



*The policy of the European Union on the
protection of workers against risks posed
by biological agents at work*

*Informal Seminar on
Bio-preparedness of the European Union*

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● *Background*

- *Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work (I)*
- *Directive 2000/54/EC on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) (II)*
- *Service contract involving analysis and assessment of the effects of the practical application of national legislation on safety and health at work for biological agents (Lot 1) and for carcinogens (Lot 2) in undertakings and public-sector bodies (III)*



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Article 1: Object of Directive 89/391/EEC (I)

- 1. ... to introduce measures to encourage improvements in the safety and health of workers at work*
- 2. ...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, as well as general guidelines for the implementation of the said principles*
- 3. ... without prejudice to existing or future national and Community provisions which are more favourable to protection of the safety and health of workers at work*



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Article 2: Scope of Directive 89/391/EEC (I)

1. This Directive shall apply to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).

2. This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.

In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive.



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EMPLOYERS' OBLIGATIONS

Article 5 / General provision

1. The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

Article 6 / General obligations on employers

1. The employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means.



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EMPLOYERS' OBLIGATIONS

Article 7 / Protective and preventive services

Article 8 / First aid, fire-fighting and evacuation of workers, serious and imminent danger

Article 9 / Various obligations on employers

1. The employer shall:

(a) be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks;



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EMPLOYERS' OBLIGATIONS

Article 10 / Worker information

1. The employer shall take appropriate measures so that workers and/or their representatives in the undertaking and/or establishment receive all the necessary information concerning:

(a) the safety and health risks and protective and preventive measures and activities in respect of both the undertaking and/or establishment in general and each type of workstation and/or job;

...



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EMPLOYERS' OBLIGATIONS

Article 11 / Consultation and participation of workers

1. Employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.

This presupposes:

- the consultation of workers,*
- the right of workers and/or their representatives to make proposals,*
- balanced participation in accordance with national laws and/or practices.*



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EMPLOYERS' OBLIGATIONS

Article 12 / Training of workers

The employer shall ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his workstation or job:

(i) on recruitment; (ii) in the event of a transfer or a change of job; (iii) in the event of the introduction of new work equipment or a change in equipment; (iv) in the event of the Introduction of any new technology.

The training shall be:

(i) adapted to take account of new or changed risks; (ii) repeated periodically if necessary.



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WORKERS' OBLIGATIONS

Article 13

It shall be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.



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MISCELLANEOUS PROVISIONS

Article 14 / Health surveillance

Article 15 / Risk groups

***Article 16 / Individual Directives - Amendments -
General scope of the Directive***

Article 17 / Committee

Article 18 / Final provisions (2. Member States shall communicate to the Commission the texts of the provisions of national law 3. Member States shall report to the Commission every five years on the practical ...)



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Directive 2000/54/EC (II)

Whereas:

(1) Council Directive 90/679/EEC of 26 November 1990 on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) has been substantially amended on a number of occasions. For the sake of clarity and rationality Directive 90/679/EEC should be codified.



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Directive 2000/54/EC (II)

Whereas:

- (4) More precise knowledge of the risks involved in exposure to biological agents can be obtained through the keeping of records.*
- (5) The list and classification of the biological agents must be examined regularly and revised on the basis of new scientific data.*



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GENERAL PROVISIONS

Article 1 / Objective

1. This Directive has as its aim the protection of workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise from exposure to biological agents at work.

It lays down particular minimum provisions in this area.



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GENERAL PROVISIONS

Article 2 / Definitions.

For the purpose of this Directive:

- (a) "biological agents" shall mean micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity;***
- (b) "micro-organism" shall mean a microbiological entity, cellular or non-cellular, capable of replication or of transferring genetic material;***
- (c) "cell culture" shall mean the in-vitro growth of cells derived from multicellular organisms.***



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GENERAL PROVISIONS

Article 2 / Definitions

"Biological agents" shall be classified into four risk groups, according to their level of risk of infection:

- 1. group 1 biological agent means one that is unlikely to cause human disease:*
- 2. group 2 biological agent means one that can cause human disease and might be a hazard to workers; it is unlikely to spread to the community; there is usually effective prophylaxis or treatment available;*



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GENERAL PROVISIONS

Article 2 / Definitions

"Biological agents" shall be classified into four risk groups, according to their level of risk of infection:

3. group 3 biological agent means one that can cause severe human disease and present a serious hazard to workers; it may present a risk of spreading to the community, but there is usually effective prophylaxis or treatment available;

4. group 4 biological agent means one that causes severe human disease and is a serious hazard to workers; it may present a high risk of spreading to the community; there is usually no effective prophylaxis or treatment available.



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GENERAL PROVISIONS

Article 3 / Scope / Determination and assessment of risks

1. This Directive shall apply to activities in which workers are or are potentially exposed to biological agents as a result of their work.

2. In the case of any activity likely to involve a risk of exposure to biological agents, the nature, degree and duration of workers' exposure must be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken.



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EMPLOYERS' OBLIGATIONS

Article 5 / Replacement

Article 6 / Reduction of risks

2. ... having regard to the activity and the risk assessment referred to in Article 3, the risk of exposure must be reduced to as low a level as necessary in order to protect adequately the health and safety of the workers concerned, in particular by the following measures which are to be applied in the light of the results of the assessment referred to in Article 3: ...



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EMPLOYERS' OBLIGATIONS

Article 7 / Information for the competent authority

2. Employers shall inform forthwith the competent authority of any accident or incident which may have resulted in the release of a biological agent and which could cause severe human infection and/or illness.

3. The list referred to in Article 11 and the medical record referred to in Article 14 shall be made available to the competent authority in cases where the undertaking ceases activity, in accordance with national laws and/or practice.



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EMPLOYERS' OBLIGATIONS

Article 8 / Hygiene and individual protection

Article 9 / Information and training of workers

Article 10 / Worker information in particular cases

1. Employers shall provide written instructions at the workplace and, if appropriate, display notices which shall, as a minimum, include the procedure to be followed in the case of:

- (a) a serious accident or incident involving the handling of a biological agent;***
- (b) handling a group 4 biological agent.***



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EMPLOYERS' OBLIGATIONS

Article 11 / List of exposed workers

- 1. Employers shall keep a list of workers exposed to group 3 and/or group 4 biological agents, indicating the type of work done and, whenever possible, the biological agent to which they have been exposed, as well as records of exposures, accidents and incidents, as appropriate.***
- 2. The list referred to in paragraph 1 shall be kept for at least 10 years following the end of exposure, in accordance with national laws and/or practice.***



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EMPLOYERS' OBLIGATIONS

Article 12 / Consultation and participation of workers

Article 13 / Notification to the competent authority

1. Prior notification shall be made to the competent authority of the use for the first time of:

- (a) group 2 biological agents;***
- (b) group 3 biological agents;***
- (c) group 4 biological agents.***

The notification shall be made at least 30 days before the commencement of the work.



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MISCELLANEOUS PROVISIONS

Article 14 / Health surveillance

1. The Member States shall establish, in accordance with national laws and practice, arrangements for carrying out relevant health surveillance of workers for whom the results of the assessment referred to in Article 3 reveal a risk to health or safety. (a) group 2 biological agents;

4. In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure, in accordance with national laws and practice.

9. All cases of diseases or death identified in accordance with national laws and/or practice as resulting from occupational exposure to biological agents shall be notified to the competent authority



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MISCELLANEOUS PROVISIONS

Article 15 / Health and veterinary care facilities other than diagnostic laboratories

Article 16 / Special measures for industrial processes, laboratories and animal rooms

(special measures must be taken in laboratories, including diagnostic laboratories, and in rooms for laboratory animals which have been deliberately infected with group 2, 3 or 4 biological agents or which are or are suspected to be carriers of such agents)



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MISCELLANEOUS PROVISIONS

Article 17 / Use of data

The Commission shall have access to the use made by the competent national authorities of the information referred to in Article 14(9)

Article 18 / Classification of biological agents

2. Pending Community classification Member States shall classify biological agents that are or may be a hazard to human health on the basis of the definition in the second paragraph of Article 2, points 2 to 4 (groups 2 to 4).

3. If the biological agent to be assessed cannot be classified clearly in one of the groups defined in the second paragraph of Article 2, it must be classified in the highest risk group among the alternatives.



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ANNEX I - INDICATIVE LIST OF ACTIVITIES (Article 4(2))

- 1. Work in food production plants.*
- 2. Work in agriculture.*
- 3. Work activities where there is contact with animals and/or products of animal origin.*
- 4. Work in healthcare, including isolation and post-mortem units.*
- 5. Work in clinical, veterinary and diagnostic laboratories, excluding diagnostic microbiological laboratories.*
- 6. Work in refuse disposal plants.*
- 7. Work in sewage purification installations.*



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Service contract involving analysis and assessment of the effects of the practical application of national legislation on safety and health at work for biological agents (Lot 1) and for carcinogens (Lot 2) in undertakings and public-sector bodies (III)



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*Thank you
for your attention*