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10. Welcomes in this context the unanimous Council decision of 26 August 2004<sup>(1)</sup> to impose restrictions such as visa bans until 27 February 2005 on 17 Transnistrian leaders held responsible for preventing a political settlement of the conflict;

11. Recalls the Council proposal for joint crisis management, and stresses that Russia carries a great responsibility for the situation in the region, maintaining as it does about 2 500 troops in Transnistria, which, according to the decision taken at the 1999 OSCE summit in Istanbul, should have been withdrawn by the end of 2002;

12. Instructs its President to forward this resolution to the Council, the Commission, the Secretary General of the Council of Europe, the Secretary General of the OSCE, the Director of OSCE/ODIHR, and the governments and parliaments of Moldova, Romania, Russia, Ukraine and the USA.

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<sup>(1)</sup> OJ L 279, 28.8.2004, p. 47.

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**P6\_TA(2005)0056**

## **Health and safety at the workplace**

### **European Parliament resolution on promoting health and safety at the workplace (2004/2205(INI))**

*The European Parliament,*

- having regard to the Commission Communication on the practical implementation of the provisions of the Health and Safety at Work Directives 89/391/EEC (Framework), 89/654/EEC (Workplaces), 89/655/EEC (Work Equipment), 89/656/EEC (Personal Protective Equipment), 90/269/EEC (Manual Handling of Loads) and 90/270/EEC (Display Screen Equipment) (COM(2004)0062),
  - having regard to the Commission staff working paper on the implementation of 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 (SEC(2004) 0635),
  - having regard to the Commission report on the 27th annual activity report of the Advisory Committee on Safety, Hygiene and Health Protection at Work 2002 (COM(2004)0539),
  - having regard to the Commission Communication on adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 (COM(2002)0118),
  - having regard to Rules 112(2) and 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A6-0029/2005),
- A. whereas Article 31(1) of the Charter of Fundamental Rights of the European Union<sup>(1)</sup> stipulates that 'every worker has the right to working conditions which respect his or her health, safety and dignity',
- B. whereas in Article 137(1)(a) of the EC Treaty the European Community set itself the objective of supporting and complementing the activities of the Member States in the field of improvement of the working environment to protect workers' health and safety,
- C. whereas Article 152(1) of the EC Treaty states that 'a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities',

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<sup>(1)</sup> OJ C 364, 18.12.2000, p. 1.

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- D. whereas health and safety at work, which should be treated as a core objective in itself, constitutes one of the most important EU policy sectors; whereas a safe and healthy working environment and work organisation are also performance factors for the economy and for society,
- E. whereas the European labour market and its population have changed in many respects — enlargement of the European Union, better possibilities for free movement of both enterprises and labour, flexible working hours including part-time work, fragmentation of labour markets, subcontracting, temporary and casual employment, ageing population and declining population — which present major challenges to achieving the goal of an economy that will create more and better jobs,
- F. whereas the Community's efforts in the area of the working environment are very important as regards meeting the Lisbon Strategy objective of creating more and better jobs; whereas a better working environment not only creates better conditions for European workers but also promotes productivity and growth in Europe,
- G. whereas the Community directives in the field of health and safety protection do not apply to workers in the home, most of whom are female,
- H. whereas three of the original EU-15 Member States have failed to submit any national report on their implementation of Directive 91/383/EEC<sup>(1)</sup> despite numerous reminders from the Commission,
1. Welcomes the Commission's analysis of the implementation of health and safety legislation and its assessment of how the directives are being applied in the workplace and looks forward to seeing the Commission's evaluation of the application of the remaining individual directives; notes the decrease in the number of accidents at the workplace as a positive result, and that measures to protect health and safety in the workplace contribute to better working conditions and promote productivity, competitiveness and employment; regrets, however, the belated publication of the Commission's report, as the Member States' national implementation reports should already have been transmitted in 1997; calls for future evaluation reports to better assess the extent to which health and safety legislation has been complied with in practice in the Member States;
2. Welcomes the Commission's general conclusions, but considers that more focused and systematic orientations for the future Community health and safety strategy are necessary; calls, in this connection, on the Commission and the Council to consider the possibility of extending the framework directive to cover excluded groups such as the self-employed; stresses the need to look particularly at the situation in sectors such as construction, fisheries and agriculture, as well as in the health sector; also calls on the Commission to evaluate as soon as possible the implementation of the new Community strategy on health and safety at work 2002-2006;
3. Welcomes the Commission's plan to launch a study to analyse and assess the practical implementation of Directive 91/383/EEC; supports the Commission's proposal to present a single report covering the practical implementation of all the directives in all 25 Member States; calls on the Commission to actively promote harmonisation and greater comparability of national data gathering systems, also with a view to improving data gathering on proper risk assessment and control and on the impact of outsourcing, subcontracting and contingent employment;
4. Considers it essential to improve the statistical system for recording accidents at work, since the absence of reliable and compatible statistics makes it difficult to devise Community policies and promote them in an effective way, particularly after incorporating 10 new Member States;
5. Considers that the Advisory Committee on Safety, Hygiene and Health Protection at Work must be fully involved in the negotiations for and the preparation of the single report as well as the constituent reports, and that national reports should be written up as the result of tripartite consultations, which does not always happen at present;

<sup>(1)</sup> Council Directive 91/383/EEC of 25 June 1991 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 (OJ L 206, 29.7.1991, p. 19).

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6. Underlines the vital role of the social partners, empowered under national as well as European legislation and required to engage in social dialogue, points out that the culture of prevention must also be strengthened by increasing the integration of occupational health and safety issues into basic education, apprenticeship programmes and further education; also calls on the Commission to stimulate social dialogue between the social partners on health and safety and calls on the Member States to stimulate social dialogue at the workplace with regard to the working environment;
7. Considers that Directive 89/391/EEC<sup>(1)</sup> offers greater scope for equal participation by workers and employers in drawing up a preventive strategy which makes constant improvements to health and safety; stresses the need for greater representation of women in the management bodies of trade unions and businesses to ensure that their health and safety needs are taken into account and provision is made for appropriate policies to meet those needs;
8. Points out that according to recent research about 50 % of workers in the EU have no access to preventive services, most existing services are not fully multidisciplinary and many do not properly reflect the hierarchy of preventive measures laid down in the Framework Directive; calls on the Commission to examine the state of Member States' preventive systems in greater detail and to come forward with proposals, in cooperation with the competent national authorities, for framing coherent national prevention policies based on an overall EU strategy, prioritising the provision of information to workers;
9. Urges the Member States to take concrete measures to increase the level of application of the relevant directives in SMEs and the public sector; reaffirms its resolution of 23 October 2002<sup>(2)</sup>, in which it supported the development of guides on how to apply existing directives — which should be accompanied by better training material and information, especially for SMEs, in high-risk sectors and situations where there are specific, persistent and recurrent risks; considers that Member States need to be encouraged to include subject areas dealing with risk prevention in training programmes for SMEs; calls on the Commission and the Member States to take account of gender, age and cultural factors, to enforce legislation in a uniform, efficient and equivalent way and to pay particular attention to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
10. Notes that the level of information provided to SMEs in particular on Directive 89/391/EEC is inadequate and must be improved;
11. Considers that EU funding of programmes to improve worker protection, information, participation, cooperation in a social dialogue on health and safety at the workplace, etc. in general, and especially in or for SMEs, should be organised on the basis of simpler procedures, and that the adequate financing foreseen in budget plans for such programmes and projects should be allocated in time;
12. Urges the Member States to increase the number, quality and power of labour inspectorates and to amplify and extend the training and qualifications of labour inspectors; invites the Commission to encourage the activities of the Senior Labour Inspectors Committee (SLIC); considers, however, that preventing industrial risks should not be based on the role of the labour inspectors but also on cooperation between the social partners, particularly between employers and workers in their workplace;
13. Points out that despite frequently successful infringement proceedings there are still failings in a number of Member States (e.g. regarding the definition of the capabilities and aptitudes of preventive service personnel, the definition of employers' and workers' safety obligations, and the transposition of various directives); calls on the Commission to continue instituting infringement proceedings against these failings of Member States;
14. Stresses the crucial significance of mainstreaming, i.e. the incorporation of gender issues into activities and analyses in the field of health and safety at the workplace, and notes that the 'Community health and safety strategy' promotes the incorporation of the gender dimension into health and safety at work; calls on the Member States to implement and promote that dimension systematically and effectively;

<sup>(1)</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

<sup>(2)</sup> OJ C 300 E, 11.12.2003, p. 290.

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15. Stresses that the discrimination suffered by women in the labour market and the work environment affects their health and safety; calls on the Member States to implement Directive 2002/73/EC <sup>(1)</sup> which aims to eliminate discrimination, in particular sexual harassment and other forms of discrimination relating to motherhood; also calls on the Commission, once transposition into national law is complete, to carry out a qualitative and comparative assessment of the legislative provisions introduced and to promote the exchange and spread of good practice;

16. Calls on the Commission to include in its action programme gender-specific problems faced by men and women, paying particular attention to the following:

- (i) care and control of specific health and safety problems,
- (ii) work-related risks and long-term psychological illnesses (such as burnout and depression) due to the dual burden on men and women who attempt to combine work and family life, or to the enormous pressure on the labour market,
- (iii) stress and violence, bullying and harassment at the workplace,
- (iv) the inferior coverage of all such problems by good-quality preventive services,
- (v) ergonomically unsound working conditions;

17. Draws attention to the need to step up research into and the prevention of work-related illnesses, giving illnesses of a psycho-social nature the importance they deserve but without confining such efforts to them exclusively;

18. Notes that Community directives on health and safety at work do not cover household work or work performed by spouses as 'helpers' in family firms, particularly in the retail, craft and agriculture sectors; calls on the Commission to take initiatives to protect the health and safety of all workers, in particular by finally proposing the changes called for by Parliament's resolutions of 21 February 1997 <sup>(2)</sup> and 3 June 2003 <sup>(3)</sup> to Directive 86/613/EEC <sup>(4)</sup>;

19. Expresses deep concern regarding the excessively high rate of accidents among temporary and short-term workers, which in some Member States is at least double that of permanent workers; points out that Directive 91/383/EEC establishes as a general rule that temporary workers have the same occupational health rights as other workers, but that the directive fails to lay down specific mechanisms to make this principle workable in practice; calls on the Commission to remedy these shortcomings; calls on the Member States' governments to reach agreement as soon as possible on the Commission's proposal for a directive on temporary workers;

20. Notes that the latest figures <sup>(5)</sup> indicate an increase, albeit slight, in accidents in sectors mainly employing women; calls on the Commission and the Member States to put forward new measures relating to the specific problems faced by women in the workplace; also calls on the Member States to include occupational risks for women among the indicators used for monitoring health and safety at work (national accident reports, research and studies);

<sup>(1)</sup> Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ L 269, 5.10.2002, p. 15).

<sup>(2)</sup> OJ C 85, 17.3.1997, p. 63.

<sup>(3)</sup> OJ C 68 E, 18.3.2004, p. 90.

<sup>(4)</sup> Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood (OJ L 359, 19.12.1986, p. 56).

<sup>(5)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives (COM(2004)0062). This is occurring in textiles and clothing, commerce, repairs, hotels and catering, financial services and administration.

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21. Calls on the Commission to ensure that Member States implement the specific preventive measures necessary to protect healthcare workers from injuries caused by needles and other medical sharps in view of the risk of infection from potentially fatal bloodborne pathogens (group 3 biological agents); notes that these should include the appropriate application of training, safe working practices and medical technology incorporating sharps protection mechanisms, and that the applicable guidance provided by the European Agency for Safety and Health at Work (FACTS 29, ISSN 1681-2123) should be employed to determine the minimum standard of protection; considers, nevertheless, that Directive 2000/54/EC <sup>(1)</sup> also requires further revision to specifically address the risk arising from work with needles and other medical sharps;

22. Calls on the Commission to reduce, by means of appropriate measures, the health risks posed by 'atypical' employment contracts;

23. Stresses the significance and scale of the recent enlargement, and is particularly concerned about the sometimes poor level of implementation of EU directives in the new Member States and notes that the new Member States had very little time for the transposition and practical application of legislation, while at the same time having to address problems of economic and social transformation; considers that workers throughout the EU must be provided with at least the level of protection laid down in the directives;

24. Notes that a high level of worker protection will lead to a competitive disadvantage for the old Member States within the Community unless it is ensured that in the new Member States the 'acquis communautaire' is fully implemented and the health protection directives are applied in practice;

25. Calls on the Commission and the Council to insist on the unrestricted implementation of the *acquis communautaire*, initially through the exchange of best practice and increased cooperation in all 25 Member States, and, where necessary, to take appropriate measures for its actual implementation; to provide practical support for all Member States falling below the required standards, especially the new ones, by making provision for adequate resources, exchange of best practices and experience, and stronger cooperation; in that connection, calls on the Commission, in cooperation with the Advisory Committee on Safety, Hygiene and Health Protection at Work, to investigate the possibility of introducing a separate open coordination method for health and safety at the workplace;

26. Urges the Commission to present without delay an action plan outlining the next steps to be taken in order to solve at least the problems presented in its own analysis, and to develop as soon as possible a mid-term and long-term strategy for a follow-up; also calls on the Commission to look more closely at the possibility of presenting a global approach to health at the workplace, to include all types of risk such as stress, bullying, harassment and violence — while welcoming the measures the Commission has already taken with regard to sexual harassment and stress; calls on the social partners in the Member States to develop their own strategies, both at bilateral and EU level, to combat bullying and violence at the workplace and to exchange experiences in this area on the basis of best practice;

27. Asks the Commission to provide information on the action it is taking regarding those Member States who have failed to provide in due time information that they have agreed to provide;

28. Expresses its concern over the proposed working time and services directives as regards in particular the intensification of work and the possibilities of control, the risk of extreme flexibility of working time and the danger of individual opt-outs; expresses its opposition to any re-regulation in the field of health and safety which does not guarantee an equivalent level of protection for all workers in the EU;

29. Highlights the Commission's efforts to submit legislative proposals seeking to simplify and rationalise the existing health protection directives, with a view to improving their efficiency and reducing the costs to businesses in the implementation of the directives;

<sup>(1)</sup> Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risk related to exposure to biological agents at work (OJ L 262, 17.10.2000, p. 21).

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30. Considers that corporate social responsibility applies both to society and companies themselves; calls on employers and trade unions to ensure that the legislation protecting female workers is duly implemented and, in particular, to help them reconcile family and working life; also calls on the social partners to create favourable conditions and a suitable working environment for pregnant women and nursing mothers;
31. Finds it unacceptable that three countries have not complied with their reporting obligations on the implementation of the provisions relating to fixed-term work contracts;
32. Considers that there is still a considerable need for specific and increased information and instructions and for technical support to businesses;
33. Instructs its President to forward this resolution to the Council and Commission, and the governments and parliaments of the Member States.
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P6\_TA(2005)0057

## Togo

### European Parliament resolution on Togo

*The European Parliament,*

- having regard to the Presidency Declaration of 9 February 2005 on behalf of the EU on the political situation in Togo following the death of President Eyadema,
  - having regard to the statement of 8 February 2005 by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly on the events in Togo following the death of President Eyadema on 5 February 2005,
  - having regard to the declarations made by Ecowas, the African Union and many African leaders on the situation in Togo,
  - having regard to the Declaration of the 'Organisation Internationale de la Francophonie',
  - having regard to the African Charter on Human and Peoples' Rights,
  - having regard to Article 65 of the Togolese Constitution, which provides that 'should the Presidency of the Republic become vacant owing to death, the presidential duties shall be provisionally exercised by the Speaker of the National Assembly',
  - having regard to Article 76 of the Constitution, which states that 'the office of member of the government shall be incompatible with the performance of parliamentary duties',
  - having regard to Article 144 of the Constitution, which states that 'no revision procedure may be initiated or continued during an interim period',
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas, following the sudden death of President Gnassingbe Eyadema on 5 February 2005 after 38 years in power, the Togolese armed forces installed his 39-year-old son, Faure Gnassingbe, as President,
- B. whereas, according to the country's Constitution, power should have passed to Fambare Ouattara Natchaba, the Speaker of Togo's National Assembly, who would be charged with organising presidential elections within 60 days,
- C. whereas Togo's National Assembly, which is dominated by Eyadema's Rally of the Togolese People (RPT) party, was hastily convened on 6 February 2005 to retroactively legitimise Gnassingbe's seizure of power and to amend the country's Constitution in order to allow Gnassingbe to rule for the next three years by serving out the remainder of his father's term,