

ROADMAP			
TITLE OF THE INITIATIVE	Communication on Health and Safety at Work		
LEAD DG – RESPONSIBLE UNIT – AP NUMBER	DG EMPL B3	DATE OF ROADMAP	21/11/2016
LIKELY TYPE OF INITIATIVE	Communication		
INDICATIVE PLANNING	End 2016		
ADDITIONAL INFORMATION	Insert link to "Commission decides" or to the specific website for the initiative		
<p>This Roadmap aims to inform stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have. The Roadmap is provided for information purposes only and its content may change. This Roadmap does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content.</p>			

A. Context, Problem definition and Subsidiarity Check
<p>Context [max 10 lines]</p> <p>Further to the evaluation of 24 EU occupational safety and health (OSH) Directives, in line with the Better Regulation agenda, the Communication will aim to set-out the results of the evaluation and the follow-up. A modernised and future-proof OSH framework could support the effectiveness and efficiency of EU action and provide a stable regulatory framework, while maintaining a high level of workers' protection.</p> <p>The OSH evaluation relates to the pillar of social rights initiative, which aims to adapt EU policy and legislation to changes in labour markets related to demographic, societal and technological developments. It is part of the efforts for a 'social triple A' Europe, with economic and social progress going hand in hand.</p>
<p>Problem the initiative aims to tackle [max 25 lines]</p> <p>The results of the assessment made in the context of the evaluation of 24 EU OSH Directives indicate that, in overall terms, the EU OSH legal framework remains relevant. The goal-oriented Framework Directive 89/391 sets the general principles and processes for prevention and risk management in the area of health and safety at work and covers all risks, workplaces and workers (with the exception of domestic servants). The individual directives specify in more detail how to deal with certain hazards or certain processes.</p> <p>On effectiveness, the evidence shows that the incidence of accidents at work and work related ill-health have considerably decreased over the evaluation period. One of the exceptions is the burden of work-related cancer which still seems to be very high in the EU. The decrease is influenced by other factors and the contribution of the OSH Framework to this trend could not be quantified. However, the different stakeholders consulted expressed their views that the Directives are achieving their aims, and contribute to improving the health and safety of workers.</p> <p>The main challenge identified by all stakeholders is compliance, notably by small and micro enterprises which have higher relative costs. Further guidance to employers, in particular SMEs, and fostering the use of support tools could be appropriate means to address this challenge.</p> <p>Further challenges include:</p> <ol style="list-style-type: none"> 1) Structure and coherence of the EU OSH acquis: the evaluation found that there are no major inconsistencies between legal OSH provisions. While it would be possible to streamline some provisions, stakeholders raised concerns that any changes to the overall legal structure might have unintended consequences. At the same time, in order to ensure efficient and effective occupational health and safety in the EU, the co-existence and complementarity of the framework directive and the individual directives together with Member State legislation could be clarified. As regards coherence, the evaluation emphasises the interaction between the EU OSH acquis and certain other pieces of EU legislation (such as Regulation (EC) No 1907/2006 (REACH)). Further effort should be sought to clarify the interface and enhance synergies between those pieces of EU legislation and the OSH acquis. 2) Although the evaluation concludes that the EU OSH framework remains relevant, it is not always clear what role some of the provisions of the framework directive play where no more specific implementing provisions have been developed, particularly in the context of constantly changing organisational setting, technological developments and scientific advances. Consequently, there is a need to consider how to ensure clearer, better understood and more effective outcomes from the application of the framework directive. For example, while the scope of the EU framework covers work-related psychosocial risks (stress) and musculo-skeletal disorders

(MSD) the evaluation shows that considerable uncertainty remains over measures that it may be appropriate to apply at the workplace, or more broadly in society. Also outdated provisions have been identified in the individual directives, e.g. in the safety signs directive, the displays screens directive, and the biological agents directive. Legislative updates will be done in close consultation with relevant stakeholders such as social partners, inspectorates and relevant authorities. Related to this, there is a general question on the means to effectively and efficiently adapt the legislative framework (e.g. with regard to occupational exposure limit values) to new scientific developments.

3) Personal scope: For most of the OSH Directives, some Member States implement more detailed or stringent requirements, with the result that the level of protection differs for some categories of workers like particularly vulnerable workers, self-employed persons and domestic servants. Further analysis would be required to identify whether any changes to the scope or content of the directives could be opportune.

4) The evaluation identified a large variation in the number and frequency of inspections in different member States. Further examination needs to be given to the existing role and impact of Member State use of inspections and broader enforcement actions to target future actions.

5) One of the limitations identified by the evaluation is the still limited data at EU level to assess the effects, costs and benefits of the EU OSH legislative framework. A better monitoring framework with appropriate indicators to measure performance is required.

Subsidiarity check [max 10 lines]

Article 153 TFEU empowers the EU to support and complement the activities of the Member States as regards improvements in particular of the working environment to protect workers' health and safety, and to adopt, by means of directives, minimum requirements for gradual implementation having regard to the conditions and technical rules obtaining in each of the Member States (Art. 153(1)(a) and 153 (2)(b)).

EU minimum requirements for the protection of workers' health and safety are laid down in the Framework Directive and individual directives. This Communication sets out the way forward for the modernisation of this framework including actions at different levels – EU and MS - in full respect of the principle of subsidiarity. As regards the proposed updating of individual directives, as these set common minimum requirements for the protection of the health and safety of workers in all Member States, the adoption of EU directives is the appropriate level to act. If the proposed amendments were not set at EU-level as minimum requirements, there is a risk that Member States would compete to attract businesses by varying and possibly reducing national levels of worker protection. This entails the risk of distortion of competition/level playing field in the internal market.

B. What does the initiative aim to achieve and how [max 25 lines]

The proposed approach would focus on working with Member States on the implementation of EU and national regulation of occupational health and safety. This will be complemented with updating in a targeted way the existing EU acquis, mainly to remove obsolete provisions and update outdated ones plus subsequent comprehensive codification to produce a more accessible and clear set of provisions without additional changes of substance.

The Communication will aim to set-out the results of the evaluation and the follow-up under umbrella of the EU Strategic Framework on Health and Safety at Work. The Communication would introduce the following actions:

- focus on further development of risk assessment tools and awareness raising partnerships taking into account stakeholder demand and assessing shortcomings of current tools;
- a peer review process with Member States which would aim to build on best practices in ensuring occupational health and safety;
- an updating exercise of the individual directives aiming to remove obsolete and update outdated provisions; and subsequent codification;
- a process of identifying best practices regarding inspections by Member States with the aim to understand better the role and impact of inspections and the best cost / benefit approaches;
- updating guidance and, when necessary, developing the instruments to provide advice in relation to new risks and changing circumstances on the labour market (e.g. stress and MSD, older workers and migrants);
- ensuring close collaboration with and full consultation of the social partners on all actions.

The Communication will be accompanied by (i) a SWD summarising the outcome of the evaluation of 24 EU OSH Directives, and (ii) a SWD with guidance to clarify a number of issues in the current framework.

C. Better regulation

Consultation strategy [max 10 lines]

There was a wide stakeholder consultation during the evaluation of the EU OSH Directives: Member States through the national implementation reports including the points of view of the Social partners, extensive consultation of the tri-partite Advisory Committee on Safety and Health and the committee of senior labour inspectors, surveys by the EU Agency for Health and Safety at Work (EU-OSHA) and discussions with key stakeholders including ministers for labour and the social partners. In addition an external study was conducted which included a validation seminar and extensive consultation in the different Member States of key stakeholders.

Impact assessment [max 10 lines]

No. This Communication sets the political direction by outlining the main principles for a modern OSH policy and legislation. A dedicated IA will be carried when specific follow-up initiatives will be launched.

Evaluations and fitness checks [max 5 lines]

A SWD accompanying this Communication contains the results of the evaluation of 24 EU OSH Directives.