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Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(21.9.2026)

The Commission recalls that the organisation of sick pay and income replacement during sickness absence is primarily a Member State competence, subject to compliance with EU law. EU occupational safety and health legislation, notably Council Directive 89/391/EEC¹, provides that employers have a duty to ensure workers' safety and health in every aspect related to work. Member States must transpose EU directives into national legislation, and it is primarily for their competent authorities to ensure that the national transposing legislation is properly enforced². Any national measure affecting workers during duly certified sick leave must respect applicable EU law, including on working conditions (such as accrual of rights to annual leave during sick leave pursuant to Directive 2003/88/EC³), equal treatment and non-discrimination.

As part of the envisaged Quality Jobs Act initiative, the Commission is carrying out a review of the Workplace Directive⁴ and the Display Screen Directive⁵. EU action in this field would aim to further improve prevention of risks and the protection of safety and health in the workplace of workers of all ages and to make legislation fit for purpose, including when working with display screen equipment and by further addressing particular risks, in particular psychosocial risks. In addition, the areas covered in the second-stage social partner consultation on the Quality Jobs Act, ongoing until 28 September 2026, also include, among others, how to strengthen the role and capacity of social partners, who are essential in implementation.

¹ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, <https://eur-lex.europa.eu/eli/dir/1989/391/oj/eng>.

² The Senior Labour Inspectors Committee assists the Commission regarding the enforcement aspects of the EU occupational safety and health legislation at national level. More information at https://employment-social-affairs.ec.europa.eu/policies-and-activities/rights-work/health-and-safety-work/senior-labour-inspectors-committee-0_en.

³ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (<https://eur-lex.europa.eu/eli/dir/2003/88/oj>) and related case-law of the Court of Justice of the European Union.

⁴ Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace, <https://eur-lex.europa.eu/eli/dir/1989/654/oj/eng>.

⁵ Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01990L0270-20190726>.