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REPORT

on the Commission communication: Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002) 118 – C5-0261/2002 – 2002/2124(COS))

Committee on Employment and Social Affairs

Rapporteur: Stephen Hughes

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PROCEDURAL PAGE

By letter of 11 March 2002, the Commission forwarded to Parliament a communication: Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002) 118 – 2002/2124(COS)).

At the sitting of 10 June 2002 the President of Parliament announced that he had referred the communication to the Committee on Employment and Social Affairs as the committee responsible and the Committee on Women's Rights and Equal Opportunities for its opinion (C5-0261/2002).

The Committee on Employment and Social Affairs appointed Stephen Hughes rapporteur at its meeting of 13 March 2002.

The committee considered the Commission communication and the draft report at its meetings of 28 May 2002, 19 June 2002, 9 July 2002 and 11 September 2002.

At the last meeting it adopted the motion for a resolution by 36 votes to 3, with 0 abstentions.

The following were present for the vote: Theodorus J.J. Bouwman chairman; Marie-Hélène Gillig, vice-chairperson and Winfried Menrad, vice-chairman; Stephen Hughes, rapporteur; Sylviane H. Ainardi, Jan Andersson, Elspeth Attwooll, Regina Bastos, Hans Udo Bullmann (for Enrico Boselli), Ieke van den Burg, Philip Bushill-Matthews, Chantal Cauquil (for Arlette Laguiller), Alejandro Cercas, Luigi Cocilovo, Proinsias De Rossa, Jillian Evans, Carlo Fatuzzo, Enrico Ferri, Ilda Figueiredo, Marco Formentini, Fiorella Ghilardotti (for Elisa Maria Damião), Anne-Karin Glase, Richard Howitt (for Harald Ettl), Karin Jöns, Rodi Kratsa-Tsagaropoulou, Jean Lambert, Elizabeth Lynne, Thomas Mann, Mario Mantovani, Ria G.H.C. Oomen-Ruijten (for Roger Helmer), Manuel Pérez Álvarez, Bartho Pronk, Lennart Sacrédeus, Herman Schmid, Miet Smet, Helle Thorning-Schmidt, Bruno Trentin (for Anna Karamanou), Claude Turmes (for Hélène Flautre) and Anne E.M. Van Lancker.

The opinion of the Committee on Women's Rights and Equal Opportunities is attached.

The report was tabled on 16 September 2002.

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication: Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002) 118 – C5-0261/2002 – 2002/2124(COS))

The European Parliament,

- having regard to the Commission communication (COM(2002) 118 – C5-0261/2002¹),
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to Parliament's resolution of 25 October 2000 on the social policy agenda (A5-0291/2000)²,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Equal Opportunities (A5-0310/2002),
- A. Whereas Article 31(1) of the Charter of Fundamental Rights of the European Union stipulates that ‘every worker has the right to working conditions which respect his or her health, safety and dignity’,
- B. Whereas the priority given to workplace health and safety in the Commission has dwindled in the last decade, reflected in drastically reduced staffing (estimated now to be just 40% of 1992 levels in terms of A and B grade officials) and, for example, a real gap in the Sixth Framework Programme for research,
- C. This drastic reduction in resourcing and priority runs counter to the Commission's rhetoric on the importance of occupational health and safety for better employability and quality in work,
- D. Whereas the decision taken by the Lisbon Summit in 2000 and ratified at Barcelona in March 2002 to give firm encouragement to an economy that will create more and better jobs should also been seen as a commitment to improving conditions with regard to the health and safety of workers,
- E. Whereas the strategy must be accompanied by an action plan with clear deadlines and financial commitments,
- F. Whereas the proposal to codify and simplify (rather than de-regulate) the existing Community legislation in this area sits well with the wider project to simplify and improve the *acquis communautaire* in general³,

¹ Not yet published

² OJ C 197, 12.7.2001, p. 180

³ COM(2001) 726 and COM(2002) 278 (not yet published)

- G. Whereas neither this nor non-legislative instruments such as benchmarking lessens the need to amend existing legislation and to spur Member States to implement existing laws with greater vigour,
- H. Whereas the Lisbon agenda sets a 60% employment rate for women by 2010 which implies that gender specific consideration in all aspects of employment will be particularly important in order to achieve that goal,
- I. Whereas the gender and demographic dimensions are evoked in the Commission's analysis but are almost entirely absent from the actions proposed; for example, proposals for action should take account of the fact that many sectors of employment dominated by women are low-paid and precarious; and that where men are more prone to serious industrial accidents, women tend to suffer work-related diseases and mental disorders,
- J. Whereas an effective Community policy in the field of health and safety at the workplace is a factor of competitiveness,
- K. Whereas the Commission is required to observe the principles of proportionality and subsidiarity when proposing initiatives,
1. Calls on the Commission to allocate the resources necessary to reflect the high priority to be accorded to occupational health and safety in the context of the on-going debates on quality in work and employability, sufficient to re-establish a dynamic and proactive Directorate for occupational health and safety;
 2. Welcomes the Commission's initiative and calls urgently for a detailed action plan with financial and timing commitments against each major proposal; such a plan should be endorsed by the Advisory Committees⁴, the European Parliament and the Council in time for the Spring 2003 European Council and could then be subject to annual monitoring through the Social Agenda scoreboard, as advocated by the Council⁵; Parliament and the Advisory Committees should clearly be involved in this monitoring process;
 3. Calls on the Commission to integrate a gender dimension throughout the strategy, paying particular attention to the following:
 - i. the double workload faced by many people, predominantly women, of paid employment and socially productive but unpaid work in connection with personal responsibilities, which may have health and safety implications,
 - ii. the fact that, in the context of the gender segmentation that characterises too many European labour markets, women receive less vocational training and education than their male colleagues,
 - iii. the situation of specific groups such as homeworkers (a high percentage of whom are women) who manufacture a huge range of goods in their homes and women in agriculture and family-run SMEs, many of whom are legal partners in the business and carry out potentially dangerous work but have little access to training, information or social security;

⁴ The Advisory Committee on Safety, Hygiene and Health Protection at Work; and the Safety and Health Commission for the Mining and Other Extractive Industries

⁵ Council Resolution of 3 June 2002, OJ C 161, 5.7.2002, p. 1

- iv. how health, safety and reproductive health aspects of employment can be a hindrance to work entry by women in certain sectors which in turn perpetuates the gender division of labour and to propose measures to ensure that these obstacles are removed;

Legislative issues

4. Calls for the extension of the scope of the Framework Directive (89/391/EEC)⁶ to excluded groups of workers such as the military, the self-employed, domestic workers and home-workers; the exclusion of the latter two groups constitutes indirect discrimination against women and to end it would give concrete effect to the Commission's emphasis on gender;
5. Supports the 'global approach to well-being at work' including all kinds of risks such as stress, harassment, bullying and violence⁷; this echoes the judgement of the Court of Justice⁸ as to the wide interpretation of 'working environment' (Article 137(1) TEC); however, the Commission should recognise gender as important in this context and be more concrete by, for example, proposing legislation on workplace bullying; the global approach should also include a commitment to extend strategic action to address or combat future risks posed by new processes or changes to existing ones;
6. On musculo-skeletal problems, which are suffered by over half the people affected by work-related complaints in the EU⁹ and particularly older workers, urges the Commission to propose a comprehensive Directive on workplace ergonomics, to review and improve the implementation of the Display Screen Equipment Directive (90/270/EEC)¹⁰ and to propose amendments to the Manual Handling Directive (90/269/EEC)¹¹, especially regarding repetitive handling of small loads; furthermore, gender considerations should be mainstreamed into policies and practices of risk assessment and workplace design;
7. Welcomes the commitment to extending the scope of the Carcinogenic Agents Directive (90/394/EEC)¹² but warns that a more comprehensive approach is required; legislation should set exposure limits on priority dangerous substances, demand that substitutes be used wherever possible and ensure workers' interests are reflected in environmental, commercial and other initiatives on chemical products; attention should also be given to chemical, biological and other risks to emergency services personnel responding to major incidents as well as the possibility of developing minimum standards and measures in the EU to better protect such workers;
8. Calls on the Commission to put forward a proposal for a directive laying down minimum standards for the recognition of occupational diseases;
9. Urges the Commission to propose amendments where legislation is defective or

⁶ OJ L 183, 29.6.1989, p. 1

⁷ European Parliament Resolution on harassment at the workplace, OJ C 77E, 28.3.2002, p. 138

⁸ UK v Council, 12 November 1996

⁹ "The health and safety of men and women at work" (Eurostat, ESAW, 1999)

¹⁰ OJ L 156, 21.6.1990, p. 14

¹¹ OJ L 156, 21.6.1990, p. 9

¹² OJ L 196, 26.7.1990, p. 1

inadequate; for example, Directive 91/383/EEC¹³ supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship; Directive 96/71/EC¹⁴, concerning the posting of workers in the framework of the provision of services; Directive 92/85/EEC¹⁵ on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, which has several shortcomings as regards worker protection and pay and the length of maternity leave¹⁶;

10. Urges the Commission to evaluate all existing health and safety legislation with a view to establishing whether gender specific needs have been taken into account, even in the sectors where women are underrepresented;
11. Believes that the Commission should take the initiative in developing common European standards for the certification of companies possessing a healthy and safe working environment and prepare a proposal for a working environment management and audit scheme modelled on the legislation providing for an eco-management and audit scheme (EMAS);
12. Believes that legislative simplification must not become a cover for deregulation of health and safety provisions; instead, the consistency of existing provisions should be evaluated; the role of the stakeholders (especially public authorities and employee representatives) should be spelled out more clearly, ILO Conventions should be better taken account of, the tasks of health surveillance should be more generally clarified than in the present fragmented and inconsistent way across different directives and a full gender-mainstreaming perspective should be implemented as an horizontal issue;
13. Calls on the Commission and Council to progress proposals already on the table, in particular the remaining elements of the Physical Agents work¹⁷ (electro-magnetic fields & waves and optical radiation);
14. Calls for health and safety, as an established and citizen-centred area of Community law, to be a priority sector in the programme of legislative simplification to be jointly defined by the Council, Commission and Parliament; calls for representatives of the Advisory Committees to be part of the ad hoc body formed to take work forward in this sector¹⁸;
15. Recognises the emphasis on reviewing the application of existing Community legislation and the proposal for a single implementation report covering all the Directives; hopes this will lead to more timely and comprehensive inputs to reviews; for example, the Commission must submit a review and proposal on the provision in the Working Time Directive (93/104/EC)¹⁹ for so-called ‘individual opt-outs’ in time for the Council to respond by November 2003 – which clearly means that work in the Commission should

¹³ OJ L 206, 29.7.1991, p. 19

¹⁴ OJ L 18, 21.1.1997, p. 1

¹⁵ OJ L 348, 28.11.1992, p. 1

¹⁶ European Parliament Resolution on health and safety of pregnant workers, OJ C 121, 24.4.2001, p. 473

¹⁷ COM(1992) 560, OJ C 77, 18.3.1993, p. 12

¹⁸ COM(2002) 278 (not yet published)

¹⁹ OJ L 307, 13.12.1993, p. 18

already be underway; expects reviews to be used as an opportunity to promote the simplification of legislation and, where redundant, its repeal;

16. Welcomes the idea of encouraging the development of guides on how to apply existing Directives - which should be accompanied by better training material and information on what works, especially for SMEs, in high-risk sectors and situations where there are specific, persistent and recurrent risks, and take account of gender, age and cultural factors; requests more detail as to the "assessments...at company level" of implementation; underlines that the social partners should not only be involved in work on these guides but also, more systematically and comprehensively, in the implementation process itself; asks the Commission to develop special programmes to this end for the candidate countries with a view to encouraging the actual implementation of working environment legislation at company level in these countries;
17. Welcomes the Commission's pledge to ensure better application of existing law; calls on the Commission to adopt the broadest possible approach using all instruments: tougher sanctions, minimum requirements for the quality of preventive services and work inspection, better assessments of legislative implementation, exchange of best practice, strengthening the culture of prevention, greater involvement of employees in the workplace, etc.; stresses the importance of systematically evaluating the implementation of legislation at European level and creating a method of examining and discussing the national reports which must constitute a basis for future policy-making;

New instruments

18. Calls on the European Union and Member States to raise awareness of all the players concerned about the need to reintegrate and retain disabled people in the labour market; invites in particular the social partners to include in their future collective agreements job retention measures for people who become disabled during their working career;
19. Believes more must be done to reinforce and harmonise labour inspection services: Member States should be required to instruct all competent authorities to carry out minimum numbers of missions, apply uniform standards and contribute to better Community-level data; for this purpose, a Community framework setting out the minimum criteria which a public service needs to satisfy should be established; believes that the preventive aspect of the work of labour inspection should be spelt out more clearly; emphasises that the labour inspection service should have adequate tools available to enforce legislation, e.g. the right to impose administrative fines;
20. Calls on the Commission to spell out, for the benefit of all actors, what the preventive approach entails:
 - i. information and training campaigns targetting workers and employers, especially at workplace and sectoral level, with wider roles for employee representatives e.g. on Health and Safety Committees which should be established in all companies;
 - ii. awareness-raising and education from an early age, as highlighted by the March 2002 conclusions to the Spanish Presidency/Bilbao Agency seminar on Education and Safety and Health - which needs now to be actively followed up; further, schools and

- other learning centres must themselves guarantee a safe and healthy environment for teachers and learners alike;
- iii. comprehensive prevention services pro-actively offering tailored information and best practice models to companies; a key element would be trained prevention advisers with suitably broad backgrounds who could support in-house risk assessments and follow-up measures on both new and traditional topics;
 - iv. adaptation of all such activities to the specific circumstances of priority high risk sectors, companies and groups of workers e.g. construction, SMEs etc.
21. Calls on the Commission to promote these elements through reports, recommendations and information-gathering; calls on the Commission and the Member States to facilitate communication between various authorities - specifically between local or municipal authorities with specific powers in the field of prevention - and to make a reality of this overall approach through an emphasis on information exchange amongst the concerned administrations, mutual learning and partnership between the relevant stakeholders at and within all levels, including in wider spheres such as general health professionals; calls on companies, as part of their corporate social responsibility, to incorporate health and safety at work in their strategic decisions, including as concerns their system of supplies, in order to supplement legal requirements with sound practices;
 22. Emphasises the importance of developing appropriate indicators comprising a series of elements which are each individually representative of the level of a certain aspect of well-being at work and, taken together, are adequately representative for the purposes of gauging the general level of well-being;
 23. Supports the use of new instruments, including benchmarking underpinned by quantified targets; notes the proposals regarding the Employment Guidelines for 2003 but is concerned that proper coverage may not be secured, as the Guidelines are due to be simplified; suggests that a separate open method of coordination on health and safety at work would ensure better coverage; asks that the Advisory Committees be fully involved in the framing of such a new open coordination method;
 24. Underlines that a successful benchmarking approach will require not just more comparable and reliable data but also a harmonised system of definitions, recording and reporting of occupational diseases; urges the Commission to consider making occupational safety and health a regular part of the European Labour Force Survey, drawing on the experience of the 1999 ad hoc module, in order to be able to monitor progress against key objectives in the strategy on an annual basis; comparisons of structural factors, such as characteristics of Member States' prevention and inspection services, should also be developed; in this context, European level targets on occupational health and safety could be envisaged in due course; data and, where appropriate, targets should be broken down by gender and other relevant factors (e.g. atypical working patterns etc);
 25. Deeply regrets, given how much higher health and safety incidence rates are in SMEs, that the Commission has still not launched a multi-annual SME programme based on the two years of preparatory actions undertaken by the Bilbao Agency on the initiative of the European Parliament; such a programme was supported by the Commission in the

European Social Agenda, endorsed at Nice²⁰, and would facilitate the testing, analysis and dissemination of successful measures in this critical sector, including as regards education, awareness-raising and work organisation; an example of such a measure is the Nordic model of roving and/or regional health and safety representatives working with SMEs; also stresses the importance of social dialogue as a tool for improving working conditions;

26. Calls on the Commission to draw up a Green Paper on promoting the use of economic incentives in the area of the working environment; examples could be lower insurance premiums for companies or sectors with a low incidence of sickness and accidents and the possibility of public tendering emphasising a healthy and safe working environment;
27. Believes that health and safety at work issues should be given a clear priority within the European Social Fund (ESF), particularly in view of the challenges faced in this area by the candidate countries; believes it is helpful that the European Social Fund is being used to establish a European data bank on good practice in the area of health and safety; wishes to see this taken up in the mid-term review of the ESF in 2003;
28. Calls for more concerted action by the Commission with regard to public contracts and tenders. The Commission should: (a) publish a Commission Communication interpreting Community law on the public procurement of goods and services and the possibility of including health and safety considerations in this area; (b) set a good example by including an effective health and safety clause in its own policy on the public procurement of goods and services and among the conditions for receiving EU funding;
29. Calls on the Commission, in light of its failure to include “Occupational Safety and Health” as a specific Thematic Priority in the Sixth Framework Programme on Research, to ensure that occupational safety and health issues will be given the highest profile and attention within related and relevant Thematic Priorities, particularly in relation to the objectives of the Strategy;
30. Welcomes the Commission’s new emphasis on “mainstreaming health and safety” into other Community policies and asks the Commission to include in its Action Plan on the strategy a clear plan for mainstreaming occupational safety and health into all relevant legislative and non-legislative areas both within its DG Employment and Social Affairs and in its other DGs;
31. Welcomes the Commission’s reference to corporate social responsibility (CSR) and safety and health in the Strategy and sees CSR as one of the options for raising safety and health levels above and beyond minimum legislative standards but never as a substitute for legislation and its effective implementation; calls for occupational safety and health to be included as an integral part of the Commission’s CSR activities;
32. Calls for more detailed proposals regarding urgent technical, financial and other assistance to the candidate countries in the transposition and, critically, the implementation of the acquis in the occupational health and safety field (where the lag could hardly be underestimated) in both general and specific terms and as a matter of

²⁰ OJ C 157, 30.5.2001, p. 4

priority in those sectors and industries where the need for improvement is greatest - in particular, the training of specialists and labour inspectors, and the further development of the role of the social partners and other pre-requisites of the EU approach;

33. Welcomes the proposal for the Bilbao Agency to establish a Risk Observatory; believes such an initiative should strike a balance between identifying new and emerging risks and promoting good practice in the reduction of both new and existing risks; points out the need for Member States, social partners and third countries to contribute to the initiative;
34. Agrees with the sentiments on prevention services but requests more concrete action; calls on the Member States to ensure that ILO Convention 161 is adopted so that it can also be ratified without problems in modern western society;
35. Draws particular attention to the need to find solutions to the serious plight of workers with precarious working conditions, which make it difficult for them to have access to vocational training and compulsory health and safety training;

Institutional issues

36. Notes the proposals for the integration of the candidate countries into the Senior Labour Inspectors Committee and other Community bodies; supports the proposal to merge the two Advisory Committees and hopes this will also facilitate the candidate countries' integration into the new structure; recommends that the new Committee's role in social partner consultations under Article 138 TEC should be clarified²¹;
37. Is surprised to find so little mention of the Dublin Foundation and its invaluable five yearly surveys on working conditions, which provide important safety and health data; supports the leading role given to the Bilbao Agency as the key player in non-legislative safety and health activities at Community level; regrets that the Commission has not yet produced its report on the Bilbao Agency following its external evaluation; hopes that the Foundation and the Agency will continue to improve and embed their co-operation in line with their respective roles in this policy area; and requests that the European Parliament be accorded a formal right to draw on the resources and expertise of both agencies;
38. Would like to see better cooperation between the Commission and the ILO, particularly in the context of development and trade policies, in order to extend the reach of Community approaches and experiences regarding occupational health and safety for the benefit of third countries;
39. Instructs its President to forward this resolution to the Commission, the Council, the Committee of the Regions and the Economic and Social Committee.

²¹ Building on contributions already made by the Advisory Committee on Safety, Hygiene and Health at Work and, jointly, by UNICE and ETUC.

EXPLANATORY STATEMENT

Background

The Commission's proposed Community strategy on health and safety at work (2002-2006) comes some while after the end of the fourth Community programme concerning safety, hygiene and health at work (1996-2000). In presenting this new Community strategy, the Commission is responding to its commitment in the Social Policy Agenda¹ - since recalled on several occasions by the European Parliament.

Overview of the Commission Communication

The EU's record on health and safety at work puts it on a trend of overall improvement in the field. On the other hand, absolute figures remain high, the situation is actually worsening in some Member States and sectors and enlargement will bring its own challenges - all of which leaves no room for complacency.

The world of work is changing: the labour market is more service-orientated and comprises more diverse forms of employment in different sorts/sizes of organisations, with an ageing and increasingly feminised active workforce. Policies and measures need to take account of patterns of health and safety incidences across socio-economic and demographic groups.

New diseases and risks are emerging. These include "social risks" - such as stress, depression, anxiety, substance-abuse, violence at work and harrassment - and often relate to a whole set of factors rather than a specific risk.

All of this makes it an appropriate time for the Community to re-define its approach to issues of health and safety at work. Key features of the Commission's proposed response include:

- Importance of a global approach to workers' physical, moral and social well-being
- Emphasis on prevention
- Range of policy instruments (legislative and non-legislative)
- Partnership working

Rapporteur's position

The rapporteur's draft report emphasises three horizontal issues of utmost importance to the success of the strategy:

- Lack of resources. In 1992, some 130 officials were working on occupational health and safety within the European Commission; today, after several rounds of 'streamlining' and cutbacks, there are just 24 staff working in this field. Clearly this is no basis for a dynamic and proactive administration, as would be required to implement the strategy,

¹ COM(2000) 379 of 28.6.2000 (not yet published)

capable of responding to a changing policy environment while continuing to monitor and scrutinise the implementation of existing legislation and policy measures. The rapporteur demands that this trend be reversed and that adequate resources be re-established for this policy area within the Commission.

- Lack of action plan. The strategy suffers from an unacceptable imbalance and lack of strategic follow-through. Where the initial analysis is basically pertinent, the proposals for action are interesting (albeit vague) but there is virtually no indication of the resources for, and timing of, the strategy's implementation. Indeed, most of the proposed overall objectives (pp.8-9) are actually factors that should be taken into account in how the strategy is pursued. The rapporteur looks forward to the definition of a proper action plan by the Commission which should then be subject to consultation of the appropriate Community bodies leading to annual progress reports.
- Lack of balance between legislative and non-legislative instruments. The rapporteur is concerned that the development of non-legislative instruments should in no way been seen as an alternative to maintaining and improving Community legislation on occupational health and safety. Specific instances are given where gaps and deficiencies in the existing *acquis communautaire* must be addressed and, furthermore, where comprehensive approaches to legislation, rather than ad hoc tinkering, will be of paramount importance regarding both established and emerging risks.

In responding to specific points and proposals, the rapporteur underlines:

- his support for efforts to simplify Community legislation in this area - as long as this is not seen as an opportunity for de-regulation by the backdoor - as well as measures to improve its implementation in the Member States (better reviews, new guides to implementation etc). Much more, however, will be needed to get implementation up to scratch: for example, better monitoring by the Commission, better involvement of social partners at all stages and minimum standards for labour inspection services.
- his interest in the development and use of non-legislative instruments such as benchmarking - as long as adequate coverage of what is a complex and wide-ranging policy field can be assured and as long as work to improve Community-level data is geared up.
- his recognition of the attention given in the Commission's analysis to important factors such as gender and size of enterprise. It is all the more disappointing, then, to find these elements so marginally reflected in the Commission's proposals for action. The rapporteur calls, in particular, for a multi-annual programme targetting SMEs to be launched on the basis of preparatory actions over the last two years.
- given the very real challenge faced in the Candidate Countries as regards occupational health and safety, the urgent need to develop concrete proposals in support of enlargement (more funding, better technical assistance, promotion of the social dialogue).
- the need for further rationalisation of the institutional framework at Community level: for example, the role of the Luxembourg Committee in social partner consultations and the

respective remits of the Dublin Foundation and the Bilbao Agency.

- the Commission's responsibility, working with the ILO, to use its global reach to share Community experiences and promote the Community approach in other parts of the world.

10 September 2002

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

for the Committee on Employment and Social Affairs

on the communication from the Commission on a new Community strategy on health and safety at work 2002 - 2006
(COM(2002) 118 – C5-0261/2002 – 2002/2124(COS))

Draftsperson: Jillian Evans

PROCEDURE

The Committee on Women's Rights and Equal Opportunities appointed Jillian Evans draftsperson at its meeting of 22 May 2002.

The committee considered the draft opinion at its meetings of 28 August 2002 and 9 September 2002.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: Anna Karamanou, chairperson; Olga Zrihen Zaari, vice-chairperson; Jillian Evans, draftsperson; Regina Bastos, Marielle de Sarnez, Lone Dybkjær, Fiorella Ghilardotti, Lissy Gröner, María Izquierdo Rojo, Christa Klab, Rodi Kratsa-Tsagaropoulou, Thomas Mann, Maria Martens, Christa Prets, Amalia Sartori, Miet Smet and Patsy Sørensen, Francesco Fiori (for James L.C. Provan , pursuant to Rule 153(2)).

SHORT JUSTIFICATION

Based on the requirements of the Social Policy Agenda, the Commission has proposed a communication "Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006".

Health and safety is one of the EU's most important social policy sectors and a substantial body of legislation has been adopted since the late 1970s. The current strategy follows the fourth Community programme on safety, hygiene and health at work (1996-2000).

Despite a general downward trend in the number of occupational accidents there has been a worrying rise in certain member states and employment sectors since 1999, and the overall numbers remain high.

The economy and subsequently the nature, context and organisation of employment has undergone profound changes in recent years and new measures need to be taken as a result. There is a growing percentage of women in the labour market, an increase in part-time workers, short-term contracts, and flexible hours and locations of work. There has also been a shift from a purely physical risk approach to health and safety issues to a global approach to well-being at work including social and mental risks.

The Commission analysis dedicates one sub-section to "*An increasingly feminised society*" (p.6) and a reference is made to mainstreaming the gender dimension as one of the complementary objectives for a global approach to well-being at work (p.8). However, no action is proposed to achieve this. Following the principle of gender mainstreaming in the Amsterdam Treaty a gender perspective should have been integrated throughout the Commission proposal. However, this is not the case. For example while the special health risks of temporary or part-time work are analysed, the fact that a large percentage of workers in these sectors are women is not taken into account.

There are other specific areas of work where the situation of women needs to be taken into account, such as agriculture and homeworking. In other occupations the lack of health and safety protection could prevent women from entering the profession.

CONCLUSIONS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following points in its motion for a resolution:

- A. whereas the Lisbon agenda sets a 60% employment rate for women by 2010 which implies that gender specific consideration in all aspects of employment will be particularly important in order to achieve that goal,
- B. whereas many of the sectors of employment dominated by women are low paid, precarious, lack quality and are subject to uncertainty,
- C. whereas men are more frequently the victims of serious accidents while women, on the

other hand, suffer for longer periods of time from work-related illness or disorders,

- D. whereas the Commission Communication indicates a shift in focus to social risks and wellbeing at work. Consequently gender should be an increasingly important consideration,
1. Welcomes the sub-section analysing “*An increasingly feminised society*” in the Commission Communication (2.1.1) and the inclusion of mainstreaming the gender dimension as a “complementary objective” of the strategy but cannot accept the lack of commitment in the strategy to action to implement this. Calls on the Commission to integrate a gender dimension throughout the strategy, to include the following:
 - i) the double workload of paid employment and personal responsibilities faced by many people, predominantly women, which may have health and safety implications,
 - ii) the fact that adult women received less vocational training and education than their male colleagues,
 - iii) guidelines for companies on proactive measures to prevent sexual harassment, violence and bullying at work to be incorporated in company programmes for equality, as stipulated in the amended Directive 76/207/EEC,
 - iv) a revision of the Pregnant Workers Directive 92/85/EEC on measures to help improve the health and safety of pregnant and breast feeding workers, as proposed in the European Parliament resolution of 6 July 2000,
 - v) a gender breakdown of statistics on work related ill-health and accidents including part-time and temporary employment;
 - vi) the setting of quantitative and qualitative objectives and deadlines for improving health and safety conditions, broken down on the basis of gender,
 2. Urges the Commission, through the European Agency for Safety and Health at Work (Bilbao Agency), to evaluate all existing health and safety legislation with a view to establishing whether gender specific needs have been taken into account, even in the sectors where women are underrepresented;
 3. Calls on the Commission to analyse how health, safety and reproductive health aspects of employment can be a hindrance to work entry by women in certain sectors which in turn perpetuates the gender division of labour and to propose measures to ensure that these obstacles are removed through mainstreaming gender considerations into risk assessment and workplace design;
 4. Notes that the only sector excluded from health and safety at work legislation in the EU is that of domestic work performed by individuals, predominantly female, in the households of third parties and asks the Commission to include this sector of economic activity in the new Community strategy health and safety at work strategy and to draw up a survey of the legislation applicable in the Member States;
 5. Notes the need for specific attention to be given to the situation of homeworkers, a high percentage of whom are women, who manufacture a huge range of goods in their homes, and calls on the Commission to draw up a survey of the legislation applicable in the Member States;

6. Notes the need for specific attention to be given to the situation of assisting spouses, most of them women, in small and medium-sized enterprises and in farming, on whose work the successful running of family businesses depends, but who do not always have access to social security, training or information; reiterates its call for improvement of the Council Directive of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity and on the protection of motherhood (86/613/EEC).