Amendment to the proposal for a Council Directive supplementing the measures to encourage improvements in the safety and health at work of temporary workers (1)

COM(90) 533 final — SYN 281

(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 7 November 1990)

(90/C 305/07)

(1) OJ No C 224, 8. 9. 1990, p. 6.

ORIGINAL PROPOSAL	MODIFIED PROPOSAL
First and second recitals unchanged	
Third recital	
Whereas recourse to forms of employment such as temporary employment has increased considerably;	Whereas recourse to temporary employment has increased considerably in recent years and will increase still further;
Recital 4 becomes Recital 11	
Recital 5 becomes Recital 4	
Whereas research results show that in general temporary workers are more exposed to the risk of accidents at work and occupational diseases than other workers;	Whereas, nevertheless, temporary workers are subject to greater risks than other workers, as shown by the statistics on accidents at work and occupational diseases;
	Recital 6
	(new)
	Whereas these extra risks are largely related to the temporary nature of the employment relationship and the particular arrangements which therefore apply within the undertaking;
Recital 7 and 8 unchanged	
	Recital 9
	(new)
	Whereas the special nature of these risks therefore requires the introduction of special regulations;
Recital 9 becomes Recital 10	
Recital 11 is previous Recital 4	
Last Recital unchanged	
Article 1 unchanged	

ORIGINAL PROPOSAL	MODIFIED PROPOSAL
Article 2	
1st paragraph is unchanged	
	Paragraph 2
	(new)
	The existence of a temporary employment contract or terms of employment shall not justify different treatment with respect to working conditions as regards the content or difficulty of the work, the safety of the work and health protection, access to personal safety equipment, the working environment and pattern, including the arrangements for fixing working hours.
Paragraph 2 becomes paragraph 3	
Article 3 unchanged	
Article 4 unchanged	
Article 5	
Member States shall ensure that, before a temporary worker takes up any activity requiring special occupational qualifications or skills or special medical supervision, he is informed by the user employer of the risks he faces and, if necessary, receives appropriate training.	Member States shall ensure that, before a temporary worker takes up any activity requiring special occupational qualifications or skills or special medical supervision, he is informed by the user employer of the risks he faces.
	Article 6
	(new)
	In cases referred to under the foregoing Article, the worker must undergo training appropriate to his or her needs, taking into account his or her qualifications and experience. If the job is dangerous, either in the short or long term, training shall be compulsory.
Article 6 becomes Article 7	
Previous Article 7 becomes Article 10	
	Article 8
	(new)
	The body or person within or outside an undertaking responsible for checking adherence to health and safety regulations shall be informed of the assignment of atypical workers to jobs which may involve risk.

ORIGINAL PROPOSAL	MODIFIED PROPOSAL
	Article 9
	(new)
	Final Provisions
	This Directive shall not affect Member States' ability to apply or introduce laws, regulations or administrative provisions more favourable to employed persons.
Article 10 is previous Article 7	
	Article 11
	(new)
	The Member States shall, within a period of two years from the expiry of the period laid down in Article 10 (1), forward to the Commission all the information it requires to draw up a report, to be submitted to the Council and the European Parliament, on the implementation of this Directive.
	Article 12
	(new)
	The Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a regular report on the implementation of this Directive, having regard to Articles 10 and 11.
Previous Article 8 becomes Article 13	