

**The Classification, Packaging and Labelling of Chemical Substances and Mixtures Regulation 2008**  
**– the impact on EU OSH Legislation**



**EUROPEAN COMMISSION**

**Directorate General Employment, Social Affairs and Equal Opportunities**

**Social Dialogue, Social Rights, Working Conditions, Adaptation to change**

**Health, Safety and Hygiene at Work**

**Alick Morris**

**Conference on EU and world-wide rules for classification, labelling and packaging of chemicals  
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# Directorate General for Employment: Our policies at a glance: what we do



## Social Affairs

Social inclusion  
Streamlining social policies  
Social and demographic analysis

## Equal Opportunities

Equality between men and women  
(Legal) action against discrimination  
Integration of people with disabilities

## Employment

Labour law  
Rights at work  
Social Dialogue  
Working conditions  
**Health and safety at work**  
Free movement of workers  
European Employment Strategy

# Instruments at a glance: How we do it



## Policy Coordination with Member States

Social protection  
& Social inclusion  
Employment (Lisbon Agenda)

## Legislation

Occupational Health and Safety  
Equality  
Labour law

## Funding

PROGRESS  
European Social Fund  
European Globalisation  
adjustment Fund

## **CLP and “Downstream” Legislation: Legal and Practical Considerations**



- **Over 20 pieces of downstream legislation refer to classification either directly or indirectly.**
- **Obligations in Community legislation referring to C&L include:**
  - **Occupational Health and Safety, - DG EMPL responsibility,**
  - **Seveso II,**
  - **Consumer products etc.**
- **A careful analysis of possible effects on downstream legislation was carried out:**
  - **Study demonstrates that effects on most EU downstream legislation are either marginal or can be marginalised through appropriate consequential changes.**

## **Legal basis for EU OSH Legislation**



**Key section of the Treaty on European Union: Articles 137, 138, and 139 provide the legal basis for developing and implementing legislative instruments in the form of directives.**

**According to Article 138, the Commission, before submitting proposals in the social policy field, has to consult the Social Partners at EU level (employers and workers) on the possible direction of that Community action. Moreover, if, after such consultation, the Commission considers Community action advisable, it is obliged to consult the Social partners on the content of the envisaged proposal i.e. a two stage consultation procedure is required.**

**To date approximately thirty occupational safety and health directives have been adopted, of which five are affected by the implementation of CLP.**

## CLP and OSH – the Impact



- **Five OSH downstream directives make reference to the EU C&L system:**
  - **Chemical Agents Directive 98/24/EC**
  - **Carcinogens and Mutagens Directive 2004/37/EC**
  - **Safety Signs Directive 92/58/EEC**
  - **Pregnant Workers Directive 92/85/EEC**
  - **Young People at Work Directive 94/33/EEC**
- **The directives generally refer to C&L to define aspects of the scope of application of the Directives. Therefore, they will need to be amended to reflect the entry into force of CLP.**
- **CLP has a long transitional period when both the previous EU C&L system and new elements of the CLP C&L system will apply in parallel – this will need to be reflected in the amendment of the OSH Directives.**

## CLP and OSH – the Impact



- **Consultation of the Social Partners is planned for 2009.**
- **It is our intention that the introduction of CLP will not change the scope of the EU OSH legislation. It will be important to reflect on the precise wording of the text of the amending Directives to ensure that this is achieved in practice.**
- **In addition it should be recalled that:**
  - **the scope of EU OSH legislation is not limited to dangerous substances that have been classified – the scope includes any chemical agent which presents a risk to the safety and health of workers (CAD Article 2 (b) (iii)).**
  - **The OSH Framework Directive, 89/391/EEC, applies to all risks and is not dependant on other EU legislation such as CLP.**
  - **Conclusion: the legal duty to manage workplace chemical risks is a continuous requirement during the transition phase to introduce the revised legislation.**

## **Practical Aspects Training requirements**



- **Guidance and training needs for:**
- **Persons with direct responsibilities under CLP e.g. chemical manufacturers - REACH RIP 3.6 developed guidance that is published and managed by the European Chemicals Agency, Helsinki.**
- **Users of chemicals with responsibilities under the EU OSH legislation– employers and employees – need information (hazard communication) to carry out workplace risk assessments and to introduce appropriate risk prevention and management measures including training of workers.**
- **Investigate possibility for EU Agency on Occupational Safety and Health to assist in raising awareness and informing employers and workers.**

## Practical Aspects Training requirements



- It is important that employers understand the changes and reflect this in their approach to workplace risk assessment and risk management.
- Employers and workers will need to understand how to “read and understand the label” to take account of the new pictograms.



