

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 73 final

Brussels, 7 March 1988

Proposal for a
COUNCIL DIRECTIVE

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

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Legal basis

The proposal is based on Article 118A of the EEC Treaty.

It falls within the ambit of the Commission's Communication on its programme concerning safety, hygiene and health at work¹.

The proposal is linked to the completion of the internal market² on the basis of the new approach³.

2. Aims

The main aims of the proposal are:

- to improve the safety and health of workers at the workplace;
- to provide a "social element" to complement the economic objectives of completion of the internal market.

¹ COM (87) 520 - Council Resolution 88/C28/01 of 21.12.1987, OJ C 28 of 3.2.1988

² Commission's White Paper on completion of the internal market (COM 85 (310) final)

³ Council Resolution of 7.5.1985 - OJ C 136 of 4.6.1985.

The proposal is designed to improve the safety and health of workers at the workplace by laying down provisions relating to structures, employer/worker relations and administration, as well as provisions concerning workers and their representatives and consultations between management and labour to promote the prevention of occupational hazards. These provisions will apply to every kind of undertaking.

In drawing up this proposal the Commission has taken account of the specific nature of small and medium-sized undertakings. To this end, the proposal provides that the application of the provisions of the Directive may be modulated to take account of the size of the undertaking and "socio-economic factors". Member States should apply the same principles when implementing the provisions of the Directive at national level.

3. The proposal in relation to national laws and regulations

Laws and regulations concerning safety at work and its organization have existed in Member States of the European Community for a very long time. For example:

- rules concerning general hygiene and safety measures were introduced in France in 1913;
- a law giving powers to introduce health and safety regulations was adopted in Italy in 1955;
- in Greece, a Decree of 1934 details the requirements regarding the health and safety of manual and clerical workers;
- in Germany, the Industrial Code of 1869 provides the technical basis for safety protection at the workplace.

Of course the above laws, regulations and decrees as well as the ones existing in the other Member States have been regularly amplified, updated and superseded by newer and more modern approaches. Thus for example:

- in the Netherlands the ARBO (Work Environment) Act was adopted in 1980 for the protection of health, safety and welfare at work;
- the Working Environment Act in Denmark came into force in 1977, with the objective of creating safe and healthy working conditions reflecting the technological and social development of society;
- the Health and Safety at Work Act of 1974 in the United Kingdom is a framework act which has repealed or modified many of the previous acts in this field. On the basis of this act a large amount of subordinate legislation in the form of regulations has been adopted;
- the Safety in Industry Act of 1980 in Ireland updates and extends the

A comparative analysis of the laws and regulations existing at present in Member States shows that a significant part of the field covered by the present Directive is already covered in various national laws and regulations. Nevertheless, none of the national legislations covers all the aspects of the organization of safety at the workplace outlined in the present Directive. Furthermore, such measures as do exist are often not comparable.

Accordingly, and taking into account the objective of harmonizing conditions for the health and safety of workers while maintaining the improvements made, as laid down in paragraph 1 of Article 118A, the Commission proposes, in accordance with paragraph 2 of Article 118A, a set of measures designed to improve prevention of risks and protection of health at work.

The following general comments can be made with regard to the national laws and regulations as compared with the Directive.

The work activities covered and the definitions of "worker" in the various above-mentioned national laws and regulations vary considerably.

In a number of instances, work activities such as transport by land, sea or air, posts and telecommunications, agriculture, fishing and private households are excluded.

In several legislations public-service and domestic-service employees are not covered. Students in technical education are expressly covered in most legislations. Self-employed people are generally excluded.

In all the legislations it is the duty of the employer to ensure a safe workplace for the workers, the rider "as far as is reasonably practicable" being added in a number of instances. In all the legislations, therefore, the

employer is tacitly responsible for the organization of safety in the undertaking. However, a systematic approach to risk analysis and the development of preventive actions is not clearly specified in most legislations.

The duty of employees to cooperate with the employer in promoting safety at the workplace is clearly spelled out in most legislations.

Some national legislations specify the right of the worker to withdraw from working conditions which he has reason to believe pose a grave and imminent threat to his life or health. In several instances, workers have a duty to take direct action in cases of emergency within their areas of responsibility and to notify the employer of potential dangers.

Although the rationale underlying the enlargement of worker participation in occupational safety is similar in the legislations of Member States, the arrangements that have been adopted for this purpose are varied. Basically, three types of systems for worker involvement in safety matters may be distinguished:

- systems in which works councils set up under statute law occupy a central place and in which safety delegates or safety committees play only a secondary role;
- systems in which joint safety committees form the main channel of participation;
- systems in which the law does not require the establishment of either general or specialized bodies with health and safety responsibilities, but allows for the appointment of safety delegates or safety representatives.

In several Member States both general and specialized bodies play a role, their character depending largely on prevailing traditions in the field of industrial relations.

The extent to which worker representatives will be able to carry out their tasks and to make use of the rights given to them would seem to depend on at least three conditions:

- time off to perform their functions;
- protection against dismissal or against other adverse treatment related to their activities as worker representatives;
- a right to the training needed for their activities or time off to receive such training.

In the majority of Member States, the legislation provides for time off for acting as representative and receiving the relevant training, as well as for protection against unfair treatment.

The provisions adopted for this purpose are not completely identical, however.

In most of the Member States the legislation provides worker representatives with a general right to information on safety at work. The employer is basically under an obligation to give adequate or appropriate information to worker representatives, although the wording of the provisions concerned varies and the legislation is more detailed on this point in some Member States than in others. In most of them the legislation says that it is the employer's duty to disclose all information which worker representatives reasonably need to carry out their tasks.

An increasing number of legislations require employers to keep records of the occurrence of accidents and the presence of dangerous products. In several instances workers' representatives responsible for safety have the right of access to these records and to all reports and documents related to safety which the employer is legally required to keep.

All Member States' legislations contain requirements regarding first aid and fire fighting. However, the composition and maintenance of the necessary equipment and facilities, and the requirements in terms of available personnel and training and the information of workers, are often not spelled out.

Safety services at the level of the undertakings are generally not mandatory in the legislation of Member States.

4. Characteristics of the proposal

As provided for in Article 118A of the EEC Treaty, the proposal sets out minimum requirements.

From the point of view of the safety and health of workers, Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work is complementary to the present proposal.

The measures proposed represent the necessary requirements from the point of view of the safety and health of workers. They are confined to the most indispensable aspects. The proposal defines the respective roles and obligations of employers and workers in order to achieve these objectives. Certain details concerning implementation are left to national legislations.

The proposed measures are designed to protect workers in all undertakings, irrespective of the size of the undertaking. Provision has been made for modulating the administrative constraints in certain cases, while maintaining the same level of protection.

By virtue of its wide scope, the proposal covers sectors and types of work not previously covered or not covered adequately in national laws and regulations on health and safety.

In order that the necessary adaptations can be introduced, the proposal provides for the establishment of a committee.

5. Consultation of parties concerned

Detailed consultations have been held on the proposal, and an opinion has been given by the Advisory Committee on Safety, Hygiene and Health Protection at Work (Committee established by Council Decision 74/325/EEC of 27.6.1974 - OJ L 185 of 9.7.1974). The Committee's opinion was taken into account in the drafting of the proposal.

6. Content of the individual articles

- Article 1 indicates the object of the Directive.
- Article 2 specifies the scope of the directive by defining the key terms.
- Article 3 defines the general obligation imposed on Member States.
- Article 4 establishes the responsibility of the employer.
- Article 5 lays down the general and specific obligations of the employer.
- Article 6 establishes the need to appoint qualified persons, either from within the undertaking or from outside, to be responsible for the organization and introduction of preventive measures.

- Article 7 covers first-aid, fire-fighting and evacuation measures.
- Article 8 specifies the information to be held by the employer.
- Article 9 indicates the information to be provided to workers and the information to which they shall have access.
- Article 10 specifies the matters on which workers or their representatives shall be consulted.
- Article 11 covers worker training.
- Article 12 defines the obligations imposed on workers.
- Article 13 provides for the adoption of specific directives.
- Article 14 establishes a committee.
- Articles 15 and 16 contain the final provisions.

Proposal for a Council Directive
on the introduction of measures to encourage improvements
in the safety and health of workers at
the workplace

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Commission proposal (1) drawn up after consultation with
the Advisory Committee on Safety, Hygiene and Health Protection at Work (2),

In cooperation with the European Parliament (3),

Having regard to the opinion of the Economic and Social Committee (4),

Whereas Article 118A of the Treaty provides that the Council shall adopt, by
means of directives, minimum requirements for encouraging improvements as
regards the health and safety of workers, especially in the working
environment;

Whereas Article 118A also recommends that Directives shall avoid imposing
administrative, financial and legal constraints which would hold back the
creation and development of small and medium-sized undertakings;

Whereas the Communication from the Commission on its programme concerning
safety, hygiene and health at work (5) provides for the adoption of directives
designed to guarantee the safety and health of workers;

(1) OJ

(2) Council Decision 74/325/EEC of 27.6.1974

(3) OJ

(4) OJ

(5) COM (87) 520 final - Council Resolution 88/C28/01 of 21.12.1987, OJ C 28
of 3.2.1988

Whereas the Council Resolution of 21 December 1987 on safety, hygiene and health at work took note of the Commission's intention to submit to the Council in the near future a directive on the organization of the safety and health of workers at the workplace;

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

Whereas Member States' legislative systems differ widely with regard to the prevention of work accidents and occupational diseases;

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

Whereas, in order to achieve the maximum degree of protection which is reasonably practicable, it is essential that workers and their representatives be informed of the risks to their safety and health and of the measures required to reduce or eliminate these risks, and be allowed to verify that the necessary protective measures have indeed been taken;

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

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

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

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

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

Whereas a committee composed of members nominated by the Member States needs to be set up to assist the Commission in implementing the supplementary measures provided for by the Directive;

HAS ADOPTED THIS DIRECTIVE

Object

Article 1

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

Definitions

Article 2

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

- workplace:

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

- worker:

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

- undertaking and/or establishment:

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

- employer:

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

- prevention:

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

- occupational risk:

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

Article 3

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

Responsibility of the employer

Article 4

1. The employer shall be responsible for the safety and health of the workers in every aspect which is directly or indirectly related to the work in the undertaking and/or establishment.

2. Where an employer calls in a specialist safety and health service or an outside consultant for organization of protective measures, this shall not discharge him from his responsibilities in this area.
3. The obligations of the workers in these fields shall not affect the principle of the employer's responsibility.

Obligations of the employer

Article 5

1. Within the context of his responsibilities, the employer shall take the necessary measures for the protection of the safety and health of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and resources. The employer shall be constantly alert to the need to adjust these measures and improve existing situations.
2. The employer shall put the following general preventive principles into practice, adapting them to match the specific conditions applying to his undertaking, including the size of the undertaking:
 - combating the risks at source;
 - adapting the work to the man;
 - adapting to technical progress;
 - replacing the dangerous by the non-dangerous or the less dangerous;
 - developing a coherent overall prevention policy based on technology, organization of work, working conditions and human relationships.

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

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

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

- b) The safety and health measures taken by the employer must be integrated into all the activities of the undertaking and/or establishment and at all hierarchical levels.
- c) The employer must ensure that adequate consideration is given to ergonomic principles, in particular as regards:

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

- d) The employer must take the necessary measures to permit workers to organize their work in accordance with their capabilities where reasonably practicable.
- e) In planning and organizing the work, the employer shall ensure that monotonous work involving repetitive activities of brief duration and work where the workrate is governed by a machine or conveyor belt such that the worker is prevented from influencing his workrate himself are avoided where reasonably practicable.
- f) The planning and introduction of new technologies shall be undertaken in close cooperation with the workers and/or their representatives, particularly in respect of the choice of equipment and the working conditions, including those aspects connected with the working environment and the physical and psycho-social well-being of the individual. Workers shall receive appropriate training.

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

Preventive services

Article 6

1. The employer shall designate from the supervisory staff one or more workers to be responsible for the organization of measures for the prevention of occupational risks in the undertaking and/or establishment.
2. If this is not feasible for lack of competent personnel in the undertaking and/or establishment, the employer shall enlist the services of competent outside agencies or individuals.
3. Where the employer calls in competent outside agencies or individuals, he shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers.
4. In all cases, the workers designated from within the undertaking and/or the outside agencies or individuals consulted must have the necessary training and be sufficient in number to deal with the organization of preventive measures, taking into account the size of the undertaking and/or the hazards to which the workers are exposed and their distribution throughout the entire undertaking and/or establishment.
5. Member States shall define the size of undertakings in which the employer, provided he is competent, may himself take responsibility for the measures referred to in paragraph 1.
6. Member States shall define the training needed and the number of persons needed to fulfil the conditions set out in paragraph 4 of this article.

Article 7

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

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

3. The employer shall take precautionary measures to allow the worker to protect himself by immediately leaving the workplace if a serious, imminent, unavoidable danger arises.
4. The employer shall as soon as possible give details of these precautionary measures to all workers exposed, or likely to be exposed, to a risk of serious and imminent danger.
5. In the event of a serious and imminent danger to his own safety and/or that of other persons, each worker shall be in a position to take the necessary measures to avoid the consequences of such a danger, on the basis of his own knowledge and the technical and hierarchical means at his disposal.

Information to be held

Article 8

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

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

Information of workers

Article 9

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

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

2. Workers or workers' representatives with specific responsibility for the protection of the safety and health of workers shall have access to:
 - a) the risk analysis and analysis of protective measures referred to in Article 8, paragraph 1 (a) and (b);
 - b) the list and the report on accidents and occupational diseases referred to in Article 8, paragraph 1 (c) and (d);
 - c) the information yielded by preventive measures, inspection agencies and bodies responsible for safety and health.

Consultation of workers

Article 10

1. Workers or their representatives with specific responsibility for safety and health shall be consulted in advance by the employer with regard to:
 - any measure which may substantially affect health and safety;
 - the designation of persons referred to in Article 6, paragraph 2 and Article 7, paragraph 2;
 - the information referred to in Article 6, paragraph 1 and Article 9;
 - the setting up of a specialist safety and/or health service or, where appropriate, the enlistment of an outside preventive service as referred to in Article 6, paragraph 2;
 - the planning and organization of the training referred to in Article 11.

2. The consultation referred to in paragraph 1 may be restricted to the workers' representatives with specific responsibility for the protection of the safety and health of workers, on condition that there are enough of them.
3. Workers and workers' representatives with specific responsibility for the protection of the safety and health of workers shall not be placed at any disadvantage as a result of such activities.
4. The employer shall ensure that workers' representatives with specific responsibility for the protection of the safety and health of workers are allowed time off work without loss of pay and are provided with the necessary equipment to enable them to fulfil their obligations arising from this Directive.

Training of workers

Article 11

1. The employer shall ensure that each worker receives adequate safety and health training specific to his workstation or job:
 - on recruitment
 - in the event of a transfer or change of job
 - in the event of a change in the work equipment.

The training shall be adapted to take account of new or changed risks.

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

3. Workers' representatives with specific responsibility for the protection of the safety and health of workers shall be entitled to appropriate training.
4. The training referred to in paragraphs 1, 2 and 3 shall be provided during working hours and shall not be at the expense of the workers.
5. Member States:
 - shall ensure that guidelines are drawn up concerning the content and duration of the training courses provided for in paragraphs 1 and 3;
 - shall establish general rules concerning the conditions under which this training shall be provided.

Obligations on workers

Article 12

1. It shall be the duty of each worker during his working hours to take reasonable care of his own safety and health and that of all other persons affected by his actions or omissions at work.
2. To this end, workers must:
 - make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production;
 - make correct use of the personal protective equipment supplied to them and, after use, return it to its proper place;
 - refrain from changing or removing unnecessarily safety devices fitted to tools, pieces of apparatus, etc., and use such devices correctly;

- notify the employer immediately of any safety and/or health hazards which they have noticed;
- cooperate with their employer for as long as necessary in order to fulfil any tasks or requirements imposed by the responsible authority to protect the safety and health of workers;
- perform their tasks in accordance with the safety and health training and instructions they have received;
- cooperate in ensuring that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity, and monitor the effectiveness of the safety and health measures taken.

Article 13

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

Article 14

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

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

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

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

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

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

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

Final provisions

Article 15

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991 at the latest and shall forthwith inform the Commission thereof.
2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.
3. Member States shall report to the Commission every two years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers. The Commission shall inform the committee and the tripartite committee.

Article 16

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

ANNEX I

List of technical areas referred to in Article 13

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

Proposal for a Council Directive
on the introduction of measures to encourage improvements
in the safety and health of workers at the workplace

FINANCIAL RECORD SHEET

1. Budget item concerned

A 2510: Compulsory committees

A 2513: Advisory Committee on Safety, Hygiene and Health Protection at Work

B 6482: Health protection, hygiene and safety at work.

2. Legal basis

a) Article 118A of the EEC Treaty.

b) Commission Communication on its programme concerning safety, hygiene and health at work (COM (87) 520 – Council Resolution 88/C28/01 of 21.12.1987 – OJ C 28 of 3.2.1988.

c) Commission White Paper on the completion of the internal market (COM (85) 310 final).

d) Council Resolution of 7.5.1985 (OJ C 136 of 4.6.1985).

3. Proposed classification into compulsory/non-compulsory expenditure

Non-compulsory.

4. Description and justification of the action

4.1 Description

4.1.1 Objectives of the proposed Directive

The proposed Directive has the following aims:

a) to improve the safety and health of workers:

- in a general manner: by means of structural, relational and administrative provisions and provisions concerning workers and their representatives;

b) to add a 'social element' to various directives on technical harmonization designed to complete the internal market.

4.1.2 Characteristics of the proposed Directive (with particular reference to those with financial implications)

4.1.2.1 The proposal may be adapted and supplemented in order:

- to define more closely or amplify aspects concerning the safety and health of workers
- to add a 'social element' to directives of the "technical harmonization - internal market" type with a bearing on the safety and health of workers, without having to draw up a complete new directive on social aspects in each case.

4.1.2.2 The proposal stipulates that the Member States shall forward to the Commission their relevant national implementing legislation.

4.1.2.3 The proposal also makes provision for the creation of a committee to assist the Commission in supplementary and management work in this area.

4.2 Justification

The action is justified by the legal basis given in point 2. The financial implications will be associated with the additional activities to be undertaken in the future (see point 4.1) and are set out in point 5.

5. Nature of the expenditure and method of calculation

5.1 Nature of the additional activities to be undertaken following the adoption of the Directive:

- a) monitoring of the implementation of the Directive in the individual Member States
- b) revision of the annex and the addition of new annexes
- c) consultations with experts
- d) the running of the Adaptation Committee
- e) consultations with the tripartite Advisory Committee.

5.2 Types of activity resulting from 5.1 with financial implications

These are:

- study and/or service contracts for
 - . the comparison and appraisal of the information received by the Commission
 - . the study of the problems associated with the practical implementation of the Directive
 - . the study of the problems associated with the annexes and the preparation of new annexes to be added to the Directive
- costs of consultation meetings with experts
- costs of running the Adaptation Committee and the tripartite Committee.

5.3 Calculation of expenditure

As only the nature and type of the additional activities are known with no indication of their scale or number, it is impossible to make a precise estimate of the expenditure.

Costs are calculated on the basis of the "man/month" unit; at present, one unit is equivalent to 5 000 ECU.

6. Financial impact of the action on intervention appropriations

6.1 Schedule of commitment appropriations and payment appropriations

Item B 6482:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1988	20 000	20 000
1989	100 000	100 000
1990	200 000	200 000
1991	200 000	200 000
1992	<u>200 000</u>	<u>200 000</u>
Total	720 000	720 000

Item A 2510:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1988	—	—
1989	20 000	20 000
1990	40 000	40 000
1991	40 000	40 000
1992	<u>40 000</u>	<u>40 000</u>
Total	140 000	140 000

Item A 2513:

	<u>CA (ECU)</u>	<u>PA (ECU)</u>
1988	—	—
1989	20 000	20 000
1990	30 000	30 000
1991	30 000	30 000
1992	<u>30 000</u>	<u>30 000</u>
Total	110 000	110 000

6.2 For the work provided for in the proposed Directive the Commission will provide 100% funding.

7. Remarks

None.

8. Financial impact on staff appropriations

8.1 Personnel needed solely for the action itself

As from 1989, one full-time A-grade official, one full-time B-grade official and one full-time C-grade official will be needed.

These resources will have to be found either by redeployment of staff within DG V or within the context of the budgetary procedure.

8.2 Appropriations needed for staff

The estimated appropriations needed as from 1989 are 240.000 ECU per year.

Assessment of impact
on competitiveness and employment

Proposal for a Council Directive on the introduction of measures to encourage improvements in the safety and health of workers at the workplace

1. The main aim of the proposal is to improve the safety and health of workers at the workplace.
2. The proposal applies to all undertakings in the Community, including small and medium-sized undertakings.
3. The national provisions adopted pursuant to this Directive will impose a number of obligations on undertakings in order to improve the organization of safety. The extent of these obligations will depend, in the main, on the measures already taken by the undertaking to improve safety at all levels (such as risk assessment, the integration of safety measures and the establishment of prevention services).

Proper organization of safety and health in undertakings should lead to a substantial reduction in the incidence of accidents and occupational diseases, with consequent economic benefits for society as a whole.

4. The proposal provides that Member States shall take appropriate measures, within the context of those outlined, to improve safety and health at work.

5. Although the proposal does not impose any particular constraints on small and medium-sized undertakings compared with large undertakings, small and medium-sized undertakings could find themselves at a disadvantage if Member States apply the various elements of the proposal to the letter.

The proposal therefore provides that certain requirements may be modulated to take account of the size and activity of the undertaking and the safety and health risks involved for the workers.

The concept "where reasonably practicable" takes account of socio-economic factors.

6. Improved safety and health at work should make undertakings more efficient (less time lost through accidents at work and occupational diseases), thus enabling them to become more competitive without cutting the workforce.

Furthermore, improvements in safety and health should ensure a good social climate within the undertaking. The measures provided for in this Directive will benefit employers since they will result in fewer working days lost.

7. Detailed consultations have been held on the proposal and an opinion has been given by the Advisory Committee on Safety, Hygiene and Health Protection at Work (Committee established by Council Decision 74/325/EEC of 27.6.1974 - OJ L 185 of 9.7.1974). The Committee's opinion was taken into account in the drafting of the proposal. The various employers' interests are represented in this tripartite Committee.

Because of the importance attached by the Commission to the creation of the "social element" relating to completion of the internal market, this proposal for a Directive has been drafted as a matter of urgency by the Commission, subsequent to the transmission on 23 October 1987 of its programme concerning safety, hygiene and health at work. In order to cushion the economic impact of the Directive, Member States have until 1 January 1990 to adopt the implementing legislation.