

Module 2

☛ *"The European legal framework" - list of aspects/contents*

- **The Treaty**

- Working conditions are part of the Treaty chapter 10 Social policy – Article 151 -161
- (**Background document chapter 10 of the treaty**)
- Labour relations and social dialogue are of high importance; functioning of the European social dialogue
- Principle: minimum standards, implemented by directives

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👉 The EU Framework Directive

- The European Framework directive (89/391/EC) is the basic law for the occupational safety and health organisation in EU member states
 - It sets clear **provisions** for various elements:
 - Employer's duties
 - Worker's rights and duties
 - Training of workers
 - Risk assessment
 - Prevention measures
 - These are general provisions
 - Information and participation of worker

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- A proper Risk assessment is crucial
(Article 6(3) and article 8 of Directive 92/57)
- **Workers participation** is key for the quality of the risk assessment
- **Implementation plans** and its execution are crucial too
- The requested **Hierarchy of prevention measures:** (Article 6(2))
 - Substitution
 - Reduction at the source (using the state of the art technic); closed systems for chemical
 - Reduction at the source by technical measures
 - Collective protection measures
 - Personal protective equipment

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- Article 16 of Directive 89/391 is providing the opportunity to adopt Directives each dealing with **individual hazards** or other aspects of the health and safety of workers. (**Article 16**)
- Today 20 single directive each one on a specific aspect or hazard. Among others:
 - Directive on Work Equipment
 - Directive on Workplaces
 - Directive on Chemicals
 - Personal Protective Equipment
 - Directive on Carcinogenic substances
 - **Directive on Construction sites**
 - **Directive on work with asbestos**

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- Beside the framework directive, directives 2009/148 and 92/57 are most important in relation to asbestos.
 - Both are defining general provisions to be transposed into precise national law. Various ways of implementation on national levels.
Repeat: the principle is setting minimum standards – no harmonisation
- The European Union has various bodies dealing with Occupational Safety and health. Practitioners will find support in many aspects of their work.
- The organisations are, among others:
 - The Foundation for the improvement of working and Living conditions in Dublin and the
 - Agency for occupational Safety and Health at Work in Bilbao.
 - The latter has a good overview on all EU-legislation related to workplace safety and health:
Dublin: <https://osha.europa.eu/en/legislation/directives/directives-intro>

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☛ Directive 92/57

- The directive takes into account the specific nature and character of construction activities, signed by no stable workplaces, variety in conditions, coordination between occupations, no stable workplace and other aspects
- Implements the function of a **health and safety coordinator**
- Requires a health and safety risk assessment for the whole phase of a building/construction – from planning to demolition (whole life-cycle) (**see also annex II of the Directive**)
- The **health and safety plan** – need to be adjusted (**Article 5(b) and 6(c)**)
- Coordination of work is crucial – the construction site and the workplace is changing every day
- The role of the **client** (**Article 7**)

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☞ Directive on Asbestos 2009/148

- This is the core of EU-legislation regarding asbestos.
- A Directive from the 80s that was amended several times. Changes were needed because of the gradually ban of asbestos use in Europe and successive lower limit values for workplaces
- Aim is:
 - The protection of workers
 - Setting limit values for workplaces
 - Allowing member states to introduce provisions ensuring greater protection

(Article 1)

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- More specific requirements regarding the **risk assessment** are formulated (**Article 3**). Risk reduction measures are specified equally. (**Article 6**) the directive then also pays attention to the protection of workers and related **risk prevention measures**. (**Article 12**) Especially **Article 16** defines organisational prevention measures. Further, more requirements are defined for specific work like demolition (**Article 13**)
- Work with asbestos need to be notified to the **responsible authority** (**Article 4(2) and (5)**) – Do you know the national authority you need to refer too?

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- The Directive is setting the following **limit value**:
0,1 fibers per cm³ as an 8-hour time-weighted average (TWA) – (**Article 8**)
- Precaution is important. **Client or owners** need to be consulted and, in any case of doubt the provision of the Directive need to be followed. (**Article 19**)
- The workers training and participation in cases of work with asbestos are specified:
 - Article 4(4)
 - Article 14
 - Article 17
 - Article 18 (5)
 - Article 19 (2)

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- The training of workers contains various elements details defined in the Directive. The training must be easily understandable and concerns knowledge as well as skills.
- Elements of the training are, among others:
 - Properties of asbestos
 - Types of possibly used products
 - Operations that can provoke exposure
 - Safe working practices
 - Appropriate use and functioning of respiratory equipment
 - Waste disposal
 - Medical surveillance requirements

Questions

- 1) Which of the following Directives is the core of EU legislation regarding asbestos?
 - a) The EU Framework Directive
 - b) Directive 72/57
 - c) Directive on Asbestos 2009/148
 - d) Environmental Protection Act 1990

- 2) Directive 92/57 implements the function of which job role?
 - a) Company director
 - b) Health and Safety Coordinator
 - c) Apprentice
 - d) Environmental Coordinator

- 3) What is the limit value for asbestos exposure stated in the Directive on Asbestos 2009/148?
 - a) 0.1 fibres per cm³ (8 hour time weighted average)
 - b) 0.01 fibres per cm³ (8 hour time weighted average)
 - c) 0.2 fibres per cm³ (8 hour time weighted average)
 - d) 10 fibres per cm³ (10 hour time weighted average)

Legislation Activity

We're going to show a brief summary of asbestos related prosecutions that have taken place in Europe. All you have to do is click the amount of money you think that company was fined.

Now let's see if you can guess how much companies were fined...

...for the following prosecutions

[Click here to begin!](#)

In the UK, an asbestos removal company was fined for exposing workers to dangerous fibres while demolishing a former school building.

It was found guilty of eight breaches of the Control of Asbestos Regulations 2006 relating to the incident in March 2012. A survey carried out before work began found the end walls of the school's main hall were covered in a spray-applied coating of asbestos, and should therefore be removed by a licensed contractor under safe, controlled conditions.



Labor court number three in San Sebastián, Spain, issued a statement condemning Gerdau Special Steel Europe to compensate to the family of Pedro María G. "It was the highest fine, and we believe that is the trend, that is, from now on they will become more and more substantial"

Case P.M.G. shows that asbestos victim worked in an environment in which the product was not treated as a dangerous element, potentially carcinogenic, and therefore fatal in many cases.

In Italy, a former city councilman was sentenced for illegally disposing of waste. Accused of illegal disposal of asbestos-containing waste (from a few yards of an area in Aosta), Giorgio Giovinazzo was sentenced to a prison term and a fine.

Giovinazzo had never been allowed to reclaim sites containing asbestos, and had not submitted the necessary documentation for the disposal of waste containing asbestos.

