

Report on the United Kingdom's practical implementation of European occupational safety and health directives during 2007-2012

The Health and Safety Executive (HSE) is responsible for compiling the Government's report on the implementation of European occupational health and safety (OSH) directives in the United Kingdom during the period 2007 – 2012. This is a requirement under European law. The report covers Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers' at work, known as the 'Framework Directive', its 'daughter' directives and some other associated directives. A full list is provided separately.

In particular, HSE would like to gather stakeholder views on how the following directives have been practically implemented during 2007-2012:

- Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work;
- Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace;
- Directive 91/383/EEC supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship;
- Directive 92/58/EEC on the minimum requirements for the provision of safety and/or health signs at work;
- Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding; and
- Directive 94/33/EC on the protection of young people at work.

The questionnaire below for stakeholders has been designed to gather views on the implementation of the above directives; the questions refer to the domestic regulations transposing the Directives so that stakeholders are aware of the British laws that apply in each case. Whilst views on the implementation of other directives in scope of the report have not been specifically requested, the questionnaire includes an opportunity to comment on them at the end.

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All questions concern the experience of implementing the directives through the regulations listed over the period 2007-2012.

Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work

The Directive imposes basic rules for protecting workers at work, including requirements for employers to:

- Undertake risk assessment.
- Follow the general principles of risk prevention.
- Appoint a worker to assist with preventative and protective services in the workplace.
- Provide health and safety information and training to workers.
- Involve and consult workers on matters that affect their health and safety at work.

The Directive is principally transposed by the Management of Health and Safety at Work Regulations 1999; the Safety Representatives and Safety Committees Regulations 1977; and Health and Safety (Consultation with Employees) Regulations 1996. Where the term 'Regulations' is used in the questions below, you should take this to cover all the transposing regulations named above, unless otherwise stated.

- 1) What has been your experience of employers' application of the Regulations to home workers, mobile workers, part-time workers, migrant workers or sub-contracted workers?
- 2) Are the Regulations flexible enough to accommodate the different sizes and activities of employers? Are there any types of workplace or work activity which you believe have had particular difficulties with applying the Regulations? If so, please describe them and why.
- 3) Have you any issues about the scope of the Regulations? If so, please describe them.
- 4) What has been your experience of employers' application of the Regulations in shared workplaces? Have you identified any barriers to cooperation between employers? If so, please describe them.
- 5) What has been your experience of employers' application of the risk assessment and principles of risk prevention requirements in the Management of Health and Safety at Work Regulations? Have you identified any particular difficulties? If so, please describe them.
- 6) What has been your experience of employers' application of the requirement in the Management of Health and Safety at Work Regulations to appoint a competent person (either in-house or an external service) to assist with them providing preventative and protective measures in the workplace? Are there any problems by size of organisation? If so, please describe them.
- 7) Have you identified any particular problems in small and medium sized enterprises in their application of the Regulations? If so, please describe them.
- 8) Have you taken any measures to support employers in applying the Regulations? If so, please describe them.
- 9) Do you have any suggestions for simplifying the requirements of the Regulations or making their practical implementation easier? If so, please describe them.

Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace

The Directive imposes basic rules on the design and maintenance of workplaces in relation to ensuring health and safety at work.

The Directive is principally transposed by the Workplace (Health, Safety and Welfare) Regulations 1992. The questions therefore make reference to these Regulations rather than the Directive.

- 1) Is the definition of a 'workplace' under the Regulations clear? Have you noticed any problems that employers' have had with interpreting the definition?
- 2) Are there any requirements of the Regulations that you believe should be disappplied to certain workplaces? If so, please describe them and why.
- 3) Have you identified any particular problems in small and medium sized enterprises in their application of the Regulations? If so, please describe them.
- 4) Have you taken any measures to support employers in applying the Regulations? If so, please describe them.
- 5) Do you have any suggestions for simplifying the requirements of the Regulations or making their practical implementation easier? If so, please describe them.

Directive 91/383/EEC supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship

The Directive imposes rules on the provision of information and training and medical surveillance to protect the health and safety of temporary workers. Temporary workers are classified as workers with a fixed-term contract of employment.

The Directive is principally transposed by the Management of Health and Safety at Work Regulations 1999 (Regulations 7(4)(b), 12 and 15). The questions therefore make reference to these Regulations rather than the Directive.

- 1) What has been your experience of employers' providing temporary workers with:
 - Health surveillance, where required.
 - Training and instruction on specific risks that they might face before starting a work activity.
- 2) Have you identified any particular problems in small and medium sized enterprises in their application of the Regulations? If so, please describe them.
- 3) Have you taken any measures to support employers in applying the Regulations to temporary workers? If so, please describe them.
- 4) Do you have any suggestions for simplifying the requirements of the Regulations that apply to temporary workers or making their practical implementation easier? If so, please describe them.

Directive 92/58/EEC on the minimum requirements for the provision of safety and/or health signs at work

The Directive requires the provision and maintenance of health and safety signs in the workplace, where other measures cannot avoid or control risks to workers, and information and training on such signs to workers.

The Directive is principally transposed by the Health and Safety (Safety Signs and Signals) Regulations 1996. The questions therefore make reference to these Regulations rather than the Directive.

- 1) Is the scope of the Regulations still appropriate? Should the requirements extend to those activities disappplied under Regulation 3(1)? If so, please describe why?
- 2) Have you encountered any problems experienced by employers' between signs specified in the Regulations and those specified in international standards? If so, please describe them.
- 3) Have you identified any particular problems in small and medium sized enterprises in their application of the Regulations? If so, please describe them.
- 4) Have you taken any measures to support employers in applying the Regulations? If so, please describe them.
- 5) Do you have any suggestions for simplifying the requirements of the Regulations or making their practical implementation easier? If so, please describe them.

Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

The Directive requires the assessment of risks to workers who are new and/or expectant mothers and action to be taken to avoid those risks.

The health and safety requirements of the Directive are principally transposed by the Management of Health and Safety at Work Regulations 1999 (Regulations 16, 17 and 18). The questions therefore make reference to these Regulations rather than the Directive.

- 1) Have you identified any particular problems in small and medium sized enterprises in their application of the Regulations to pregnant workers? If so, please describe them
- 2) Have you taken any measures to support your employers in applying the Regulations to pregnant workers? If so, please describe them.
- 3) Do you have any suggestions for simplifying the requirements of the Regulations that apply to pregnant workers or making their practical implementation easier? If so, please describe them.

Directive 94/33/EC on the protection of young people at work

The Directive requires that young people (someone who has not reached the age of 18) be protected from risks at work.

The health and safety requirements of the Directive are principally transposed by the Management of Health and Safety at Work Regulations 1999 (Regulation 19). The questions therefore make reference to these Regulations rather than the Directive.

- 1) Have you identified any particular problems in small and medium sized enterprises in their application of the Regulations to young workers? If so, please describe them
- 2) Have you taken any measures to support employers in applying the Regulations to young workers? If so, please describe them.
- 3) Do you have any suggestions for simplifying the requirements of the Regulations that apply to young workers or making their practical implementation easier? If so, please describe them.

Other Directives:

Should you wish to make points on the implementation of the other Directives in scope of the report, then these can be made below (see the attachment in the email for the full list). Please concentrate on any problems with implementation of the Directives and any measures that have been used to address them.

European Occupational Safety and Health Directives covered by the Practical Implementation Report

Directive:	British health and safety transposing legislation:
89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work	Health and Safety at Work etc. Act 1974 Management of Health and Safety at Work Regulations 1999, as amended Safety Representatives and Safety Committees Regulations 1977 Health and Safety (Consultation with Employees) Regulations 1996 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, as amended Health and Safety (First-Aid) Regulations 1981 Fire Precautions (Workplace) Regulations 1997, as amended Personal Protective Equipment at Work Regulations 1992
Directive: 89/654/EEC concerning the minimum safety and health requirements for the workplace	British health and safety transposing legislation: Workplace (Health, Safety and Welfare) Regulations 1992
Directive 89/656/EEC on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace	British health and safety transposing legislation: Personal Protective Equipment at Work Regulations 1992

Directive: 90/269/EEC on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers	British health and safety transposing legislation: Manual Handling Operations Regulations 1992
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Directive: 90/270/EEC on the minimum safety and health requirements for work with display screen equipment	British health and safety transposing legislation: Health and Safety (Display Screen Equipment) Regulations 1992
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Directive: 91/383/EEC supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed duration employment relationship or a temporary employment relationship	British health and safety transposing legislation: Management of Health and Safety at Work Regulations 1999, as amended
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Directive: 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites	British health and safety transposing legislation: Construction (Design and Management) Regulations 2007
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Directive: 92/58/EEC on the minimum requirements for the provision of safety and/or health signs at work	British health and safety transposing legislation: Health and Safety (Safety Signs and Signals) Regulations 1996
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Directive: 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	British health and safety transposing legislation: Management of Health and Safety at Work Regulations 1999, as amended
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Directive: 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral extracting industries through drilling	British health and safety transposing legislation: Borehole Sites and Operations Regulations 1995 Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995
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Directive: 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries	British health and safety transposing legislation: Quarries Regulations 1999 Mines Miscellaneous Health and Safety Provisions Regulations 1995
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Directive: 94/33/EC on the protection of young people at work	British health and safety transposing legislation: Management of Health and Safety at Work Regulations 1999, as amended
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Directive: 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work	British health and safety transposing legislation: Control of Substances Hazardous to Health 2002 Control of Lead at Work Regulations 2002 Control of Asbestos at Work Regulations 2012
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Directive: 1999/92/EC on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres	British health and safety transposing legislation: Dangerous Substances and Explosives Atmospheres Regulations 2002 Control of Substances Hazardous to Health 2002
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Directive: 2000/54/EC on the protection of workers from risks related to exposure to biological agents at work	British health and safety transposing legislation: Control of Substances Hazardous to Health 2002
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Directive:	British health and safety transposing legislation:
2002/44/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration)	Control of Vibration at Work Regulations 2005

Directive:	British health and safety transposing legislation:
2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)	Control of Noise at Work Regulations 2005

Directive:	British health and safety transposing legislation:
2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work	Control of Substances Hazardous to Health 2002

Directive:	British health and safety transposing legislation:
2006/25/EC on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation)	Control of Artificial Optical Radiation at Work Regulations 2010

Directive:	British health and safety transposing legislation:
2009/104/EC concerning the minimum safety and health requirements for the use of work equipment by workers at work (codified earlier directives from 1989 and 2001)	Provision and Use of Work Equipment Regulations 1998 Lifting Operations and Lifting Equipment Regulations 1998 Work at Height Regulations 2005, as amended

Directive:	British health and safety transposing legislation:
2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work (codified earlier directives from 1983, 1991 and 2003)	Control of Asbestos at Work Regulations 2012