



EUROSHNET 2026

DIGITAL AND GREEN INNOVATIONS

Shaping the future of occupational safety and health

27-28 May 2026

Review of EU OSH legislation

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The EU legal framework on occupational health and safety covers all sectors of activity, both public and private, and all risks, both physical and psychosocial

- It is based on Article 153 of the Treaty on the functioning of the European Union (TFEU),
 - ✓ which empowers the European Union to support and complement the activities of the Member States as regards improvements, in particular of the working environment to protect workers' health and safety, and
 - ✓ to this end, to adopt, by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.

It is made up of

- a [framework directive](#), which applies to all sectors of activity, and which lays down the main principles and guarantees minimum safety and health requirements throughout the EU, and
- [over 24 individual and related directives](#), which focus on
 - ✓ specific sectors, for example [mineral-extracting industries](#), [fishing vessels](#), [construction](#)
 - ✓ specific risks, for example risks arising from [biological agents](#), [chemical agents](#), [asbestos](#), [noise](#)
 - ✓ specific categories of workers, for example, [pregnant and breastfeeding workers](#), [young workers](#), [workers with a fixed-duration or temporary employment relationship](#)
 - ✓ specific cross-sectoral issues, for example, [PPE](#), [work equipment](#), [display screen equipment](#)

Overview of EU OSH legislation

- Framework Directive ([Directive 89/391/EEC](#))
- Workplace requirements ([Directive 89/654/EEC](#))
- Work equipment ([Directive 2009/104/EC](#))
- Personal Protective Equipment (PPE) ([Directive 89/656/EEC](#))
- Safety and/or health signs at work ([Directive 92/58/EEC](#))
- Manual handling of loads (back injury) ([Directive 90/269/EEC](#))
- Display screen equipment ([Directive 90/270/EEC](#))
- Risks related to chemical agents at work ([Directive 98/24/EC](#))
- Exposure to carcinogens, mutagens or reprotoxic substances at work ([Directive 2004/37/EC](#))
- Exposure to asbestos at work ([Directive 2009/148/EC](#))
- Exposure to biological agents at work ([Directive 2000/54/EC](#))
- Prevention from sharp injuries in the hospital and healthcare sector ([Directive 2010/32/EU](#))
- Risks from explosive atmospheres ([Directive 1999/92/EC](#))
- Risks arising from vibration ([Directive 2002/44/EC](#))
- Risks arising from noise ([Directive 2003/10/EC](#))
- Risks arising from artificial optical radiation ([Directive 2006/25/EC](#))
- Risks arising from electromagnetic fields ([Directive 2013/35/EU](#))
- Temporary or mobile construction sites ([Directive 92/57/EEC](#))
- Medical treatment on board vessels ([Directive 92/29/EEC](#))
- Work on board fishing vessels ([Directive 93/103/EC](#))
- Mineral-extracting industries ([Directive 92/104/EEC](#))
- Mineral-extracting industries through drilling ([Directive 92/91/EEC](#))
- Fixed-duration or temporary employment relationship ([Directive 91/383/EEC](#))
- Pregnant and breastfeeding workers ([Directive 92/85/EEC](#))
- Young people at work ([Directive 94/33/EEC](#))

Adoption, transposition, application & enforcement

- Social dialogue and the tripartite approach are well established principles of EU's social acquis
- The EU directives in the area of OSH set out objectives and requirements which are transposed into national law in each of the Member States and which need to be applied and complied with on the ground.
- The EU directives in the area of OSH guarantee minimum safety and health requirements throughout the European Union while Member States are allowed to maintain or establish more stringent measures.

Basic elements of EU OSH legislation

- **General principles / Minimum requirements concerning**
 - ✓ the protection of the safety and health of workers, including the prevention of occupational risks, the elimination of risk and accident factors, the health surveillance of workers
 - ✓ the informing, consultation and participation of workers and/or their representatives
 - ✓ the training of workers
- **Member States ensure adequate controls and supervision, mainly through their national labour inspectorates**

The employer's responsibility

for the safety and health of workers

- ✓ is a key element of the EU's legal framework on OSH
- ✓ is comprehensive, extending to all aspects of work
- ✓ involves a series of general and specific obligations that are laid out in the EU's legal framework on OSH

General duty of safety

- The employer has a duty to ensure the safety and health of workers in every aspect related to the work
 - ✓ if employers enlist external experts to help them fulfil their duties, this shall not discharge them from their responsibilities in this area
 - ✓ the workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer
 - ✓ Member States may provide for the exclusion or the limitation of the employer's responsibility in circumstances of *force majeure*

General obligations

- The employer must take the measures necessary for the protection of the safety and health of workers. This includes:
 - ✓ the prevention of occupational risks
 - ✓ the provision of information and training
 - ✓ the provision of the necessary organisation and means
- The employer must adjust these measures to take account of changing circumstances, and must aim to improve existing situations
- The employer must implement these measures on the basis of certain general principles of prevention:

General principles of prevention

- ✓ avoiding risks
- ✓ evaluating the risks which cannot be avoided
- ✓ combating the risks at source
- ✓ adapting the work to the individual, especially as regards the design of workplaces, 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
- ✓ adapting to technical progress
- ✓ replacing the dangerous by the non-dangerous or the less dangerous
- ✓ developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors related to the working environment
- ✓ giving collective protective measures priority over individual protective measures
- ✓ giving appropriate instructions to the workers

Some specific obligations

- The employer must
 - ✓ be in possession of an assessment of the risks to safety and health at work
 - ✓ decide on the protective measures to be taken and, if necessary, the protective equipment to be used
 - ✓ keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days
 - ✓ draw up, for the responsible authorities, reports on occupational accidents suffered by workers
 - ✓ designate one or more workers to carry out activities related to the protection against and the prevention of occupational risks. If that is not possible for lack of competent personnel, the employer must enlist competent external experts

TIME FOR REVIEW



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Review of EU legislation in the area of occupational safety and health

Context

- **Review of the practical implementation of 24 EU occupational safety and health directives** supporting the analysis carried out pursuant to Article 17a of Directive 89/391/EEC (OSH Framework Directive) and similar provisions in related directives
- **Geographical scope:** EU and 27 Member States
- **Temporal scope:** Review period 2018-2022
- Third review under the current legal framework; including an in-depth REFIT evaluation in 2017
- **Latest updates** to the EU OSH acquis: Updates of the CMRD (2017/2398, 2019/130, 2019/983, 2022/431, 2024/869), CAD (2017/164, 2019/1831, 2024/869), BAD (2019/1833, 2020/739), AWD (2023/2668), PPED (2019/1832), Medical Treatment on Board Vessels Directive (2019/1834), Occupational Diseases Recommendation (2022/2337, 2025/2609)

Methodology

Main data sources

- National implementation reports (NIRs) prepared by the Member States
- External study supporting the Commission's review
 - ✓ Desk research and review of sources in the Member States, including the NIRs
 - ✓ Literature review
 - ✓ Analysis of data from official EU-level databases and surveys
 - ✓ Interviews of stakeholders in the Member States and at EU level.
 - ✓ Dedicated survey of cross-sectoral and sectoral social partners
 - ✓ Two focus groups with selected stakeholders
- Other information available to the Commission services (consultations of stakeholders, infringement proceedings, citizens' complaints, etc.)

Outputs of the external study

- ✓ **Main study report:** Compilation and comparative analysis of findings across the Member States and Directives, conclusions on the EU OSH acquis
- ✓ **27 Member State Reports:** Analysis of the practical implementation in each Member State across Directives
- ✓ **24 Directive Reports:** Analysis of the practical implementation of each directive across the EU and Member States.
- ✓ **Other reports:** Synthesis report (conclusions per Directive), Synopsis report (overview of consultation activities).

The results of the review will be adopted by the Commission

Assessment ongoing – Main input from stakeholders

- Generally, EU OSH directives are **fit-for-purpose**
- Good OSH is important for **competitiveness**
- Calls for certain **targeted legislative updates**, e.g. Workplace and Display Screen Directives
- **Further assessment** of certain developments and needs, e.g. psychosocial and ergonomic risks
- Challenges regarding the **application of the rules**, especially for SMEs
- Usefulness of **practical guides and tools**
- **Enforcement** is key

Thank you



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