



Council of the
European Union

Brussels, 1 July 2015
(OR. en)

10446/15

SOC 432
EMPL 281
SAN 205

COVER NOTE

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| From: | General Secretariat |
| To: | Social Questions Working Party |
| Subject: | A new Agenda for Health and Safety at Work to foster better working conditions |
| | - Draft Council Conclusions |

With a view to the meeting of the Social Questions Working Party on 8 July, delegations will find attached draft Council conclusions on the above subject, as prepared by the Presidency.

A new Agenda for Health and Safety at Work to foster better working conditions

Draft Council Conclusions

THE COUNCIL OF THE EUROPEAN UNION

- 1) **HAVING REGARD** to the new Strategic Framework on Health and Safety at Work 2014-2020 aimed at ensuring that the European Union continues to play a leading role in the promotion of high standards for working conditions both within the European Union and internationally, in line with the Europe 2020 Strategy;
- 2) **HAVING REGARD** to the Council Conclusions adopted in March 2015 on the EU Strategic Framework on Health and Safety at Work 2014-2020: Adapting to new challenges;
- 3) **HAVING REGARD** to the resolution of the European Parliament on effective labour inspections as a strategy to improve working conditions in Europe ;
- 4) **HAVING REGARD** to the main report on the Evaluation of the Practical Implementation of EU Occupational Safety and Health (OSH) Directives in EU Member States (COWI);
- 5) **WHEREAS** the informal economy has an impact not only on health and safety at work and on working conditions but also on Member States' economic growth and thus on the sustainability of the European social model;
- 6) **WHEREAS** technological change and innovation, economic development and new forms of employment have an impact not only on working conditions but also on the competitiveness and productivity of enterprises and therefore require immediate action to ensure a high level of health and safety at work and decent working conditions;
- 7) **WHEREAS** the 1989 Framework Directive on Safety and Health at Work and the 23 individual directives – also resulting from a comprehensive tripartite policy dialogue – guarantee minimum health and safety requirements within the European Union, while Member States are allowed to maintain or establish more stringent measures;

- 8) WHEREAS the European Commission's ex-post evaluation on the practical implementation of health and safety directives in the Member States is an important step in ensuring the proper implementation of the existing legislation in order to further improve workers' health and safety, including an assessment of the need to update the directives without reducing the level of protection of workers;
- 9) WHEREAS labour inspections and labour inspectors play a key role in enforcing health and safety legislation and in providing guidance and information on its implementation, in particular for small and medium-sized enterprises, as well as in combating undeclared work, with the aim, inter alia, of enforcing health and safety legislation;

HAS ADOPTED THE FOLLOWING CONCLUSIONS:

The COUNCIL

- 10) RECALLS the role of the Union in supporting and complementing the activities of the Member States in the field of better working conditions and improvement of the working environment to protect workers' health and safety;
- 11) RECOGNISES that the Commission's Better Regulation and the Regulatory Fitness and Performance Programme are a good starting point for timely and sound policy decisions, including occupational safety and health;
- 12) UNDERLINES that Better Regulation principles can never replace political decisions and should not become an overloaded bureaucratic exercise;
- 13) RECALLS the long tradition of occupational safety and health which is essential for the proper functioning of the single market, and STRESSES the importance of health and safety at work as well as decent working conditions;
- 14) UNDERLINES that implementation of the existing health and safety legislation remains one of the most important commitments for all Member States;

- 15) STRESSES that health and safety legislation must apply to all workers regardless of the size of the company;
- 16) UNDERLINES the importance of the overall structure of health and safety legislation, based on the Framework Directive, which provides a sound operational basis for European health and safety standards development;
- 17) NOTES that any modification thereof or any major reorganisation or change in the individual directives or modification of the Framework Directive may also entail a disproportionately burdensome revision of national labour laws;
- 18) RECOGNISES that some health and safety directives are to be updated in order to keep pace with technological developments and STRESSES that possible changes to the current legal framework must be based on a comprehensive impact assessment, taking into account developments in the particular area of legislation, including the emergence of new risks for the health and safety of workers;
- 19) STRESSES that the potential challenges and risks related to health and safety at work regarding new forms of employment and work organization, new professions, more diversified workplaces and unconventional working hours, in particular in the areas of telework, temporary work, posting of workers, subcontracting, digital work, crowd-work, work on demand, sharing economy, supply chains, dependent self-employed workers, as well as the health and safety challenges related to the increase of undeclared workers must be accompanied by new and efficient policies and calls for an immediate action at the European level for decent working conditions in a safe working environment, taking appropriate account of the gender aspects;
- 20) POINTS OUT that work-related musculoskeletal disorders and psychosocial risks are the most common causes of sick leave;
- 21) STRESSES that increasing the level of protection of workers against carcinogens and mutagens at the workplace is a major and urgent priority;

- 22) STRESSES that the opinions of the Advisory Committee for Safety and Health at Work and the Senior Labour Inspectors Committee should always be reflected in the European Union's health and safety policy;
- 23) RECALLS that growth goes hand in hand with people's lives and that fair and balanced growth based on quality jobs with working conditions which respect the health, safety and dignity of the worker leads to quality jobs and greater productivity;

CALLS ON THE MEMBER STATES AND THE EUROPEAN COMMISSION TO:

- 24) ENSURE that the achievements of the single market and the free movement of workers do not result in unfair competition, inadequate working conditions and wages and a lower level of health and safety, which would not only have an impact on 'social Europe' and mobility in the European Union, but would also damage the legitimacy of and public confidence in the single market, and thus in the European project;
- 25) PROMOTE the development of policies, strategies and initiatives to facilitate the transition from the informal to the formal economy and thus to promote and extend occupational safety and health to workers in the informal economy;
- 26) TAKE a more active role in enforcing occupational safety and health legislation by combating undeclared work;
- 27) CONTINUE to pursue every effort to examine the impact of digitalisation on occupational safety and health and working conditions and to take it into account in their health and safety policies;
- 28) ENCOURAGE the Committee of Senior Labour Inspectors to explore the possible added value of a European Training Centre to assist labour inspectors with a common basic understanding of the health and safety directives and their implementation, thereby helping to ensure the smooth implementation and application of the directives within the specific national contexts;

INVITES THE EUROPEAN COMMISSION TO:

- 29) ASSESS the health and safety directives, taking into consideration the particular concerns and needs of each Member State;
- 30) SUGGEST improvements to the legislation on carcinogens and mutagens, by reviewing the existing binding occupational limit values and adding new ones; IDENTIFY and PROPOSE a set of binding occupational limit values for new substances with the aim of providing an improved level of protection; CONSIDER smart legislative design of the carcinogens directive, so that new substances may be added to it swiftly and efficiently;
- 31) REVIEW the existing directives on musculoskeletal disorders (vibration, manual handling and display screen equipment) which need to be updated to appropriately reflect modern information and communication technologies and ways of working; SUPPORT, as an immediate first step, the distribution of good practice guidance material relating to work-related musculoskeletal disorders to better help employers to manage these risks;
- 32) PAY particular ATTENTION to the worrying situation in small and medium-sized enterprises with regard to musculoskeletal disorders and ergonomics, work-related diseases and protection against harmful chemicals, and develop user-friendly instruments and tools for risk assessment in such enterprises;
- 33) IDENTIFY, as a first and immediate step, what further analyses and documents relating to psychosocial risks are needed to support employers in managing these risks and consider the feasibility of prescriptive legislation;
- 34) DRAFT an action plan, including practical and targeted actions to effectively address each of the three major occupational safety and health challenges, as highlighted in its Communication on an EU Strategic Framework on Health and Safety at Work 2014-2020; each action should set a clear target, specifying the stakeholders responsible for its implementation, and should be based on clear indicators making it possible to measure the results achieved;

- 35) IDENTIFY challenges and risks related to new forms of employment, work organisation, employment contracts and new professions;
- 36) DEVELOP more consistent data recording systems at national and EU level which would better reflect the causal factors and assist in identifying risks and risk prevention strategies;
- 37) DEVELOP a practice-orientated strategy or platform for the collection and easy exchange of existing information and guidelines on occupational safety and health, in particular for small and medium-sized enterprises;
- 38) ENCOURAGE and SUPPORT Member States to exchange and translate their sectorial practical guidelines covering occupational safety and health risks in specific professions and provide, where necessary, a platform for the exchange of information;
- 39) CONTINUE to support specific technical assistance and practical tools, such as the Online Interactive Risk Assessment (OiRA), make these e-tools more directly accessible to individual employers and promote the development of sector-specific versions;
- 40) DEVELOP minimum requirements for ergonomic standards for the use of labour inspectors to enable them to carry out adequate controls;

INVITES THE MEMBER STATES TO:

- 41) ENSURE adequate resources for efficient and effective implementation of occupational safety and health legislation and preventive measures to support enterprises in the prevention of hazards at the workplace;
- 42) REPORT, with a view to the new proposed action plan, on concrete results related to the implementation of the action plan and involve the social partners in its implementation;
- 43) IDENTIFY ways of simplifying and reducing the specific regulatory burden in the transposed national legislation on occupational safety and health and other national legislation;

- 44) RAISE awareness of the importance of health and safety at the workplace and integrate occupational safety and health into national education and training programmes;
- 45) PROVIDE adequate training for labour inspectors in order to meet the new emerging challenges and strengthen cooperation with the labour inspectorates of other Member States to exchange best practices and experiences;
- 46) COMBINE control and consultation and develop a framework for intensified dialogue between labour inspectors and enterprises with the aim of motivating them and helping them to prevent and tackle occupational safety- and health-related incidents by providing targeted information and consultation;
- 47) MAKE BETTER USE of the European Funds in order to strengthen the capacities of public institutions in enforcing and promoting the health and safety standards, in particular when combating undeclared work;

INVITES THE SOCIAL PARTNERS TO:

- 48) MAKE MORE USE of the possibility to conclude agreements, since the social partners are closer to the realities and problems of working life;
- 49) DEVELOP a practice-oriented strategy to adapt working conditions to changes in work organisation, including issues related to the digital labour market and the digital workplace;
- 50) INTENSIFY efforts to motivate enterprises to improve the work environment in terms of health and safety by helping to raise awareness of employers and workers in this area, in particular in small and medium-sized enterprises.
