

Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)

SECTION II

**EMPLOYERS' OBLIGATIONS**

*Article 5*

**General provision**

1 The employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

2 Where, pursuant to Article 7 (3), an employer enlists competent external services or persons, this shall not discharge him from his responsibilities in this area.

3 The workers' obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.

4 This Directive shall not restrict the option of Member States to provide for the exclusion or the limitation of employers' responsibility where occurrences are due to unusual and unforeseeable circumstances, beyond the employers' control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care.

Member States need not exercise the option referred to in the first subparagraph.