

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Directive on minimum requirements to improve the mobility and the safe transport to work of workers with reduced mobility**

(91/C 68/08)

COM(90) 588 final — SYN 327

*(Submitted by the Commission on 11 February 1991)*

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 proposal from the Commission, drawn up after consulting the Advisory Committee on Safety, Hygiene and Health Protection at Work,

In cooperation with the European Parliament,

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

Whereas Article 118a of the EEC Treaty provides that the Council shall adopt, by means of directives, minimum requirements to encourage improvements, especially in the working environment, as regards the health and safety of workers;

Whereas, pursuant to the above Article, such Directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings;

Whereas, under the terms of point 26 of Title I of the Community Charter of the Fundamental Social Rights of Workers, all disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration; whereas these

measures must concern, in particular, according to the capacities of the beneficiaries, accessibility, mobility and means of transport;

Whereas it is appropriate to supplement existing or future Community legislation on the safety and health of workers with reduced mobility at the workplace, by provisions that will assist them in gaining access to employment and thus reduce the hazards specifically affecting them during travel to work;

Whereas it is clear that modes of transport which do not take account of the needs of workers with reduced mobility give rise to hazards to the health and safety of these persons;

Whereas it must be possible for workers with reduced mobility to use transport to travel to and from work without running any more risks than other workers; whereas the safety and health in the working environment of workers with reduced mobility must be assured by adopting the requisite measures to enable them to travel safely to and from work.

Whereas the measures to improve mobility and transport concern workers with reduced mobility, regardless of whether their handicap is of a physical — including sensory — or mental origin;

Whereas the choice should be left to the Member States as regards, on the one hand, the options of giving workers with reduced mobility access to public transport,

transport organized by the employer or special transport services for the disabled, and on the other hand, creating incentives to assist transport of the disabled on condition that such measures have an equivalent effect;

Whereas it is therefore appropriate to lay down minimum requirements to ensure that workers with reduced mobility can avail themselves of sufficient means of transport adapted to their special needs; whereas such needs include access to transport, the accessibility of the means of transport, facilities enabling workers with reduced mobility to travel safely, and signs identifying such means of transport;

Whereas to take into account the cost of converting means of transport to make them accessible to workers with reduced mobility, it is appropriate to provide for alternative measures which, while guaranteeing safe travel, offer the necessary flexibility for finding solutions adapted to the particular circumstances;

Whereas, where the employer provides the transport to work for his workers, he must be obliged to bear in mind the specific needs of those of his workers, apprentices and trainees with reduced mobility;

Whereas in a large majority of Member States there are special transport services intended for disabled persons, laid on by public and private bodies; whereas for reasons of economic cost and in keeping with the Commission's overall and consistent policy of economic and social integration of the disabled, priority must be given to the most severely disabled for the use of such special transport services;

Whereas special attention needs to be given to the problem of training and informing workers with reduced mobility to enable them to make optimum use of the means of transport at their disposal; whereas, in this respect, appropriate training should be provided for the staff of transport available to workers with reduced mobility to help reduce or eliminate the risk inherent in travel for such persons;

Whereas providing means of transport adapted to the needs of workers with reduced mobility should not

engender any additional financial burden for transport for such workers; whereas this should likewise apply to workers with reduced mobility who, because of their handicap, need to be accompanied by another person or a guide dog if they are to make use of transport;

Whereas this Directive makes a contribution to the implementation of the aims set out in the European Parliament resolution of 16 September 1987 on the transport of handicapped and elderly persons<sup>(1)</sup>, which stressed the importance of mobility as being essential in finding and retaining a suitable job;

Whereas it would be advisable, in order to meet the specific requirements of workers with reduced mobility, for schemes receiving financial assistance from the Structural Funds to take account of the aims of this Directive,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

The purpose of this Directive is to facilitate the safe travel of workers with reduced mobility in order to assist them in gaining access to the place of employment.

#### *Article 2*

For the purposes of this Directive,

(a) '*worker with reduced mobility*' shall mean any worker who has special difficulty in using public transport owing to a serious handicap of a physical or mental origin.

(b) '*means of transport*' shall mean:

- public transport,
- transport provided by the employer,
- special transport services for the disabled.

<sup>(1)</sup> OJ No C 281, 19. 10. 1987, p. 85.

*Article 3*

In order to fulfil the aims set out in Article 1, Member States shall take:

- (a) the requisite measures to ensure that means of transport are provided and are accessible, allowing for the interchangeability of means of transport; or
- (b) all measures to facilitate the transport of workers with reduced mobility, on condition that these have an effect equivalent to the measures mentioned in (a).

The means of transport provided for workers with reduced mobility must meet the minimum requirements laid down in the Annex.

*Article 4*

The Member States shall take measures to promote:

- (a) training schemes to help workers with reduced mobility travel in safety;
- (b) the requisite training for the staff of public transport companies to help workers with reduced mobility use the transport provided for them;
- (c) information and advice for workers with reduced mobility.

*Article 5*

When workers with reduced mobility cannot travel without the help of an accompanying person or some other form of assistance, Member States shall take measures to ensure that such assistance does not give rise to additional transport costs for the workers in question.

*Article 6*

The Commission shall draw up every two years a report on the implementation by the Member States of measures covered by Articles 3, 4 and 5 and shall transmit this to the European Parliament, Council and Economic and Social Committee.

*Article 7*

This Directive shall not prejudice any existing or future national or Community provisions which are more favourable to the safe travel of workers with reduced mobility.

*Article 8*

The Member States shall bring into force the laws, regulations and administrative provisions required to conform with this Directive:

- (a) no later than 31 December 1992 by presenting a timetable for the implementation of the measures referred to in Articles 3 and 4 by 31 December 1999;
- (b) no later than 31 December 1992 for the measures referred to in Article 5 to enable the said measures to be implemented no later than 31 December 1994.

They shall inform the Commission directly of their implementation.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

*Article 9*

This Directive is addressed to the Member States.

*ANNEX***Minimum requirements**

(Article 3 (a))

*General remarks*

The obligations laid down in this Annex are applicable whenever the characteristics of the public transport facilities or their infrastructure so require.

**I. Access to transport**

Transport must be made available to workers with reduced mobility in such a way as to meet their special transport needs. This means a sufficient number and frequency of services and appropriate transport schedules.

**II. Accessibility of means of transport provided for workers with reduced mobility**

The minimum requirements set out below concern the measures adopted to give application to point I above.

(a) Safe access to and from transport facilities (entrance/exit) for workers with reduced mobility should be provided in one of three possible ways:

- either by built-in technical aids such as lowered floors, lifting platforms, etc., or
- by technical aids external to the transport vehicle, for example at the stop or platform, such as mobile ramps, low-lift elevating platform trucks, folding platforms etc., or
- by personal assistance from specially trained transport company staff.

(b) At least one entrance/exit must be designed to allow workers with reduced mobility to board/alight from the mode of transport safely.

(c) Accessibility implies compatibility between the means of transport and the corresponding infrastructure to ensure that the worker with reduced mobility has safe access to the said means of transport.

**III. Facilities to be provided in the means of transport for workers with reduced mobility**

The interior of the means of transport must provide the following for workers with reduced mobility, in accordance with the specific requirements of different types of handicap:

- reserved seats in sufficient number and in appropriate positions,
- corridors,
- toilet and washing facilities.

**IV. Signs**

Signs for the use of the means of transport for workers with reduced mobility, together with the access facilities to the associated infrastructure, must accord with the special needs of the various types of workers with reduced mobility.

---