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COVER NOTE

From:	Social Questions Working Party
To:	Permanent Representatives Committee (Part I)
Subject:	A new Agenda for Health and Safety at Work to foster better working conditions - Draft Council conclusions

Further to the meeting of the Working Party on Social Questions on 1 September 2015, delegations will find attached the updated text of the draft Council conclusions on the above subject. Changes to the previous text are marked in **bold** and deletions by [...]. Among these changes there are some linguistic amendments and the new paragraph 27 following the discussion on paragraph 10 on the social partners. Paragraph 4 has been modified to reflect the current situation (there is no final evaluation report yet but only the third version of the draft report). The numbering of the paragraphs has been updated.

Some delegations have indicated that they have linguistic reservations on the text.

The Committee is requested to confirm the agreement found by the Working Party and to forward the draft Conclusions to the EPSCO Council for adoption.

A new Agenda for Health and Safety at Work to foster better working conditions

Draft Council conclusions

THE COUNCIL OF THE EUROPEAN UNION

1. HAVING REGARD to the EU Strategic Framework on Health and Safety at Work 2014-2020 aimed at ensuring that the European Union continues to play a leading role in the promotion of high standards for working conditions both within the European Union and internationally, in line with the Europe 2020 Strategy;
2. HAVING REGARD to the Council conclusions adopted in March 2015 on the EU Strategic Framework on Health and Safety at Work 2014-2020: Adapting to new challenges;
3. HAVING REGARD to the resolution of the European Parliament on effective labour inspections as a strategy to improve working conditions in Europe;
4. **EXPECTING WITH INTEREST the results of the ongoing finalisation of** the report on the Evaluation of the Practical Implementation of EU Occupational Safety and Health Directives in EU Member States ;¹
5. WHEREAS the informal economy has an impact not only on health and safety at work and on working conditions but also on Member States' economic growth and thus on the sustainability of the European social policies and WHEREAS the European Commission **follows the ambition that Europe earns a "Triple A Social Rating";**

¹ The latest draft report is from mid-September 2015 (third version, non-public).

6. WHEREAS technological change and innovation, economic development and new forms of employment may have an impact not only on working conditions but also on the competitiveness and productivity of enterprises and therefore may require immediate action to ensure a high level of health and safety at work and decent working conditions;
7. WHEREAS the 1989 Framework Directive on Safety and Health at Work, the 20 individual directives and other related directives – also resulting from a comprehensive tripartite policy dialogue – guarantee minimum health and safety **at work** requirements within the European Union, while Member States are allowed to maintain or establish more stringent measures;
8. WHEREAS the European Commission's ex-post evaluation on the practical implementation of health and safety **at work** directives in the Member States is an important step in promoting the proper implementation of the existing legislation in order to further improve workers' health and safety, including an assessment of the need to update, revise or repeal the directives without reducing the level of protection of workers;
9. WHEREAS labour inspectorates or other relevant authorities play a key role in enforcing health and safety **at work** legislation and in providing guidance and information on its implementation, in particular for small and medium-sized enterprises, as well as in combating undeclared work, in so far as they are responsible, with the aim, *inter alia*, of enforcing health and safety **at work** legislation;

HAS ADOPTED THE FOLLOWING CONCLUSIONS:

The COUNCIL

10. RECALLS the role of the Union in supporting and complementing the activities of the Member States in the field of better working conditions and improvement of the working environment to protect workers' health and safety and STRESSES the importance of respecting the autonomy and the role of the social partners;

11. RECOGNISES that the Commission's Better Regulation principles and the Regulatory Fitness and Performance Programme are a good starting point for timely and sound policy decisions, including [...] health **and safety at work**;
12. UNDERLINES that Better Regulation principles and the Regulatory Fitness and Performance Programme can never replace political decisions and should not reduce the level of protection for workers, but should instead increase it through better effectiveness and efficiency and ensure that measures are well-designed and deliver sustainable benefits for citizens, business and society as a whole;
13. RECALLS the long tradition of [...] health **and safety at work**, which is essential for the proper functioning of the single market, and STRESSES the importance of health and safety at work as well as decent working conditions;
14. UNDERLINES that implementation of the existing health and safety **at work** legislation remains one of the most important commitments for all Member States;
15. STRESSES that health and safety **at work** legislation must apply to all workers regardless of the size of the company;
16. UNDERLINES the importance of the overall structure of health and safety **at work** legislation, based on the Framework Directive, which provides a sound operational basis for the development of European provisions on health and safety **at work**;
17. CONSIDERS that any modification thereof or any major reorganisation or change in the individual directives or modification of the Framework Directive should have regard to the possible impact on national health and safety **at work** laws;

18. RECOGNISES that some health and safety **at work** directives might need to be updated in order to keep pace with technological developments and STRESSES that possible changes to the current legal framework must be based on a comprehensive impact assessment, taking into account developments in the particular area of legislation, including the emergence of new risks for the health and safety of workers;
19. STRESSES the need to understand and identify the potential challenges and risks related to health and safety at work regarding new forms of employment and work organisation, new professions, more diversified workplaces and atypical working hours, in areas such as subcontracting, digital work, crowd-work, work on demand, sharing economy, supply chains, dependent self-employed workers, as well as the health and safety **at work** challenges related to undeclared workers, which should be accompanied by policies and action at the European level to ensure decent working conditions in a safe working environment, taking appropriate account of the gender aspects;
20. **CONSIDERS** that if evidence is not yet available, [...] health and safety **at work** measures should also be considered in the light of the precautionary principle each time there is a reasonable presumption of a possible risk;
21. POINTS OUT that work-related musculoskeletal disorders and psychosocial risks are the most common causes of sick leave;
22. STRESSES that increasing the level of protection of workers against carcinogens, mutagens and other **hazardous** chemical **agents** at the workplace is a major and urgent priority;
23. RECALLS the potential emerging risks for workers' health and safety caused by new technologies, such as nanotechnology, or by endocrine disruptors **or reproductive toxicants** and **CALLS** for further analysis of these risks, if needed;

24. RECOGNISES the importance of demographic change to working conditions in Europe, bearing in mind that good and safe working conditions contribute significantly to allowing workers to remain healthy and motivated at the workplace;
25. STRESSES that the European Union's health and safety **at work** policy should take account of the opinions of the Advisory Committee for Safety and Health at Work and the Senior Labour Inspectors Committee;
26. HIGHLIGHTS the programme of the Senior Labour Inspectors' Committee , financed by the European Commission, of exchanging labour inspectors between the Member States to share experiences and practices with a view to improving the effectiveness of control and monitoring of the application of EU law and to promote the development of training programmes for inspectors;
27. **STRESSES the importance of respecting the autonomy and the role of the social partners, in accordance with national practices, in implementing health and safety at work policies;**
28. RECALLS that growth goes hand-in-hand with people's lives and that fair and balanced growth based on jobs with adequate working conditions that respect the health, safety and dignity of the worker leads to quality jobs and greater productivity;

CALLS ON THE MEMBER STATES AND THE EUROPEAN COMMISSION TO:

29. CONTINUE to highlight the **positive** contribution of health and safety at work to the achievements of the single market and the free movement of workers and to particularly stress the importance of the level-playing field in health and safety at work between the Member States in helping to ensure fair competition and decent working conditions across the European Union and to contribute to the confidence of workers and employers in **the** European [...] single market ;

30. PROMOTE the development of policies, strategies and initiatives, as appropriate, to **ensure** [...] health **and safety at work** to workers **currently** in the informal economy, so as to facilitate their transition to the formal economy;
31. TAKE a more active role in improving [...] health **and safety at work** by combating undeclared work because the experience shows that situations of undeclared work favour worse safety and health conditions at work;
32. CONTINUE to pursue every effort to research the impact of the digital labour market on [...] health **and safety at work** and working conditions and to take it into account in their health and safety **at work** policies;
33. ENCOURAGE the Committee of Senior Labour Inspectors to explore the possible added value of a European training centre within the existing structures to inform labour inspectors about European [...] health **and safety at work** policy and the relevant legislation and to share information on good practices on enforcement;

INVITES THE EUROPEAN COMMISSION TO:

34. TAKE into consideration the particular concerns and needs of each Member State when assessing the health and safety **at work** directives;
35. CONSIDER improvements to the legislation on carcinogens and mutagens, by reviewing the existing binding occupational limit values and adding new ones, as appropriate based on impact assessment and evidence; CONSIDER smart legislative design of the carcinogens directive, so that new substances may be added to it swiftly and efficiently;

36. REVIEW and CONSIDER UPDATING the existing directives related to musculoskeletal disorders (vibration, manual handling **of loads** and display screen equipment) based on the ex-post evaluation of OSH directives; SUPPORT, as an immediate first step, the distribution of good practice **information** material of the European Agency for Safety and Health at Work (EU-OSHA) relating to work-related musculoskeletal disorders to better help employers to manage these risks;
37. PAY particular ATTENTION to the situation in small and medium-sized enterprises with regard to musculoskeletal disorders and ergonomics, work-related diseases and protection against harmful chemical substances, and continue to develop user-friendly instruments and tools for risk assessment and management in such enterprises;
38. TAKE INTO ACCOUNT the EU-OSHA's 2014-15 Healthy Workplaces Campaign in relation to psychosocial risks in the workplace and IDENTIFY, as a first and immediate step, what further analyses and good practices relating to psychosocial risks are needed to support employers in managing these risks and consider the feasibility of appropriate legislation **and/or other measures**;
39. PREPARE, in the context of its role in monitoring the implementation of the EU Strategic Framework on Health and Safety at work 2014-2020 an operational or management plan of action, to effectively address each of the three major [...] health **and safety at work** challenges, as highlighted in its communication which clearly identifies the key strategic objectives being addressed, the specific actions to be undertaken, the various actors or stakeholders involved and responsible for its implementation, the results to be achieved, clear indicators by which to measure the results and the timeline by which actions should be achieved;
40. IDENTIFY, in cooperation with EUROFOUND and EU-OSHA, challenges and risks for health and safety related to new forms of employment, work organisation and new professions;

41. DEVELOP more consistent data-recording systems which would better reflect the causal factors and assist in identifying risks, **and** risk management and prevention strategies;
42. CALL on the European Agency for Safety and Health at Work to explore better use of existing structures and systems for the collection and easy exchange of existing information and guidelines, **including sectoral practical guidelines**, on [...] health **and safety at work**, in particular for small and medium-sized enterprises;
43. ENCOURAGE and SUPPORT Member States to exchange and translate [...] their sectorial practical guidelines covering [...] health **and safety at work** risks in specific professions ;
44. CONTINUE to support the development of practical tools, such as the Online Interactive Risk Assessment (OiRA) drawn up by the EU-OSHA and the development of sector-specific versions of these e-tools to facilitate risk assessment in a consensual and creative way by individual employers, especially among micro and small enterprises, in order to take adequate prevention measures;
45. ENCOURAGE the development of good practice material on ergonomics for the use of labour inspectors to enable them to carry out adequate controls;

INVITES THE MEMBER STATES TO:

46. ENSURE appropriate resources for efficient and effective implementation of [...] health **and safety at work** legislation and preventive measures to support enterprises in the prevention and management of risks at the workplace;
47. IDENTIFY ways of simplifying and reducing any unnecessary specific regulatory burden in the transposed national legislation on [...] health **and safety at work** without reducing the level of protection for workers or limiting Member States' decisions for a higher level of protection;

48. RAISE awareness of the importance of health and safety at the workplace and identify ways to integrate [...] health **and safety at work** into national education and training programmes in accordance with national customs and practices;
49. PROVIDE adequate training for labour inspectors in order to meet the new emerging challenges and strengthen cooperation with the labour inspectorates of other Member States to exchange best practices and experiences;
50. COMBINE control and consultation and develop a framework for intensified dialogue between labour inspectors or other competent authorities, as appropriate, and enterprises with the aim of motivating them and helping them to prevent and tackle [...] health **and safety at work** -related incidents by providing targeted information and consultation in accordance with national customs and practices;
51. MAKE BETTER USE of the European Funds, as appropriate, in order to strengthen the capacities of public institutions in enforcing and promoting the health and safety **at work** provisions, in particular when combating undeclared work;

INVITES THE SOCIAL PARTNERS TO:

52. CONTINUE to promote the negotiation and conclusion of transnational and international agreements on the part of multinational enterprises and global union federations designed to promote safe working conditions across corporate operations and their worldwide supply chains;
53. DEVELOP a practice-oriented strategy to adapt working conditions to changes in work organisation, including issues related to the digital labour market and the digital workplace;
54. INTENSIFY efforts to motivate enterprises to improve the work environment in terms of health and safety **at work** by helping to raise awareness of employers and workers in this area, in particular in small and medium-sized enterprises.