

### M0-EN.3 The Legal Framework

The main OSH issues are introduced by the Framework 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”**. The Directive contains general principles concerning the prevention of occupational risks, the protection of safety and health, the elimination of risk and accident factors, the informing, consultation, balanced participation in accordance with national laws and/or practices and training of workers and their representatives. It is worth mentioning that, according to the European Court of Justice (ECJ), in a judgement of the Framework Directive, the enumeration of health and safety risks in this Directive is not exhaustive and thus goes beyond those explicitly mentioned. According to the ECJ, the concepts “working environment”, “health” and “safety” embrace all physical and other factors, and are covered directly or indirectly by the Framework Directive and other Directives, such as the Working Time Directive (93/104/EC). The Council has adopted individual directives, in different areas, within the meaning of Article 16 (1) of the Framework Directive 89/391/EEC. These directives set the minimum safety requirements and it is up to the National Laws to introduce more strict ones. The EU legal framework is given below in a tabulated format:

Code (Date of the Council approve)	Title
89/391/EEC (12/06/1989)	Introduction of measures to encourage improvements in the safety and health of workers at work ( <u>Framework Directive</u> , <i>Official Journal L 183, 29/06/1989 P. 0001 – 0008</i> )
89/654/EEC (30/11/1989)	The minimum safety and health requirements for the workplace (1 <sup>st</sup> individual directive, <i>Official Journal L 393, 30/12/1989 P. 0001 – 0012</i> )
2001/45/EC (27/06/2001)	The minimum safety and health requirements for the use of work equipment by workers at work (2 <sup>nd</sup> individual Directive, <i>Official Journal L 195, 19/07/2001 P. 0046 – 0049</i> )
89/656/EEC (30/11/1989)	The minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (3 <sup>rd</sup> individual directive, <i>Official Journal L 393, 30/12/1989 P. 0018 – 0028</i> )
90/269/EEC (29/05/1990)	The minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (4 <sup>th</sup> individual Directive, <i>Official Journal L 156, 21/06/1990 P. 0009 – 0013</i> )
90/270/EEC (29/05/1990)	The minimum safety and health requirements for work with display screen equipment (5 <sup>th</sup> individual Directive, so called VDU Directive, <i>Official Journal L 156, 21/06/1990 P. 0014 - 0018</i> )
90/394/EEC (28/06/1990)	The protection of workers from the risks related to exposure to carcinogens at work (6 <sup>th</sup> individual Directive, <i>Official Journal L 196, 26/07/1990 P. 0001 – 0007</i> )
2000/54/EC	The protection of workers from risks related to exposure to

(18/09/2000)	biological agents at work (7 <sup>th</sup> individual directive, <i>Official Journal L 262, 17/10/2000 P. 0021 – 0045</i> )
92/57/EEC (24/06/1992)	The implementation of minimum safety and health requirements at temporary or mobile construction sites (8 <sup>th</sup> individual Directive, <i>Official Journal L 245, 26/08/1992 P. 0006 – 0022</i> )
92/58/EEC (24/06/1992)	The minimum requirements for the provision of safety and/or health signs at work (9 <sup>th</sup> individual Directive, <i>Official Journal L 245, 26/08/1992 P. 0023 – 0042</i> )
92/85/EEC (19/10/1992)	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 (10 <sup>th</sup> individual Directive, so called Maternity Directive, <i>Official Journal L 348, 28/11/1992 P. 0001 – 0008</i> )
92/91/EEC (03/11/1992)	The minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling (11 <sup>th</sup> individual Directive, <i>Official Journal L 348, 28/11/1992 P. 0009 – 0024</i> )
92/104/EEC (03/12/1992)	The minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (12 <sup>th</sup> individual Directive, <i>Official Journal L 404, 31/12/1992 P. 0010 – 0025</i> )
93/103/EC (23/11/ 1993)	The minimum safety and health requirements for work on board fishing vessels (13 <sup>th</sup> individual Directive, <i>Official Journal L 307 , 13/12/1993 P. 0001 – 0017</i> )
98/24/EC (07/04/1998)	The protection of the health and safety of workers from the risks related to chemical agents at work (14 <sup>th</sup> individual Directive, <i>Official Journal L 131 , 05/05/1998 P. 0011 – 0023</i> )
1999/92/EC (16/12/ 1999)	The minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (15 <sup>th</sup> individual Directive, <i>Official Journal L 023, 28/01/2000 P. 0057 – 0064</i> )
2002/44/EC (25/06/2002)	The minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (16 <sup>th</sup> individual Directive, <i>Official Journal L 177, 06/07/2002 P. 0013 – 0020</i> )
2003/10/EC (06/02/2003)	The minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (17 <sup>th</sup> individual Directive, <i>Official Journal L 042, 15/02/2003 P. 0038 – 0044</i> )
2004/40/EC (29/04/2004)	The minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18 <sup>th</sup> individual Directive, <i>Official Journal L 159, 30/04/2004 P. 0001 – 0026</i> )

2003/88/EC 4/12/2003	The Working Time Directive ( <i>Official Journal L 299, 18/11/2003 P. 0009</i> )
-------------------------	--

The Framework Directive as well as the Individual ones require that the employer prepares a written risk assessment. It has to be pointed out that the occupational risks, which are to be evaluated by the employers, are not fixed once and for all, but are continually changing in relation to the progressive development of working conditions and scientific research concerning such risks.