

editorial

It is hard to believe that the TUTB is the only European occupational health and safety body to carry out a comparative study on the transposition of Community legislation and to organise a public debate on the way this is implemented in different countries. This was the view expressed by Marc Boisnel, the representative of the French government at the closing Round Table debate of the TUTB conference staged last December, to which this special issue of our Newsletter is devoted. Also present at this Round Table were Ms. Corman representing UNICE, Erik Carlslund representing the ETUC (Luxembourg Advisory Committee spokespersons for Employers and Workers respectively), Stephen Hughes representing the European Parliament, as well as representatives from the Luxembourg presidency of the European Council and the Commission. Marc Boisnel took this opportunity to bring up the Council Resolution on the transposition of social directives adopted during the last French presidency and the Commission's role in this domain. He requested that the Commission either set up a new tripartite body or use the existing Advisory Committee as a platform for debating the issues raised by transposition.

The European debate on the transposition of health and safety directives, and particularly the way in which these directives can actually tackle the health problems faced by workers, was taken up again in March 1998 at the European Parliament. Speaking at our Round Table back in December, the president of the Committee on Employment and Social Affairs, Stephen Hughes, voiced his impatience with the application of European health and safety directives in the Member States. He said that the slowing down of Community legislation was not due to difficulties at the transposition stage, but to logjams within the Commission. He also announced a parliamentary initiative on the subject of Repetitive Strain Injuries.

**The European Parliament:
watchdog and key player
in the debate on the
application of health
and safety directives**

Invited to the Parliamentary Hearing of March last were the TUTB, a representative of a victims' group, an Italian expert (Dr. E. Occhipinti) and a representative from the German company, Staedler. Here, three ways of preventing Repetitive Strain Injuries on the European level were identified: Commission recommendations on the interpretation of the Framework Directive and the Manual Handling of Loads Directive; a European guide to the evaluation of risks related to repetitive movements; and assessing the need for a specific directive covering these kinds of risks which affect a third of all European workers. During this Hearing, we reported on our Conference workshop on the transposition and application of the Manual Handling of Loads Directive. We also stressed the need to orchestrate the national transpositions from the European level, thereby helping to insure a harmonised implementation of the Directives. We emphasised the important role of the Parliament in this process. Indeed, the working environment directives were adopted by the Council by a qualified majority within the framework of the co-operation procedure with the Parliament, whose input in determining these directives was significant. Furthermore, it was the Parliament who requested an annual report by the Commission on the implementation of the Framework Directive (amendment No. 101 in doc. A2-241/88).

By bowing out of its role in the field of information and as a forum for debate on the transposition and application of the directives, the Commission is jeopardising the future and the pertinence of Community legislation in this domain. The Commission's current course of action, which is essentially limited to diplomatic and judicial routes, obviously needs an assertive political will from the College of Commissioners, but fails to include in the debate on application the social partners, the Parliament and the citizens. The Commission itself admits that these very same players are crucial to the effective implementation of social legislation.

Five years have now elapsed since a number of directives based on article 118A of the Treaty have entered into force and, in the meantime, the European Court of Justice has adopted a broad interpretation on the concept of the working environment. The time has now come to take stock of the implementation of this legislation in order to identify any difficulties that may arise as a result of its transposition and to pinpoint what it can contribute to the harmonisation of working conditions throughout the European Union. But one should also try to identify new legislative needs in the domain of the working environment. Indeed, the Commission's Green Paper on the organisation of work recognises that it is vital to reinforce legislative measures at a time when the situation of many workers is being radically transformed as a result of the intensification and casualisation of work.

A parliamentary committee of enquiry should be set up to examine national situations and to come up with solutions, both in terms of legislation and appropriate complaint procedures. It is imperative that the Parliament examine the means that the Commission and the Advisory Committee have, or at least should have, to deal with complaints about the interpretation of directives. It should also look into how and by whom the comparative data on national situations should be collected.

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