

Practical guide for CEN/CLC standardization committees on consideration of occupational health and safety in European standards

Introduction and objectives

The aim of OHS is to prevent work related ill health and injury, and to promote well-being at work¹. The objective of this document is to provide a coherent and coordinated approach on how to deal with aspects of occupational health and safety (OHS) in European standardization and its limits.

According to the Treaty on the Functioning of the European Union (TFEU), OHS aspects are falling to a large extent under the remits of national laws and regulations and lie in the responsibility of employers and workers. The TFEU also grants the Member States the right to adopt national rules to support and complement the EU legislation in this field. CEN/CENELEC acknowledges that on the basis of the EU treaty the improvement of OHS lies, therefore, primarily with the member states². Nevertheless, all national standardization organizations which are members of CEN and CENELEC are obliged to adopt nationally every European standard without any changes.

This guidance paper is solely intended to give guidance to writers of European standardization deliverables (e.g. EN, TS, TR) on how to deal in European standardization documents with aspects of OHS lying within the responsibility of employers as to the regards of the health and safety of workers and being relevant for the standardization subject. It is not intended to give guidance as far as product safety is concerned, and it does not interfere in any way on any standardization activities on national level including the adoption of international standards on national level.

1 Two pillars for OHS

1.1 General framework

Occupational health and safety matters are governed by mandatory regulatory requirements.

In all cases, mandatory regulatory requirements take precedence over standards, whilst standards must not be in conflict with mandatory regulatory requirements.

1.2 The European regulatory framework for safety of products

Product safety is ruled by European regulations or directives issued under Art. 114 of the Treaty on the Functioning of the European Union and relates to the free movement of safe products within the single market (New Legislative Framework). These regulations and directives lay down the essential health and safety requirements. The purpose of these requirements is to ensure a high level of product safety and health protection. They are binding when designing and constructing for the conditions of the intended use and foreseeable misuse over the lifecycle of such products, as well as placing them on the market.

Harmonized standards are a specific category of standards which intend to underpin European legislation covered by the New Legislative Framework (NLF). A product that is designed and manufactured in accordance with these standards is presumed to be in conformity with the essential requirements of the corresponding EU legislation, for example Machinery Regulation (EU) 2023/1230, or Regulation (EU) 2016/425 on personal protective equipment, subject to their reference being published in the Official Journal of the European Union.

While internal market legislation under the NLF makes use of harmonized standards to underpin legal requirements, the TFEU³ explicitly excludes issues “.....*relating to the rights and interests of employed persons*” to be under the scope of a harmonized standard. Therefore, harmonized standards cannot deal with such issues (e.g. topics potentially addressed by collective agreements negotiated by social dialogue).

Furthermore, the Standardization Regulation (EU) 1025/2012 states that the scope of harmonized standards is limited to products and services in support of Union legislation. The Commission should not affect the right to negotiate, conclude and enforce collective agreements, for instance by mandating a harmonized standard.

As this pillar is sufficiently covered by guidance documents issued by the EU Commission as well as CEN/CENELEC it will not be addressed in this document.

¹ The resulting obligations are defined in Treaty on the Functioning of the European Union, Article 153 supplemented by national law.

² CEN/CENELEC Resolution BT 22/1997, point 2.

³ Article 114, paragraph 2

1.3 The European regulatory framework and international framework for OHS at work

At European level there are other so-called “social” directives (based on the Treaty on the Functioning of the European Union, Article 153) which fix minimum thresholds in order to progressively harmonize regulatory requirements for places of work in the European Union. These directives address the responsibility of employers (and workers) concerning the safety and health at work.

For example, Framework Directive 89/391/EEC on the implementation of measures to encourage improvements in the safety and health at work, fixes a minimum protection level for Member States intended to encourage OHS improvements. In particular it lays down **nine general principles of prevention** and a legal obligation for employers to provide a safe and healthy work environment and to carry out a risk assessment. This directive does not seek to completely harmonize measures on health and safety at work across the European Union, and is therefore allowing Member States to adopt country-specific laws and rules. Establishing organizational requirements is thus left to the discretion of individual Member States which may impose more stringent rules.

The nine general principles of prevention

According to Section II Article 6.2 "General obligations on employers" of Directive 89/391/EEC the nine general principles of prevention are:

- a) avoiding risks;*
- b) evaluating the risks which cannot be avoided;*
- c) combating the risks at source;*
- d) adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of working and production methods with a view, in particular to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;*
- e) adapting to technical progress;*
- f) replacing the dangerous by the non-dangerous or the less dangerous;*
- g) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment;*
- h) giving collective protective measures priority over individual protective measures;*
- i) giving appropriate instructions to the workers.*

Social issues such as human resource relations, working conditions, work organization, and health and safety at work come under the scope of European and national legislations and social dialogue. In some EU member states, national documents provide support for companies / organizations on management and prevention, hazard identification, risk assessment and putting in place control measures.

In this area European standardization does not have the same role as it does in the field of product safety as stated above. Therefore, it is important that before proposing a European standardization project in this area to apply the questionnaire in Clause 2 of this document.

2 Questions to consider with regard to European standardization projects

NOTE: This questionnaire is not applicable to standards dealing with product safety (see 1.2).

Before taking a decision to address any OHS issues in a standard, several questions should be asked taking a systemic approach:

2.1 Do applicable standards exist that correspond to the need?

If **yes**:

Use the existing standards.

If **no** or if existing standards are not suitable:

Continue with the next question.

2.2 Does this standardization subject possibly lie within the responsibility of employers as to the regards of the health and safety of workers?

If **no**:

The standardization project is out of scope of this document therefore not to be dealt with here.

If **yes** or if you are not sure:

Continue with the next question.

2.3 Does the European standardization project or parts of it envisage to deal with aspects that are under the realm of regulations such as the set up of values for occupational exposure limits and/or labour law and/or collective agreement as a result of social dialogue (e.g. maternity protection, annual leave, breaks, leisure time and working hours)?

If **yes** or if you are not sure:

Abandon the European standardization project or part of it because it falls under the social side of work, work organization and quality of life at work and should not be standardized at European level.

NOTE: This does not in any way preclude the possibility of adopting international standards or developing standards with such a scope at national level.

If **no**:

Continue with the next question.

2.4 Does the project only include terms/definitions, test methods, measuring, analytical, sampling and statistical methods, measurement of OHS-related physical, chemical, biological parameters, and data interchange?

EXAMPLE: EN 689 - *Workplace exposure - Measurement of exposure by inhalation to chemical agents - Strategy for testing compliance with occupational exposure limit values*

If **yes**:

Proceed with the standardization project unless already regulated by EU law.

If **no** or if you are not sure:

Further analysis is required.

Based on the answers to the following questions the project should be continued or not:

- Do rules or guidance provided by national and/or European authorities exist, have been announced, are worked on or are being planned, that cover the subject matter, or part of the subject matter, of the envisaged standard?
- Have the views of OHS-experts, authorities, trade unions and employers' representatives etc. been considered?
- Have OHS-experts as well as authorities, trade unions and employers' representatives of different member states been invited and do they have the resources to actively participate in the standardization work?

After thorough consideration of the points above, it should be clearer if the subject is suitable to be standardized. If in doubt do contact your national authorities and/or social partners.