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HEALTH AND SAFETY COMMISSION

'UK Report to the European Commission on Council Recommendation 2003/134/EC concerning the self-employed'

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Issue

1. A report to the European Commission on the UK approach to the occupational health and safety of the self-employed.

Timing

2. Routine.

Recommendation

3. The Commission is asked to agree the report (attached at Annex A) to be sent to the Minister for clearance before transmission to the EC by UKREP.

Background

4. The Council of the European Union made a Recommendation concerning the self-employed (see Annex B) on 18 February 2003 and asked that Member States should, after four years, examine the effectiveness of existing national measures or measures taken subsequent to the adoption of the recommendation and inform the European Commission of their findings.

5. The impetus for the Recommendation was provided by the European Parliament's view that the self-employed are largely outside the scope of the Framework Directive, the increasing number of self-employed in the workforce and 'the growth in subcontracting has led to an increase in the number of accidents at work.'¹ Of course, in Great Britain, the Health and Safety at Work etc. Act applies to the self-employed, as do many aspects of more detailed regulations. Similar provisions exist in Northern Ireland and Gibraltar.

Consultation

6. Consultation involved HSE's Construction Division and Agriculture Sector (because the self-employed constitute a significant part of the workforce in these relatively high risk

¹ See Annex B paragraphs (1) and (2)

sectors); Northern Ireland and Gibraltar (since the report is intended to cover the whole of the UK); and the UK social partners (via the TUC and CBI).

Presentation

7. As this is a report back to the EC no specific publicity is planned by HSE, or anticipated from other sources.

Financial/Resource Implications for HSE

8. None.

Environmental Implications

9. None

Other Implications

10. None