

referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

### Final provisions

#### Article 15

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991 at the latest and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

3. Member States shall report to the Commission every two years on the practical implementation of the provisions of this Directive, indicating the points of view of employers and workers. The Commission shall inform the Committee and the Tripartite Committee.

#### Article 16

This Directive is addressed to the Member States.

### ANNEX

#### LIST OF TECHNICAL AREAS REFERRED TO IN ARTICLE 13

- Workplaces.
- Work equipment.
- Personal protective equipment.
- Work with visual display units.
- Handling of heavy loads involving risk of back injury.

#### Proposal for a Council Directive concerning the minimum safety and health requirements for the workplace

First individual Directive within the meaning of Article 13 of Directive ... <sup>(1)</sup>

COM(88) 74 final

(Submitted by the Commission to the Council on 11 March 1988)

(88/C 141/02)

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 for Safety, Hygiene and Health Protection at Work <sup>(2)</sup>,

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

In cooperation with the European Parliament,

Whereas Article 118A of the EEC Treaty provides that the Council shall issue Directives containing minimum requirements designed to encourage improvements, especially in the working environment, as regards the health and safety of workers;

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

<sup>(1)</sup> Doc. COM(88) 73 final.

<sup>(2)</sup> Council Decision 74/325/EEC (OJ No L 185, 9. 7. 1974, p. 15).

work <sup>(1)</sup> provides for the adoption of Directives designed to guarantee the safety and health of workers;

Whereas the Council Resolution of 21 December 1987 concerning safety, hygiene and health at the workplace noted the Commission's intention to present to it in the near future minimum requirements concerning the safety and health of workers at work;

Whereas it is incumbent on Member States to ensure the safety and health of persons, in particular workers, within their national territory;

Whereas the completion of the internal market <sup>(2)</sup> entails the drawing up of Directives based on Article 100A, in accordance with the new approach to harmonization and standardization <sup>(3)</sup>, making compliance with essential safety requirements for the design, manufacture or construction of products a condition for their sale and free movement throughout the Community and in view of the fact that some of these products have an effect on workplaces;

Whereas the Member States have very different systems of legislation on safety and health at work; whereas national provisions on the subject, which often include technical specifications and/or self-regulatory standards, may result in different levels of safety and health protection and distort competition;

Whereas compliance with the minimum requirements for health and safety at work is essential to ensure the safety and health of workers and to promote fair competition;

Whereas the minimum requirements for the workplace are basically expressed in terms of intended results; whereas, in implementation of the new approach to technical harmonization and standardization, it is desirable to have technical reports which provide technical details of the aforesaid minimum requirements and give grounds for presumption of compliance with those minimum requirements and for the aforesaid technical reports to be supplemented in some cases by references to measurement methods covered by harmonized standards;

Whereas, pending the adoption of technical reports within the meaning of this Directive, it is advisable to facilitate compliance with the minimum requirements by agreeing to continue using national provisions in the interim combined with a Community monitoring procedure to ensure that the national provisions correspond to the minimum requirements laid down by this Directive; whereas, for this

purpose, the Committee is the most appropriate body to assist the Commission in the monitoring at Community level of compliance with the national provisions;

Whereas this Directive is designed to protect the safety and health of workers by laying down essential minimum requirements, without impeding the retention or institution by each Member State of specific measures for safer working conditions;

Whereas it is important to ensure adequate consultation with both sides of industry, and in particular with workers' organizations, on the technical work relating to this Directive;

Whereas, as is widely practised in the Member States, it is advisable to let manufacturers be responsible for complying with the minimum requirements for the design, construction and organization of the workplace or elements thereof;

Whereas it is important to encourage cooperation between management and labour with regard to decision making and measures concerned with the protection of safety and health at the workplace, at all levels;

Whereas there is a need for a committee to assist the Commission in implementing supplementary measures provided for by the Directive,

HAS ADOPTED THIS DIRECTIVE:

### Subject

#### Article 1

1. This Directive, which is an individual Directive within the meaning of Article 13 of Directive ..., lays down minimum requirements for safety and health at work, as defined in Article 2.

2. This Directive does not apply to:

- means of transport,
- temporary or mobile work sites.

3. This Directive does not impede the retention or institution by each Member State of more stringent protection measures for working conditions compatible with the Treaty.

### Definitions

#### Article 2

For the purposes of this Directive, the following terms have the meanings hereby assigned to them:

- *workplace*: any fixed place intended to house permanent workstations on the premises or at the site of the undertaking and/or establishment, including any room or place accessible to a worker,

<sup>(1)</sup> Doc. COM(87) 520 and Council Resolution 88/C 28/01 (OJ No C 28, 3. 2. 1988).

<sup>(2)</sup> *White paper* — Doc. COM(85) 310 final.

<sup>(3)</sup> Council Resolution 85/C 136/01 (OJ No C 136, 4. 6. 1985).

- *undertaking and/or establishment*: a public- or private-sector establishment engaged in industrial, agricultural, commercial, administrative, service, educational or cultural activities,
- *worker*: a person doing work of any sort, including students undergoing training and apprentices.

### Workplaces

#### Article 3

1. The Member States shall take all useful measures to ensure that the workplaces referred to in Article 1, when used as intended and properly maintained, cannot adversely affect the safety and health of workers or of other persons present.
2. The Member States shall carry out any necessary checks in accordance with paragraph 1.

#### Article 4

Workplaces designed, constructed, fitted out, commissioned or used after the entry into force of this Directive must satisfy the minimum safety and health requirements set out in Annex I.

#### Article 5

1. The Member States shall presume that any workplaces designed, constructed, fitted out or commissioned in accordance with the national provisions which take into account at least the technical reports for the minimum safety and health requirements, the references for which have been published in the *Official Journal of the European Communities*, comply with the minimum safety and health requirements referred to in Article 4.
2. The Member States shall forward to the Commission the texts of their draft and existing national measures which they regard as complying with the technical reports referred to in paragraph 1, without prejudice to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations. The Commission shall immediately forward these texts to the other Member States. In accordance with the procedure provided for in Article 9(2), it shall notify the Member States of the national measures which can enjoy presumption of compliance with the minimum safety and health requirements. The Commission shall publish the reference for such national measures in the *Official Journal of the European Communities*.
3. In the absence of the technical reports provided for in paragraph 1, and as a temporary measure, the Member States shall communicate to the Commission the text of their draft and existing national measures which they regard as fulfilling the minimum safety and health requirements listed in Annex I, without prejudice to Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the

field of technical standards and regulations. The Commission shall immediately forward these texts to the other Member States. In accordance with the procedure provided for in Article 9(2), it shall notify the Member States of the measures which can enjoy presumption of compliance with the minimum safety and health requirements. The Commission shall publish the references for such national measures in the *Official Journal of the European Communities*.

#### Article 6

The Member States shall take any measures necessary to ensure that employers apply the minimum safety and health requirements set out in Annex II in existing and used workplaces at the latest five years after the entry into force of this Directive, without prejudice to the national provisions on safety and health at work in force when the Directive is adopted and the relevant ergonomic principles.

#### Article 7

When workplaces undergo modifications, extensions and/or conversions after the entry into force of the Directive, the Member States shall ensure that the employer takes any measures necessary, where this is reasonably practicable, to ensure that these modifications, extensions and/or conversions are in compliance with the corresponding minimum safety and health requirements set out in Annex I.

#### Article 8

1. The Member States shall take any measures necessary to ensure that employers use only workplaces comply with this Directive. The employer shall ensure: which
  - that traffic routes to emergency exits and the exits themselves are kept clear for immediate use,
  - that the necessary technical maintenance of the workplace is carried out and that any faults found are rectified as quickly as possible. If the faults entail a serious and immediate risk and cannot be rectified immediately, work must be stopped,
  - that the workplace is cleaned to an adequate level of hygiene,
  - that the safety equipment intended to prevent or eliminate hazards is regularly maintained and checked.
2. Workers or their representatives shall be consulted on health and safety aspects on the basis of Annex I and/or Annex II, as appropriate.

If measures taken by the employer to ensure the safety of existing workplaces, in use or planned, are, in the opinion of the workers or their representatives, inadequate, they may request a visit by the authorities responsible for health and safety at the workplace.

#### *Article 9*

1. When a Member State or the Commission considers that the draft technical reports referred to in Article 5 do not satisfy the minimum requirements which apply to them, referred to in Article 4, the Commission shall refer the matter to the Committee referred to in Article 10, giving its reasons, and shall, if necessary, consult the Advisory Committee for Safety, Hygiene and Health Protection at Work set up by Council Decision 74/325/EEC hereinafter referred to as 'the tripartite Committee'.

In the light of the Committee's opinion, the Commission shall publish the reference for the technical report or request an amendment to the draft.

2. Once it has received the Communications referred to in Article 5(2) and (3), the Commission shall consult the Committee and if necessary, the tripartite Committee. In the light of the Committee's opinion, the Commission shall inform the Member States within three months whether or not the national measure in question can enjoy presumption of compliance with the minimum requirements and be published in the *Official Journal of the European Communities*.

If the Commission or a Member State considers that a national provision no longer fulfils the conditions necessary for it to enjoy presumption of compliance with the minimum safety and health requirements set out in Article 4, the Commission shall consult the Committee and, if necessary, the tripartite Committee. In the light of the Committee's opinion, it shall inform the Member States whether or not the provision in question shall continue to enjoy presumption of compliance, and, if not, whether it shall be withdrawn from the publication referred to in Article 5(1).

### **Changes to the Annexes**

#### *Article 10*

1. The Commission shall make changes to the Annexes to this Directive as a result of:

- the adoption of Directives on technical harmonization and standardization of the design, manufacture or construction parts of workplaces,
- technical progress, changes in international regulations or specifications and know-how in the field of workplaces.

2. In making the changes referred to in paragraph 1, the Commission shall be assisted by a committee and shall follow the procedure set out in Article 14 of Directive....

### **Final provisions**

#### *Article 11*

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1991 at the latest. They shall immediately notify the Commission.

2. The Member States shall forward to the Commission the text of the national provisions which they are adopting in the field governed by this Directive.

3. At two-yearly intervals, the Member States shall report to the Commission on the practical implementation at the workplace of the provisions of this Directive, indicating the opinions of the two sides of industry. The Commission shall inform the Committee and tripartite Committee.

#### *Article 12*

This Directive is addressed to the Member States.

## ANNEX I

## MINIMUM REQUIREMENTS FOR THE WORKPLACES REFERRED TO IN ARTICLE 4

## 1. PRELIMINARY REMARK

The minimal health and safety requirements shall only apply where the workplace is subject to the risk in question.

## 2. MINIMUM HEALTH AND SAFETY REQUIREMENTS FOR WORKPLACES

## 2.0. Structure and stability

Buildings housing workplaces shall have the structure and stability appropriate to the type of use.

## 2.1. Electrical installations

Electrical installations shall be designed and constructed in such a way that they do not present a fire or explosion hazard; persons must be adequately protected against the risk of accidents caused by direct or indirect contact.

The design, construction, choice of material and protection devices shall be appropriate to the voltage, external conditions and the competence of persons with access to parts of the installation.

## 2.2. Emergency exits

The emergency exits shall lead as directly as possible to the open air or a safe area.

2.2.1. In the event of danger, it must be possible for workers to evacuate all workstations quickly and in complete safety.

2.2.2. The number, distribution and dimensions of the emergency exits shall depend on the use, equipment and surface area of the workplaces and the maximum number of persons that may be present.

2.2.3. Emergency exit doors shall be easy to open and shall open outwards; sliding doors and revolving doors shall not be permitted unless there are sufficient of them.

2.2.4. Emergency exits shall be marked by signs in accordance with the national regulations implementing Directive 77/756/EEC; the signs shall be permanent and shall be placed at appropriate points.

## 2.3. Fire detection and fire fighting

2.3.1. Depending on the dimensions, height, use and equipment of the buildings and on the maximum potential number of people present, the workplaces shall be equipped with fire detectors, suitably distributed, an alarm system and appropriate automatic and/or manual fire-fighting equipment.

2.3.2. Non-automatic fire-fighting equipment shall be marked by signs in accordance with the national regulations implementing Directive 77/756/EEC. Such signs shall be permanent and placed at appropriate points.

## 2.4. Ventilation of enclosed workplaces (rooms)

The air in enclosed rooms shall be naturally or artificially renewed so that workers have a sufficient supply of air of an adequate quality, having regard to the work they are carrying out.

## 2.5. Room temperatures

2.5.1. During working hours, the air temperature in rooms comprising the workplaces shall be comfortable, having regard to the nature of the work carried out and the physical effort required of the workers.

2.5.2. The temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first aid rooms shall be appropriate to the purpose of these areas.

- 2.5.3. Climate control installations shall not blow or radiate on to workstations in such a way that workers are exposed to draughts or dangerous temperatures.
- 2.5.4. Windows, skylights and glass partitions shall be such as to prevent excessive insolation.
- 2.6. **Natural and artificial room lighting**
  - 2.6.1. Rooms shall as far as possible receive sufficient daylight and be equipped with adequate sufficient artificial lighting.
  - 2.6.2. Rooms in which workers may be exposed to risks in the event of failure of artificial lighting must be provided with adequate emergency lighting.
- 2.7. **Floors, walls and ceilings of rooms**
  - 2.7.1. The floors of workplaces shall be level, with no unevenness, holes or dangerous slopes, they shall be fixed, stable and non-slip and it shall be possible to clean them to appropriate hygienic requirements in accordance with the purpose for which the rooms are used.
  - 2.7.2. The surfaces of walls and ceilings in rooms shall be such that they can be cleaned or refurbished to appropriate hygienic requirements.
  - 2.7.3. Transparent or translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workstations and traffic routes shall be made of safety material or be shielded from workstations or traffic routes to prevent workers from coming into contact with walls or from being injured should the walls shatter.
- 2.8. **Windows and skylights**
  - 2.8.1. Workers shall be able to open, close, adjust and secure windows, skylights and ventilation installations in complete safety. When open, they should not be so positioned as to constitute a hazard to workers. Unopenable windows shall not be permitted, unless the work requires it and there is adequate ventilation and artificial lighting.
  - 2.8.2. Windows and skylights must be designed, or equipped to allow them to be cleaned without risk to the workers carrying out this work or to workers present in and around the building.
- 2.9. **Doors, gates and automatic doors**
  - 2.9.1. The position, number and dimensions of doors and gates shall be determined by the nature and use of the rooms or areas.
  - 2.9.2. Swing doors shall be transparent or have see-through panels.
  - 2.9.3. If transparent or translucent surfaces in doors and gates are not made of unbreakable material and if there is a danger that workers may be injured if a door should shatter, the surfaces shall be protected against breakage.
  - 2.9.4. Sliding doors shall be fitted with a mechanism to secure them from being lifted off their mountings and falling out.
  - 2.9.5. Doors and gates opening upwards shall be fitted with a mechanism to secure them against falling back.
  - 2.9.6. Doors along escape routes shall be appropriately marked. It shall be possible to open them from the inside without the use of any special aid throughout the period that the workplaces are occupied. They shall open outwards.
  - 2.9.7. Doors for pedestrians shall be provided in the immediate vicinity of any gates intended essentially for vehicle traffic.
  - 2.9.8. Mechanical doors and gates shall function in such a way that there is no risk of accident to workers. They shall be fitted with easily identifiable and accessible emergency shut-down devices and it shall be possible to open them by hand.

**2.10. Traffic routes — dangerous areas**

- 2.10.1. Traffic routes, including stairs, fixed ladders and loading ramps, shall be located and dimensioned to ensure easy, safe and appropriate access for pedestrians or vehicles in such a way as not to endanger workers employed in the vicinity of these traffic routes.
- 2.10.2. Routes used for pedestrian traffic and/or goods traffic shall be dimensioned in accordance with the number of potential users and the type of undertaking. If means of transport are used on traffic routes, a sufficient safety clearance shall be provided for pedestrians.
- 2.10.3. Sufficient clearance shall be allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and stairs.
- 2.10.4. Where the use and equipment of rooms so requires for the protection of workers, traffic routes in workrooms and storerooms shall be identified.
- 2.10.5. If the workplaces contain areas in which, due to the nature of the work, there is a risk of the worker or objects falling, these places shall be equipped, as far as possible, with devices preventing workers entering such areas.

**2.11. Specific measures for escalators and travolators**

Escalators and travolators shall function in such a way that there is no risk of accidents to workers. They shall be fitted with easily identifiable and accessible emergency shut-down devices.

**2.12. Loading ramps**

- 2.12.1. Loading ramps shall be wide enough for the dimensions of the loads to be transported.
- 2.12.2. Loading ramps shall have at least one alighting point. Where technically feasible, ramps over a certain length shall have an alighting point at each end.

**2.13. Room dimensions and air space in rooms, and freedom of movement at the workstation**

- 2.13.1. Workrooms shall have a sufficient surface area, height and minimum air space.
- 2.13.2. The dimensions of the free unoccupied area at the workstation shall be calculated to allow workers sufficient freedom of movement to perform their work. If this is not possible due to reasons specific to the undertaking, the worker shall be provided with sufficient freedom of movement near his workstation.

**2.14. Rest rooms**

- 2.14.1. In undertakings with more than a certain number of employees or where the health of workers or type of activity carried out demand it, workers shall be provided with an easily accessible rest room. This shall not apply if the workers are employed in offices or similar workrooms providing equivalent relaxation during breaks.
- 2.14.2. Rest rooms shall be large enough and equipped with an adequate number of tables and chairs for the number of workers.
- 2.14.3. Appropriate measures for the protection of non-smokers shall be taken in staff rest rooms.
- 2.14.4. If working hours are regularly and frequently interrupted and there is no rest room, rooms shall be provided in which workers can stay during such interruptions. Appropriate measures shall be taken for the protection of non-smokers.

- 2.15.       **Sanitary equipment**
- 2.15.1.       *Changing rooms and lockers*
- 2.15.1.1.      Separate changing rooms shall be provided for men and women if they have to wear special work clothes and where, for reasons of health and propriety, they cannot be expected to change in another room.
- 2.15.1.2.      In undertakings where workers are exposed to high temperatures in the course of their work, the changing rooms shall be in the vicinity of their workstations.
- 2.15.1.3.      Changing rooms shall be sufficiently large and have facilities to enable each worker to lock away his clothes during working hours.
- If the circumstances demand it (dangerous substances, humidity, dirt), lockers for work clothes shall be separate from those for ordinary clothes.
- 2.15.1.4.      If changing rooms are not required under paragraph 2.15.1.1, each worker shall be provided with a place to store his clothes.
- 2.15.2.       *Washrooms and washbasins*
- 2.15.2.1.      Washrooms shall be provided for workers if required by the nature of the work or for health reasons. Separate washrooms shall be provided for men and women.
- 2.15.2.2.      The washrooms shall be sufficiently large and equipped with facilities (including warm water if necessary) to permit each worker to wash in conditions of an appropriate standard of hygiene.
- 2.15.2.3.      Where washrooms are not required under paragraph 2.15.2.1, washbasins with running water (warm if necessary) shall be provided in the vicinity of the workstations.
- 2.15.3.       *Toilets and washbasins*
- Separate facilities shall be provided in the vicinity of workstations with an adequate number of toilets and washbasins.
- 2.16.       **First-aid installations**
- 2.16.1.       Where there is a high risk of accidents or where there is a large workforce, a first-aid room shall be provided.
- 2.16.2.       Such rooms shall be appropriately equipped, easily accessible and be marked in accordance with the national regulations implementing Directive 77/755/EEC. These signs shall be permanent and placed at appropriate points.
- 2.17.       **Handicapped persons**
- Workplaces shall be organized to take into account handicapped workers, if necessary.
- 2.18.       **Outdoor workplaces (special provisions)**
- 2.18.1.       Workstations, traffic routes and other areas or installations outdoors which are used by the workers in the course of their activity shall be so designed that there is no danger to pedestrians and vehicles.
- Articles 12, 15 and 16 shall also apply to main traffic routes on the site of the undertaking (traffic routes leading to fixed workstations, to traffic routes used for the regular maintenance and supervision of the undertaking's installation and to loading ramps).
- The provisions of 2.10 are also applicable to outdoor workplaces.
- 2.18.2.       Workplaces outdoors shall be adequately lit by artificial lighting if daylight is not adequate.
- 2.18.3.       When workers are employed at workstations outdoors, such workstations shall as far as possible be equipped so that workers are protected against inclement weather conditions.



## ANNEX II

## MINIMUM REQUIREMENTS FOR WORKPLACES REFERRED TO IN ARTICLE 6

The requirements set out in this Annex only apply where the workplace is subject to the risk in question.

1. Buildings containing workplaces shall be structurally sound and possess a stability appropriate to the nature of their use.
2. Escape routes and emergency exits shall follow the shortest possible route to the outside or a safe area. In the event of danger, it shall be possible to evacuate all workplaces quickly and safely; there shall be an adequate number of escape routes and emergency exits.
3. Emergency exit doors shall be easy to open and shall open outwards; sliding or rotating doors shall not be permitted.  
  
Escape routes and emergency exits shall be marked in accordance with the national regulations implementing Directive 77/756/EEC. They shall be permanently marked at appropriate points.  
  
Workplaces shall be equipped with suitable first-aid and fire-fighting equipment. The location of this equipment shall be adequately marked at appropriate points.
4. If the workplaces contain hazardous areas, due to the nature of the work, or involve the risk of workers falling or of falling objects, these workplaces shall be equipped, as far as possible, with devices preventing workers from entering such areas.
5. Rooms in which workers would be exposed to particular risks if the artificial lighting were to fail, and all emergency exits and traffic routes, shall have emergency lighting which provides sufficient illumination.
6. Swing doors shall be transparent or have see-through panels.
7. Workplaces shall be organized in such a way that pedestrians and vehicles can circulate without danger.
8. Workplaces shall be organized in such a way that workers have separate rooms in the vicinity of their workstations equipped with an adequate number of toilets and washbasins (cubicles).
9. Appropriate measures for the protection of non-smokers shall be taken in staff rest rooms.

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**Proposal for a Council Directive on the approximation of the laws of the Member States  
relating to personal protective equipment**

*COM(88) 157 final*

*(Submitted by the Commission to the Council on 14 April 1988)*

(88/C 141/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100A thereof,

Having regard to the proposal from the Commission,

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

In cooperation with the European Parliament,

Whereas it is necessary to adopt measures with the aim of progressively establishing the internal market over a period