

<b>Health and Safety Commission Paper</b>		<b>HSC/03/97</b>	
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## HEALTH AND SAFETY COMMISSION

### 2ND REPORT TO THE EUROPEAN COMMISSION ON THE PRACTICAL IMPLEMENTATION OF THE TEMPORARY WORKERS DIRECTIVE (91/383/EEC)

**A Paper by Paul Wilson**

**Advisor(s): Stephen Taylor**

**Cleared by Mel Draper on 23 June 2003**

#### **Issue**

1. To seek approval for a report to be sent to the European Commission (EC) on practical implementation of Directive 90/269/EEC on 'improvements in the health and safety at work of workers with a fixed-duration employment relationship or a temporary employment relationship'.

#### **Timing**

2. It has been agreed, with the United Kingdom Permanent Representatives to the European Union (UKRep), that the report will be with the European Commission by the end of July 2003.

#### **Recommendation**

3. The Commission is invited to:
  - i) approve the report attached at Annex 1; and
  - ii) agree it can be sent to the Minister to seek agreement for onward transmission to the European Commission.

#### **Background**

4. Article 10(3) of the Temporary Workers Directive (91/383/EEC) requires Member States (MS) to report, in a prescribed form, every 5 years on the practical implementation of the Directive. The first such report was submitted at the end of 1997. The second report was due to be submitted at the end of 2002, and the UK received a letter from the European Commission's Employment and Social Affairs DG in January 2003 requesting the report by 30 April 2003. It was subsequently agreed that the second report would be sent by the end of July 2003.

## **Argument**

5. The first report, submitted by the UK at the end of 1997, was based on the findings of research carried out by:
  - i) the Institute of Occupational Medicine on the impact of the Management of Health and Safety at Work Regulations (MHSWR) 1992, and
  - ii) HSE and Local Authority inspectors on compliance with the Regulations.
6. These Regulations, as well as the Health and Safety at Work Act 1974, not only implement the Temporary Workers Directive but also the 'Framework' Directive, as temporary workers have the same rights and protections as permanent employees.
7. These surveys found that, in general, the requirements of the Regulations were being implemented.
8. HSE and Local Authority inspection offices were contacted when the second report was being drafted and reported that inspection contacts hadn't raised any issues in respect of the Directive's requirements for temporary workers. Further consultation with social partners on MHSWR was also undertaken before revised Regulations were introduced in 1999 and no problems with respect to temporary workers were identified.
9. As a result it was felt that there wasn't a need to commission new research on the practical implementation of the Temporary Workers Directive.

## **Consultation**

10. Within HSE, relevant operational and policy directorates with an interest have been consulted. HSE's Infoline, Northern Ireland, Gibraltar, TUC and CBI were also consulted on the report.

## **Presentation**

11. The report will be sent to Ministers and then on to the European Commission. The report is not separately published by the European Commission and is unlikely to raise any media interest.

## **Costs and Benefits**

12. There are no costs or benefits arising from this paper.

## **Financial/Resource Implications for HSE**

13. The only costs associated with this paper reflect the time taken to prepare the attached report. There are no further costs.

## **Environmental Implications**

14. There are no specific environmental implications from this paper.

**Other Implications**

15. None.

**Action**

16. The Commission is invited to:

- i) approve the report attached at Annex 1; and
- ii) agree it can be sent to the Minister to seek agreement for onward transmission to the European Commission.