4 The Improvement of Living and Working Conditions

The emphasis in the Community’s and Union’s Treaties and Charter on workers’ rights and the need to create conditions that would facilitate freedom of movement of labour between member states explain why issues concerned with the equalisation of living and working conditions have always been high on the policy agenda. As with social security, disparities between member states in the treatment of workers could be seen not only as a factor inhibiting mobility but also as a source of unfair competition. The objective of achieving harmonisation at the same time as the improvement of living and working conditions therefore featured in the Treaty establishing the European Economic Community (EEC) [1.2] and recurred in subsequent Treaties and in the Community Charter of the Fundamental Social Rights of Workers in 1989 [1.7], albeit with the emphasis on working conditions.

In the countries of the EEC founder members, industrial accidents and occupational diseases were amongst the first contingencies to be covered by national employment insurance. Since industrial health problems had long been a concern of the original member states, the Community’s role in industrial welfare was primarily to stimulate interest in co-ordinating action which would remove barriers to the mobility of goods, services and labour. Although the rights of workers to a decent standard of living and to a high level of protection at the workplace have continued to be given priority, progressively the areas encompassed under the general heading of living and working conditions have been clarified and widened to include health and safety at work, working hours, employment contracts, conditions governing collective redundancies and bankruptcies, the environment and public health.

As the Union’s remit was extended (see Chapter 1), the improvement of living and working conditions remained firmly on the policy agenda. This area of policy has not, however, attracted the same level of public attention or been contested to the same extent as topics like the
harmonisation of social protection systems or equal treatment of men and women (see Chapters 2 and 6). Although the Union’s approach has tended to remain cautious for reasons which will become more apparent in the course of this chapter, living and working conditions do provide a good example of the way in which policy can be moved forward at European level through the legislative process, action programmes and information campaigns. In this chapter, after examining the development of policy in this area, particularly with reference to health and safety at work, work-time arrangements and public health, comparisons are made of practices in individual member states, with a view to assessing the extent to which European policy may be encouraging member states to adopt common standards.

COMMUNITY POLICY ON LIVING AND WORKING CONDITIONS

The 1951 Treaty establishing the European Coal and Steel Community (ECSC) [1.1] set a number of precedents for the six original member states. Article 3(e) stated the aim of promoting improved working conditions and an improved standard of living for workers in the coal and steel industries while also seeking harmonisation. The 1957 Treaty establishing the European Atomic Energy Community (EAEC) [1.3] devoted ten of its 225 articles to health and safety. Articles 30–9 set out the basic standards to be observed for the protection of the health of workers and the general public against the dangers of ionising radiations, and they stipulated the legal procedures for ensuring they were harmonised and respected. This section examines the development of the themes of health and safety in the Treaties and the Community Charter.

Living and working conditions under the EEC Treaty

Several references were made in the EEC Treaty to the need to improve living and working conditions, although no clear guidance was given about how equalisation between member states should be defined and achieved. Article 117 stated ‘the need to promote improved working conditions and an improved standard of living for workers, so as to make possible their harmonisation while the improvement is being maintained’. The authors of the Treaty seemed confident that the development they were calling for would automatically ensue from the