

ECOS/008

Brussels, 17 July 2002

OPINION

of the Committee of the Regions

of 3 July 2002

on the

Communication from the Commission

Adapting to Change in Work and Society:

a new Community Strategy on Health and Safety at Work 2002-2006

COM(2002) 118 final

and the

Proposal for a Council Recommendation concerning the application of legislation governing health and safety at work to self-employed workers

COM(2002) 166 final – 2002/0079 (CNS)

THE COMMITTEE OF THE REGIONS,

HAVING REGARD TO the Communication from the Commission: *Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006*, COM(2002) 118 final and the Proposal for a Council Recommendation concerning the application of legislation governing health and safety at work to self-employed workers COM(2002) 166 final – 2002/0079 (CNS);

HAVING REGARD TO the decision taken by the European Commission on 3 January 2002 to consult the Committee under the first paragraph of Article 265 of the Treaty establishing the European Community;

HAVING REGARD TO its Bureau's decision of 6 February 2002 to instruct the Commission for

Economic and Social Policy to prepare the Committee's work on this subject;

HAVING REGARD TO its Opinion on the *Proposal for a European Parliament and Council Decision on a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health* (CdR 246/94)¹;

HAVING REGARD TO its Opinion on the *White Paper on European Social Policy: A way forward for the Union* (CdR 243/94)²;

HAVING REGARD TO its Opinion on the Communication on the Medium-term Social Action Programme 1995-97 (CdR 297/95)³;

HAVING REGARD TO its Opinion on the *Proposal for a European Parliament and Council Decision adopting a Programme of Community Action on Injury Prevention in the context of the framework for action in the field of public health* (CdR 456/96 fin)⁴;

HAVING REGARD TO its Opinion on the *Communication from the Commission on the Social Action Programme 1998-2000* (CdR 277/98)⁵;

HAVING REGARD TO its Opinion on the Principle of subsidiarity *Developing a genuine culture of subsidiarity. An appeal by the Committee of the Regions* (CdR 302/98)⁶;

HAVING REGARD TO its Opinion on the Commission Communication *Promoting Entrepreneurship and Competitiveness - The Commission's response to the BEST Task Force Report* (CdR 387/98)⁷;

HAVING REGARD TO its Opinion on the *Competitiveness of European enterprises in the face of globalisation - How it can be encouraged* (CdR 134/99 fin)⁸;

HAVING REGARD TO its Opinion on the Communication *Social Policy Agenda* (CdR 300/2000 fin)⁹;

HAVING REGARD TO its Opinion on the Communication from the Commission *Employment and social policies: a framework for investing in quality* (CdR 270/2001 fin)¹⁰;

HAVING REGARD TO its Opinion on the *Green Paper on Promoting a European Framework for Corporate Social Responsibility* (CdR 345/2001 fin);

HAVING REGARD TO the Draft Opinion CdR 168/2002 rev. 1 of the Commission for Economic and Social Policy, adopted on 11 June 2002 (rapporteur: **Mr Boden** – UK – PES, Leader of the North West Regional Assembly);

WHEREAS the Communication emphasises the consolidation and improvement of existing legislation, rather than the development of new regulations at this time;

adopted the following opinion unanimously at its 45th plenary session on 3 and 4 July 2002 (meeting of 3 July)

Views and recommendations of the Committee of the Regions

The Committee of the Regions,

1. Welcomes the European Commission's wide-ranging approach to drawing up a strategy and in particular its espousal of the International Labour Organisation's aim of promoting well-being at work - physical, moral and social - within a broad societal context and its recognition that truly sustainable competitiveness rests upon the achievement of this aim. However, in the CoR's view, the employer does not bear sole responsibility for fostering well-being at work.
2. In this context the CoR welcomes the Proposal for a Council Recommendation which attempts to ensure that legislation governing health and safety at work to self-employed workers is applied and extended throughout the Union. The CoR agrees that self-employed workers, whose work is not subject to any employment relationship with an employer or, more generally, who are not bound by any link or contract of employment to a third party, are generally subject to the same health and safety risks as are employees, and therefore should have the same rights.
3. Considers that, in general terms, ever-increasing workloads lead to stress as a potential outcome; similarly, the emergence of new workplace risks will also present both real and perceived risks to health and safety. The CoR therefore recommends support and encouragement for employers, together with their partners, to participate in broader research activities to determine causal and remedial effects for both new accident and ill-health risks. In addition more research is required on gender issues, and on other societal groups, especially in relation to occupational illness.
4. Recommends that the strategy should include a requirement for employers to avail themselves to competent occupational safety and health advice, not least with a view to adopting effective health and safety management systems.
5. Considers it necessary that workforces be made competent and properly trained to safely conduct the work that they are required to undertake.
6. Considers that the terminology "Risk Prevention" is too closely linked to the insurance industry notion of "insured risks", which is managed through indemnification, by the payment of insurance premiums. Internationally, the phrases "accident prevention" and "ill-health prevention" are more appropriately used in the present context.
7. Considers it essential for the new strategy to address the need for interplay and reconciliation of work activities with other spheres of life, for women and men, thereby recognising the benefits of achieving a balance between the two.
8. Feels that two aspects are not sufficiently highlighted in the communication:
 - workers must be trained and informed, but they also have an own responsibility to comply strictly with safety rules
 - since non-work related illnesses and accidents can lead to absence from work, the communication should include more proposals for measures to promote a healthy life style and risk avoidance.
9. Expresses its concern at the absence in the communication of any specific reference to local and regional authorities, which it considers to have a pivotal role in developing and implementing the strategy, particularly in regard to SMEs, by virtue of their function - in partnership with national agencies and local and regional representatives of employers and workers - in monitoring, developing and enforcing the provisions of the Communication, and because they are very significant employers in their own right.

10. Considers therefore that the role of local and regional authorities in implementing, promoting, monitoring and enforcing health and safety at work should be recognised and supported, particularly in relation to SMEs in view of the latter's increasing importance in the EU economy and their evident need for assistance to improve their performance on health and safety at work.
11. Expresses its concern at the absence of any specific reference to the role that trade unions and workers' representatives can play in health and safety at work. They, more than anyone, have direct personal and collective experience of the ill effects arising from health and safety risks which are actually encountered by workers.
12. Calls therefore for the omission of the role of trade unions and workers' representatives to be rectified and their participation in health and safety at work partnerships to be facilitated.
13. Whilst generally welcoming the partnership approach to health and safety at work, believes it to be essential that the regulatory framework gives the strategy the "teeth" to ensure the co-operation of those who do not accept the partnership concept.
14. Considers that the need for adequate resources to develop and implement the strategy at EU, national, regional and local levels should be recognised and that targets be set for reducing occupational accidents, injury- and sickness-related absence and health and safety problems. The CoR advocates that provision be made for Structural Fund support. However, it has its doubts regarding the proposal that the EU's employment policy be used as a driving force for working environment strategy, and in particular as regards stress at work.
15. Calls therefore on the Commission to work with the appropriate authorities and social partners in the Member States to harmonise, simplify and strengthen the regulatory and enforcement framework to give backing where necessary to the partnership approach to health and safety at work.
16. Recommends that there should be recognition of bodies such as the European Network of Safety and Health Practitioner Organisations (ENSHPO) which aim to promote sharing of good practice across Europe and to establish agreed levels of competence for pan-European practitioners.

Brussels, 3 July 2002.

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

Albert Bore

Vincenzo Falcone

¹ OJ C 210 of 14.08.1995, p. 81

² OJ C 210 of 14.08.1995, p. 67

³ OJ C 100 of 02.04.1996, p. 91

⁴ OJ C 19 of 21.01.1998, p. 1

⁵ OJ C 93 of 06.04.1999, p. 56

⁶ OJ C 198 of 14.07.1999, p. 73

⁷ OJ C 293 of 13.10.1999, p. 48

⁸ OJ C 57 of 29.02.2000, p. 23

⁹ OJ C 144 of 16.05.2001, p. 55

¹⁰ OJ C 107 of 03.05.2002, p. 98

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