

Recently adopted measures

EU Occupational Safety and Health Strategy 2007 – 2012

Legal basis	Article 137 of the Treaty to implement improvements of the working environment to protect workers' health and safety.
Background	On 21 February 2007, the European Commission issued a Communication setting out a proposal for a new European Occupational Safety and Health (OSH) Strategy to run from 2007-2012. This Strategy succeeds the 2002-2006 strategy <i>Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006</i> . It sets the agenda for the next five years in terms of OSH policy development in Europe.
Key provisions	The new strategy for 2007-2012, titled <i>Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work</i> , aims to achieve an overall 25% reduction of occupational accidents. It sets out a series of actions at European and national levels in the following main areas: <ul style="list-style-type: none"> ■ improving and simplifying existing legislation and enhancing its implementation in practice through non-binding instruments; ■ defining and implementing national strategies adjusted to the specific context of each Member State; ■ mainstreaming of health and safety at work in other national and European policy areas (education, public health, research); ■ better identifying and assessing potential new risks through more research, exchange of knowledge and practical application of results.
The union approach	The ETUC stated that the new Commission strategy is the poorest in terms of concrete initiatives proposed since the first Community action programme adopted in 1978. The ETUC recalls that accidents at work form only a limited part of the health problems caused by work. The ETUC regrets that the communication says nothing about precisely how occupational diseases, in particular those related to cancers and MSD, will be brought down.
More details	http://hesa.etui-rehs.org > Main topics > Community strategy ETUI-REHS contact: Laurent Vogel, lvogel@etui-rehs.org

EU Chemicals Strategy: REACH

Legal basis	Articles 94 and 95 of the Treaty on the establishment and functioning of the internal market.
Background	On 13 December 2006, the European Parliament adopted in second reading the compromise it negotiated with Council on the new regulation for chemicals, REACH, which will oblige producers to register all those chemical substances produced or imported above a total quantity of 1 tonne per year. The regulation will enter into force progressively from June 2007, and the registration process will take 11 years to be completed. The calendar for registration depends on the risk of the substance and the quantity produced. All covered substances will have to be registered by 2018. REACH also creates a new Chemicals Agency, to be based in Helsinki, which will be responsible for managing the new system, including the authorisation process.
Key provisions	<p>Burden of proof: the regulation transfers the burden of proof regarding testing and evaluation of the risks of chemicals from the authorities to industry.</p> <p>Authorisation of substances of very high concern: for the most dangerous substances, there will be an obligation for producers to obtain an authorisation before using or placing them on the market. They will have also to submit a substitution plan to replace them with safer alternatives. Where no alternative exists, producers will have to present a research and development plan aimed at finding one.</p> <p>Registration: REACH requires manufacturers and importers of chemical substances (≥ 1 tonne/year) to obtain information on the physicochemical, health and environmental properties of their substances and use it to determine how these substances can be used safely.</p> <p>Manufacturers and importers must pre-register substances that are already on the EU market (so-called phase-in substances), if they want to benefit from transitional arrangements that allow registering them at a later stage. Pre-registration also enables registrants to share data with other registrants and avoid carrying out redundant tests. The pre-registration period is limited from 1 June 2008 to 1 December 2008.</p>

	Communication in the supply chain: Suppliers of substances must pass on information on the health, safety and environmental properties and safe use of their chemicals to their downstream users (via a Safety Data Sheet or other means). Downstream users may only use substances classified as dangerous or which are persistent, bioaccumulative and toxic (PBT and vPvB) if they apply risk management measures identified on the basis of exposure scenarios for their use.
The union approach	The ETUC welcomed the adoption of this crucial legislation but regrets the fact that information vital to protecting workers' health given in the chemical safety reports will now only be required for a third of the chemicals originally planned.
More details	http://hesa.etui-rehs.org > Main topics > Chemicals ETUI-REHS contact: Tony Musu, tmusu@etui-rehs.org

Adoption by the social partners of an autonomous European framework agreement to fight against harassment and violence at work	
Legal basis	Article 139 (2) of the Treaty.
Background	As announced in the European social partners work programme 2003-2005, the social partners organised a seminar on the issue of violence at work on 12 May 2005 to explore the possibility of opening up negotiations on this issue in the framework of Article 139 (2) of the Treaty.
Developments	In December 2006, social partners finalised the negotiations on an autonomous European framework agreement to fight against harassment and violence at work. On 26 April 2007, the text was officially signed by ETUC, BUSINESSEUROPE, UEAPME and CEEP. The implementation of this agreement will be carried out within three years.
Key provisions	Amongst other, the agreement provides a method to prevent, identify and manage problems of harassment and violence at work, which: <ul style="list-style-type: none"> ■ requires enterprises to have a clear statement outlining that harassment and violence at the workplace are not tolerated and specifies the procedure to be followed in case of problems; ■ recognises that the responsibility for determining, reviewing and monitoring the appropriate measures rests with the employer, in consultation with workers and/or their representatives; ■ allows the provisions of the agreement to deal with cases of violence by third parties where appropriate. <p>This framework agreement is the sixth signed by the European social partners since the beginning of the European social dialogue 20 years ago.</p>
More details	http://hesa.etui-rehs.org ETUI-REHS contact: Roland Gauthy, rgauthy@etui-rehs.org

Measures in the pipeline

Social partner consultation on protecting European healthcare workers from blood-borne infections due to needlestick injuries	
Legal basis	Article 138 of the Treaty.
Background	On 6 July 2006, the European Parliament adopted a resolution on protecting European healthcare workers from blood-borne infections due to needlestick injuries. The resolution requests the Commission "to submit to Parliament within three months of the date of adoption of this resolution a legislative proposal for a directive amending Directive 2000/54/EC on biological agents".
Developments	In January 2007, the social partners were called to give their opinion on the following questions: <ul style="list-style-type: none"> ■ do you consider it useful to take an initiative to strengthen the protection of European healthcare workers from blood-borne infections due to needlestick injuries? ■ do you think that a joint initiative by the European social partners under Article 139 of the Treaty establishing the European Community would be appropriate?
The union approach	In its response to the Commission, the ETUC said that it is not appropriate at this stage to negotiate an agreement between social partners on the theme covered by the present consultation.
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Social partner consultation on protecting workers from MSD	
Legal basis	Article 138 of the Treaty.
Background	The Community obligations on protecting workers from musculoskeletal disorders (MSD) are fulfilled at present through the general requirements of the 1989 Framework Directive plus a string of individual directives (workplaces, work equipment, manual handling of loads, VDU and vibrations). A Community initiative on preventing MSD was provided for in the health and safety strategy 2002-2006.
Developments	The European Commission launched in March 2007 the second phase of consultation of the European social partners. In its proposal, the Commission considers that a legislative initiative, setting out a revised, integrated and more legible EU regulatory framework on musculoskeletal disorders, might be appropriate. According to the Commission, the current individual directives do not cover all types of work situations or address all risk factors leading to work-related musculoskeletal disorders. The envisaged directive would provide a comprehensive definition of work-related musculoskeletal disorders and work-related risk factors, based on the latest evidence available in the ergonomics and epidemiological literature. Particular attention would be given to the following biomechanical risk factors: force, repetition, awkward postures, static postures and contact stress.
The union approach	In its reply to the Commission in April 2007, the ETUC called for a new directive specific to MSD prevention through a consideration of all risk factors including non biomechanical ones such as work organisation, stressors, etc.
More details	http://hesa.etui-rehs.org > Main topics > MSD http://ec.europa.eu/employment_social/social_dialogue/consultations_en.htm ETUI-REHS contact: Roland Gauthy, rgauthy@etui-rehs.org

Revision of the Working Time Directive (amending Directive 93/104/EC)	
Legal basis	Article 137 of the Treaty.
Background	The Commission published proposals to amend the Working Time Directive on 22 September 2004, and revised proposals on 31 May 2005 (following the First Reading from the Parliament). The proposals must be agreed by Council and Parliament in co-decision.
Developments	<ul style="list-style-type: none"> ■ In first reading, the EP had voted to end the use of the opt-out from the maximum 48 hour working week. A number of Member States, led by the UK, insist however to maintain national derogations from the principle. ■ The June 2006 Employment Council was unable to achieve a compromise. The main points on which deep divisions remain are preservation of national opt outs from and methods of calculating the maximum weekly working time (per contract or per worker). ■ At an extraordinary meeting of social affairs ministers held in Brussels on 7 November 2006, governments were unable for the fifth time in a row to resolve the problem. Five countries - France, Spain, Italy, Greece and Cyprus – rejected a final compromise solution drawn up by the Finnish EU presidency. Their main argument was that Europe should set a clear deadline for scrapping the provision allowing employees to work longer than the average of 48 hours per week set as a current ceiling by EU rules.
The union approach	<p>The ETUC's positions on the main points at issue:</p> <ul style="list-style-type: none"> ■ scrap the opt out clause; ■ on-call duty must be treated as working time in line with ECJ rulings; ■ the four month reference period must be kept for calculating the maximum weekly working time.
More details	<p>www.etuc.org/a/1839 ETUI-REHS contact : Laurent Vogel, lvogel@etui-rehs.org</p>

Revision of the Carcinogens Directive (amending Directive 90/394/EEC)	
Legal basis	Article 137 of the Treaty.
Background	In its communication <i>Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006</i> , the Commission announced its intention to propose extending the scope of the Directive on carcinogenic agents to include reprotoxic substances. The Commission pointed out the need of adapting existing directives to changes in scientific knowledge, technical progress and the world of work. The Commission launched the first phase of social partner consultations in March 2004.
Developments	<p>The second phase, long-awaited by the social partners, was launched by the Commission in April 2007. The social partners were requested to inform the Commission of their positions on other measures which might be envisaged, such as:</p> <ul style="list-style-type: none"> ■ extending the scope of Directive 2004/37/EC to include category 1 and 2 reprotoxic substances; ■ updating binding limit values for substances included in Annex III to Directive 2004/37/EC; or ■ including binding limit values for more substances in Directive 2004/37/EC; ■ introducing objective criteria for setting binding occupational exposure limit values for carcinogenic, mutagenic and reprotoxic substances, explaining what these criteria should be, and indicating what should be the process for setting new limit values; ■ training and information requirements (e.g. how existing measures could be implemented more effectively, examples of best practice, ways to improve coordination and sharing of information). <p>The social partners have six weeks to answer these questions.</p>
More details	<p>http://hesa.etui-rehs.org > Main topics > Chemicals ETUI-REHS contact : Tony Musu, tmusu@etui-rehs.org</p>

European Commission's proposal for a Globally Harmonized System of Classification and Labelling of Chemicals	
Background	The Globally Harmonized System of Classification and Labelling of Chemicals (GHS) is a United Nations scheme designed to make sure that across the world, the same criteria are used to come up with classifications of harmful effects of chemicals and that they are labelled in the same way.
Developments	On 21 August 2006, the European Commission published a draft text of a Regulation on Classification and Labelling of Substances and Mixtures based on the Globally Harmonised System. The proposed Regulation will apply directly to Member States (like the REACH Regulation). The European Commission Internet consultation closed on 21 October 2006. When adopted by the legislature, the GHS Regulation will repeal the currently existing EU Directives on classification and labelling, i.e. Directive 67/548/EEC and 1999/45/EC, after a transitional period.
The union approach	In its response to the consultation, the ETUC strongly disagrees with the proposal to exempt from the scope of the Directive 98/24 – protection of the health of workers from the risks related to chemical agents – additional substances classified as hazardous under the GHS. The ETUC also stated that the GHS Regulation must assure that all substances today listed on the Annex I of Directive 67/548/EEC will maintain their classification after implementation of GHS and REACH.
More details	ETUC detailed comments are available from http://ec.europa.eu/enterprise/reach/ghs_stakeholder_replies.htm ETUI-REHS contact: Tony Musu, tmusu@etui-rehs.org

Draft directive to simplify and rationalise the national implementation reports on the 1989 Framework Directive	
Legal basis	Article 137 (2) of the Treaty.
Background	The 1989 Framework Directive on Health and Safety and its daughter Directives contain provisions requiring Member States to report to the Commission on the practical implementation of a number of occupational safety and health Directives at either four or five yearly intervals. This proposal is the first occupational safety and health proposal to come from the EC's simplification plan from their <i>Communication, Implementing the Community Lisbon programme: A strategy for the simplification of the regulatory environment</i> published in October 2005. The proposal has completed two stages of social partner consultation, at the European level, in 2005.
Developments	The proposal seeks to simplify and rationalise the reporting process by: <ul style="list-style-type: none"> ■ aligning reporting cycles from four to five years so reports will have to be submitted less frequently; ■ synchronising reporting cycles so that all reports will be due at one time; ■ developing a standard reporting structure with two parts consisting of a general and specific section. The proposal will extend the reporting obligations to include Directives 2000/54/EC and 2004/37/EC on biological agents and carcinogens respectively. Council negotiations commenced on 12 October 2006. The proposed directive is expected to be on the agenda for political agreement at a Council meeting during the first half of 2007. It will then go through the standard co-decision procedures.
The union approach	In its response sent to the European Commission on 25 May 2005, the ETUC stresses that "the current system is inadequate" because it provides for publication of reports at different intervals and does not allow the interaction between the directives to be taken into account. The trade union body hopes that having a single report will enable an in-depth evaluation to be done of each Member State's overall health and safety at work strategy. But the ETUC will not accept a rationalisation that rolls back European OSH legislation. Its response takes a firm stand against any attempt to simplify or unpick the 1989 Framework Directive on promoting workers' safety and health at work.
More details	http://hesa.etui-rehs.org/uk/newsevents/files/Consultation-SS-CES-EN.pdf ETUI-REHS contact: Laurent Vogel, lvogel@etui-rehs.org

Forthcoming

Proposal for a Regulation of the European Parliament and of the Council concerning Community statistics on public health and health and safety

Legal basis	Article 285 of the Treaty.
Background	The Community strategy on health and safety at work 2002-2006 called on the Commission and the Member States to step up work in hand on harmonisation of statistics on accidents at work and occupational illnesses, so as to have available comparable data from which to make an objective assessment of the impact and effectiveness of the measures taken under the Community strategy. In a proposal issued in February 2007, the Commission considers it is necessary now to give a firm basis through providing a basic legal act in the areas of public health and health and safety at work statistics.
The union approach	There is no doubting the value of harmonising statistics. So great are the differences between Member States where occupational diseases are concerned that harmonisation of statistics will not be possible without a minimum harmonisation of systems for reporting and recognizing work-related illnesses. Ironically, this is one of the earliest things the Community set out to do but has never managed because the legal instruments adopted since 1962 are only recommendations.
More details	ETUI-REHS contact: Laurent Vogel, lvogel@etui-rehs.org

Commission proposal for the codification of Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work

Legal basis	Article 137 (2) of the Treaty.
Background	Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work has undergone repeated and extensive amendment. The Commission wants to clarify and streamline it by codifying it.
Developments	The Commission presented its proposal to codify Directive 83/477/EEC in November 2006.
The union approach	The Commission is proposing to codify all the provisions in force. It will help make the Community rules simpler to understand.
More details	ETUI-REHS contact: Laurent Vogel, lvogel@etui-rehs.org

Commission proposal for the codification of Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work

Legal basis	Article 137 (2) of the Treaty.
Background	Compliance with health and safety regulations in the use of work equipment is an important aspect of prevention measures. Since 1989 these measures have been the subject of a minimum harmonisation. The directive of 30 November 1989 has been amended several times so as to cover a large number of work situations (mainly related to work at a height) and to incorporate a broad approach to safety at work by referring to ergonomic principles.
The union approach	Codification may not make any changes to the content. The European Economic and Social Committee notes in an opinion that the Commission has breached this basic principle without explanation in the recitals on self-employed workers and training for workers required to use equipment to perform work at a height.
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