

Work at a height: a Community Directive in the pipeline

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Every year hundreds of workers are killed in fall-related accidents, and thousands more suffer lost work-time injuries. Falls from scaffolds, ladders, and other working or access surfaces are the second leading source of fall fatalities across a wide range of sectors, from building to farming and general services.

The Commission is currently working on a new EC Directive on temporary work at heights and work equipment permitting access to working places at heights¹ to amend Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work. The proposal for a Council Directive has already been looked at by the Economic and Social Committee, and is now in its first reading by the European Parliament.

Muddled beginnings

Initial provisions on scaffolding and ladders were brought in by the Mobile Construction Sites Directive 1992², which foreshadowed more specific measures in a forthcoming amendment to Work Equipment Directive 89/655/EEC. But the amendment which followed three years later in Council Directive 95/63/EC failed to make any specific provision for scaffolds and ladders. The Commission attempted to put matters right in 1996, with a proposal for a new Council Directive on 'Means of Access to Workplaces at Heights', to address falls from a height in all sectors of activity (industry, agriculture, services).

The early drafts contained equipment design and use provisions, but during consultations, a greater focus emerged on the organisational aspects (planning, co-ordination, supervision, inspection) provided for in the Mobile Construction Sites Directive, as scaffolds and ladders were felt to be hazardous, particularly when not installed and used properly.

This prompted concerns from various delegations about existing barriers to trade regarding scaffolding, and calls for an Article 100A Directive to address the issues.

Two years on, the Commission put forward a new proposal as an amendment to Directive 89/655/EEC under Article 118a, as initially planned.

Proposal still not up to scratch

¹ COM(1998) 678 final – 98/0327 (SYN).

² Council Directive 92/57/EEC based on article 118A of the EC Treaty.

The Commission proposal (now based on Article 137 of the Treaty) is an important step forward addressing the key factors governing safe work at heights. It applies across all sectors of the economy (industry, agriculture, services, etc.), and makes provision for component design, detailed erection plans, close supervision of work practices, comprehensive training for all workers involved, simple and exhaustive assembly and dismantling procedures.

But it still leaves a number of questions unanswered.

Two aspects of the scope need filling out:

- Who is covered: large construction, cleaning and maintenance multinationals are increasingly evolving into service concerns, contracting out the successive stages of work to hundreds of small firms, self-employed workers and skilled tradesmen. All these people need to be catered to and guaranteed proper protection.
- Safety on the streets: given the large numbers of people potentially at risk from dangers they may not even be aware of, public access to work areas should be prohibited when scaffolding is being assembled, altered or dismantled. If that is impossible, effective protective measures should be taken. In other words, the public authorities must address the safety of the public, pedestrians and motorists, if necessary by blocking off streets and pedestrian passageways, and protecting scaffolding from road traffic.

Two terms of the proposal also need to be clarified: the *plan* and *training*.

- The Commission proposal requires an assembly, use, alteration and dismantling *plan* to be drawn up depending on the complexity of the scaffolding chosen. But we say a *work plan* should be compulsory wherever temporary work is being done at a height, regardless of the complexity of the scaffolding. That plan should include basic safety precautions in addition to the provisions on scaffolding assembly, alteration and dismantling.
- The proposal is not clear whether training has to be provided for *all* workers. Apart from specific instructions for scaffolding erectors, all the workers concerned should be supplied with *rules for use* spelling out all the potential risks involved when working at heights. These rules for use could be included in the work plan drawn up by the employer, and put into practice by a competent person in charge of supervising and co-ordinating assembly, alteration and dismantling, as well as the general use of scaffolding and ladders.

Some other key points:

- the need to address specific hazards associated with mobile scaffolds and to assess the capacity of the load-bearing surface;
- the linkages to be made between the provisions of the Commission proposal and the forthcoming CEN draft European standard prEN 12811³;

³ Scaffolds – Performance requirements and general design

- the possibility of banning or at least severely restricting the use of ladders as working places.

Then there is the problem of small and medium-sized firms, who seem not to provide proper protection. Most are unable to cope with the complexities of working conditions on elevated workstations. They may also have difficulties bringing in new working procedures and training their workers.

The Economic and Social Committee made an important recommendation to the Commission in this respect. It said that Member States should be urged to help small and medium-sized firms to effectively implement health protection measures (with special attention to staff training). The Commission should also develop detailed planning guidelines to properly address scaffolding management.

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The Commission Proposal for a Council Directive amending for the second time Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work (2nd individual Directive within the meaning of Article 16 of Directive 89/391/EEC) aims to significantly decrease the number of falls from a height. It frames key precautions and 'rules for use' for carrying out temporary work at heights:

General requirements

Work equipment for temporary work at height has to be carefully selected, depending on the nature of the work to be performed, foreseeable stress and influences, access characteristics, height and duration of use. Collective fall protection safeguards, if considered necessary, must be adequately installed.

Specific requirements

- *Ladders* may be used as working places for work at height only where other safer work equipment is not justified in view of the short duration of use and low level of risk. Ladders must be positioned so as to ensure their stability during use, and to provide secure handhold and support to workers at all times.
- Design calculations must be available for *scaffolding*: for complex scaffolds an assembly, use and dismantling plan must be drawn up and made available to the supervisor and workers involved in the work. The supervisor must be a competent person and workers must be properly trained to assemble, alter and dismantle the scaffolds. Training must also cover any risks which working at a height may entail. Scaffolds must be stable and any accidental movement must be prevented: scaffold decks must be entirely safe in terms of loading capacity, passage of workers and stability.