

Health and Safety at Work

Health and safety at work is now one of the most important and most advanced field of the EU social policy. EU action in this area is not limited to legislation. The European Institutions carry out several activities providing information and guidance and promoting a safe and healthy working environment in cooperation with the European Agency for Health and Safety at Work and the European Foundation for the Improvement of Living and Working Conditions.

Purpose:

1. Prevention of damages (stress, industrial injuries, occupational diseases, material damages at peoples' property)
2. Promotion of human integrity – physical and mental status of an employee
3. Promotion of health and safety in positive way that means creation of comfortable and agreeable workplace

Characteristic features:

1. Shared responsibility of both, Member States and EU
2. Health has quite broad sense. The case-law of ECJ (*c- 84/94 Case United Kingdom v. Council*) makes reference to the Constitution of World Health Organisation. Health is defined as state of complete physical, mental and social well-being that does not consist only in the absence of illness or infirmity.
3. Adjustment of work to individual
4. Health and safety relate to:
 - Machines and installations
 - Introduction of new technologies, products and materials
 - Lighting, temperature, electricity, gas, radiation
 - Situation of workplace (class, construction site, home of worker)
 - Organisation of work and work rhythm
Length of working hours, breaks at work shifts, night work
 - Use of alcohol and drugs at the workplace
 - Medical check ups
 - Transport to and from work
 - Possibility of refreshment
 - Service for health and safety at work
 - Providing information and training – in language that workers can effectually understand foreign nationals, persons with disabilities
 - Supervision of state authorities

Sources of Law:

Primary law – Treaty on the Functioning of the EU Article 153

Secondary Law - Council Directive 89/391 on the introduction of measures to encourage improvements in the safety and health of workers at work (framework directive)

Individual directives (about 20) concerning e.g.

- personal protective equipment
- signs at workplace
- work with screens
- exposure to chemical, biological or physical agents

- exposure to asbestos, carcinogens, radiation, noise, vibration
- pregnant women
- employees with fixed-term contract, temporary workers

Working hours

The first directive regarding working time was adopted in 1993 (no 104). It was replaced by Directive 2003/88/EC concerning certain aspects of organisation of working time.

Sectorial provisions exist for:

- road transport,
- work at sea
- civil aviation.

Purpose - Lay down minimum health and safety requirements for the organisation of working time

Material scope of application

- Weekly working hours
- Rest periods
 - Daily rest
 - Weekly rest
 - Breaks at work
 - Leave
- Night work
- Shifts pattern of work

Personal scope of application – employees in all sectors public and private with references to framework directive on health and safety at work

Key Definitions:

Working time - any period during which the worker is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice.

Rest period – any period that is not working time.

Night time - any period of not less than seven hours, as defined by national law, and which must include, in any case, the period between midnight and 5.00

Shift work - any method of organising work in shifts whereby workers succeed each other at the same work stations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks;