



# Some long-awaited progress on reproductive health risks at work

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Since the EU Directive on the prevention of carcinogenic and mutagenic risks at work (Directive 2004/37/EC) was adopted in 1990, trade unions have repeatedly pointed the finger at a blatant inconsistency surrounding this legislative text: namely, substances toxic to reproduction are excluded from its scope and covered by the more lenient rules of the Chemical Agents Directive (Directive 98/24/EC). However, such substances, which can cause infertility, miscarriages and even foetal malformations, evidently have the same capacity as carcinogenic and mutagenic substances to cause serious and irreversible harm to the health of people exposed to them.

To their credit, some Member States<sup>1</sup> recognised this anomaly, and, when the text was transposed into their national law, they logically extended the scope of the Directive to substances toxic to reproduction. In the fourth revision of the ‘CMR Directive’ in December 2021, as a result of amendments supported by an overwhelming majority in the European Parliament, this inconsistency was at last corrected. From now on, the same prevention rules will apply in all Member States to carcinogenic, mutagenic and reprotoxic substances (CMRs).

One of the key arguments for the co-legislators was reportedly the alignment of Community directives on health and safety at

work with the REACH Regulation and rules on pesticides, biocides, cosmetics, etc. In this body of European legislation, which lays down the rules on the use of chemicals and the placing of them on the market, CMR substances are always regulated uniformly.

According to estimates<sup>2</sup> by the European Trade Union Institute (ETUI), more than two million workers in the EU are exposed to substances that are toxic to reproduction, such as aprotic solvents (paint and textile manufacture), lead (batteries) or bisphenols (plastics), to mention

1. Austria, Belgium, Czechia, Germany, Finland, France and Sweden.  
2. See [etui.org/ZSG](https://etui.org/ZSG)

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but a few documented cases. Cytostatics (a substance that slows or stops the growth of cells) are also found in dangerous drugs that are used to treat cancer patients. Healthcare staff, predominantly women, are exposed to these substances throughout their entire life cycle, especially during their preparation and administration to patients, the laundering of soiled linen, and the treatment and disposal of waste.

Another step forward in the prevention of reproductive risks at work that was taken in the fourth revision of the Directive is that the text now explicitly covers dangerous drugs containing CMRs, and employers have an obligation to provide specific training to workers using them. What is more, the European Commission has to develop guidelines on the safe use of these drugs by no later than the end of 2022.

Indirectly, the extension of the Directive's scope to reprotoxic substances will also offer better protection against occupational risks of exposure to endocrine disruptors, since many of these, such as Bisphenol A, used in checkout receipts, or some phthalates, used as plasticisers, are also reprotoxic. This category of dangerous substances is specifically covered by the REACH Regulation and rules on pesticides and biocides, but not yet by occupational health legislation.

With the transfer of reprotoxic substances from one directive to another, the limit values for occupational exposure that were established for reprotoxics under the Chemical Agents Directive are now dealt with under the new CMR Directive, with the bonus that their status has moved from indicative to mandatory. Moreover, in its new Strategic Framework on Health and Safety at Work 2021-2027, the European Commission has announced that the existing limit values for lead and its compounds will be revised in 2022. The level of protection of some 150 000 workers exposed to these reprotoxic substances in the EU should, therefore, soon be strengthened.

The progress made in the past few years in European rules for the prevention of CMR risks has to be welcomed. Since 2017, we have seen four successive revisions of the Carcinogens Directive, the extension of its scope and the adoption or updating of mandatory limit values for occupational exposure to 27 (groups of) carcinogenic substances and 12 (groups of) reprotoxic substances.

At a time when nationalism and Euroscepticism are gaining ground in all the Member States, these legislative advances are a very clear example of the good that the European Union can do for its workers, its businesses, and its citizens in general. ●

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