

A Barbour Guide

# European Union: Health and Safety Legislation

# Background

The origins of the European Union can be traced back to the 1957 Treaty of Rome, which created the European Economic Community (EEC). The Treaty of Rome was primarily concerned with stimulating growth within the economies of its Member States, by creating a common market in which goods, people and services could move freely between them, but only made limited provisions for health and safety.

The adoption of the Single European Act in 1986 (SEA) gave further impetus to the occupational health and safety measures taken by the Community. The Act introduced new Articles into the Treaty of Rome relevant to health and safety. For the first time, health and safety at work was dealt with in an operational provision of an EEC Treaty.

## The adoption of the Single European Act in 1986 (SEA) gave further impetus to the occupational health and safety measures taken by the Community

The treaty contained measures to remove all barriers to trade in the single market and allow free movement of goods across borders. It is therefore relevant to health and safety at work as items such as work equipment could move between Member States.

The SEA also introduced a procedure for the adoption of Directives by qualified majority voting (QMV) and was incorporated within a part of the Treaty of Rome concerned with social policy. The Treaty of the European Union 1992 (the Maastricht Treaty) included a Protocol on social policy entitled the Social Chapter.

In 1997 the Treaty Establishing the European Community 1997 (the Amsterdam Treaty) was agreed and published. This Treaty amended, and to a large extent reproduced, the provisions of the Treaty of Rome. After the signing of the Lisbon Treaty in 2007, the Treaty of Rome was renamed as the Treaty on the Functioning of the European Union (TFEU).

Article 114 of the TFEU aimed to harmonise national laws and to ensure that the same rules are applied throughout the EU, preventing discrimination against equivalent goods (product standards) from any

Member State. Article 153 is concerned with the improvement of working conditions.

Directives under Article 114 are intended to ensure that only safe products are placed on the market, including machines and personal protective equipment. Directives made under this Article should not impose administrative, financial, or legal constraints in a way which would hold back the creation and development of small and medium-sized enterprises (SMEs).

Directives under Article 153 are intended to cover areas such as:

- Improvement in the working environment to protect workers' health and safety.
- Working conditions.
- Social security and social protection of workers.
- Protection of workers where their employment contract is terminated.
- The information and consultation of workers.
- The integration of persons excluded from the labour market.
- Equality between men and women with regard to the labour market and opportunities and treatment at work.

# The Legal System

## Law Making in the European Union

Decision-making at EU level is the result of interaction between various parties, in particular the 'institutional triangle' formed by the European Parliament, the Council of the European Union and the European Commission (EC).

The Court of Auditors, the European Economic and Social Committee (EESC), the Committee of the Regions (COR), the European Central Bank and the Economic and Financial Committee may also intervene in specific areas of EU law.

The Co-decision procedure was introduced by the Maastricht Treaty on European Union (1992) and extended by the Amsterdam Treaty (1999). When the Lisbon Treaty took effect on 1 December 2009, the renamed "Ordinary Legislative Procedure" became the main legislative procedure of the EU's decision making system. Adoption of new EU legislation for the harmonisation of product standards and the improvement of working conditions involves the use of the Ordinary Legislative Procedure.

### Ordinary Legislative Procedure

Main elements of the Ordinary Legislative Procedure are as follows:

- The European Commission submits a proposal to the Council of the European Union and the European Parliament.
- The Council and the Parliament adopt a legislative proposal either at the first reading or at the second reading.
- If the two institutions do not reach an agreement after the second reading a conciliation committee is convened.
- If the text agreed by the conciliation committee is acceptable to both institutions at the third reading, the legislative act is adopted.

If a legislative proposal is rejected at any stage of the procedure, or the Parliament and Council cannot

reach a compromise, the proposal is not adopted and the procedure ends.

The European Commission is the only EU institution empowered to present proposals for legislative acts, either on its own initiative or when requested by other EU institutions. However, in specific cases, the Ordinary Legislative Procedure can also be enacted:

- On the initiative of a quarter of the Member States (when the proposal concerns judicial co-operation in criminal matters or police co-operation).
- On a recommendation from the European Central Bank (on proposals concerning the statute of the European system of central banks and of the European Central Bank).
- At the request of the Court of Justice of the EU (on matters relating to the statute of the Court, establishment of specialised courts attached to the General Court, etc.).
- At the request of the European Investment Bank.

Legislative proposals are presented to the European Parliament and the Council of the European Union, and made available to the parliaments of the Member States who have eight weeks to send a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity to the Presidents of the European Parliament, the Council of the European Union, and the European Commission.

The European Parliament adopts its position at first reading on the legislative proposal. There is no time limit set for the first reading, but there are for subsequent readings and stages.

If the Parliament's position does not contain any amendments, and if the Council also accepts the original proposal, the legislative act is adopted by a qualified majority, then signed by the Presidents of the European Parliament and of the Council of the European Union and published in the Official Journal.

### Qualified Majority

In order to be adopted, legislation must have the support of at least 55% of the EU Member States and at least 65% of the EU population. A blocking minority must include at least four Council members

(four countries) representing more than 35% of the EU population. It is the voting procedures within the Council which will largely determine the evolution of EU policy in the fields of employment and industrial relations.

## Types of European Law

The Treaties of the European Union give its institutions the authority to operate together in the prescribed manner to create law. When a proposal has been adopted it is published by the European Commission in the Official Journal of the European Community, whereby it becomes EU Law.

There are three main sources of European law that have binding force:

### Regulations

Regulations apply directly and ensure uniform application throughout the EU on matters of universal importance. They are binding on Member States and require no national measures for implementation as they are direct acting.

An example of a European Regulation relevant to health and safety is the Registration Evaluation and Authorisation of Chemicals Regulations (REACH).

### Directives

Directives indicate the required results to be achieved but leave detailed implementation to the individual Member States. They only take effect when they are embodied in the national legislation.

Directives have been the preferred tool for the introduction of health and safety law within the EU, and Member States have a defined period of time to incorporate the key elements of a Directive into their national law, thus allowing for local national variations within the scope of the Directive.

An example of a Directive is the EU Framework Directive (89/391/EEC) which implemented many of the health and safety management requirements for Member States.

### Decisions

Decisions of the EU are binding to a Member State,

an organisation, or an individual to which they are addressed.

All legally binding EU Regulations, Directives and Decisions are published in the Official Journal of the European Community accessible through EUR-Lex.

Further to the above, Recommendations (which allow the EU to suggest improvements or changes) and Opinions (which allow the EU to make their views known on a specific subject) can also be issued by the European Parliament or other institutions. These have no binding force.

## Key Health and Safety Legislation

The European Pillar of Social Rights is about delivering effective rights for EU citizens. It has 3 main categories:

- Equal opportunities and access to the labour market.
- Fair working conditions.
- Social protection and inclusion.

Within the category on 'fair working conditions', principle 10 defines the requirement for a healthy, safe and well-adapted work environment and data protection, where:

- Workers have the right to a high level of protection of their health and safety at work.
- Workers have the right to a working environment adapted to their professional needs and which enables them to prolong their participation in the labour market.
- Workers have the right to have their personal data protected in the employment context.

Although there are many Regulations and Directives relating to protecting people's health and safety at work, one of the principal Directives relating to health and safety is the 'Framework Directive', Directive 89/391/EEC, which defines the methodology to deliver improvements in the safety and health of workers, and sets the minimum safety and health requirements throughout EU Member States.

Regulations apply directly and ensure uniform application throughout the EU on matters of universal importance

Its main objective is the introduction of measures to improve the safety and health of workers at work, and contains the general principles concerning the prevention of occupational risks; the protection of safety and health; the elimination of risk and accident factors; the provision of protection and prevention services; informing, consultation and a balanced participation of workers; the training of workers and their representatives; and general guidelines for the implementation of these principles.

Directives such as these are transposed into the national legislation of Member States before they become enforceable against businesses or individuals. The different Member States of the EU will have made their own arrangements for transposing and enforcing the stated provisions. The Framework Directive applies to all sectors of activity, both public and private, with the exception of certain specific activities in the public and civil protection services. The Framework Directive's requirements often define the principal health and safety legislation within each Member State.

It introduced specific duties for employers, including obligations to:

- Ensure the safety and health of workers in every aspect related to the work, primarily on the basis of the specified general principles of prevention (see below), without involving the workers in any financial cost.
- Evaluate occupational risks, for example in the choice of work equipment and the fitting-out of workplaces, and to make provision for adequate protective and preventive services.
- Keep a list of and prepare reports on occupational accidents.
- Take the necessary measures for first aid, fire-fighting, evacuation of workers and action required in the event of serious and imminent danger.
- Inform and consult workers and allow them to take part in discussions on all questions relating to safety and health at work.
- Ensure the planning and introduction of new technologies are subject to consultation with workers

and / or representatives regarding possible consequences in working conditions, environments and the safety and health of workers.

- Ensure that each worker receives adequate safety and health training throughout their period of employment.

Within the context of their responsibilities, Article 6 introduced the concept of the 'general principles of prevention' which require the employer to:

- Avoid all risks where possible.
- Evaluate the risks which cannot be avoided.
- Combat risks at source.
- Adapt work to the individual, especially regarding the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view to alleviating monotonous work and work at a predetermined work-rate, and to reduce their effect on health.
- Adapt to technical progress.
- Replace the dangerous by the non-dangerous or the less dangerous.
- Develop a coherent overall prevention policy which includes technology, work organisation, working conditions, social relationships, and influences related to the working environment.
- Give collective protective measures priority over individual protective measures.
- Give appropriate instructions to workers.

Employees and workers are also presented with obligations to:

- Make correct use of machinery, other means of production, personal protective equipment and safety devices.
- Report any work situation presenting a serious and immediate danger, and any shortcomings in the employer's protection arrangements.
- Cooperate in fulfilling any requirements imposed for the protection of health and safety, thus enabling the employer to ensure that the working environment and working conditions are safe and healthy.

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Under the Framework Directive further individual Directives were adopted to address specific areas (listed in an Annex to the Framework Directive) to which the provisions of the Framework Directive apply, without prejudice to more stringent and / or specific provisions contained in the individual Directives.

These areas are:

- work places
- work equipment
- personal protective equipment
- work with visual display units
- handling of heavy loads involving risk of back injury
- temporary or mobile work sites
- fisheries and agriculture.

Some other significant Regulations and Directives relating to health and safety are as follows:

- **Asbestos**—Directive 2009/148/EC of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work.
- **Biological Agents**—Directive 2000/54/EC of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work.
- **Chemical Agents**—Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work.
- **Carcinogens and Mutagens**—Directive 2004/37/EC of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work.
- **REACH**—Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), also known as the REACH Regulation.
- **Classification, Labelling and Packaging (CLP)**—Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures, also known as the CLP Regulation.
- **Display Screen Equipment**—Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment.
- **Manual Handling of Loads**—Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.
- **Noise**—Directive 2003/10/EC of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise).
- **Vibration**—Directive 2002/44/EC of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration).
- **Personal Protective Equipment**—Regulation (EU) 2016/425 of the 9 March 2016 on personal protective equipment was introduced the strengthened commonality in the application of the essential health and safety requirements and conformity procedures for personal protective equipment. It repealed Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment in the workplace. However, the Directive remains in place for personal protective equipment placed on the market prior to the introduction of Regulation (EU) 2016/425.
- **Workplaces**—Directive 89/654/EEC of 30 November 1989 on the minimum safety and health requirements for the workplace.
- **Work Equipment**—Directive 2009/104/EC of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work. Note, this Directive also includes the fundamental require-

ments relating to lifting equipment and work at height.

- **Machinery**—Directive 2006/42/EC of 17 May 2006 on machinery, and amending Directive 95/16/EC.
- **Working Time**—Directive 2003/88/EC of 4 November 2003 on the organisation of working time.
- **Safety Signs**—Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of health and/or safety signs at work.
- **Temporary/Mobile Work Sites**—Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile work sites.
- **Young People**—Directive 94/33/EC of 22 June 1994 on the protection of young people at work.
- **Pregnant/Breastfeeding Workers**—Directive 92/85/EEC of 19 October 1992 on measures to improve the safety and health of pregnant workers, workers who have recently given birth and women who are breastfeeding.

## European System of Safety and Health at Work and Key Organisations

The European Union is built on a representational system whereby the Member States delegate sovereignty for certain matters to independent institutions of the EU which represent its interests as a whole, its Member States and its citizens. The operations of the EU are complex and detailed but the main institutions and their roles are detailed below.

### European Parliament

The European Parliament is the EU's law-making body, and consists of Members of the European Parliament (MEPs) who represent constituencies in their own Member States. Elected every five years, the European Parliament is the expression of the

democratic will of the Union's citizens. Brought together within pan-European political groups, the major political parties operating in the Member States are represented.

### Parliament has three essential functions:

- **Legislative:** It passes laws in conjunction with the Council of the European Union, based on proposals by the European Commission (EC) through the Ordinary Legislative Procedure and Co-decision procedures (see above). Proposals of the Council of the European Union are also consulted on (a specific process) with its consent required on Union enlargements, and it decides on various international agreements. It also reviews the European Commission's work programme.
- **Budgetary:** It shares budgetary authority with the Council of the European Union and can therefore influence EU spending. It also approves the EU's long-term budget plans (the so called 'multiannual financial framework').
- **Supervisory:** It exercises democratic supervision over the EU institutions. It approves the nomination of Commissioners and has the right to censure the Commission. It also exercises political supervision over all the institutions by questioning, examination and observations.

Parliament also appoints the European Ombudsman who is empowered to receive complaints from EU citizens concerning maladministration in the activities of EU institutions or bodies.

The Parliament is currently made up of a maximum of 705 members (704 MEP's plus the President), which was adjusted following the UK's departure from the EU, with each country having the number of MEP's in approximate proportion to its population (however, the minimum is 6 and maximum 96).

### European Council

The European Council defines the general political direction and priorities of the European Union and is made up of; the heads of state / government of each Member State, the European Council President, and

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the European Commission President. It sets the political direction and agenda of the EU and represents the highest level of political co-operation between Member States. It meets in a summit format, usually quarterly unless specifically required otherwise, and most issues are decided on a consensus (unless unanimity or a qualified majority is specified).

The main activities of the European Council are as follows:

- It defines and sets the overall political direction and priorities of the EU (Note, it has no law-making capability or role, but can request the European Commission to address specific matters).
- It is the final decision-making entity for complex and sensitive issues that cannot be resolved by the other EU institutions.
- It sets the foreign and security policy of the EU based on its strategic and defence interests.
- It nominates and appoints high profile roles in the European Central Bank and the European Commission.

### **Council of the European Union**

The Council of the European Union—together with the European Parliament—are the EU's main decision-making bodies. It is the embodiment of the Member States, whose representatives it brings together regularly at ministerial level. According to the matters on the agenda, the Council meets in different compositions: environment, employment, social policy, health and consumer affairs, etc.

The Council's meetings are prepared by the Committee of Permanent Representatives (COREPER), which is made up of ambassadors to the EU from Member States' own governments, and acts as a link between the Member States and the EU. COREPER is both a forum for dialogue (among the Permanent Representatives and their respective national capitals) and a means of political control (guidance and supervision of the work of the expert groups). It thus carries out preliminary scrutiny of the Council's agenda (including proposals and drafts for

legislation tabled by the Commission). It seeks to reach agreement at its own level on each dossier, failing which it may suggest guidelines, options or suggested solutions to the Council.

There are no fixed members of the Council of the European Union as it meets in a variety of formats (known as configurations) depending on the subjects being discussed, and meetings are attended by ministerial representatives from each Member State. They vote on behalf of the government of their country and cast its vote, with each Member State having a number of votes weighted in relation to the size of its population. It decides some matters by QMV, some by simple majority, and others by unanimity. The Council of the European Union has a number of key responsibilities:

- It is the Union's legislative body and for a wide range of EU issues, it exercises that legislative power in Co-decision with the European Parliament.
- It co-ordinates the policies of the Member States.
- It concludes international agreements on behalf of the EU with other countries or international organisations.
- It shares budgetary authority with the European Parliament.
- It takes the decisions necessary for framing and implementing the common foreign and security policy, based on general guidelines established by the European Council.

### **European Commission**

The European Commission is the EU's politically independent executive arm. It is solely responsible for drawing up proposals for new European legislation, and it implements the decisions of the European Parliament and the Council of the European Union. The President (who is nominated by the European Council) and other members of the Commission are appointed by the Member States after they have been approved by the European Parliament.

The Commission is the driving force in the European Union's institutional system, as follows.



- It helps to shape the EU's overall strategy, proposes new EU laws and policies, monitors their implementation, and manages the EU budget. It also plays a significant role in supporting international development and delivering aid.
- As the Union's executive body, it is responsible for implementing European legislation (Directives, Regulations, Decisions, etc.), budgets, spending priorities, and programmes adopted by the European Parliament and the Council of the European Union.
- It oversees service standards and principles which guide the Commission in its work. These include transparency, language coverage, responsibility towards the environment, equality and ethical behaviour.
- It acts as guardian of EU Treaties and, together with the Court of Justice of the European Union (CJEU), ensures that EU law is properly applied in all Member States.
- It represents the EU on the international stage and negotiates international agreements, chiefly in the field of trade and co-operation.

It is divided into various departments; Directorates Generales (DGs), Executive Agencies and Service Departments, based on the specific policy area. The Director-Generals report to a Commissioner, each of whom has the political and operational responsibility for one or more of the Directorate-Generals.

The European Commission's six priorities for 2019–2024 are to:

- Secure a green deal to be the first climate neutral continent and become a modern, resource efficient economy.
- Make Europe fit for the digital age by empowering people to make use of new generation technologies.
- Develop an economy that works for people by creating a more attractive investment environment, and growth that creates jobs, especially for young people and small businesses.
- Strengthen the voice and influence of Europe globally, championing multilateralism and a rule-based global order.

- Promote the European way of life by protecting the rule of law, justice, and its core values.
- Developing a new push for European democracy by giving people a bigger voice, protecting democracy and reducing external interference, e.g. through disinformation and hate messaging.

## Court of Justice of the European Union

The purpose of the Court of Justice of the European Union (CJEU) is to adjudicate on the laws of the EU and the means by which the Member States have interpreted / introduced these laws. The Court's decisions are binding on all Member State courts and a single judgment is given on which there is no further right of appeal. It can also, in certain circumstances, be used by individuals, companies or organisations to take action against an EU institution, if they feel their rights have been infringed.

The CJEU is the Supreme Court within the EU. It has an overseeing role to ensure that EU law is uniformly interpreted and effectively applied, by:

- Ensuring the legality of EU legislation.
- Giving the ultimate ruling on the interpretation of EU law.
- Dealing with complaints about Member States not complying with EU legislation.

It has jurisdiction in disputes involving Member States, EU institutions, businesses and individuals. Cases can be referred on the grounds above from any level of the courts of a Member State, e.g. to interpret a specific point typically from a new EU law.

The CJEU is divided into 2 courts:

- The Court of Justice, which deals with requests for preliminary rulings from national courts, certain actions for annulment and appeals.
- The General Court, which rules on actions for annulment brought by individuals, companies and, in some cases, EU governments. In practice, this means that this court deals mainly with competition law, state aid, trade, agriculture, and trademarks.

## The Court of Justice comprises one judge from each Member State and eleven advocates general

The Court of Justice comprises one judge from each Member State and eleven advocates general, and the General Court consists of two judges from each Member State. The Court of Justice may be heard by 3, 5 or 15 judges (the whole Court), depending on the importance and complexity of the case. Most cases are dealt with by 5 judges, and it is rare for the whole Court to hear the case (note, General Courts are heard by 3 judges). Judgments of the Court are decided by a majority and pronounced at a public hearing.

The CJEU determines whether a Member State has fulfilled its obligations under EU law. An action may be brought by the European Commission—as is practically always the case—or by another Member State. If the Court finds that the obligation has not been fulfilled, the Member State concerned must comply without delay. However, if, after new proceedings are initiated by the European Commission, the CJEU finds that the Member State concerned has not complied with its judgment, it may impose a fixed or a periodic penalty.

## Other Bodies within the EU

### European Court of Auditors

As the EU's independent external auditor, the European Court of Auditors checks that all the Union's revenue has been received and all its expenditure has been incurred in a lawful and regular manner, and that financial management of the EU budget has been sound. It does not have legal powers but works to improve the European Commission's management of the EU budget and reports on EU finances. Members are appointed by the Council, after consulting the Parliament, for renewable 6-year terms. They choose one of their number as President for a 3-year term (also renewable).

It carries out 3 types of audit:

- Financial audits—checking that accounts accurately present the financial position, results, and cash flow for the year.
- Compliance audits—checking that financial transactions follow the rules.

- Performance audits—checking that the EU funds achieve their goals with the fewest possible resources and in the most economical manner.

### European Economic and Social Committee

Founded in 1957 under the Treaty of Rome, the European Economic and Social Committee (EESC) is an advisory body representing employers, trade unions, farmers, consumers, and the other interest groups that collectively make up 'organised civil society'. It presents their views and defends their interests in policy discussions with the European Commission, the Council of the European Union, and the European Parliament.

The EESC has three main missions:

- Helping to ensure that European policies and legislation integrate with economic, social and civic needs, by assisting the European Parliament, Council of the European Union and Commission, and making use of EESC members' experience and representation, dialogue and efforts, to secure consensus in the general interest.
- Promoting the development of a more participatory European Union, which is more in touch with popular opinion, by acting as an institutional forum representing, informing, expressing the views of, and securing dialogue with, organised civil society.
- Promoting the values on which European integration is founded and advancing, in Europe and across the world, the cause of participatory democracy, as well as the role of civil society organisations.

The EESC has three main missions:

- To ensure that EU policy and law are geared to economic and social conditions, by seeking a consensus that serves the common good.
- To promote a participatory EU by giving workers' and employers' organisations and other interest groups a voice and securing dialogue with them.
- To promote the values of European integration, and advance the cause of participatory democracy and civil society organisations.

The European Economic and Social Committee is a consultative body and an integral part of the EU's decision-making process. It must be consulted before decisions are taken on economic and social policy. On its own initiative it may also give opinions on other matters it considers important.

### Committee of the Regions

The Committee of the Regions (COR) is an advisory assembly of the EU. It is responsible for issuing opinions on proposals for EU legislation, and is composed of representatives of local and regional authorities.

The decision to set up this assembly was prompted by the need to consult public authorities closest to individual citizens, e.g. mayors, town and city councillors and regional presidents, on EU proposals of direct interest to them, as they will have responsibility for implementing programmes or applying new legislation. The COR must be consulted by the European Commission, Council of the European Union and Parliament in areas affecting local and regional interests, such as education, youth, culture, health and social and economic cohesion.

## Selected European Occupational Health and Safety Bodies

### The European Agency for Safety and Health at Work

The European Agency for Safety and Health at Work (EU-OSHA) is an EU level agency that develops, analyses, and disseminates information in relation to occupational safety and health. The continuous improvement of safety and health at work is a key objective of European social and employment policy. However, given the range and diversity of the occupational safety and health issues facing the Member States of the European Union it was recognised that resolving or responding effectively was beyond the resources and expertise of a single Member State or institution.

The response to this situation was the setting up of EU-OSHA with the intention of bringing together and sharing knowledge and information on occupational

health and safety issues. It is not a regulatory body and does not carry out workplace visits for the purpose of carrying out enforcement. The Agency conducts research, runs campaigns and publishes information in a broad range of formats and on a varied list of topics including specialist information reports and fact sheets. It also operates the European Risk Observatory, which focuses on identifying and formulating responses to emerging risks to occupational health and safety. Typically, EU-OSHA does not deal directly with employers or workers but deals with 'national focal points'. These national focal points are typically the lead health and safety organisations within Member States that are then responsible for co-ordinating and disseminating information from EU-OSHA within their individual countries. Examples of national focal points are the Federal Institute for Occupational Safety and Health (*Bundesanstalt für Arbeitsschutz und Arbeitsmedizin—BauA*) in Germany, and the TNO Prevention, Work & Health in the Netherlands.

EU-OSHA also interacts with a broad range of occupational safety and health (OSH) organisations. These organisations include the competent OSH authorities in the Member States, the social partners, various OSH networks and professional organisations as well as international organisations such as International Labour Organisation (ILO) and World Health Organisation (WHO). To help share knowledge among the stakeholder groups, EU-OSHA developed 'OSHWiki' which contains knowledge, information, and best practices. The site is intended to support government, industry, and employee organisations in ensuring safety and health at the workplace. However, care should be taken to ensure that content referred to is up to date.

EU-OSHA is managed by a Director and has a Governing Board which is made up of representatives of government, employers, and workers from the Member States and representatives of the European Commission. It is based in Bilbao, Spain.

### The European Chemicals Agency

The European Chemicals Agency's (ECHA) mission

The obligations of a business will depend on its role in the supply chain

is to ensure consistency in chemicals management across the EU and to be the centre of knowledge on the sustainable management of chemicals, serving a wide range of EU policies and global initiatives, for the benefit of citizens and the environment.

ECHA is responsible for coordinating the duties introduced by Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals legislation (the REACH Regulations). ECHA manages the registration, evaluation, authorisation, and restriction processes for chemical substances to ensure consistency across the European Union. These processes are designed to provide additional information on chemicals, to ensure their safe use and to enhance the competitiveness of the European industry.

One of the ECHA's tasks is to provide information and guidance to companies, especially small-and medium-sized enterprises (SMEs), on how to comply with the REACH requirements. To this end, ECHA operates a multilingual website, which serves as a single access point for general information on chemicals, REACH guidance documents, and other tools which help companies in complying with the legislation.

ECHA also deals with Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures (the CLP Regulations), to ensure that the hazards presented by chemicals are clearly communicated to workers and consumers in the European Union. The obligations of a business will depend on its role in the supply chain, depending on whether it is a manufacturer of substances or mixtures, an importer of substances or mixtures, a producer of specific articles, a 'downstream' user (including formulator and re-importer), or a distributor (including retailer). The placing of a hazardous substance on the market, must be notified to the Classifications and Labelling Inventory (C&L) of the ECHA within one month of placing the substance on the market for the first time.

ECHA is also responsible for the implementation of the Chemical Agents Directive (CAD) and the Carcinogens, Mutagens or Reprotoxic substances

Directive (CMRD), which protects workers from risks to their safety and health from chemical agents, exposure to carcinogens, mutagens or reprotoxic substances at work. These include the requirements for indicative and binding Occupational Exposure Limits (OELs), which also fall into the remit of ECHA through their Risk Assessment Committee (RAC) who provide scientific opinions underpinning the establishment of OELs to protect workers from hazardous chemicals. It evaluates the relationship between the health effects of a given hazardous chemical agent and the level of occupational exposure, and adopts a scientific opinion, which, subject to a two-month public consultation, is the first step taken by the ECHA in the process of establishing OELs. The members of the RAC are nominated by the Member States but appointed in their individual capacity as scientists by the Management Board of ECHA for a renewable term of three years.

Other legislation overseen by ECHA includes:

- The Biocidal Products Regulation (BPR, Regulation (EU) 528/2012) which concerns the placing on the market and use of biocidal products in the EU.
- The Prior Informed Consent Regulation (PIC, Regulation (EU) 649/2012) which implements the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade within the European Union.
- The Waste Framework Directive (WFD, Directive 2008/98/EC) which deals with the adverse impacts of substances of very high concern through the generation and management of waste.
- The Persistent Organic Pollutants Regulation (POP, Regulation (EU) No 2019/1021) which implements the Stockholm Convention and the Aarhus Protocol, aims to protect human health and the environment with specific control measures.
- The Drinking Water Directive (DWD, Directive (EU) 2020/2184) which determines the quality of drinking water to ensure it stays free from contaminants.

Priorities are shaped by the key challenges for social cohesion in a changing environment

The Management Board of ECHA is composed of representatives from the Member States, European Parliament, European Commission, and three members representing the industry, trade unions, and Non-Governmental Organisations (NGOs). ECHA also operates Member State, Risk Assessment and Socio-Economic Committees, and a Forum of national enforcement authorities. It is located in Helsinki, Finland.

## The European Environment Agency

The European Environment Agency (EEA) is an agency of the European Union, whose task is to provide sound, independent information on the environment. They are also an information source for those involved in developing, adopting, implementing, and evaluating environmental policy, and also the general public.

The EEA is located in Copenhagen, Denmark, with a mandate to:

- Help the EU and Member States make informed decisions about improving the environment, integrating environmental considerations into economic policies, and moving towards sustainability.
- Co-ordinate the European Environment Information and Observation Network (Eionet), a network of national environmental bodies which aids the EEA by gathering and developing data, knowledge, and advice for policy makers about Europe's environment.

Eionet is a partnership network of the EEA and the Member States. The EEA is responsible for developing the network and coordinating its activities, by working closely together with the national focal points for environmental management, typically national environment agencies or environment ministries.

## The European Foundation for the Improvement of Living and Working Conditions

The European Foundation for the Improvement of Living and Working Conditions (Eurofound) is a tripartite European Union Agency, whose role is to

provide knowledge to assist in the development of better social, employment and work-related policies. It provides information, advice and expertise for key actors in the field of EU social policy on the basis of comparative information, research and analysis, to support the policymaking activities of EU institutions, governments, employers, trade unions and civil society organisations.

Their priorities are shaped by the key challenges for social cohesion in a changing environment. The Agency focuses on issues where it can draw on its core expertise in the areas of working conditions, industrial relations, employment and living conditions, to support its stakeholders by providing evidence that can assist their policy actions. Their work programme for 2021 to 2024 has six strategic areas to be implemented through the following operational activities:

- Working conditions and sustainable work—providing comparative data and analysis that can be used to improve job quality and promote sustainability of working life.
- Industrial relations and social dialogue—functioning as a centre of expertise for monitoring and analysing developments in industrial relations and social dialogue and promoting dialogue between management and labour.
- Employment and labour markets—providing knowledge to identify changes in the labour market and inform employment policies to improve their functioning and inclusiveness in a rapidly changing labour market.
- Living conditions and quality of life—mapping and analysing key elements for the improvement of living conditions of people, including information on their perception of quality of life and society.
- Anticipating and managing the impact of change—providing evidence on structural changes, driven largely by digitalisation and climate change, but also the COVID-19 crisis, that can be used to ensure just transitions which promote employment, good working conditions, social protection and workers' rights, while also improving labour productivity, competitiveness and prosperity.
- Promoting social cohesion and convergence—

contributing to the policy debate on fairness and informing policies aimed at improving social cohesion and promoting convergence toward better living and working standards in the EU.

## Advisory Committee on Health and Safety at Work

The Advisory Committee on Safety and Health at Work (ACSH) is a tripartite body which was established to streamline the consultation process in the field of occupational safety and health (OSH) and rationalise the bodies created in this area by previous Council Decisions.

The Committee's remit is to assist the European Commission in the preparation, implementation, and evaluation of activities in the fields of safety and health at work by:

- Giving opinions on EU initiatives in the area of OSH (e.g. drafting proposals for new legislation, EU programmes / strategies, and any other EU initiatives having impact on health and safety policy).
- Contributing pro-actively to identifying OSH policy priorities and to establishing relevant programmes / strategies.
- Encouraging the exchange of views and experience between Member States and stakeholders, operating as an interface between EU and national level.

The Committee is composed of three full members per Member State, representing national governments, trade unions and employers' organisations, with an additional two alternate members appointed for each full member. Members from national governments, trade unions and employers' organisations are organised in three separate interest groups within the Committee, each of them designating a spokesperson and a co-ordinator. The Committee meets twice a year in a plenary and is chaired by the European Commission.

In November 2021, the Committee adopted an Action Programme for the period 2021–2027. This document is revised annually in order to take account

of the progress of activities planned, and of new projects in which the Committee could be involved in the future.

The most recent revision of the Action Programme was drafted in November 2022 and is currently being evaluated.

Library documents from the ACSH are available through the European Commission's Communication and Information Resource Centre for Administrations, Businesses and Citizens (CIRCABC).

## Senior Labour Inspectors Committee (SLIC)

The Senior Labour Inspectors' Committee (SLIC) assists the European Commission in monitoring the enforcement of EU legislation at the national level. The SLIC has the mandate to give its opinion on all matters relating to the enforcement of EU legislation on health and safety at work by the Member States. This can be either at the European Commission's request or on SLIC's own initiative.

The Committee is composed of representatives of the labour inspection services of the Member States. It is composed of one full member per Member State and one alternate member is appointed for each full member. It meets every six months in the EU member state holding the Presidency of the Council of the European Union.

The Committee has implemented an updated structure as part of their 2021–2027 Work Plan, introducing the formation of Working Groups (WGs) and specific Working Groups which support the SLIC in achieving its key priorities.

Library documents from the SLIC are available through the European Commission's Communication and Information Resource Centre for Administrations, Businesses and Citizens (CIRCABC).

## EU OSHA Strategy / Objectives

The European Union's Strategic Framework on Health and Safety at Work 2021–2027 defines the

With an increased focus on psychosocial and ergonomic risks, EU OSHA is due to launch a Healthy Workplaces campaign for 2023–2025

key priorities and actions for improving workers' health and safety, addressing rapid changes in the economy, demography and work patterns.

The Strategic Framework takes a tripartite approach—involving EU institutions, Member States, social partners and other stakeholders—and focuses on three key priorities.

### **1. Anticipating and managing change in the context of green, digital and demographic transitions**

The 2021–2027 Strategic Framework aims to modernise and simplify EU OSH rules in the context of green and digital transitions.

Changing forms of work stemming from digitalisation require new and updated OSH solutions to address the possible risks posed by the rapid deployment of wireless and mobile technologies, and changing working conditions linked to new forms of work and business models—especially those relating to the internet-enabled on-demand economy.

The Commission is also proposing the first legal framework for certain Artificial Intelligence (AI) systems used in employment, worker management and access to self-employment.

In recognition of significant changes such as technological developments in display screen equipment and workplaces, and the needs of an ageing workforce, the Strategic Framework suggests that legislative updates concerning OSH are required to keep up with modern demands in workers' rights and needs. Guided by the European Green Deal, the Strategic Framework also suggests a review of the limit values of hazardous substances frequently encountered in renewable energy technologies and the 'renovation wave' such as lead, cobalt and asbestos.

The COVID-19 pandemic stressed the importance of mental health in the workplace. With an increased focus on psychosocial and ergonomic risks, EU OSHA is due to launch a Healthy Workplaces campaign for 2023–2025 which will work on creating a safe and healthy digital future covering psychosocial and ergonomic risks in particular.

The Commission is proposing to:

- Review and modernise the OSH legislative framework related to digitalisation. The Workplaces Directive and Display Screen Equipment Directive both fall into this category and are scheduled for review by 2023.
- Protective limit values for certain hazardous substances are to be reviewed:
  - Asbestos—Asbestos at Work Directive. The review is due to be completed in 2022.
  - Lead and Diisocyanates—Chemical Agents Directive. This review is due to be completed in 2022.
  - Cobalt—Carcinogens, Mutagens or Reprotoxic substances Directive. This review is scheduled for Q1 of 2024.
- Work with Member States and social partners to launch non-legislative guidance related to mental health at work and emerging issues.
- Further develop risk assessments relating to green and digital jobs and processes, including psychosocial and ergonomic risks—the development of analytical basis, e-tools and guidance to assist with the risk assessment process.
- The right to disconnect—ensure follow-up to the European Parliament resolution.

### **2. Improving the prevention of work-related incidents and diseases, and striving towards a Vision Zero approach to work-related deaths.**

A 2020 European Parliament resolution calls on Member States to commit to eliminating work-related deaths and reducing work-related illnesses by 2030.

It aims to do so by promoting a 'vision zero' approach which involves the improvement of data collection on workplace accidents and occupational diseases, creating a dedicated Vision Zero working group within the Advisory Committee on Health and Safety at work (ACSH), and strengthening enforcement by providing further support to the Senior Labour Inspectors Committee (SLIC).

Having identified cancer as the leading cause of work-related deaths in the EU, particular limit values for hazardous substances will be reduced under the

Carcinogens, Mutagens or Reprotoxic Substances Directive (CMRD).

The Commission is proposing to:

- Improve data collection on accidents at work and occupational diseases, and the analysis of root causes.
- Update EU rules on hazardous substances to combat cancer, reproductive and respiratory diseases by:
  - Reducing limit values for welding fumes, polycyclic aromatic hydrocarbons, isoprene and 1,4-dioxane under the Carcinogens, Mutagens or Reprotoxic substances Directive (CMRD).
  - Identifying priority list of reprotoxicants to be introduced to the remit of the Carcinogens, Mutagens or Reprotoxic substances Directive (CMRD).
- Update guidelines for training, protocols, surveillance and monitoring of hazardous medicinal products by 2022.
- Produce an OSH overview of the health and care sector in cooperation with EU OSHA. This overview is due in Q1 of 2024.
- Raise awareness for musculoskeletal disorders, cancer and mental health, as well as workplace harassment and gender bias.
- Provide sector-specific guidance for SMEs in cooperation with EU OSHA.
- Call on Member States to:
  - Address risks for vulnerable groups affected by the pandemic.
  - Promote gender considerations in workplace organisation.
  - Improve risk-assessment and prevention measures for micro-enterprises and SMEs.

### **3. Increasing preparedness to respond to current and future health crises.**

Measures of increased hygiene, non-pharmaceutical interventions and mental health support will be given greater priority in order to improve the timeliness and effectiveness of responses to future threats

and crises—a change brought upon by weaknesses revealed by the COVID-19 pandemic.

The Commission has launched an in-depth assessment of the effects of the pandemic and the efficiency of the EU and national OSH frameworks to develop emergency procedures and guidance for the rapid deployment, implementation and monitoring of measures in potential future health crises, in close cooperation with public-health actors. In November 2022, the Commission Recommendation on occupational diseases was updated to include COVID-19.

Under this key priority of the EU OSHA strategy, the Commission will develop guidance for labour inspectors on assessing the quality of risk assessments and risk-management measures under the Biological Agents Directive.

The Commission is proposing to:

- Develop rapid deployment emergency procedures and guidance for potential future health crises—based on an in-depth assessment of the effects of the pandemic and the efficiency of EU and national OSH frameworks.
- Include COVID-19 in the Commission Recommendation on occupational diseases by 2022.
- Improve quality of risk-assessments and risk management measures under the Biological Agents Directive by 2022.
- Draw up preparedness plans for future crises in national OSH strategies, including the implementation of EU guidelines and tools.
- Draw up coordination mechanisms between public health and OSH authorities by 2023.
- Increase monitoring and effective inspections of OSH obligations towards seasonal workers in high-risk professions.
- Strengthen cooperation and exchange of information between labour inspectorates and other relevant authorities to improve health and safety standards in all employment sectors.
- Call on Member States to:
  - Implement EU guidelines and tools in national



Decision-makers need to have an accurate and comprehensive picture of OSH risks, their health effects, and how they can be prevented and managed

OSH strategies to improve preparedness for future crises.

- Improve coordination between public health and OSH authorities by 2023.
- Strengthen the inspection and enforcement of OSH obligations towards seasonal workers in high-risk professions.
- Improve healthy and safety standards in all employment sectors through the cooperation of labour inspectorates and relevant national authorities.

Following a re-evaluation of the EU OSHA 2018–2023 Multi-annual Strategic Programme (MSP), and the development of a Single Programming Document which includes more detailed strategic content, EU OSHA has introduced an updated and shortened Multi-annual Strategic Programme for 2022–2027.

The evaluation of evidence, the continued relevance of strategic objectives, and the assessment of the impact of the EU OSH Strategic Framework 2021–2027 are the basis for this updated MSP.

As such, the Strategic Programme 2022–2027 MSP sets out the following six key strategic objectives for the period as follows:

**Strategic objective 1 ‘Anticipating Change’:** The provision of credible and good quality data on new and emerging risks that meet the needs of policy-makers and researchers and allow them to take timely and effective action.

The Agency will aim to identify new and emerging risks in occupational safety and health, to provide a basis to set priorities for OSH research and actions and to improve the timeliness and effectiveness of preventive measures.

This priority area supports the first key objective of the 2021–2027 EU OSH Strategic Framework, to anticipate and manage change in the new world of work. It also links to the European Commission Communication ‘A Strong Social Europe for Just Transitions’ which addresses the multiple challenges Europe is facing: climate action, digitalisation and demographic change.

**Strategic objective 2 ‘Facts and Figures’:** The provision of an accurate and comprehensive picture of current OSH risks, their health effects, and how they can be prevented and managed, to allow a better understanding of these issues among policy-makers and researchers.

Decision-makers need to have an accurate and comprehensive picture of OSH risks, their health effects, and how they can be prevented and managed in order to set priorities. The Agency’s regulation requires it to “supply the Community bodies and the Member States with the objective available technical, scientific and economic information they require to formulate and implement judicious and effective policies designed to protect the safety and health of workers”.

The EU OSH Strategic Framework highlights research and data collection as a precondition for the prevention of work-related diseases and accidents.

**Strategic objective 3 ‘Tools for OSH management’:** The provision of relevant tools for smaller workplaces to manage health and safety, and the engagement of intermediaries in the further development and dissemination of these tools.

The Agency aims to improve OSH legislation compliance among SMEs particularly with regards to risk assessment. EU OSHA therefore provides tools for smaller workplaces to manage health and safety, and the Agency aims to do so through its Online interactive Risk Assessment (OiRA) tool, and its collaboration with other developers of similar tools (Interactive Risk Assessment Tool (IRAT) network).

**Strategic objective 4 ‘Raising awareness’:** To get the occupational safety and health message across to multiple beneficiaries by raising awareness about workplace risks and how to prevent them, together with the Agency’s intermediaries.

The Agency’s Healthy Workplaces Campaigns, and its more focussed promotion and communication activities on specific topics, play an important role in reaching this goal by bringing the available information to the different target groups, primarily intermediaries and other message multipliers, with the ultimate aim of benefiting people in European workplaces.

### Strategic objective 5 'Networking knowledge':

The mobilisation of the OSH community through new tools to promote and facilitate the generation and maintenance of a body of high quality knowledge.

A key role for EU-OSHA is to “collect, analyse and disseminate technical, scientific and economic information” on risks, good practices and research aspects of occupational safety and health. This represents a very broad remit which—combined with different information needs across the Member States, and the ever-growing task of maintaining the currency of the information—represents a considerable challenge.

**Strategic objective 6 'Strategic and operational networking':** To develop and implement networking activities to ensure that the Agency's activities meet the needs of its key stakeholders, to promote tripartism (business, labour and the state) at European and Member State level, to enable networks to take an active part in the Agency's activities.

Networking activities are a way of ensuring the relevance of the Agency's work and creating a multiplication effect in the implementation phase.

## Current Campaigns

As the 2020–2022 Healthy Workplaces Lighten the Load campaign comes to an end, EU OSHA turns its attention towards a digital future.

2023–2025 Healthy Workplaces campaign: Safe and Healthy Work in the Digital Age.

Guided by the EU OSH Strategic Framework on Health and Safety at Work 2021–2027, and by the objectives of the European Digital Strategy, the EU OSHA campaign for 2023–2025 aims to raise awareness about the impact of new digital technologies on work and workplaces, and the associated occupational safety and health challenges and opportunities they present.

Five priority areas of the campaign are identified based mainly on the findings and resources of the OSH Overview on Digitalisation 2020–2023.

The five priority areas of this campaign are:

- Digital platform work.

- Advanced robotics and artificial intelligence.
- Remote work.
- Smart digital systems.
- Worker management through artificial intelligence.

EU OSHA's current campaign reflects the growing necessity to address changes in working life brought upon by the rapid development and implementation of new technologies.

Not only is there a focus on the physical OSH risks associated with the interaction between workers and new technologies, but there is an increased emphasis on the ethical and psychosocial implications of adopting such systems.

## Provision of Protection and Prevention Services

Article 7 of the Framework Directive requires all Member States to have legislation in place to ensure that every employer designates one or more people to carry out activities related to the protection and prevention of occupational risks which are present within, or may affect, their organisations and / or workplaces.

If the required competent personnel are not present internally within the organisation, the employer must enlist an external service / person(s), with the necessary competence for the hazards and risks known to affect, or be suspected of affecting, the safety and health of the workers. They must have access to all relevant and adequate information to be able to carry out these tasks effectively.

To enable the necessary protective and preventive measures to be implemented, the following minimum requirements exist:

- The designated personnel must have the necessary capabilities and the necessary means (resources, equipment, competence etc.) to carry out the activities.
- Any external services / person(s) consulted must have the necessary aptitudes and the necessary

The protection and prevention resources may be responsibility of one or more workers, or of one or more services

personal and professional means to carry out the activities.

- A sufficient number of designated personnel / external services must be in place.

In all cases above, the service provided must take account of the size of the organisation / workplaces, the hazard exposure of workers, and their distribution throughout the entire organisation and / or workplace. These must also take account of mobile / remote activities carried out away from the 'base' organisation and any physical and psychological risks faced.

The protection and prevention resources may be responsibility of one or more workers, or of one or more services, whether internal or external, but all personnel / services must work together whenever necessary to provide a complete and comprehensive coverage of occupational health and safety mitigations.

Member States are free to specify their national protection and prevention requirements for employers, taking account of the nature of any organisations / sectors, specific activities, and sizes of the organisations / sectors. If applicable (e.g. for small, low risk organisations) employers may take the responsibility for providing the protection and prevention services themselves, provided they hold the necessary competence. As such, Member States are required to define the necessary capabilities, aptitudes, competence and numbers required to deliver the protection and prevention activities and services within their local legislation.

Any internal personnel designated to carry out the above tasks must not be placed at any disadvantage because of the protection and prevention activities they carry out, and the employer must allow them adequate time to enable them to fulfil their protection and prevention obligations.

External services will often require frameworks and guidance from national legislation for their expected competence in the delivery of services (e.g. for occupational physicians, safety experts etc.), in addition to any contractual performance specifications by the employer.

As with other parts of the Framework Directive (discussed earlier), these provisions must be written into the national legislation of Member States.

## Co-operation between Employers and Employees

Article 11 of the Framework Directive requires all Member States to have legislation in place to ensure that every employer consults their workers and/or their representatives and allows them to take part in discussions on all questions relating to their safety and health at work. This must include processes for:

- The consultation of workers.
- The rights of workers and / or their representatives to make proposals.
- A balanced participation in accordance with national laws and / or practices.

With adherence to the above processes, workers, or their health and safety representatives, must be consulted in advance and in good time by the employer regarding:

- Any measure which may substantially affect their safety and health.
- The designation of people who carry out the activities of the protection and prevention services (above), including any external competent persons, and any persons who are designated to carry out first aid, firefighting and evacuation activities internally.
- Appropriate information relating to risk assessments and subsequent control measures, accident data (over 3 working days), accident investigation reports, and the content / delivery methods of the above information to workers (including those from outside the organisation) by the employer.
- The employers processes and activities in planning, organising, and delivering the effective training of workers (as prescribed in Article 12 of the Directive).

Workers' health and safety representatives must have access to the above information to make reasoned judgements on the employer's health and safety performance. They must also have the right to ask the employer to take appropriate measures, and be able to submit proposals to them, to mitigate hazards faced by workers and / or to remove sources of danger. They must also be given the opportunity to submit their observations during inspection visits by the national competent authority, and must receive adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions.

Any workers carrying out the duties outlined above must not be placed at a disadvantage because of the respective activities they undertake. They must also be entitled to appeal, in accordance with national law and / or practice, to the authority responsible for safety and health protection at work if they consider that the measures taken, and the means implemented by the employer, are inadequate for the purposes of ensuring safety and health at work.

As with other parts of the Framework Directive (discussed earlier), the provisions on worker consultation, the rights and duties of health and safety representatives, and any subsequently defined communication / committee structures must be written into the national legislation of Member States.

## Inspection and Enforcement

Article 4 of the Framework Directive details that Member States must take the necessary steps to ensure that employers, workers, and workers' representatives are subject to the provisions necessary for the implementation of the Directive. Furthermore, Member States must also ensure that adequate controls and supervision are in place to confirm the implementation of the Directive. At both a national level, and an organisational level, this requires a supervision (enforcement) organisation, protocol and implementation.

As such, the enforcement of EU legislation is a

matter for Member States and is achieved through a variety of means but predominantly through the national Labour Inspectorates (which must include the protection of health and safety at work), or a separate national / governmental body created for the purpose of enforcing health and safety legislation.

The nature and extent of any penalties and enforcement measures (e.g. orders / notices) applicable to breaches of the nationally implemented legislation are generally left to specific Member States. As discussed, all Member States are required to give effect to Directives by a specified date, while EU Regulations come into force without the need for such transpositions, both of which must be super-vised / enforced.

However, as detailed above the Senior Labour Inspectors Committee (SLIC) of the European Commission has the mandate to give its opinion on all matters relating to the enforcement of EU legislation on health and safety at work by the Member States. The principal activities of the SLIC are to:

- Define common principles of labour inspection in the field of health and safety at work and develop methods of assessing the national systems of inspection in relation to those principles.
- Promote improved knowledge and mutual understanding of the different national systems and practices of labour inspection, the methods and legal frameworks for action.
- Develop exchanges of information between national labour inspection services about their experiences in monitoring the enforcement of EU law on health and safety at work.
- Promote a labour inspector exchange programme between national administrations and the setting up of inspector training programmes.
- Develop a reliable and efficient system of rapid information exchange between labour inspectorates about health and safety issues.
- Establish active co-operation with labour inspectorates in third countries to promote better understanding and to assist in resolving any cross-border problems.

- Study the possible impact of other Community policies on labour inspection activities relating to health and safety at work and working conditions.

The SLIC has implemented a Work Plan for 2021-2027 based on the Committee's 'Opinion on future EU OSH Enforcement priorities contributing to a renewed EU OSH Strategy' report adopted in October 2020. The Work Plan introduces five key priority areas under the Committee's remit.

The following priorities and the tasks they concern will be addressed by the relevant Working Groups (WGs) and specific Working Groups of a newly introduced SLIC structure:

## Enforcement

- Update common principles of inspections considering lessons learned from the COVID-19 pandemic, and the EU OSH Strategic Framework 2021–2027.
- Share experiences and best practices to facilitate and promote inspection approaches, particularly regarding enforcement expertise in the field of new forms of work.
- Update guidelines for labour inspectors as deemed necessary.
- Promote a “Vision Zero” approach to work-related deaths by strengthening enforcement, increasing awareness on reducing work related deaths at company level, sharing good practices, and supporting more training for labour inspectors.

## Emerging and Traditional Risks

- Identify the impact of new and emerging risks across all sectors on enforcement activities including those resulting from climate change, circular economy and digitalisation developments in a general approach.
- Identify lessons learned and approaches of Member States following the ongoing pandemic crisis and address risks of increasing concern.
- Tackle traditional risks such as psychosocial, chemicals, asbestos, biological agents, ergonomics, machinery, robotics, noise or vibration.

## New Forms of Work

- Address new forms of work and identify challenges and legal limitations concerning enforcement of OSH provisions in this regard—particularly regarding atypical employment relationships such as platform work, job sharing, co-working, work on demand, ICT-based mobile work.

## Knowledge Development and Exchange

- Improve knowledge and competences of labour inspectors through training and exchange between Member States, including organising train the trainer events.
- Assess opportunities to further improve the Knowledge Sharing System (KSS) in support of all WGs.

## Communication and Cooperation

- Improve accessibility of publications, guides and reports.
- Collaborate with other bodies such as ACSH, EU OSHA, ELA, ECHA and ILO to further improve the interface by identifying synergetic opportunities for collaboration.

A mid-term review of the Work Plan is expected in Q1 2024, including—if necessary—revisions or new mandates for the Working Groups and specific Working Groups.

## Related Links

<https://www.consilium.europa.eu/en/> - Website of the European Council and the Council of the European Union.

<https://eur-lex.europa.eu/homepage.html> - Access to European Union Law.

<https://www.europarl.europa.eu/portal/en> - Website of the European Parliament.

[https://ec.europa.eu/info/index\\_en](https://ec.europa.eu/info/index_en) - Website of the European Commission.

[https://curia.europa.eu/jcms/jcms/j\\_6/en/](https://curia.europa.eu/jcms/jcms/j_6/en/) - Website of the Court of Justice of the European Union.

<https://www.eca.europa.eu/en/Pages/ecadefault.aspx>

- Website of the European Court of Auditors.

<https://www.eesc.europa.eu/en> - Website of the

European Economic and Social Committee.

<https://cor.europa.eu/en> - Website of the European

Committee of the Regions.

<https://osha.europa.eu/> - Website of the European

Agency for Safety and Health at Work (EU-OSHA).

<http://www.oiraproject.eu/> - Website for the EU-OSHA

Online Interactive Risk Assessment—OiRA.

[http://oshwiki.eu/wiki/Main\\_Page](http://oshwiki.eu/wiki/Main_Page) - Website used to

access OSHwiki.

<https://echa.europa.eu/home> - Website of the

European Chemicals Agency (ECHA).

<https://www.eea.europa.eu/> - Website of the

European Environment Agency.

<https://www.eionet.europa.eu/> - European

Environment Information and Observation Network

(Eionet) Portal.

<https://www.eurofound.europa.eu/> - Website of the

European Foundation for the Improvement of Living

and Working Conditions (Eurofound).

[https://ec.europa.eu/social/main.jsp?catId=148&int-](https://ec.europa.eu/social/main.jsp?catId=148&int-PagelId=683&langId=en)

[PagelId=683&langId=en](https://ec.europa.eu/social/main.jsp?catId=148&int-PagelId=683&langId=en) - Access to information on

the Advisory Committee on Health and safety at

Work (ACSH).

[https://ec.europa.eu/social/main.jsp?catId=148&int-](https://ec.europa.eu/social/main.jsp?catId=148&int-PagelId=685&langId=en)

[PagelId=685&langId=en](https://ec.europa.eu/social/main.jsp?catId=148&int-PagelId=685&langId=en) - Access to information on

the Senior Labour Inspectors Committee (SLIC).

<https://circabc.europa.eu/ui/welcome> - Website of

the European Commission's Communication and

Information Resource Centre for Administrations,

Businesses and Citizens (CIRCBAC).

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