affairs) and the Council Resolution of 16 June 1994 (on the development of administrative cooperation on the implementation and enforcement of Community legislation in the internal market) will also continue to promote the improvement of knowledge and mutual understanding of the different national systems and practices, the exchanges of information and enforcement experiences and the development of training modules for inspectors. The Commission will stimulate the definition of common principles of labour inspection in the field of health and safety at work and will foster the development of methods of assessing the national systems of inspection in relation to these principles.

#### Commission Decision 88/383/EEC

This decision provides for the exchange of information between the Commission and Member States on proposed national legislation on safety, hygiene and health at work. Clearly it would be counter productive if Member States were, through lack of coordination at Community level, introducing the very distortions to worker protection that Article 118a seeks to avoid through its provisions for minimum standards. This does not suggest that Member States are not free to introduce more stringent measures for the protection of working conditions than required by the Treaty.

The Commission considers that the criteria applicable at Community level should apply equally to the Member States before they decide to legislate individually on health and safety matters. The Group of Experts referred to in Commission Decision 88/383/EEC and charged with the task of helping the Commission to examine draft national laws and

regulations, will be invaluable in assisting the Commission to ensure that an in depth analysis of national rules can be undertaken before their adoption by Member States so that current issues are fully examined and if necessary measures can be taken to ensure a level playing field across the Community. The Group of Experts can also contribute usefully towards a comparable analysis of Community legislation.

**Action 6:** Progress the Commission proposals already made.

The Commission will continue to press for adoption by Council of the legislative work in progress (namely the Directives on "physical agents", "chemical agents", "transport" and "work equipment"), in order to consolidate some existing Directives and rationalize the overall approach to the safety and health of workers in these fields. The proposal on chemical agents was prepared in order to consolidate and rationalise previous legislation on chemicals and update existing measures. One of its objectives is to ensure that all precautionary measures at work are based on a proper assessment of the risks arising from the way workers are exposed to chemical agents. The prohibitions and restrictions contained in Directive 88/364/EEC in relation to certain specific agents and activities are included in the proposal, which also provides a clear Community framework for the establishment in the future of occupational exposure limits.

The proposal on physical agents introduces measures to protect against the risks resulting from three further physical agents (mechanical vibration, optical radiation, electric and magnetic fields and waves) and amends certain provisions on noise (Directive 86/188/EEC). It covers the complete range of activities which may involve exposure of workers to risks. For each category of physical agent the annexes specify the nature of the risk, exposure limit values and threshold values, the nature of hazardous activities, provisions for measuring and evaluation, ways of reducing the level of risk, etc.

The proposal on transport activities aims at improving the health and safety of workers on board of transport means by laying down minimum requirements applicable to their workplaces. It applies to workers in the fields of road, rail, air, sea and waterway transport. Any matters concerning traffic regulations, however, are outside the scope of the Directive. Finally, the aim of the proposal on work equipment is to complement Directive 89/655/EEC with additional minimum requirements relating to specific work equipment such as mobile and lifting equipment.

**Action 7:** Review of Community legislation

The Commission in implementing its third action programme on safety and health at work (OJ No C 28, 3.2.1988) undertook a major review of the legislation adopted prior to the Single Act and based on Article 100 of the Treaty. This review resulted in a simplification, consolidation and integration of the provisions of those texts into the more rational structure and general prevention philosophy of the newly adopted legislation based on Article 118a of the Treaty. As most of the post-1989 health and safety directives are too recent and not yet fully applied throughout the Community, it is premature to envisage any major amendments on a systematic basis for the time being.

However, the Commission intends to evaluate, in cooperation with the Member States and social partners:

- the potential implementation difficulties for firms, employers and workers of the provisions of the health and safety directives,

- the enforcement problems and the impact of the directives on the organization and working methodologies of the national labour inspectorates,
- the socio-economic impact of the health and safety legislation on the different Member States,
- the effectiveness of the Community's health and safety policy.

As a result of this evaluation the Commission will propose adjustments to the current legislation as are deemed appropriate. Similarly the Commission will also examine the health and safety directives in the light of recent advances in scientific knowledge, technological developments, work organization changes, evolution of working processes and other relevant factors. This is with a view to ensuring that the legislation is up-to-date and that the objectives of the original texts continue to be fulfilled. One of the main actions will be represented by the on-going activity on the establishment of limit values for occupational exposure with the support of the proposed Scientific Committee.

The recent enlargement of the European Community has significantly increased the membership of the Committees. For example, both the Advisory Committee for Safety, Hygiene and Health Protection at Work and its mining counterpart will now comprise 90 members making them among the largest of the Commission's advisory committees. As the current situation stands, any additional Member States will automatically have the right to six seats in the committees. The Commission considers that the very size of the structure and its mode of operation could be reviewed with a view to providing a more efficient input into EU health and safety policy.

The Commission considers that it is now time to review this situation in order to make maximum use of the resources available and to prepare the ground for possible new Member States in the future. Both committees are based on Council legal instruments. The Commission will propose that these should be amended to amalgamate the committees, to reduce their membership, and to provide them with a single secretariat. This would allow the Committee's budgetary resources to be more effectively utilised. Much of the essential work of the committees is carried out in small ad hoc working groups. These groups could be profitably expanded and given a more permanent structure to ensure that the formal adoption in the plenary is as rapid as possible.

**Action 8:** New proposals for high risk activities, or for certain categories of workers

#### Risk assessment and limitation of risk

The assessment and limitation of risk is a vital element in maintaining or improving the minimum standards of protection which form the basis of a dynamic and efficient economy. If performed inadequately it can become a major cost both to employers as well as in financial and human social terms, to workers and their families.

Thus the reduction of risk must continue to be at the forefront of actions to improve the working situation.

As described elsewhere in the programme the Commission pursues an investigative approach. It works closely with the European Foundation for the improvement of Living and Working Conditions and intends to work similarly with the European Agency for Safety and Health at work. It continuously engages in dialogue with Member States, the Social Partners and the scientific communities. Through these sources the Commission will be able to identify areas where workers are not adequately protected by the existing legislative framework. These may include new high risk activities, specific sectors of industry with unique problems or exceptional risks, categories of workers excluded from the present legislation.



### The legislative approach

Once high-risk activities have been identified the Commission must then consider the most appropriate ways and means of combatting them. In so doing the Commission will rely on a non-legislative alternative to provide an effective solution. However, if the legislative solution is deemed the most appropriate in the interests of health and safety of the workers concerned, the Commission will act accordingly. When making this assessment, the Commission will also:

- be guided by the concepts developed under the 3rd Action programme;
- apply the principles of subsidiarity;
- engage in consultation with Member States and their Social Partners;
- ensure a solid scientific basis to their considerations;
- continue to evaluate the costs and benefits of any proposals.

### **PART III: Safety and health in other policies**

#### **Action 9: Improved coherence among Commission activities**

Health and safety requirements are now a constituent part of many of the Community's other policies such as environment, research, industrial affairs, agriculture, transport, consumer protection and external relations. It is not always easy to reconcile the different policy options and therefore there exists a possibility that these policies could in some cases produce conflicting obligations. In particular, it should be ensured that the implementation of specific legislative instruments does not prejudice the implementation of the horizontal Community measures regarding worker protection.

An example concerns the so-called "SEVESO" Directive on the control of major-accident hazards involving dangerous substances (82/501/EEC). The loss of control of chemical processes or containment of dangerous substances can have a range of adverse consequences for employees, members of the public or the environment at large. The extent of the damage will depend on a wide range of factors including the inventory of substances involved and their properties. In developing policies to address such hazards the Commission has to ensure that the relevant Community legislation is complementary and does not result in unnecessary duplication.

A further example is Directive 91/414/EEC concerning the placing of plant protection products on the market. It provides for a procedure for inclusion of pesticide active substances in a positive list and for an authorization procedure for plant protection products containing such active substances. Both these procedures provide for an assessment of the safety of the product for the user, on the basis of the properties of the product and the conditions under which it will be used. It is evident to the Commission that for these assessments a high level of protection must be ensured. Moreover it should be ensured that the implementation of the specific legislative instruments does not prejudice the implementation of the horizontal Community measures regarding worker protection.

In this context there is a widespread agreement on the role of Council Directives 67/548/EEC and 88/379/EEC concerning classification, packaging and labelling of dangerous substances and preparations as far as the protection of health and safety of workers are concerned. The contribution to these activities will be reinforced in order to keep measures consistent with the need to protect both man and environment. The objective of health and safety is also particularly obvious in consumer policy, especially for instance in legislative product related initiatives.

Particular attention should be paid to the 4th Framework Research and Development Programme (1994-1998) and some of its specific Programmes such as the Biomedicine and Health programme, the Standards, measurements and Testing Programme, the Telematics application programme and the Biotechnology programme which include basic and applied research. These programmes will improve the scientific knowledge needed to increase the safety and health protection of workers and contribute to higher standards in the future. They will also serve to strengthen the links between high safety standards and improved competitiveness.

#### **Action 10: Links with those third countries which have Association Agreements with the European Community**

The Copenhagen Council of June 1993 stressed the importance of approximating legislation, including legislation for the protection of workers, in relation to the countries of Central and Eastern Europe with which association agreements have been concluded. The Commission will seek to ensure, with a view to future membership, that progress is made in the field of worker protection, in particular through the implementation of

measures aimed at improving safety and health at work on the basis of existing Community legislation. To that extent the Commission will offer regular appropriate collaboration with relevant bodies and organizations of these countries. Similarly, within the framework of partnership and cooperation agreements between the Community and the countries of central and eastern Europe and of the Commonwealth of Independent States, particular attention will be paid to the implementation of those elements of the agreements relating to safety and health at work.

**Action 11:** Improved system of cooperation inside the European Union and internationally

It is essential that the Commission's policies in the field of health and safety at work do not duplicate unnecessarily the activities carried out in other Community bodies (Agencies and Foundations), in the Member States, in countries outside the Union as well as in the International Organizations. An area which has been indicated by the European Council meeting in December 1994 in Essen as being of strategic importance for the European Union is the Mediterranean zone where there is a need to support the national efforts aimed at transforming this region into a zone of stability, prosperity and cooperation. The needs for minimum standards for health and safety should not be overlooked.

The development of free trade areas such as the North American Free Trade Agreement (NAFTA), Association of South-East Asian Nations (ASEAN) or the Common Market for South-America (MERCOSUR) is having an impact across the world. Whilst the primary objectives of such agreements are to improve the flow of goods, services and capital, there is nevertheless a recognition that safety and health measures require attention. In this respect, the legislative framework adopted by the Community could be the basis of exchanges of information with individual countries or such groups of countries. The Organization for Economic Co-operation and Development (OECD), where the Union's Member States and other developed countries are represented, may also assist in this task.

Following the Resolution of some 114 countries in April 1994 to establish an Intergovernmental Forum on Chemical Safety (IFCS) to improve the international control of chemicals, the Commission will be more actively involved in joint programmes with the International Programme on Chemical Safety (IPCS) to provide policy guidance, identify priorities and develop strategies in a coordinated and integrated manner. Nowhere is this more apparent than in the protection of the international workforce. The Commission will continue its active role with international Organizations, notably the United Nations Agencies (WHO, ILO), which have a similar role to play in contributing to the attainment of a safer level of working conditions and with whom a long and fruitful cooperation already exists. Cooperation with International Social Security Association (ISSA) and International Association of Labour Inspection (IALI) will facilitate the implementation of these standards by those third countries.

As concerns occupational health the Commission, ILO, WHO and IMO all have a role to play in contributing to the attainment of a high level of human health in the Member States, in particular in the prevention of occupational diseases. The Commission considers it important to continue to respect the different structures, roles and responsibilities of each organization. It considers that the practical and pragmatic approach already used to achieve cooperation should be continued but kept under review.

#### IV. CONSULTATION

In order to permit the fullest possible coherence of the actions of the Programme, the Commission will propose to implement the programme in close collaboration with the Member States as follows:

- the Advisory Committee on Safety, Hygiene and Health Protection at Work will continue to provide advice to the Commission on all its measures taken at Community level or proposed to the Council in the field of safety and health at work;
- for the relevant non-legislative actions the Commission shall be assisted by a committee composed of a representative of each Member State, to ensure proper execution of the budget and evaluation of the actions;
- using the appropriate mechanisms provided by the various programmes complemented, when safety and health problems are substantial, by the Advisory Committee on Safety, Hygiene and Health Protection at Work.

## V. EVALUATION AND REPORTS

In order to increase the value and the impact of the Fourth programme concerning safety, hygiene and health at work, a continuous assessment of the activities undertaken will be carried out, with particular regard to their effectiveness and the achievement of Community objectives and, where appropriate, to make the necessary adjustments.

The evaluation and reporting structure of the Programme will comprise two key elements:

- a report on the state of the activities carried out under the Programme to be produced by the end of 1997
- a final global report by 31st December 2001, including an independent peer review evaluation of the major activities.

The Commission will ensure that these reports are made available to Council, the European Parliament, the Economic and Social Committee and interested parties.

**INDICATIVE LIST OF ACTIVITIES  
IN THE COURSE OF 1996-1997****Action 1****Guidance notes and core  
information material  
on legislation**

Adoption of Communications of the Commission on a model of the safety and health plan and the safety file aiming at facilitating the implementation of Directive 92/57/EEC ("construction sites"), and on a general approach to risk assessment as required by Directive 89/391/EEC.

Evaluation of the need for further action on subjects related to the investigations carried out under Action 3 and propose any measures which may be necessary.

Development of a methodology and preparation of guidance on the assessment of cost effectiveness of Community actions and follow up.

Preparation of guidance documents in relation to directives already adopted, including preparation from and adoption of guidelines on the assessment of the chemical, physical and biological agents and industrial processes considered hazardous for the safety or health of pregnant workers, or workers who have recently given birth or are breastfeeding.

**Action 2****Information, education  
and training on non -  
legislative matters****(i) Development of health  
and safety awareness**

Development of an education approach of accident prevention for school children and its validation.

Encouraging the operation of an effective network of centres involved in teaching matters required by directives.

Preparation and evaluation of a training module on first-aid in the framework of directive on medical assistance to seafarers

Preparation of a consultation document on a framework for a resource centre of educational material on safety and health at work.

Elaboration and adoption of a Recommendation/Code of practice on education and training requirements in relation to safety and health at work.

Evaluation of the needs of SMEs as regards their training and information in relation to safety and health at work, and follow up.

Ensure the effective start up and operation of the European Agency for Safety and Health at work.

(ii) Information on Commission policies

In collaboration with Eurostat continue implementation of:

- phases I and II of the European statistics on accidents and injuries at work (ESAW),
- Phase I, pilot study and phase II, of the European Statistics on Occupational Diseases (ESOD).

(iii) Awareness and events

Preparation of a final symposium: Review on the ECSC social research programmes.

European week for safety and health at work (October 1996).

World ISSA Congress on prevention of accident and occupational diseases (April 1996).

25th International Congress on Occupational Health (Stockholm, September 1996).

European Film Festival on Safety and Health at Work.

**Action 3**

**The emergence of new health and safety risks**

Investigation into safety and health at work problems related to new technologies and production techniques.

Analysis of the action necessary at Community level on prevention of violence at work, and follow up.

Analysis of the action necessary at Community level on the prevention of risks linked to the disposal of waste, and follow up.

Analysis of the action necessary at Community level on prevention of stress at work, and follow up.

Investigate the use of particular techniques for the monitoring of the state of health of the workforce, and possible action at Community level.

Investigate the role of the multidisciplinary protective and preventive services for workers, and possible action at Community level.

Assess the impact of the Information Society on the working conditions and evaluate possible legal provisions at Community level.

#### **Action 4**

##### **The SAFE programme (Safety Actions for Europe)**

Support a first series of projects under the SAFE programme.

Set up a consultative mechanism for assessing SAFE proposals.

#### **Action 5**

##### **Correct implementation by Member States of the Community legislation already adopted**

###### **(a) Communication control**

Monthly updating of communication control

Referral to the Court of Justice of cases concerning the non-communication of national measures implementing Framework Directive 89/391/EEC and individual directives.

###### **(b) Conformity control**

Dialogue with the national authorities responsible for transposition to evaluate the potential non-conformities detected.

Overall report on conformity to Framework Directive 89/391/EEC and instruction of infringement proceedings on Framework Directive, if appropriate.

Conformity control of national measures communicated for individual Directives.

#### **Action 6**

##### **Progress the Commission proposals already made**

Participate actively in the inter-institutional negotiations on pending proposals ("transport", "chemical agents", "physical agents" and "work equipment").



## Action 7

### **Review of Community legislation**

Adaptation to technical progress of Directive 90/270/EEC ("VDU").

Evaluation of enforcement problems and impact of the directives regarding national labour inspectorate in collaboration with SLIC.

Evaluation by means of a pilot project of the implementation and practical assessment of one directive (i.e. work equipment), in selected Member States.

Develop a prototype report as required in the directives fitting to the needs of sound evaluation.

Adoption of a Commission Directive adapting to technical progress the Directive 90/679/EEC ("biological agents").

Adoption of a Council Directive amending the Directive 90/394/EEC ("carcinogens").

Communication from the Commission to the Council European Parliament of the results of a review of the provisions for the Council Directive of the protection of workers from the risks related to exposure to asbestos at work.

Commission Communication on the implementation of the Commission recommendation to the Member States concerning the adoption of a European Schedule of Occupational diseases (90/326/EEC).

Adoption of further Commission Directives on the establishment of indicative limit values for the exposure to chemical agents at work.

Report to the European Parliament, the Council and the Economic and Social Committee on the experience gained in the application of the Council Directive on the protection of workers by the banning of certain specified agents (88/364/EEC).

Evaluation of the need for further action on subjects related to the investigations carried out under Action 3 and propose any measures which may be necessary.

## **Action 8**

### **New proposals for high-risk activities, or for certain categories of workers**

Examine the need for a proposal for a Council recommendation on safety and health at work of self-employed.

Evaluate the need of further legislation (e.g. use of explosives).

Evaluation of the need for further action on subjects related to the investigations carried out under Action 3 and propose any measures which may be necessary.

Putting into operation of a detailed mandate of the Group of Expert referred to in Commission Decision 88/383/EEC ("improvement of information").

## **Action 9**

### **Improved coherence among Commission activities**

Definition and application of strategy to adopt in respect of integration of safety and health at work issues into the Community policies (agriculture, chemicals, biotechnology, etc) and individual European research programmes, in cooperation with specialized institutions, if appropriate.

Research will be conducted in particular in the following areas:

#### **BIOMED**

- Identification and control of risk factors at the workplace with an emphasis on biological and chemical hazards in short- and long-term effects.
- Health education and preventive measures to reduce accidents at work and exposure to risk factors.
- The interaction between risk factors at the workplace and in the environment, fundamental research on allergic diseases and the aetiology of occupation and environment related diseases. Connections between occupational and environmental risk factors (e.g. toxic agents) and the aetiology of diseases in general (e.g. cancer).

### The Standards, Measurements and Testing programme

The objectives are to improve the ability to measure the fitness for purpose of measurements methods, particularly in the following areas:

- the improvement of measurement methods and the development of reference materials for monitoring the exposure of workers to physical, chemical or biological agents at the workplace and/or for testing of the efficiency of implemented protective measures;
- the development of methods and reference materials for the identification of allergies arising from exposure to either naturally occurring or man-made factors;
- the development of personal monitors with warning capability, particularly for use in the workplace;
- the development of methods to detect genetically modified organisms.

### Telematics applications Programme

Obtaining rapidly accurate and reliable up-to-date information is a key-stone in improving working conditions, and in this context of particular relevance to health and safety at the workplace are the various projects which will be undertaken by the Telematics applications Programme concerning cooperation between Administrations, Education and Training, Health care and Information Engineering.

### Action 10

**Links with those third countries which have Association Agreements with the European Community**

Continue fostering progress in the field of workers' protection in the PECO's with a view to future membership, in close collaboration with SLIC.

## Action 11

### **Improved system of cooperation inside the European Union and internationally**

Promote the exchange of officials between the national labour inspectorates.

Continue taking an active part in the drafting of the ILO Convention and recommendation on safety and health in the extractive industries with the support of SHCMOEI.

Continue taking an active part in the Intergovernmental Forum on Chemical safety (Canberra, 1996).

Continue contributing to attainment of a high level of occupational health in cooperation with ILO and WHO.

Continue cooperation with IPCS (International Programme on Chemical Safety), in particular on monographs, Environmental Health Criteria Documents and International Chemical Safety Cards.

Support national efforts outside EU namely in the Mediterranean area to improve health and safety at work.

Continue exchange of information and cooperation with trading partners (USA, Canada, Japan, etc.).

Proposal for  
**COUNCIL DECISION**

adopting a programme of non-legislative measures to improve  
health and safety at work

## EXPLANATORY MEMORANDUM

1. The number of accidents, the incidence of occupational disease and the resulting costs to the economy represent an enormous and unnecessary human cost as well as being an economic burden to society and as such indicate there is further work to be done which builds on and extends existing achievements. Generally speaking, improving health and safety at the workplace can enhance competitiveness since there is a clear correlation between successful companies and good health and safety practices
2. The introduction in the 1987 Single European Act of a specific legal basis for setting minimum standards on occupational health and safety, Article 118a, gave a new impetus to the Community's work. On this basis, the Commission adopted in 1988 a third action programme in this field (OJ No C 28, 3.2.1988, p. 3), which the Council recognised as a useful framework for commencing implementation of Article 118a at Community level. This programme, which concentrated on the social aspects of the Internal Market, gave rise to an important body of Community legislation aimed at improving safety, hygiene and health at work across the board, and in particular in high risk activities. In developing the programme, the Commission always took great care to respect, in particular, the diverse nature of national systems and practices and the assessment of likely burden of directives on SMEs. The European Year of Safety, Hygiene and Health protection at work was particularly successful in providing information to all concerned. The Commission believes that the time is ripe for a new programme to address new issues and to improve on old successes.
3. The Commission intends that this programme should provide a sufficiently flexible, dynamic and realistic framework to enable the Union to successfully meet the challenges posed by the profound economic, technological and social changes it is undergoing. Future Community action in the field of health and safety at work must take into account the principle of subsidiarity and the requirement of proportionality. The Commission will pursue this objective both by developing non-legislative accompanying measures intended to supplement and support legislative objectives defined by directives already adopted and by ensuring that its legislation remains apt for the modern society and its problems. Particular attention will be paid to improving education, training and information which are essential elements in achieving better health and safety, and in assisting SMEs. In addition, the effectiveness of Community action in the field of health and safety at work will be reinforced by strengthening the linkages with other policy areas of the Community
4. In considering what further measures are now required the Commission has taken into account comments made by Member States and social partners, and other Community institutions, during the extensive consultation on the "General Framework for Action by the Commission of the European Communities in the field of safety hygiene and health protection at work (1994-2000)" (COM(93) 560 final). In this field as in the others, to meet the expectations of Member States and enterprises, a mass effect must be sought so as to enhance the effectiveness, coherence and visibility of the measures in support of SMEs. In this context, a number of specific measures will be launched by the Commission under an integrated programme. As part of the programme the Commission has included SAFE (Safety Action For Europe) following-up the proposal made by the European Parliament in its Resolution on the General Framework for action by the Commission of the European Communities in the field of safety, hygiene and health at work [1994 - 2000], adopted on 6 May 1994 (OJ No C 205, 25.7.1994, p. 478), inviting the Commission to present its fourth programme in the field under the form of a Council decision with special attention to non-legislative measures and to small and medium-sized enterprises.

5. The programme in three parts provides, for non-legislative measures including the SAFE (Safety Action for Europe), for indispensable legislative measures programme and for health and safety in other policies. The present decision deals with the development of non-legislative measures such as guidance notes and information, education and training material, and the SAFE programme aimed at improving safety, hygiene and health at work in particular in small and medium-sized enterprises.
6. In implementing the programme it will be necessary to ensure the fullest coherence of the action, therefore a procedure similar to that which was used in the framework of the European Year for Safety, Hygiene and Health at Work will be followed. The Commission proposes to implement the programme in close collaboration with the Member States as follows:
  - the Advisory Committee on Safety, Hygiene and Health Protection at work will continue to act as it does, providing advice to the Commission for all its measures taken at Community level or proposed to the Council in the field of health and safety at work;
  - for the relevant non-legislative measures the Commission should be assisted by a committee composed of a representative of each Member State, to ensure proper execution of the budget and evaluation of the measures;
  - the Commission will make use of the appropriate mechanisms provided for by the other programmes complemented, when health and safety problems are substantial, by the Advisory Committee on Safety, Hygiene and Health Protection at Work.
7. The programme requires the underpinning of a Council Decision for those action not covered by other policy frameworks or included in legislation. This Decision provides that support.

Proposal for  
COUNCIL DECISION

adopting a programme of non-legislative measures to improve  
health and safety at work  
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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas prevention of accidents at work, occupational diseases and occupational hygiene fall within the fields and objectives referred to in Articles 118 and 118a of the Treaty; whereas in this context collaboration should be strengthened between the Member States and the Commission and between the Member States themselves;

Whereas the incidence in the Community of accidents and death at work as well as occupational disease is still unacceptably high;

Whereas as this represents an enormous and unnecessary human cost as well as being an economic burden on society; whereas improving health and safety at the workplace can enhance competitiveness since there is a clear correlation between successful companies and good health and safety practices;

Whereas, despite considerable efforts, a large number of companies and especially small and medium-sized enterprises have difficulties in incorporating new production methods or adapting existing ones while safeguarding the health and safety of workers and ensuring good working environment standards in conformity with new legislation;

Whereas legislation on health and safety at work must be supplemented by non-legislative measures including raising awareness aimed at improving safety, hygiene and health at work, in particular in small and medium-sized enterprises;

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(1) OJ No  
(2) OJ No C  
(3) OJ No



Whereas the Community needs to make further strides to improve health and safety in individual sectors, in respect of the materials used or for particularly sensitive risk groups as yet inadequately protected; whereas it also needs to raise awareness, training levels and information exchange and to develop cooperation with third countries and international organizations.

Whereas the programme has to contribute to the enhancement of awareness of health and safety determinants and risk factors, early detection of adverse effects, counselling and advice, and social support;

Whereas, in accordance with the principle of subsidiarity, action on health and safety at work, can by reason of their scale or effects, be undertaken with greater efficiency by the Community;

Whereas a multiannual programme has to be launched with clear objectives for Community action, and priority action selected to promote the health and safety at work of all the workers of the Community as well as appropriate mechanisms for the evaluation of such action; whereas this programme has to be five-year duration in order to allow sufficient time for action to be implemented to achieve the objectives set;

Whereas there exist other Community programmes and initiatives fully or partly relevant as regards health and safety at work and therefore there is a need to ensure consistency between various Community action.

Whereas for the relevant non-legislative measures the Commission should be assisted by a committee composed of a representative of each Member State, to ensure proper execution of the budget and evaluation of the measures;

Whereas, pursuant to Council Decision 74/325/EEC<sup>(4)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, the Advisory Committee on Safety, Hygiene and Health Protection at Work can be consulted by the Commission on the drawing-up of proposals in this field;

Whereas the Treaty provides no powers other than those in Article 235 the adoption of this Decision,

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<sup>(4)</sup> OJ No L 185, 9.7.1974, p. 15.

HAS DECIDED AS FOLLOWS:

#### Article 1

A Community programme of non-legislative measures to improve health and safety at work is adopted for a five-year period, from 1 January 1996 to 31 December 2000.

The programme shall consist of:

- guidance notes and core information material to help apply correctly the Community legislation; improving information, education and training; investigating key problem areas as referred to in Annex I,
- the SAFE (Safety Action for Europe) programme referred to in Annex II aimed at improving safety, hygiene and health at work, in particular in small and medium-sized enterprises.

#### Article 2

The Commission shall ensure implementation of the action set out in Annexes I and II in accordance with Articles 5 and 6 in close cooperation with the Member States and the institutions and organizations active in safety, hygiene and health at work.

#### Article 3

The Commission shall ensure that there is consistency and complementarity between the Community action to be implemented under this programme and the other relevant Community programmes and initiatives.

#### Article 4

1. The action referred to in Annex I shall be carried out by the Community, the Member States, management and labour and public or private organizations. Applications for the financing of the action shall be submitted to the Commission;
2. The action referred to in the Annex II shall be carried out by the Member States, management and labour and public or private organizations. Applications for the financing of the action shall be submitted to the Commission.

#### Article 5

The selection of the projects to be financed and the determination of the financial assistance to be granted in conformity with the objectives and criteria set out in Annexes I, II and III, shall follow the procedure provided for in Article 6(2).

#### Article 6

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by a 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, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 7

1. The Commission shall encourage cooperation with third countries and with United Nations bodies and other organizations or agencies involved in the field.
2. EFTA countries in the framework of the EEA Agreement and countries with whom the Community has concluded association agreements may be associated in the activities described in Annexes I and II.

Article 8

1. The Commission shall regularly publish information on the action undertaken and possibilities of Community support in the various fields of action.
2. The Commission shall submit to the European Parliament, the Council, the Economic and Social Committee a mid-term report on the action undertaken, as well as an overall report by 31 December 2001.

Done at Brussels,

For the Council  
The President

**GUIDANCE NOTES AND CORE INFORMATION MATERIAL TO HELP APPLY  
CORRECTLY THE COMMUNITY LEGISLATION; INFORMATION, EDUCATION  
AND TRAINING; IMPORTANT OR NEW PROBLEMS  
(1996-2000)**  
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- 1. Guidance notes and core information material to help apply correctly the Community legislation, taking into account where necessary the reports required by the various Directives**
  - 1.1 Prepare non binding guides to legislation, which, while not pretending to guarantee and provide the detail necessary to cover every legal aspect, provide to employers, enterprises, workers and Member States useful assistance, technical support and background.
  - 1.2 For effective targeting of such information it is essential to know what employers, in particular in Small and Medium-sized Enterprises, want and need in relation to health and safety at work.
- 2. Information, education and training**
  - 2.1 Development of health and safety awareness
  - 2.2 Information on Commission policies: in order to ensure transparency of its measures, the Commission will draft and disseminate information on Communities activities.
  - 2.3 In keeping with the Commission's information policy relating to Community activity and the raising of awareness, particularly amongst the general public, the Commission will, in consultation with the Member States, arrange regularly a European week of health and safety at work, colloquia on health and safety education and training, competitions on training materials, festivals of audio-visual products on safety, hygiene and health at work.
- 3. Investigate certain key problem areas, taking into account existing information and research results and/or promote, where appropriate, new investigations.**

SAFE (Safety Action for Europe) aimed at improving safety, hygiene and health at work, in particular in small and medium-sized enterprises.  
(1996-2000)  
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- 1.1 SAFE (Safety Action For Europe) will support projects of a practical nature intended to demonstrate:
  - the promotion of improvements in the work situation specifically directed at safety, hygiene and health at work, especially in small and medium-sized enterprises;
  - the improvements in the organization of work practice which influence attitudes towards health and safety at work, in order to reduce work accidents and occupational diseases.
- 1.2 One of the objectives of the SAFE programme is therefore to support practices designed to improve the work situation, work organization and working practices which may be directed towards a specific problem impacting on health and safety at the workplace or by demonstrating best practices to combat work accidents and/or occupational diseases or at the ways and means of effectively complying with Community legislation in individual enterprises or undertakings.
- 1.3 This is why the SAFE programme will also support the development of reference workplaces, which have developed practical solutions to workplace risks and which will serve as models for others who would like to change existing workplaces or design new ones. It will also promote innovative approaches to emerging areas of risk or to high risk activities, whether this is by promoting the use of safe and/or clean technologies, or by other innovative measures.
- 1.4 Support will also be provided for specific education and training initiatives designed to improve knowledge of Community legislation and improve awareness of the working environment.
- 1.5 The SAFE programme will also consider projects prepared by European organizations, individual enterprises, employers or workers. Such projects should provide guidance for decisions concerning measures to be put into practice throughout entire sectors of activity especially in more than one Member State.

## SELECTION CRITERIA

### I. General criteria

In order to be eligible for selection, the projects submitted must meet all the following criteria:

- have a good cost-effectiveness ratio;
- generate a European plus value eg through a lasting multiplier effect on European scale;
- demonstrate an effective and balanced degree of cooperation between the various partners at the levels of:
  - project design;
  - project implementation;
  - financial participation.

### II. Evaluation criteria

Priority will be given to projects satisfying, as far as possible, the following criteria. They should:

- contribute to the prevention of causes of accidents and occupational diseases rather than remedying their effects;
- facilitate the lasting integration of health and safety at work in the enterprises management or in the quality management of products;
- promote the transfer and exploitation of innovative experiments on an European scale;
- promote social dialogue;
- promote permanent efforts rather than quantified results;
- encourage innovation and entrepreneurial activity, in particular in high risk activities;
- support the development of practical solutions to workplace risks;
- support cooperation between firms;
- support improved information exchange, education and training;

- contribute also to the implementation of action programmes or Community policies concerning:
  - lifelong learning.
  - equal opportunities
  - integration of the disabled
  - bringing back to employment the long-term unemployed
  - prevention of accidents to the public (domestic, sport, road,....)
  - sectoral policies (to be specified)
  - other programmes or policies (to be specified).

### **III. Exclusion criteria**

The following are not eligible:

- action limited to a single Member State and not transferable to others;
- action limited to achieving compliance with national requirements even if these result from Community law.

## FINANCIAL STATEMENT

### 1 TITLE OF OPERATION

Non-legislative measures to improve safety, hygiene and health at work.

### 2 BUDGET HEADING INVOLVED

B3-4310 Health protection, hygiene and safety at work, including subsidy to the European Trade Union Technical Bureau (ex B3-4310 and B3-4003 in 1995).

B3-4313 SAFE (Safety Action for Europe) programme.

### 3 LEGAL BASIS

- Treaty establishing the European Community, and in particular Articles 118, 118a, 118b, 155 and 235 thereof;
- Council Decision adopting non-legislative measures to improve safety and health at work.

### 4 DESCRIPTION OF OPERATION

#### 4.1 General objective

The Commission intends that its action programme should provide a sufficiently flexible, dynamic and realistic framework to enable the European Union to meet successfully the challenges posed by the profound economic, technological and social changes under way. The programme is underpinned by the following principles:

- the need to ensure that measures taken in the field of health and safety at work are geared to supporting the competitiveness of enterprises, particularly SMEs;
- promotion of improved working conditions as regards safety, hygiene and health at work, especially in SMEs;
- implementation, consolidation, rationalisation and extension of relevant Community legislation whenever necessary;
- taking steps to supplement legislation aimed at promoting a healthy working environment, with particular reference to SMEs;
- integration of the programme into other activities of the Union and reinforcement of the dialogue with Member States and the social partners;
- coordination and integration of activities in conjunction with international organizations working in the same field;
- making it easier for workers to obtain information in the areas concerned (TUTB).



In analysing the projects, account will be taken of the specific objectives set out in the action programme of the Agency for Health and Safety at Work, so as to ensure consistency between the different fields.

#### **4.2 Period covered and arrangements for renewal or extension**

- 1996-2000 (1 January 1996 to 31 December 2000).
- Report to the Council, European Parliament and Economic and Social Committee at the end of 1998.
- Final report by 31 December 2001.

### **5 CLASSIFICATION OF EXPENDITURE OR REVENUE**

#### **5.1 Non-compulsory expenditure**

#### **5.2 Differentiated appropriations**

#### **5.3 Type of revenue involved: none**

### **6 TYPE OF EXPENDITURE OR REVENUE**

#### **6.1 Financing:**

##### *6.1.1 Health protection, hygiene and safety at work, including subsidy to the European Trade Union Technical Bureau*

Subsidy for joint financing with other sources in the public and/or private sector (not exceeding a certain percentage of the total cost of the proposed projects).

The level of funding granted depends on the scope of the measure to be financed and on the extent to which the action programme is reflected in the various activities planned.

Such funding will not exceed 70% of the total budget earmarked for the proposed projects except in the case of networks and work ordered and of direct use to the Commission, where the subsidy may amount to 100%.

The appropriation covers the subsidy granted to the European Trade Union Technical Bureau, which provides technical advice for the drafting of opinions delivered through the Advisory Committee on Safety, Hygiene and Health Protection at Work.

##### *6.1.2 SAFE (Safety Action for Europe) programme*

Subsidy for joint financing with other sources in the public and/or private sector (not exceeding a certain percentage of the total cost of the proposed projects).

The level of funding granted depends on the scope of the measure to be financed and on the extent to which the action programme is reflected in the various activities planned.

Such funding will not exceed 70% of the total budget earmarked for the proposed projects except in the case of networks and work ordered and of direct use to the Commission, where the subsidy may amount to 100%.

- 6.2 Reimbursement:** a partial or total reimbursement may be requested if the activities for which funding was granted are not carried out or are carried out only in part. The proposed operation will not cause any change in the level of revenue.

**7 FINANCIAL IMPACT**

- 7.1 Method of calculating total cost of operation: see point 7.2**

- 7.2 Itemised breakdown of cost (in ECU million)**

Indicative breakdown in ECU million: this purely indicative breakdown is without prejudice to the amounts which will actually be assigned by the budgetary authority for each of the years under consideration. The breakdown by field of activity is, moreover, given purely for guidance. The indicative amounts for subsequent years of implementation of the programme will be decided on in the framework of subsequent preliminary draft budgets.

FIELDS OF ACTIVITY	YEAR					
	1996 PDB	1997	1998	1999	2000	TOTAL 1996-2000
	Indicative programming					
Health protection, hygiene and safety at work + TUTB	4.5	5	5	5	5	24.5
Safety Action for Europe (SAFE)	1.5*	10	10	10	10	41.5
<b>TOTAL</b>	<b>6.0</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>66</b>

\* Work to get the SAFE programme up and running.

### 7.3 Indicative schedule of appropriations

#### 7.3.1 B3.4310: Health protection, hygiene and safety at work + TUTB

	1996	1997	1998	1999	2000	TOTAL
Commitment appropriations	4.5	5.0	5	5	5	24.5
Payment appropriations						
1996	3.0					3.0
1997	1.5	3.5				5.0
1998		1.0	3.5			4.5
1999		0.5	1.0	3.5		5.0
2000			0.5	1.0	3.5	5.0
subsequent years				0.5	1.5	2.0
TOTAL	4.5*	5.0*	5.0*	5.0*	5.0*	24.5

\* Including ECU 1 million per year as the subsidy to the European Trade Union Technical Bureau (TUTB).

#### 7.3.2 B3.4313: Safety Action for Europe (SAFE)

	1996	1997	1998	1999	2000	TOTAL
Commitment appropriations	1.5	10	10	10	10	41.5
Payment appropriations						
1996	1.0					1.0
1997	0.5	5				5.5
1998		4	5			9.0
1999		1	4	5		10.0
2000			1	4	5	10.0
subsequent years				1	5	6.0
TOTAL	1.5*	10	10	10	10	41.5

\* Work to get the SAFE programme up and running.

## 8 FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN

All contracts, agreements and legal undertakings by the Commission make provision for the possibility of spot checks by the Commission and by the Court of Auditors. Moreover, beneficiaries in all instances are obliged to provide reports and financial statements, which are analysed with regard to the content and the eligibility of expenditure, in accordance with the aim of Community financing.

## 9 ELEMENTS OF COST-EFFECTIVENESS ANALYSIS

### 9.1 Health protection, hygiene and safety at work, including subsidy to the European Trade Union Technical Bureau

In selecting the measures to be financed, priority will be given to those which will provide added value in terms of developing and following up Community policies in the field.

#### *9.1.1 Specific objectives; target population:*

The aim of the Commission's policy in respect of safety, hygiene and health at work is, and will continue to be, to reduce to a minimum the number of accidents at work and occupational diseases, having regard to the principle of subsidiarity.

The main aims of the operation are to ensure the proper application of Community directives dealing with safety and health protection at work, to press on with the establishment of rigorous standards in the field of safety and health protection at work in the Community, and to enable the social partners to participate effectively in devising, formulating and implementing Community policy initiated by the Commission in the field of safety and health protection for workers.

Funding is also provided under this item for the implementation of pilot projects having to do with the working environment, entailing research activities, dissemination of information, training and organization of seminars concerned with the workplace. Expenditure will be targeted more specifically at the problems which small and medium-sized enterprises are likely to face in implementing Community legislation in the field of health protection, safety and the environment, and at making the persons concerned more aware of the working environment and the attendant risks.

The appropriation also covers pilot projects providing environmental training for workers in small and medium-sized enterprises.

The appropriation is intended also to cover the subsidy paid to the international information centre of the European Trade Union Technical Bureau. It also covers the cost of information and awareness-raising campaigns for the general public and the training of health workers. External cooperation activities are expanding as a result of the agreement concluded between the Community and the European Free Trade Association States, new developments in Central and Eastern Europe, the general growing interest in health and safety, and the need to step up cooperation with international bodies such as the International Labour Organization, the Organization for Economic Cooperation and Development, the World Health Organization and the International Maritime Organization.

Within the framework of the Commission's action programme concerning safety, hygiene and health at work (1996-2000), the following specific objectives have been laid down:

- introduction of non-legislative measures to supplement and support the legislative objectives;
- information, training, research and education in connection with health and safety at work, including:
  - incorporation of health and safety at work into other policies,
  - specific awareness-raising campaigns and publications,
  - promotion of the Commission's policies,
  - harmonisation of statistics on accidents at work and occupational diseases;
- analysis of important or new problems;
- verification, monitoring and follow-up of the transposal of Community directives into the national laws of the Member States in collaboration with the competent authorities;
- implementation, consolidation, rationalisation and completion of Community legislation;
- analysis of high-risk sectors and certain categories of workers, with an eye to new proposals;
- establishment of contacts and regular exchanges between experts, institutions and authorities from the Member States, standardisation bodies and the Commission with a view to identifying, amending, supplementing and clarifying the application of existing Community directives;
- international cooperation and promotion of European legislation in third countries, with particular reference to countries having association agreements with the European Union;
- promotion of the Community's work in the field of safety and health in countries outside the Community and international cooperation;

*According to the specific objectives, the following groups are to be targeted:*

- employers and workers;
- health and safety personnel such as occupational physicians, safety engineers and others concerned with health and safety at work under the different systems in the Member States, experts from institutions and/or specialised bodies;
- labour inspectors;
- workers' and employers' representatives;

- other persons having a direct or indirect impact on health and safety at work (e.g. teachers and pupils, journalists, etc.).

Depending on the individual measures and projects concerned, all of the above-mentioned target groups will ultimately derive benefit from the Community expenditure through the competent authorities and bodies in the Member States.

### *9.1.2 Grounds for the operation*

Each year, 10 million of the Community's 160 million workers are victims of accidents at work or occupational diseases, while 8 000 lose their lives.

Studies have shown that accidents at work and occupational diseases are often associated with poor management practices. Good management presupposes the best possible use of available resources, necessitating a safe workplace which will protect the safety and health of workers, improve morale and motivation, enhance the quality of production and thereby contribute to the economic performance of the enterprise. Quite apart from the human aspects, in particular the suffering caused to workers and their families, the economic consequences are considerable. The money paid out each year as a direct result of accidents at work and occupational diseases throughout the Community was estimated in 1992 at ECU 27 000 million.

Community activities in the field of safety and health at work generally fall within the scope of the Treaties establishing the European Community. The main legal basis for Community action in the field will continue to be Article 118a, which lays down the respective roles of the Member States and the Community with due regard to the principle of subsidiarity.

In this connection, the Commission will continue to promote and develop dialogue between the social partners at Community level.

The Community must therefore continue to pursue its objective of bringing about further improvement in safety and health at the workplace so as to reduce the costs involved. There can be no let-up in efforts to reduce the number of accidents at work and occupational diseases in order to protect workers, reduce the associated costs and improve the competitiveness of enterprises.

Community action geared to the promotion of workers' health and safety is broad-based, with the Commission having also introduced a series of supplementary measures aimed at Member States, enterprises, employers and workers, with particular emphasis on initiatives designed to inform more fully the parties concerned.

Most of the specific projects and measures at both Community and national level are carried out on the basis of joint financing (30% to 70%) with public- or private-sector bodies in the Member States. Some Member States grant additional funds as a matter of course for certain activities or studies in fields which are of relevance to specific regions. It has been noted recently that the private sector is showing particular interest in the European dimension in the field of training and information. Although the financial contribution in this respect is at present somewhat limited and unsystematic, it could prove to be a key to future progress. As regards health and safety at work, the social dialogue launched at European level should also help to make all the economic sectors in the Member States more aware of the need to improve the health and safety of workers and

consequently to reduce the compensation paid for accidents and occupational diseases.

It must, however, be stressed that more systematic mobilisation of supplementary financial resources at Member State level will probably be necessary to achieve better results from the various specific activities or projects.

Furthermore, the effectiveness of Community action in the field of safety and health at work can be improved by reinforcing links with other areas of Community policy.

### *9.1.3 Monitoring and evaluation of the operation*

The performance indicators vary according to the general and specific objectives outlined above.

Moreover, a distinction has to be made between:

- qualitative indicators of performance, which cannot always be measured in quantitative terms;
- quantitative performance indicators which may be used to measure quantitative or qualitative results;
- value indicators which may be used to establish that a certain level of achievement has been attained at reduced cost.

Under the previous action programme, the Commission introduced a series of measures and/or activities directed at the Member States, enterprises, employers and workers, with particular emphasis on initiatives aimed at providing better information, training and guidance for the parties concerned. The Commission set up a Community system for the exchange of information between Member States. The work of the Committee of Senior Labour Inspectors was further expanded with the introduction of day-long seminars for in-depth discussion of labour inspection methods and practices. The Committee continues to support exchanges of experience and information between labour inspectorates both in the European Union and in the countries of Central and Eastern Europe. The Committee has laid down common principles for labour inspection and is engaged in systematic evaluation of the different inspection systems.

Finally, it should be noted that the approach adopted also entails wide consultation with representatives of Member State governments and with the social partners.

Under the terms of the Community directives dealing with the health and safety of workers, the Commission provides the European Parliament, the Council and the Economic and Social Committee with regular reports on the implementation of the directives, on the basis of reports submitted by the Member States.

### *Coherence with financial programming*

Health protection, hygiene and safety at work is provided for in DG V's financial programming for the years 1996-2000.

In line with DG V's financial programming, the operation complies with the objective of promoting improvement, especially in the working environment, in order to protect the safety and health of workers, with the further aim of gradually harmonising the conditions prevailing in this area.

## 9.2 SAFE (Safety Action for Europe) programme

The measures to be financed will help SMEs with the implementation of Community policy in the field. During the preparatory phase (1996) the appropriate methodology for carrying out the programme will be developed and tested so as to ensure, from 1997 onwards, that the activities associated with the field specified in section 6.1.1 are differentiated.

### 9.2.1 *Specific quantifiable objectives; target population*

This programme will support projects of a practical nature intended to demonstrate:

- the promotion of improvements in work situations, concerned specifically with safety, hygiene and health at work, especially in small and medium-sized enterprises;
- improvement in the organization of work practices and attitudes towards safety and health at work with a view to reducing accidents at work and occupational diseases.

The appropriation is intended, for the most part, to give backing to SMEs for measures aimed at ensuring the proper in-house application of Community directives dealing with safety and health protection at work, to press on with the establishment of rigorous standards in the field of safety and health protection at work in the Community, and to enable the social partners to participate effectively in devising, formulating and implementing Community policy initiated by the Commission in the field of safety and health protection for workers.

Expenditure will be targeted more particularly at assistance for small and medium-sized enterprises, in connection with Community legislation in the field of health protection, safety and the working environment with a view to making those concerned more aware of the working environment and the attendant risks.

Within the framework of the Commission's action programme concerning safety, hygiene and health at work, and the measures outlined in the White Paper on European social policy, the following specific objectives have been laid down:

- promotion of information, training and education activities concerned with safety and health at work, aimed particularly at SMEs;
- development of preventive measures in relation to risk assessment;
- study of problems encountered in SMEs in connection with well-being at work;
- cooperation between the social partners to improve awareness of problems connected with safety and health at the workplace;



- development of non-legislative accompanying measures to supplement the legislative objectives.

*According to the specific objectives, the following groups are to be targeted:*

- employers and workers;
- health and safety personnel with SMEs according to the different systems in the Member States;
- experts from specialist institutes and bodies;
- labour inspectors;
- workers' and employers' representatives.

Depending on the individual measures and projects concerned, all of the above-mentioned target groups will ultimately derive benefit from the Commission's expenditure through the competent authorities and bodies in the Member States.

#### *9.2.2 Grounds for the operation*

Studies have shown that accidents at work and occupational diseases are often associated with poor management practices. Good management presupposes the best possible use of available resources, necessitating a safe workplace which will protect the safety and health of workers, improve morale and motivation, enhance the quality of production and thereby contribute to the economic performance of the enterprise. Quite apart from the human aspects, in particular the suffering caused to workers and their families, the economic consequences are considerable.

The Community must therefore continue to pursue its objective of bringing about further improvement in safety and health at the workplace so as to reduce the costs involved. There can be no let-up in efforts to reduce the number of accidents at work and occupational diseases in order to protect workers, reduce the associated costs and improve the competitiveness of enterprises.

In this connection, it makes sense to supplement the Community legislation in the field of health and safety at work with an instrument enabling the Community to encourage, particularly through financial support, activities and operational programmes intended to:

provide the necessary funding, under the SAFE (Safety Action for Europe) programme, for improving safety, hygiene and health at work, particularly in small and medium-sized enterprises (SMEs).

#### *9.2.3 Monitoring and evaluation of the operation*

- *Performance indicators:*
  - \* *output indicators (measurement of activities undertaken),*
  - \* *impact indicators according to the objectives pursued.*
- *Details and frequency of planned evaluation.*
- *Appraisal of results obtained.*

**10 ADMINISTRATIVE EXPENDITURE (PART A OF THE BUDGET)**

Actual mobilisation of the necessary administrative resources will be conditioned by the Commission's annual decision on the allocation of resources, having regard in particular to additional staff and funds provided by the budgetary authority.

**10.1 Effect on number of posts**

Types of post	Staff to be engaged in administering the operation		entailing		Duration
	<u>permanent posts</u>	<u>temporary posts</u>	utilisation of existing resources within the DG or department concerned	deployment of additional resources	
Officials A	13		13		
or temporary B	4	1	5		
staff C	8		8		
Other resources					
Total	25	1	26		

Indicate the schedule governing any additional resources required.

**10.2 Overall financial effect of additional human resources**

	Amounts	Method of calculation

### 10.3 Increase in other administrative expenditure arising from the operation

Budget heading	Amounts	Method of calculation					
		Experts	Days	Frequency/year	Number years	Total	Value
<u>A2511</u>							
Senior Labour Inspectors	261 800	34 x 2 x 5 x 770 (2 days/government experts)					
Committee	528 000	8 x 15 x 5 x 880 (1 day/private experts)					
Committee of experts: limit values	415 000	21 x 4 x 5 x 988 (2 days/private experts)					
Committee of experts: evaluation techniques	231 000	15 x 4 x 5 x 770 (2 days/government experts)					
<u>A2500</u>							
Private experts: programme follow-up	220 000	5 x 10 x 5 x 880 (1 day/private experts)					
<u>A1300</u>							
Missions	400 000	Bxl: 10 x 10 x 200 = 20 000 (annual) Other: 50 x 1200 = 60 000 (annual)					
Total	2 305 800						

The amounts correspond to the total expenditure for the operation if it is of specified duration or to the expenditure for 12 months if the duration is unspecified.

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