

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the minimum health and safety requirements for handling heavy loads where there is a risk of back injury for workers(Fifth individual Directive) ⁽¹⁾*COM(88) 78 final**(Submitted by the Commission to the Council on 11 March 1988)*

(88/C 117/09)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118A thereof,

Having regard to the Commission proposal drawn up after consultation with the Advisory Committee on Safety, Hygiene and Health Protection at Work ⁽²⁾,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 118A of the Treaty provides that the Council shall adopt, by means of Directives, minimum requirements for encouraging improvements as regards the health and safety of workers, especially in the working environment;

Whereas Article 118A also recommends that Directives shall avoid imposing administrative, financial and legal constraints which would hold back the creation and development of SMUs;

Whereas the communication from the Commission on its programme concerning safety, hygiene and health at work ⁽³⁾ provides for the adoption of Directives designed to guarantee the safety and health of workers;

Whereas the Council Resolution of 21 December 1987 on safety, hygiene and health at work took note of the Commission's intention to submit to the Council in the

near future a Directive on protection against the risks resulting from the handling of heavy loads;

Whereas Member States have a responsibility to ensure the safety and health of persons on their territory, and of workers in particular;

Whereas Member States' legislative systems differ widely with regard to the prevention of industrial accidents and occupational diseases caused by the manual handling of heavy loads;

Whereas, in order to achieve the maximum degree of protection which is reasonably practicable, it is essential that workers and their representatives be informed of the risks to their safety and health and of the measures required to reduce or eliminate these risks;

Whereas cooperation between employers and workers and workers' representatives must be strengthened;

Whereas employers must keep abreast of technological progress in order to provide optimum safety and health protection for their workers;

Whereas a committee must be set up to assist the Commission in implementing the additional measures provided for in the Directive,

HAD ADOPTED THIS DIRECTIVE:

Article 1

This Directive, which is an individual Directive within the meaning of Article 13 of Directive . . . , lays down the minimum health and safety requirements for workers for the manual handling of heavy loads.

⁽¹⁾ COM(88) 73 final.

⁽²⁾ Council Decision 74/325/EEC of 27 June 1974.

⁽³⁾ COM(87) 520 final — Council Resolution of 21 December 1987, OJ No C 28, 3. 2. 1988.

Article 2

The Member States shall take the necessary measures to ensure that, in order to protect the health and safety of workers, employers, as far as possible, prevent them from having to handle heavy loads without mechanical assistance.

Article 3

1. Where the manual handling of a heavy load cannot be avoided, in order to assess the safety of the type of work involved, the employer must examine in advance

- the physical effort required, and
- the characteristics of the load.

For the assessment of these two factors reference shall be made to Annex I.

2. In order to take the necessary measures to reduce the risk of back injury, employers must take into account the physical and organizational factors listed in Annex II when heavy loads are to be handled manually.

Article 4

Employers must take account of the individual characteristics of the workers when organizing manual handling work on the basis of Annex III.

Article 5

1. Workers must be given proper training and information on the risks they incur when carrying out activities which may cause back injury if they are not done correctly. There must be qualified staff to carry out frequent supervision.

2. As far as possible workers shall also be informed of:

- the weight of a heavy load,
- the centre of gravity or the heaviest side when a package is eccentrically loaded.

Article 6

The employer must consult the workers or their representatives about the measures taken pursuant to this Directive.

Article 7

1. The Commission shall adapt the Annexes of this Directive to take account of technical progress and the development of international regulations or specifications on the manual handling of heavy loads.

2. When adapting the Annexes in accordance with the previous paragraph, the Commission shall be assisted by a committee in accordance with the procedure provided for under Article 14 of Directive

Article 8

1. The Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991 at the latest. They shall immediately inform the Commission thereof.

2. The Member States shall forward to the Commission the texts of any national legislation which they adopt in the field governed by this Directive.

3. The Member States shall report back to the Commission every two years on the practical implementation of the provisions of this Directive on the handling of heavy loads, indicating the views of the employers and workers. The Commission shall inform the Committee and the tripartite committee.

Article 9

This Directive is addressed to the Member States.

Characteristics of the load and the physical effort involved

1. A load may present a risk of back injury if it is:

- too heavy, too large, or both,
- unwieldy and/or difficult to grasp,
- unbalanced, unstable or has contents likely to shift,
- located in a position requiring to be held or manipulated at a distance from the trunk, or with the trunk in a stooped or twisted posture, or with the trunk leaning sideways.

2. A physical effort may present a risk of back injury if it is:
- too strenuous,
 - badly placed in relation to the body (see last indent above),
 - only achieved by a twisting movement of the trunk,
 - likely to result in a sudden movement by the object being manipulated,
 - made with the body in an unstable posture.

ANNEX II

Reference factors referred to in Article 3

1. The work environment may present a risk of back injury if:
- the activity cannot be carried out with adequate headroom,
 - the floor is uneven, presents tripping hazards, or is slippery in relation to the worker's footwear,
 - it prevents access to, carriage of or placement of a load at a safe height with good posture by the worker,
 - an exceptional effort is required for maintenance work on machinery.
2. The task may also present a risk of back injury if it requires:
- too frequent or prolonged physical effort by a part or all of the body,
 - an insufficient rest and recovery period,
 - excessive lifting, lowering or carrying distances.

ANNEX III

Workers referred to in Article 4

The worker may be at risk if he/she is:

- unable physically to carry out the task in question (including workers who are handicapped, ill or pregnant),
 - too small or tall for the task,
 - inappropriately dressed, including unsuitable footwear,
 - untrained for the task.
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