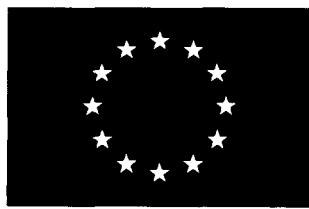


# EUROPEAN FILE

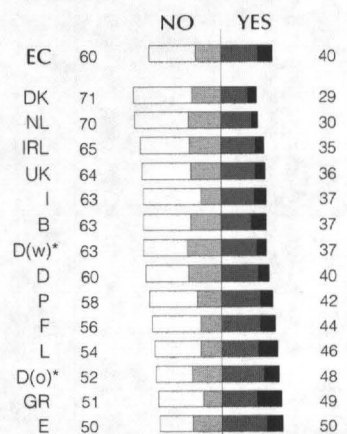


## Health and safety at work: a challenge to Europe

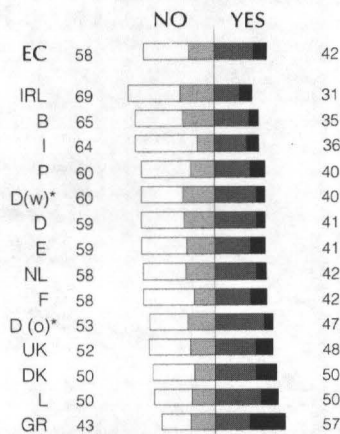


## Workers and safety, hygiene and health problems at the workplace

*Would you say that your occupational activity is harming or could harm your health? (in %)*

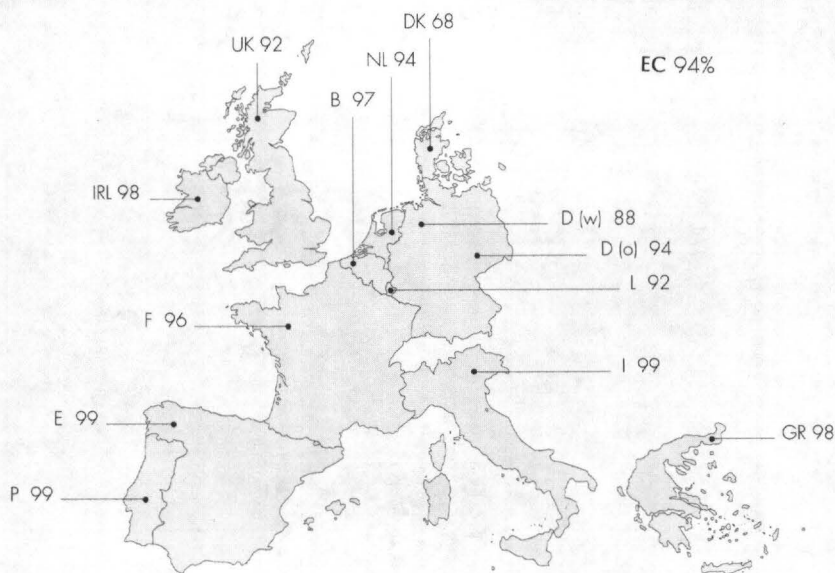


*Do you think that your occupational activity entails risks of accident or injury? (in %)*



<sup>1</sup> D(w): territory of Federal Republic of Germany before unification. D(o): new Länder.

*Percentage of working people in favour (completely or to a certain extent) of the application of common legislation to all the countries of the European Community in the field of safety, hygiene and health at the workplace.*



Source: 1991 Eurobarometer survey.

**1992,** the symbolic date for the establishment of the single internal market, has also been proclaimed 'European Year of Safety, Hygiene and Health Protection at Work'. The campaign is directed at the world of employment as a whole and has a decisive role to play in motivating all those concerned.<sup>1</sup>

Over the last 10 years or so, the Council, Parliament and Commission of the European Communities have produced a considerable body of legislation supplementing what the Member States have already done in the field of worker protection. But, the national laws and Community directives will only bear fruit if all the parties concerned are involved at the drafting stage and active at the implementation stage. The success of the efforts made in this essential area also depends on continued public awareness and desire for progress. The facts, but also public opinion, demand action in this direction (see graphs).

The statistics currently available in the Member States reveal the high human and social cost of occupational accidents and disease. In 1989, for example, the total number of fatal accidents at work was 7 617. Ten million people suffer occupational accidents and diseases every year. The total figure for compensation and medical costs arising from such accidents and diseases is ECU 20 billion<sup>2</sup> every year, quite apart from the indirect costs (wages, material costs, consultants' fees, legal fees, etc.), which, although difficult to measure exactly, are none the less considerable.

A survey carried out by Eurobarometer in 1991 on a sample of 12 500 people showed that:

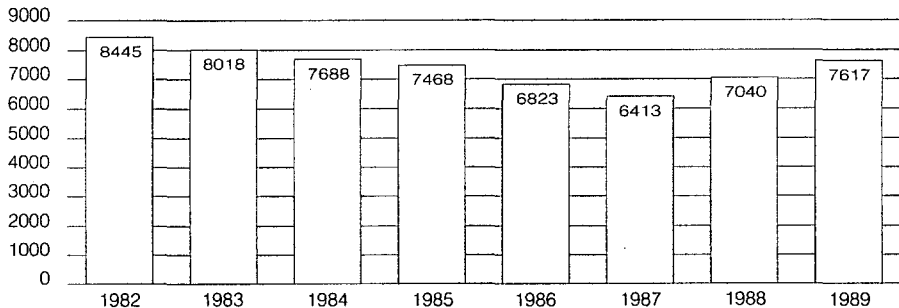
- the theme of the European Year is of real current concern to the public: 84% of European workers judge occupational diseases and accidents to be frequent or very frequent in their country; 42% of working people think that their health is or could be affected by their work; 40% think that work entails accident risks and a quarter of them feel that the risks are high;
- there is a real 'European' expectation: 94% of workers are in favour of legislation common to all the countries of the Community; 60% consider that an improvement in their health and safety conditions will flow from Community legislation.

Every effort must therefore be made to ensure that all the texts adopted and all the work carried out by the Member States and by the Community are made known, exploited and developed; the same applies to the measures taken by the public authorities, employers and workers. But health and safety must be more than a legal concept; it must be a reflex. The European Year, beginning on

<sup>1</sup> This pamphlet supplements our edition No 3/90. Finalized in July 1992.

<sup>2</sup> ECU 1 (European currency unit) = about UKL 0.71, IRL 0.76 and USD 1.37 (at exchange rates current on 31.8.1992).

## Number of fatal accidents at work in the European Community<sup>1</sup>



<sup>1</sup> 1989: estimates. 1982 to 1984: Belgium and Greece not included.

Sources: Eurostat and national sources.

*After a steady decline in the number of fatal accidents at work in Europe, a rising trend emerges from 1988.*

1 March 1992, will have 12 months to convey the message that economic progress and general prosperity, as the fruits of the single market, depend on health and safety at the workplace.

Since the beginning of the industrial era, the Member States of the Community have gradually introduced laws and regulations designed to improve the protection of workers' health and safety at the workplace. Although the European institutions have been operating in this field since the establishment of the European Coal and Steel Community (ECSC) in 1951, the idea of a Community solution for the problems of workers was not initially obvious. It was in the 1970s, when the seriousness of certain occupational risks became apparent, that the Member States became aware of the urgent need for swift, homogeneous protection for workers in Europe. This was the background to the directives concerning safety signs at the workplace and protection against vinyl chloride monomers adopted in 1977 and 1978 respectively.

In 1974, the Member States of the Community decided to set up an advisory committee to scrutinize all new proposals for legislation in the field of health and safety at work. Representing employers, workers and governments, this committee assisted the European Commission in launching the first action programme in 1978. This was a very wide-ranging programme, aiming to study the causes of diseases and accidents, protection against dangerous substances, prevention of accidents caused by machines, the monitoring of health and safety conditions at workplaces and training.

Between 1977 and 1987, the Commission then drafted 10 directives, seven of which were adopted by the Council. In 1980, a more general directive was adopted, setting out the strategy to be followed regarding all dangerous physical, chemical and biological agents. It was followed by directives concerning specific agents such as lead, asbestos and noise.

## **The Single Act and the single market**

In 1987, a second stage was reached with the decision taken by the Twelve to set up a single frontier-free market in 1993. The need to give tangible form to the Community's social dimension at the same time as to its economic dimension was at last acknowledged. On the one hand, employers were aware of the need to harmonize rules at the European level; on the other, the trade unions and workers realized that, without harmonization, the establishment of the single internal market could result in stagnation of their rights, and even erode them in the most advanced countries.

Two articles added to the EEC Treaty by the Single European Act express this determination. Article 100a provides that products moving freely in the Community will have to comply with high health and safety standards; Article 118a stipulates 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 harmonization of conditions in this area, while maintaining the improvements made'. To avoid any lowering of safety standards in the most advanced countries, Article 118a allows any countries which so wish to impose standards more stringent than those laid down by Community law. This legislative system is commonly referred to as the system of minimum requirements.

Lastly, the Community Charter of the Fundamental Social Rights of Workers, adopted by all the Member States except the United Kingdom in 1989, also covers health and safety at the workplace and emphasizes a number of new initiatives.

## **The 1989 framework Directive**

The first social decision of major importance taken under the Single Act was the framework Directive, adopted by the Twelve in June 1989,<sup>1</sup> which constitutes the cornerstone of the new Community policy. It sets out the main principles which will henceforth govern health and safety at work and will have a major impact on all national legislation.

- It emerges first and foremost from this legal text that the directives to come will have to encompass all workers of the public and private sectors with the exception of the self-employed and domestic staff. Several Member States, such as Belgium, France, Ireland, Italy and the Netherlands, have had to, or will have to, extend their legislation to cover the public service.
- Thanks to this text, the employer's responsibility has been increased. He is now obliged to evaluate risks at all stages of the production process, to inform workers, provide them with adequate training and constantly monitor their health.
- In more general terms, the production apparatus has to be adapted to the worker and not the reverse, especially as regards the places of work, the choice of equipment and working methods. The aim is to alleviate monotonous work and work at a predetermined work-rate. Virtually all the Member States are having to review their legislation in these matters.

<sup>1</sup> OJ L 183, 29.6.1989.

- The Directive introduces the concept of workers' obligations, which has hitherto not existed in some Member States. More precisely, workers are required to abide by the employer's instructions and draw his attention to any potential dangers they may identify at their work stations. Subject to certain conditions, the Directive explicitly provides for workers to have the right to cease working in the event of imminent serious danger. Several countries will also have to introduce this provision into their laws.
- Lastly, workers must be consulted and informed and may make proposals for the improvement of their health and safety. *Ad hoc* structures enabling firms to implement some of these provisions already exist in nine countries of the Community, but Greece, Ireland and Spain are having to take new measures.

Under this framework Directive, the Community has adopted five specific directives in less than a year. The Member States are to incorporate them into national law by 1 January 1993; they concern safety at the workplace,<sup>1</sup> the design, choice and use of work equipment (machines, appliances, tools and other installations),<sup>1</sup> personal protective equipment for workers using dangerous machinery, substances or processes,<sup>1</sup> manual handling of heavy loads,<sup>2</sup> and the use of display screen equipment.<sup>2</sup>

## Dangerous products

At the same time, the Community is continuing to expand its legislation concerning products liable to affect workers' health.

- The 1980 Directive on limits to the exposure of workers to dangerous chemical, physical and biological agents was consolidated in 1988 to enable limit values for occupational exposure to be fixed at Community level.<sup>3</sup> Furthermore, the asbestos Directive referred to above was revised in 1991 so as to lower workers' occupational exposure levels.<sup>4</sup>
- Furthermore, a Directive introducing general and specific measures for a list of occupational carcinogens and reputedly carcinogenic processes was adopted in 1990.<sup>5</sup> This list is liable to be updated as and when work on the classification and labelling of chemical substances progresses at Community level. The Directive requires the employer to use non-carcinogenic substitutes. If that is technically unfeasible, he must ensure that production is carried out in a closed system and take appropriate measures to protect the workers —

<sup>1</sup> OJ L 393, 30.12.1989.

<sup>2</sup> OJ L 156, 21.6.1990.

<sup>3</sup> OJ L 327, 3.12.1980; OJ L 356, 24.12.1988.

<sup>4</sup> OJ L 206, 29.7.1991; OJ L 263, 24.9.1983.

<sup>5</sup> OJ L 196, 26.7.1990.

individual equipment, appropriate washing facilities, continuous *ad hoc* training and medical surveillance. The list of persons exposed in the firm must always be accessible to the workers themselves and/or to their representatives.

- On occasion, the Community has decided purely and simply to prohibit certain substances where they prove to be too dangerous and protective measures will not suffice to ensure the good health and safety of workers. The production and use of four very dangerous substances were thus prohibited by a 1988 Directive,<sup>1</sup> the annexes to which could be extended if the need arises.
- The Twelve have also adopted a Directive on biological agents.<sup>2</sup> This relates both to those who work in laboratories and hospitals and those who are employed in manufacturing industries. The Directive classes biological agents in four categories according to their intrinsic danger and defines appropriate confinement measures.
- Occupational deafness being one of the most commonplace occupational disorders, in 1986 the Twelve adopted a Directive<sup>3</sup> limiting the maximum admissible level of occasional sound emissions (detonations) to 140 decibels and the average acoustic pressure over an eight-hour day to 85 decibels. Above these values, the employer is required not only to reduce the source of noise by means of collective sound-proofing measures but also to provide individual protective equipment.

## Risk sectors

Among the high-risk sectors, the Commission has selected three which distinguish themselves by the number of workers concerned and by the frequency and seriousness of the accidents which arise — the construction industry, agriculture and the seafaring occupations.

- The *construction industry* employs 9.5 million workers, which is less than 10% of the European working population, but it accounts for 15% of all accidents at work and 30% of fatal accidents, and the number of accidents has been rising in recent years; most of them are attributable to poor planning or organization of work on site. In 1990, the Commission therefore proposed a directive<sup>4</sup> requiring the safety factor to be taken into account from the design stage of a project, obliging subcontractors to be far more attentive to the health and safety conditions of their employees and defining the respective responsibilities of project managers, contractors and subcontractors. This Directive, which was adopted on 24 June 1992, provides for the project supervisor to draw up a safety plan and lays down the obligation to issue a prior notice

<sup>1</sup> OJ L 179, 9.7.1988.

<sup>2</sup> OJ L 374, 31.12.1990.

<sup>3</sup> OJ L 137, 24.5.1986.

<sup>4</sup> OJ C 213, 28.8.1990.

concerning the specific risks of the project. Construction and civil engineering firms have to be persuaded that greater safety at work also means a higher output per worker, which means higher productivity.

- *Agriculture*, which employs 10 million people, i.e. slightly more than construction, is also a high-risk sector with 3 600 fatal accidents, 18 million injuries and 100 000 cases of compensation every year. Half of accidents are reported to occur in farmyards and farm buildings themselves. To date, only one specific directive has been adopted: it concerns agricultural and forestry tractors. However, the Commission is drawing up other legislation on agricultural machinery, plant-health products, agricultural buildings (electrical equipment) and certain specific types of work.
- With 540 serious accidents every year, the *fishing industry*, which employs 300 000 seamen, is even more dangerous. The instability of vessels, slippery floors, inclement weather, night working (sometimes with only three to four hours' break) and noisy, cramped working areas all conspire to make the work particularly arduous. To begin with, the Commission has proposed minimum requirements<sup>1</sup> for medical equipment on board ship: medicine chests, rescue and survival equipment, individual protective equipment. The same text provides for improved training for seamen and better consultations by radio. A second proposal concerning work on board ships has been presented to the Council.

Other industries have been the subject of recent initiatives:

- In *transport*, the Commission is drawing up a framework Directive contributing to the reduction of high risks during travel and during manoeuvres.
- The *extraction industries* have long been the subject of a large body of legislation, partly based on the basis of the coal and steel treaty. However, the accident at the Piper Alpha platform in the North Sea in 1988, when 167 lost their lives, and the recent explosion in the German Stozenbacht mine, which caused 51 deaths, illustrate the continuing need for legislation adapted to the development of industries. The Commission has already presented a proposal for a Directive<sup>2</sup> on open-cast mines and quarries, a common position on which was reached by the Council on 24 June 1992.

## Working conditions and environments

Several directives concerning the protection of categories of workers at risk as well as working conditions and environments are also undergoing examination or formal adoption by the Council.

- An important initial step has been taken with the proposal for a directive on the protection of pregnant and breast-feeding women. Employers would have to

<sup>1</sup> OJ L 113, 30.4.1992.

<sup>2</sup> OJ C 32, 7.2.1991.



adapt working conditions so as to remove any health hazard to them. The text also contains provisions relating to night work and a minimum level of pay during maternity leave.

- Young workers are also a high-risk category for whom specific protection arrangements must be devised. The Commission has therefore placed a proposal before the Council for a Directive on the protection of young people at work.<sup>1</sup>
- Three other proposals for directives are before the Council. They relate to the organization of working time (obligatory daily, weekly and annual rest periods; duration of night work and of shift work), temporary workers, who must be afforded the same health and safety protection as regular workers, and transport facilities for disabled workers on the grounds that, as the Commission points out, access to employment for the disabled is meaningless unless the disabled are provided with ways and means of travelling to work.
- Directives adopted in the past also need to be constantly updated in the light of technological change. On 24 June 1992, for example, the Council adopted amendments to the 1977 and 1979 Directives<sup>2</sup> on the provision of safety signs in places of work. The Commission is also planning to present a new proposal for a directive on protection against vibrations and electromagnetic radiation, whose adverse effects on health become apparent only after a long period. The proposal will set out measures for reducing the risks of overexposure, accident and illness.
- Lastly, given the disparities which exist between the Member States as regards recognition of, and compensation for, occupational diseases, the Commission has issued a recommendation setting out a European schedule of such diseases<sup>3</sup>, in which the Commission urges the Member States to adopt the same criteria for their recognition so as to ensure harmonized compensation.

## **Dialogue and consensus — the Advisory Committee on Safety, Hygiene and Health Protection at Work**

The Commission has been assisted in its work of drafting this important legislation by an Advisory Committee set up for this purpose in 1974. The Committee, whose 72 members represent workers, employers and national authorities, serves as a channel of communication between the Commission and the different sides of industry concerned.

The Committee's deliberations have contributed greatly to the quality of the Council's legislative work: the social dialogue is a reality as regards health and safety at the workplace.

<sup>1</sup> OJ C 84, 4.4.1992.

<sup>2</sup> OJ C 53, 28.2.1991.

<sup>3</sup> OJ L 160, 26.6.1990.

The Committee has greatly speeded up its work in preparation for the single market. In particular, it has issued its opinion on the directives now on the way. It set up an *ad hoc* working party to monitor the standardization work required in order to bring certain products into line with the directives adopted.

## **Information and training: the aim of the European Year**

The aim of the European Year of Safety, Hygiene and Health Protection at Work is to boost the information, awareness and involvement of industry and the public since, without their cooperation, even the most highly perfected legislation would remain dead letter. Practical measures must follow, particularly in the area of training. Whilst it is important for everyone to be aware of the risks and what is being done to reduce them, effective action is needed to secure the active involvement of all sides.

In this connection, the Commission is organizing a series of measures. It encourages and coordinates national initiatives systematically involving all those concerned — public authorities, employers, workers and health and safety specialists.

- Practical experience has shown that the most important target groups of the working population should be given priority. The first is young people, for they are the most vulnerable at the workplace: appropriate training either during their education or during their employment will help to make them genuinely safety-conscious from their very early years. The second is small and medium-sized firms, many of which simply cannot afford to devote an adequate portion of their budget to safety and so deserve help.
- European Safety Year also focuses on what are considered to be high-risk sectors for workers — agriculture, fisheries and construction.
- Ultimately, four themes have been decided on — clean air, safety, well-being and measures to abate noise and vibrations. All projects organized and duly registered in the framework of the European Year of Safety, Hygiene and Health Protection at Work are entitled to use the campaign logo: two hands symbolizing human activity join to evoke the idea of protection; in the centre a pictogram represents someone at work.

In each country, a national liaison committee has been set up to select activities to be co-financed by the Community.<sup>1</sup> The committee seeks feedback from the public concerned and promotes the inclusion of safety information and training in firms, schools and within the public and the general public.



<sup>1</sup> Ireland: Mr Leo Costello, Health and Safety Authority, Hogan Place, Dublin 2, Ireland; Tel.: (353-1) 662 0400; Fax (353-1) 662 0417.  
United Kingdom: Mrs Felicity Harte, Health and Safety Executive, Room 439, Baynards House, 1 Chepstow Place, London W2 4TF, United Kingdom; Tel.: (44-71) 243 6912/6447; Fax: (44-71) 243 6638.

The European Year of Safety, Hygiene and Health Protection at Work is the culmination of the Community's work in this field.

By introducing minimum requirements, the Community has been able to set up a consistent and effective system for the protection of workers. The Member States have thus been impelled to examine their systems and reorganize their strategies in the light of the advances made by the Community.

The purpose of the European Year is to enhance and promote the large body of Community measures taken in this field. But it also prepares for the future by demonstrating the progress which Europe is making in the social sphere at the same time as in the economic sphere.





Less pollution



Quieter



1992 EUROPEAN YEAR OF SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK



Less stress



Safer

**Europe 1992. Let's make it a better place to work**

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