



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from optical radiation

Main Concerns for SMEs

Common Position	Concern for SMEs	Possible Solutions
<p data-bbox="271 268 427 300">Article 4(2)</p> <p data-bbox="174 343 517 817">In carrying out the obligations laid down in Articles 6(3) and 9(1) of Directive 89/391/EEC, the employer, in the case of workers exposed to natural sources of radiation, shall assess the risks to health and safety so that the measures needed to minimise these risks can be identified and put into effect.</p>	<p data-bbox="544 268 1294 448">This article makes employers responsible for carrying out risk assessments for natural sources of optical radiation (i.e. solar radiation) on the basis of the terms set out in the original framework directive, which requires the retention of documentary evidence.</p> <p data-bbox="544 469 1305 649">Sunlight and the intensity of solar radiation vary dramatically across Europe. Imposing EU level requirements on employers to counter the risks of exposure to sunlight seem to be excessive, impractical and inconsistent with the principle of subsidiarity.</p> <p data-bbox="544 670 1263 810">It should be borne in mind that the vast majority of businesses affected by these proposals will be small businesses with outdoor workers, e.g. cafés, restaurants, construction firms etc.</p> <p data-bbox="544 831 1294 973">Introducing technical obligations on small employers to assess the health and safety risks of exposure to constantly changing meteorological conditions is not only unrealistic but raises major questions about legal liability.</p> <p data-bbox="544 994 1305 1174">Quite apart from the lack of time and resources that many firms would have for undertaking such an onerous process, the average small business would clearly lack the scientific or technical expertise necessary for making an accurate assessment.</p> <p data-bbox="544 1195 1294 1375">The implications for legal liability in the case of diseases caused, in part, by exposure to natural sources of radiation could be far-reaching. If a business is responsible for making detailed UV risk assessments and implementing health and safety action plans to protect their employees</p>	<p data-bbox="1330 268 1783 483">The most straightforward solution, which removes any uncertainty on the issue, is to delete Article 4(2). This removes natural sources of radiation (sunlight) from the scope of the directive.</p> <p data-bbox="1330 504 1789 981">An alternative amendment, recommended by the Employment and Social Affairs Committee, proposes to leave it up to Member States individually to determine if any obligations on the employer to carry out a risk assessment on the risks of exposure to natural sources of optical radiation are necessary. While not completely resolving the problem, this is a more common sense approach and reflects the meteorological realities.</p> <p data-bbox="1330 1002 1812 1294">The rest of the directive is concerned with the risks associated with the exposure to non-natural sources of optical radiation (e.g. lasers, x-rays etc.). In order to guarantee the health and safety of all employees exposed to this radiation, it is important that proper conditions.</p>

	<p>from the risks of solar radiation, what does this entail for their liability if their employees were to contract a disease in later life, which may be linked, in part, to over-exposure to sunlight?</p>	
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Finally, as the level of solar radiation is a constantly changing variable (unlike radiation from industrial equipment or other machinery, such as lasers and x-rays), it can be assumed such an assessment would have to be carried out on a very regular basis for it to be effective.

Common Position	Concern for SMEs	Possible Solutions
<p data-bbox="271 268 427 300"><i>Article 5(3)</i></p> <p data-bbox="174 341 524 815">Where the risk assessment carried out in accordance with Article 4(2) indicates a risk for workers exposed to natural sources of optical radiation, the employer shall devise and implement an action plan comprising technical and/or organisational measures in order to reduce health and safety risks to a minimum.</p>	<p data-bbox="544 268 1308 336">Many of the concerns regarding Article 4(2) hold true with regard to Article 5(3).</p> <p data-bbox="544 360 1308 722">As mentioned above, the vast majority of employers affected will be small businesses. Introducing obligations on a café owner or small construction firm to ‘devise and implement an action plan comprising technical and/or organisational measures’ is impractical and unworkable. A small business owner typically has neither the scientific nor medical know-how to devise a comprehensive action plan. As noted above, the proposals could have serious implications in terms of legal liability and this is reinforced by imposing technical requirements on employers.</p> <p data-bbox="544 746 1308 962">There is clearly a risk from over-exposure to sunlight but this risk varies dramatically across Europe. Given the risk from exposure to sunlight affects all members of the public when they are outdoors, it would be better addressed by the provision of adequate information both to employees and the general public at national level.</p> <p data-bbox="544 986 1308 1118">Employees are the most important resource for most small businesses and it is crucial that they are sufficiently informed to protect themselves against all risks to their health.</p>	<p data-bbox="1330 268 1823 368">If Article 4(2) is deleted, Article 5(3) no longer becomes relevant and should also be deleted.</p> <p data-bbox="1330 392 1823 719">An alternative amendment recommended by the Employment and Social Affairs Committee would require employers merely to devise and implement ‘measures’ to reduce the risks of exposure. This is more realistic than requiring complex ‘technical and/or organisational measures’.</p>

September 2005

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