

Evaluation to the application of Directive 92/57/EC

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Introduction

Evaluation of the Directives (2014-2016)

- Directive 89/391/EEC :
Safety and health of workers at work
- Directive 92/57/EEC :
Minimum safety and health requirements at temporary or mobile constructions sites

Directive 89/391/EEC

Safety and health of workers at work

Article 6 – (4) of Directive 89/391/EEC:

Without prejudice to other provisions of the Directive, **where several undertakings share a work place, the employers shall cooperate** in implementing the safety, health and occupational hygiene provisions and, taking into account the nature of the activities, shall **coordinate their actions** in matters of the protection and prevention of occupational risks, and shall **inform one another** and their respective workers and / or workers' representatives of these risks.

This concerns all types of activities.

The specificities of construction sites have to be taken into account!

See Directive 92/57/EEC.

Directives 89/391/EEC – Article 6 – (2)

General principles of prevention

2. The employer shall implement the measures referred to in the first subparagraph of paragraph 1 on the basis of the following general principles of prevention:

- (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.



Specificities of construction sites in comparison with other workplaces

Industry (factory)	Construction sites
Each day, the same workers at the same workplaces	According to progress of works, workers are coming and going
One employer is responsible for all workers in its factory	The specific risk prevention of each work implies that each employer is responsible for his workers, and for other workers, if they are also exposed to these risks
The workplace is more or less unchanging	Workplaces change continuously due to progress of construction, and consequently, the workers go from one site to another
The tasks are more or less the same every day	The tasks change continuously according to the progress of construction
The working conditions are more or less constant	The changing weather conditions influence the working conditions on the sites

Directive 92/57/EEC

COUNCIL DIRECTIVE 92/57/EEC

of 24 June 1992

on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)



Objective of the Evaluation of the Directives 89/391/EEC and 92/57/EEC

“Evaluation of the practical implementation of EU occupational safety and health (OSH) directives in EU Member States with a view to assessing their relevance, effectiveness and coherence, and identifying possible improvements to the regulatory framework”.

Evaluation of the Directives (2014-2016)

COMMISSION STAFF WORKING DOCUMENT

Ex-post evaluation of the European Union occupational safety and health Directives (REFIT evaluation)

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy

The main conclusions of evaluation of Directive 92/57/EEC

- As regards Directive 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites, give consideration to the recommendation given in several national implementation reports, to clarify the status of the coordinator and reinforce his function, namely to clarify the services expected to be provided by coordinators, especially with regard to project design, and to set out the qualifications coordinators should have.

Directive 92/57/EEC

How the Directive has been transposed by the member states ?

Conclusions of an analysis carried out by ISHCCO.

Are there special risks to consider? Has Annex II of the Directive been modified? Which modifications?

- AU, BE, DA, DE, ES, PT, SK, UK : **Transposed without modification.**
- CY, CZ, LU : Annex II of the Directive has been modified and includes **additional risks.**
- CZ : Yes, they are. This annex was a bit modified. In local application are eleven risks instead of ten. Work at height were separated from first point of annex II and they are the special one.
- IT : **Similar to the directive**
- PL: **All types of work listed in Annex II are covered by detailed regulations industry-specific.** As an example, point 2 " Work which puts workers at risk from chemical or biological substances constituting a particular danger to the safety and health of workers or involving a legal requirement for health monitoring. "are regulated by two detailed regulations: one for chemical risks and one for biological risks.

Who appoints the coordinator?

- AU, CZ, DA, ES, LU, PL, PT, SK, UK : **The client (owner)**
- BE :
 - Ouvrages dont la surface totale est inférieure à 500 m² :**
 - coordinateur-projet pour la phase de projet : **le maître d'œuvre** chargé du projet
 - coordinateur-réalisation pour la phase de réalisation : **le maître d'œuvre** chargé du contrôle de l'exécution
 - Ouvrages dont la surface totale est égale ou supérieure à 500 m² :**
 - coordinateur-projet pour la phase de projet : le maître d'ouvrage
 - coordinateur-réalisation pour la phase de réalisation : le maître d'ouvrage
- CY : The client is responsible to safeguard the appointment of both the coordinator at the design stage and the coordinator at the execution stage.
- DE: **The client or the main contractor.**
- IT : The Client (is a person, not a legal entity) or the **Project Supervisor**, where present, as it is an optional role that can be appointed by the Client.

Requirements concerning the presence of the coordinator on site (visits, meetings, frequency, duration)?

- AU, DE, ES, IT, LU, PT, SK : **Nothing**
- BE : **Présence minimale du CSS aux moments critiques ! Obligation de mentionner ces moments critiques dans la convention du CSS-réalisation.**
- CY : **No, except in the case of a big project, the coordinator at the project execution stage, must be designated as a fulltime employee for this job.**
- CZ : In local application is required to monitor all works on construction site and organize a meeting to employers for the purpose of checking a status of measures and coordinate them.
- DA : **At large constructions sites the coordinator must have start-up meetings with all employers and must summon and chair safety meetings at least once every 14 days.** For small and medium-sized construction sites there are no formal requirements concerning the presence of the coordinator, but he/she must be able to carry out the coordination in a proper way
- PL: **The SHCC coincide with the role of the Construction Manager** (also called *works manager and the master builder*). There is not a defined nor specified frequency for meetings or visits.

Training to become coordinator? Content of the training? How many hours?

- AU, CZ, DA : **Nothing**
- CY : It is in the process of being issued by the Minister an Order to define the specific requirements regarding the training of the coordinators (see Appendix on Coordinators Qualifications).
- DE: Nach **RAB 30**: arbeitsschutzfachliche Kenntnisse (32 Lehreinheiten) und spezielle Koordinatorenkenntnisse (32 Lehreinheiten)
- ES : The technical guide of the RD1627 recommends **200 hours minimum**. This talks about the content of the formation.
- FR, BE : **see legislation**
- IT : Contents of the **120 hours** training made by a certified body are defined by the D.Lgs 81/2008 Annex XIV (*contenuti minimi del corso di formazione per i coordinatori per la progettazione e per l'esecuzione dei lavori*). A final written exam is mandatory and a 40 hours refreshment (every 5 years) is also required to cover a SHC role.
- LU : 40 hours (level A), 60 hours (level B) and **132 hours (level C)**: **the content of the training is fixed by legislation**.
- PT : No. Some 8 years ago, the government agencies have **withdrawn that requirement**. In the past it was necessary about **200 hours** of specific training.

Initial training in France



ARRETE

Arrêté du 26 décembre 2012 relatif à la formation des coordonnateurs en matière de sécurité et de protection de la santé et à celle des formateurs de coordonnateurs ainsi qu'aux garanties minimales que doivent présenter les organismes en charge de ces formations dans le cadre de la procédure d'accréditation-certification

NOR: ETST1243253A

Version consolidée au 01 janvier 2013

Initial training in Luxembourg

MEMORIAL

Journal Officiel
du Grand-Duché de
Luxembourg



MEMORIAL

Amtsblatt
des Großherzogtums
Luxemburg

RECUEIL DE LEGISLATION

A — N° 159

24 août 2007

PROGRAMMES DE FORMATION POUR COORDINATEURS DE SECURITE ET DE SANTE

Arrêté ministériel du 18 juillet 2007 déterminant les programmes de formation pour coordinateurs de sécurité et de santé tels que prévus par l'article 2 du règlement grand-ducal du 9 juin 2006 relatif à la formation appropriée par rapport aux activités de coordination de sécurité et de santé sur les chantiers temporaires ou mobiles page 2956

Initial training in Belgium

Arrêté royal du 25 janvier 2001 concernant les chantiers temporaires ou mobiles (M.B. 7.2.2001)

Section VII.- Conditions d'exercice de la fonction de coordinateur

ANNEXE IV

PARTIE A

Le contenu du programme du module de cours agréé "complément pour coordinateur", visé à l'article 58, § 2

PARTIE B

Les critères auxquels doit satisfaire le cours agréé de formation complémentaire spécifique pour coordinateurs en matière de sécurité et de santé sur les chantiers temporaires ou mobiles, visé à l'article 58, § 3, et l'examen spécifique agréé pour coordinateurs en matière de sécurité et de santé sur les chantiers temporaires ou mobiles, visé à l'article 58, § 4

Section Ire – Les termes finaux

Section II – Le contenu des programmes

Section III – La défense d'un projet de coordination - modalités visées à l'article 58, § 3, premier alinéa, 4°, b, et à l'article 58, § 4, premier alinéa, 4°, b

Has the coordinator to follow trainings and if yes, how many hours per year? What is the content of this training?

- AU, CZ, DA, DE, ES, PL, PT : **Nothing**
- BE : 15 hours every 3 years.
- CH : **7 days per year.**
- CY : It is in the process of being issued by the Minister an Order to define the specific requirements regarding the training of the coordinators.
- IT : 40 hours refreshment (every 5 years) is also required to cover a SHC role.
- LU : level A : 4 hours (level A), 8 hours (level B) or 12 hours (level C) every 5 years. **The training must be approved by the authorities.**

Is it mandatory for the coordinator to be insured?

- AU, CY, CZ, DA, DE, IT, LU, PT, SK : **No**
- BE, CH : **Mandatory**
- ES : **Yes**. Obligated to be insured and belong to "colegio profesional".
- PL: **Yes**. The site manager must have adequate insurance covering also his/her perimeter as SHCC.
- UK: Only if it is a requirement of the client. But it is good practice to be insured.

What are the criterion usually used to evaluate the offers of the coordinators?

- **IT** : Experience in similar projects (curriculum), number of resources (especially for bigger or more complex/longer projects), distance from the site and price.
- **FR** : **Norme NF P-99-600**
- **LU, SK** : **Price**
- **PL**: Previous experience and knowledge of the construction and health and safety regulations.
- **PT** : Price and time (in this order) spent on site. Sometimes previous works and experience are considered.

What are the criteria usually used to evaluate the offers of the coordinators?

norme française

NF P 99-600

8 Juillet 2016

Indice de classement : P 99-600

ICS : 91.010.20 ; 93.010

**Coordonnateurs SPS — Bonnes pratiques
de consultation et d'évaluation des offres
de coordonnateurs SPS à l'attention des maîtres
d'ouvrage**

E : Coordinator for safety and health protection matters — Good practices for use by clients for the examination and the assessment of tenders for a contract of coordinator for safety and health protection matters


D : SGS-Koordinatoren — Gute fachliche Praxis bei Konsultation und Beurteilung der Angebote von SGS-Koordinatoren, für Bauherren bestimmt

In the case of an accident, the actions of the coordinators are they also analyzed?

- **CY** : Yes, most of the times. In the case of a fatal accident the coordinator was accused and convicted.
- **DA** : If The Working Environment Authority investigate an accident the fulfillment of Client responsibility will also be examined, including the actions of the coordinator. The coordinator do not have a formal responsibility – only the client have.
- **ES** : In case of accident, they analyzed the dedications. However, there is confusion between obligations and actions that the coordinator must does.
- **IT** : Surely! He is one of the most exposed once in case of an incident investigation. This both in front of the law and in respect to the Client.
- **Other countries**: Yes, more or less deeply !

What can we learn about our investigation

- The transposition of Directive 92/57/EEC varies strongly from one country to the other (**Evaluation**: to clarify the status of the coordinator and reinforce his function).
- Often, the main criterion to evaluate the offers of the coordinators is the price.
- The required qualification varies strongly from one country to the other (**Evaluation**: to set out the qualification coordinators should have / **ISHCCO**: see the qualification framework).



To avoid misunderstandings ...
... please note the following

The answers are based on personal knowledge of those providing them.

Since the legislations can change, the answers could be outmoded.

Those providing the answers and ISHCCO accept no responsibility if the answers are not accurate.



Do you have questions?
Thank you for your attention!

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