

# 67<sup>th</sup> meeting of the Senior Labour Inspectors Committee (SLIC)

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**“NON STANDARD WORK AND OSH”**

**Farnesina** - Rome, Italy  
Sala delle Conferenze Internazionali

Thursday 13<sup>th</sup>  
November 2014

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*“Nella battaglia per l’unità europea è stata ed è tuttora necessaria una concentrazione di pensiero e di volontà per cogliere le occasioni favorevoli quando si presentano, per affrontare le disfatte quando arrivano, per decidere di continuare quando è necessario”.*

*“In the battle for unity in Europe deep thought and will have been and are still needed in order to take the favorable opportunities as they arise, to deal with the defeats when they happen, to decide to continue when it is necessary”.*

**Altiero Spinelli**



The 67th SLIC Meeting has received financial support from the European Union Program for Employment and Social Innovation (“EaSI”) 2014-2020. For further information please consult: <http://ec.europa.eu/social/easi>

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THEMATIC DAY: **"NON STANDARD WORK AND OSH"**  
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35	<b>2.2 Abstract</b>
37	<b>3.1 Antonella IORIO – ISTAT:</b> “Non standard workers, OSH and statistics: the Italian case”
46	<b>3.2 Abstract</b>
47	<b>4.1 Gabriele GAMBERINI – University of Modena and Reggio Emilia:</b> “OSH Law and the employer’s duty of care towards non-standard and subcontracted workers”
55	<b>4.2 Abstract</b>
57	<b>5.1 Paolo GALLI – AUSL Imola:</b> “Non standard workers and risk assessment: the point of view of occupational medicine”
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69	<b>6.1 Mauro FERRI – RSPP of SACMI:</b> “Non standard workers: savings or higher costs in Occupational Safe and Health organization”
83	<b>6.2 Abstract</b>
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- 112 **8.2 Abstract**
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- 119 **9.2 Abstract**
- 121 **10.1 Vilius MAČIULAITIS – LITHUANIA:** “Flexible regulation and workplace inspection: the Lithuanian experience”
- 128 **10.2 Abstract**
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- 134 **11.2 Abstract**
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- 142 **12.2 Abstract**
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- 153 **13.2 Abstract**
- 155 **14.1 Danilo PAPA – Ministry of Labour, Italy:** Apprenticeship, regulation and labour inspection: the Italian experience
- 162 **14.2 Abstract**



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#### **AGENDA**

**08.30 REGISTRATION**  
**09.00 OPENING SESSION**

09.00 **Mr Giuliano POLETTI**  
Minister of Labour and Social Policies - ITALY

09.15 **Ms Maria Teresa MOITINHO DE ALMEIDA**  
Head of Unit Health, Safety and Hygiene at Work - DG Employment,  
Social Affairs and Inclusion - EUROPEAN COMMISSION

**09.30 - 12.30 SESSION 1 - NON STANDARD WORK AND HEALTH & SAFETY**  
**Moderator - Ms Maria-Luz VEGA RUIZ**  
Senior Labour Inspection Specialist – International Labour Organization (ILO)

09.30 *The regulation of labor relations and safety profiles in the Italian context*  
**Mr Paolo PENNESI**  
Secretary-General - Ministry of Labour and Social Policies - ITALY

09.45 *European statistics on accidents at work and occupational diseases  
occurred to non standard workers: data evidences comparing  
atypical workers to permanent employees*  
**Mr Matthias FRITZ**  
Administrator EUROSTAT Unit F5-Education, health and social protection

10.05 *The state of the art of statistical data collection on OSH (accidents  
at work and occupational diseases) and non standard work in Italy*  
General Coordinator – statistical and actuarial expert advice  
**Ms Silvia D'AMARIO**  
National Institute for Insurance Against Work-Related Injuries (INAIL)

10.25 *Non standard workers, OSH and statistics: the Italian case*  
**Ms Antonella IORIO**  
Italian National Institute of Statistics (ISTAT) - Labour Force Survey Division (FOL)

10.45 *OSH Law and the employer's duty of care towards  
non-standard and subcontracted workers*  
**Mr Gabriele GAMBERINI**  
UNIVERSITY of Modena and Reggio Emilia



**11.05 COFFE BREAK**

11.20 *Non standard workers and risk assessment:  
the point of view of occupational medicine*  
**Mr Paolo GALLI**  
M.D. - Head of the UOC Prevenzione e Sicurezza AUSL Imola

11.40 *Non standard workers: savings or higher costs  
in Occupational Safe and Health organization*  
**Mr Mauro FERRI**  
RSPP of SACMI

12.00 *Results of the questionnaire addressed to MS*  
**Mr Andrea DI COSOLA**  
Labour Inspector - Ministry of Labour and Social Policy - DTL BARI - ITALY

12.20 *Discussion on the results of the Questionnaire (chairing, A. DI COSOLA)*

**12.30 - 14.00 LUNCH**

**14.00 - 17.00 SESSION 2 – NON STANDARD WORK AND LABOUR INSPECTION:  
SOME NATIONAL EXPERIENCES**

Moderator - **Mr Davide VENTURI**  
Labour Inspector Ministry of Labour and Social Policies

**Topic 1: Undeclared and illegal work**

14.00 *What are the adaptations of European labour inspections to act against  
the development of various forms of undeclared work and illegal work?  
The Spanish experience*  
**Mr Juan Pablo PARRA GUTIERREZ**  
Labour inspector, SPAIN

14.10 *What are the adaptations of European labour inspections to act against  
the development of various forms of undeclared work and illegal work?  
The French experience*  
**Ms Jessy PRETTO**  
Policy Officer - General Direction of Labour - Ministry of Labour - FRANCE

14.20 *Discussion*

**Topic 2: Flexible regulation and labour inspection**

14.30 *Flexible regulation and workplace inspection: the Lithuanian experience*  
**Mr Vilius MAČIULAITIS**  
Mykolas Romeris University - LITHUANIA

14.40 *Discussion*





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**14.50 COFFE BREAK**

**Topic 3: Minijobs**

15.10 *Minijobs – non standard employment with standard problems?*

**Mr Udo DIEL**

Ministry of Employment, Integration and Social Affairs of the state of North-Rhine Westfalia, GERMANY

15.20 *Discussion*

**Topic 4: Temporary work and labour inspection**

15.30 *Temporary Work and labour inspection: the Swedish experience*

**Mr Magnus FALK**

Senior Analyst, Arbetsmiljö Verket, SWEDEN

15.40 *Experiences of the National Labour Inspectorate in Poland as regards the observance of the law with reference to temporary workers*

**Ms Beata KRAJEWSKA**

Chief Specialist, National Labour Inspectorate, POLAND

15.50 *Discussion*

**Topic 5: Apprenticeship**

16.00 *Apprenticeship, regulation and labour inspection: the Italian experience*

**Mr Danilo PAPA**

General Director for Inspection Activities  
Ministry of Labour and Social Policies, ITALY

16.10 *Discussion*

16.20 **The results of the Thematic Day: picking up ideas to be taken home  
Discussion Session/Short reminder**

**Mr Davide VENTURI**

Labour Inspector - Ministry of Labour and Social Policies,  
DTL BOLOGNA - ITALY





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*Agenda point Session 1*  
*Non Standard Work and Health & Safety*

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**European statistics** on accidents at work and occupational diseases occurred to **non-standard** workers: data evidences comparing atypical workers to permanent employees.

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# European statistics on accidents and occupational diseases: Comparing atypical and permanent workers

Version of 3 November 2014

Matthias Fritz  
ESTAT.F5

13 November 2014

67th meeting of the Senior Labour Inspectors  
Committee (SLIC) - Thematic day  
"non standard work and OSH"



## Table of content

- **European Statistics on Accidents at Work (ESAW)**
  - Overview about data collection, policy needs and variables collected
  - First statistical results for reference year 2012
- **Labour Force Survey Ad-hoc Module 2013**
  - Overview about data collection, policy needs and variables collected
  - First statistical results for reference year 2013



## European Statistics on Accidents at Work (ESAW)

- Administrative data collected by labour inspectorates or other government agencies directly from enterprises or via insurance companies
- Participating countries: all EU and EEA Member States (except Iceland)
- Data available: reference years 1994 – 2012 (on Eurostat website)

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## Policy needs

- ESAW data is key element for the European Commission to monitor the development in the area of health and safety at work
- Basis for evidence-based policy making, analysis of costs and benefits and development of legislation for OSH
- Communication COM(2014) 332 final on an EU Strategic Framework on Health and Safety at Work 2014-2020 sets out key strategic objectives and a range of actions for promoting workers' health and safety

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## EU legislation, methodology, dissemination

- COM Regulation (EU) 349/2011 of 11/04/2011 implementing Regulation (EC) 1338/2008 on Community statistics on public health and health and safety at work, as regards statistics on accidents at work
- European Statistics on Accidents at Work (ESAW) – Summary methodology, 2013
- Data disseminated regularly on Eurostat website
- Regulatory deadline: 18 months after end of reference year, i.e. June 2014 for reference year 2012

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## ESAW variables

- Phase I variables from 1993: Economic activity, occupation, age and sex of the victim, type of injury, part of body injured, geolocation, time
- Phase II variables from 1996, supplement phase I: Size of enterprise, nationality & employment status of victim, severity, statistical weight
- Phase III variables: causes and circumstances, from 2001: workstation, working environment, working process, specific physical activity, deviation, contact – mode of injury and their material agents

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[http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search\\_database](http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database)



Country	2008	2009	2010	2011	2012	% change 2012 - 11
EU-28	:	:	:	2,724,546	2,487,794	-8.69%
EU-27	3,112,558	2,800,681	2,823,035	2,713,671	2,478,950	-8.65%
EU-15	2,875,027	2,625,940	2,643,960	2,556,047	2,322,907	-9.12%
Germany	781,673	698,070	761,280	747,560	709,940	-5.03%
France	523,230	474,825	478,164	483,476	461,376	-4.57%
Spain	590,989	441,616	401,386	363,510	281,045	-22.69%
Italy	399,689	383,274	362,385	321,084	274,040	-14.65%
United Kingdom	183,598	:	:	156,416	143,171	-8.47%
Netherlands	127,200	106,439	125,772	119,941	116,029	-3.26%
Portugal	145,666	133,100	124,738	121,730	109,511	-10.04%
Switzerland	63,530	64,741	67,502	71,770	72,106	0.47%
Poland	78,816	62,721	67,359	69,352	67,472	-2.71%
Austria	66,528	57,715	60,668	58,253	56,299	-3.35%
Belgium	64,752	54,707	55,931	55,315	49,546	-10.43%
Czech Republic	89,549	58,100	56,875	37,036	36,013	-2.76%
Finland	44,737	34,316	35,741	40,302	34,821	-13.60%
Denmark	47,876	37,725	37,393	34,333	34,245	-0.26%
Sweden	24,732	21,464	23,543	24,089	24,864	3.22%
Hungary	19,291	15,326	16,326	14,277	16,717	17.09%
Norway	31,728	:	21,840	14,855	:	:
Greece	:	:	:	12,617	11,926	-5.48%
Slovenia	17,314	14,361	13,637	12,449	11,505	-7.58%
Ireland	12,967	7,751	11,422	11,101	9,794	-11.77%
Croatia	:	:	9,356	10,875	8,844	-18.68%
Slovakia	10,598	8,112	8,102	7,734	7,469	-3.43%
Luxembourg	7,056	5,895	6,133	6,320	6,299	-0.33%
Estonia	6,567	4,255	4,756	5,145	4,993	-2.95%
Romania	4,040	3,020	3,201	2,810	2,889	2.81%
Lithuania	2,650	1,640	1,828	2,155	2,303	6.87%
Malta	2,791	2,413	2,375	2,121	2,190	3.25%
Bulgaria	2,437	1,961	1,800	1,748	1,768	1.14%
Cyprus	2,127	1,960	1,913	1,747	1,511	-13.51%
Latvia	1,352	872	902	1,050	1,213	15.52%

**Table 1: Non-fatal accidents at work (> 3 days lost) for NACE Rev. 2 common branches A, C-N, 2008 – 2012 (number of accidents, sorted by reference year 2012)**

Country	2008	2009	2010	2011	2012	% change 2012 - 11
EU-28	:	:	:	3,691	3,515	-4.8%
EU-27	4,295	3,825	3,910	3,654	3,465	-5.2%
EU-15	2,742	2,693	2,744	2,588	2,468	-4.6%
France	259	492	458	501	524	4.6%
Germany	578	454	536	469	473	0.9%
Italy	740	633	622	510	469	-8.0%
Poland	452	334	366	344	303	-11.9%
Spain	496	354	314	336	273	-18.8%
Romania	450	370	342	273	257	-5.9%
Portugal	208	204	197	180	162	-10.0%
United Kingdom	139	:	:	172	149	-13.4%
Austria	167	153	158	106	137	29.2%
Czech Republic	162	91	115	134	104	-22.4%
Bulgaria	137	78	83	84	90	7.1%
Hungary	110	91	89	75	60	-20.0%
Switzerland	81	63	68	49	60	22.4%
Lithuania	71	45	47	49	55	12.2%
Croatia	:	:	33	37	50	35.1%
Slovakia	74	42	42	37	49	32.4%
Belgium	90	65	68	66	46	-30.3%
Denmark	38	31	36	41	43	4.9%
Ireland	47	31	40	47	42	-10.6%
Greece	:	:	:	34	37	8.8%
Sweden	59	37	48	50	37	-26.0%
Latvia	40	29	23	29	33	13.8%
Finland	25	28	33	29	32	10.3%
Netherlands	95	73	64	37	31	-16.2%
Slovenia	27	26	24	19	21	10.5%
Luxembourg	9	5	12	10	13	30.0%
Estonia	16	13	15	16	11	-31.3%
Cyprus	12	7	18	5	7	40.0%
Malta	2	6	:	1	7	600.0%
Norway	12	:	11	21	:	:

**Table 2: Fatal accidents at work for NACE Rev. 2 common branches A, C-N, 2008 – 2012 (number of accidents, sorted by reference year 2012)**

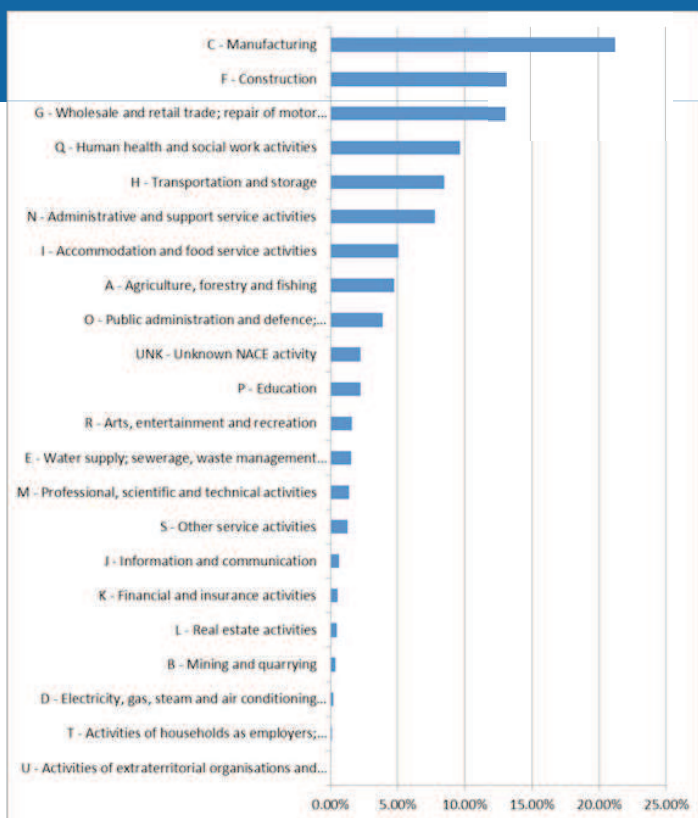
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Country	2008	2009	2010	2011	2012	% change 2012 - 11
EU-28	:	:	:	909	771	-15.2%
EU-27	1846	1657	1583	1601	1481	-7.5%
EU-15	2392	1876	1807	1884	:	:
Portugal	3501	2673	2617	2807	2690	-4.2%
France	3371	2303	1717	2373	2673	12.6%
Spain	4340	3546	3203	3074	2594	-15.6%
Denmark	2505	2168	2329	1973	1979	0.3%
Finland	2279	1884	1972	2139	1890	-11.6%
Germany	2437	1856	1976	2085	1867	-10.5%
Switzerland	2178	1632	1850	1811	1837	1.5%
Luxembourg	2307	1713	1781	1829	1814	-0.8%
Netherlands	2762	2149	2030	1851	1794	-3.1%
Belgium	2899	2036	2050	1442	1740	20.7%
Slovenia	2313	1746	1888	1812	1697	-6.4%
Malta	2005	1707	1675	1487	1694	13.9%
Austria	1796	1934	2052	1810	1602	-11.5%
Italy	2222	1913	1884	1879	1569	-16.5%
Estonia	1195	914	1060	973	936	-3.7%
Norway	2482	2068	1430	963	:	:
Czech Republic	2035	1346	1333	949	844	-11.0%
Ireland	860	594	1044	906	832	-8.2%
Sweden	753	736	781	748	788	5.3%
United Kingdom	:	:	:	891	776	-12.8%
Croatia	:	:	807	909	771	-15.2%
Poland	610	910	702	544	570	4.8%
Hungary	:	491	542	454	528	16.3%
Cyprus	806	582	562	504	446	-11.5%
Greece	:	:	:	330	353	7.1%
Slovakia	559	391	387	311	301	-3.2%
Lithuania	241	176	182	209	215	3.0%
Latvia	171	119	131	149	89	-40.4%
Bulgaria	107	92	79	77	78	2.3%
Romania	73	38	48	42	42	-0.3%

**Table 3: Incidence rates of non-fatal accidents at work (> 3 days lost) for NACE Rev. 2 common branches A, C-N, 2008 – 2012 (accidents per 100 000 employed persons – rounded and sorted by reference year 2012 except for EU aggregates)**

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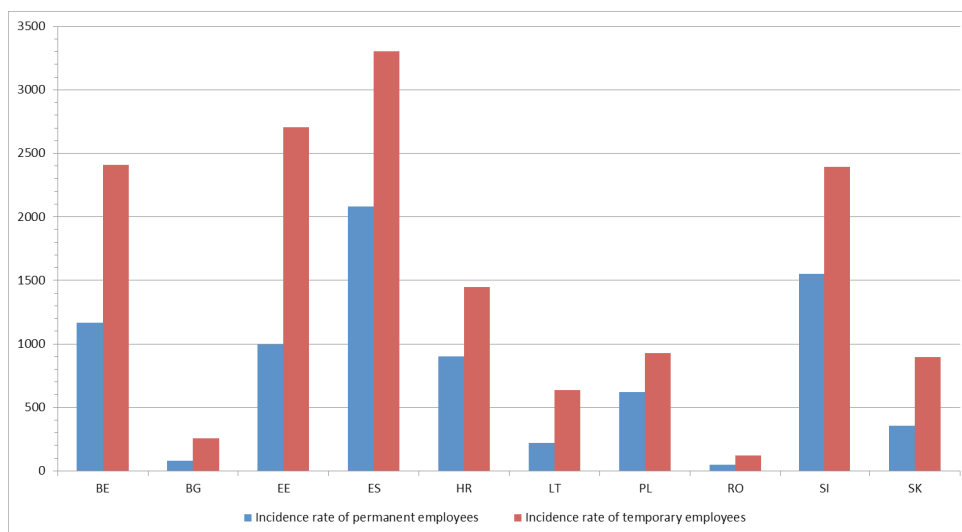


**Figure 1: Non-fatal accidents at work (> 3 days lost) by NACE section (Rev. 2, all branches), 2012 (share of all accidents, sorted by NACE section)**

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**Figure 2: Incidence rates of non-fatal accidents at work (>3 days lost) of permanent versus temporary employees calculated from ESAW data using LFS reference populations (number of accidents per 100,000 employees, preliminary calculations)**



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## Labour Force Survey Ad-hoc Module 2013

- LFS AHM 2013 on "accidents at work and other work-related health problems"
- Data collected by national statistical authorities together with core LFS data
- Questions added to LFS questionnaires
- Participating countries: all EU Member States (except Germany, Netherlands and Iceland) as well as Norway, Switzerland and Turkey
- Reference years 2013, 2007 and 1999
- Financed via grants

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## Legal basis and policy needs

- European Statistical System (ESS) agreement, following Regulation 223/2009, article 14(1)
- Monitor and analyse progress towards objectives set by:
  - Commission Communication COM(2007) 62 of 21/02/2001 on "Improving quality and productivity at work: Community strategy 2007-12 on health and safety at work"
  - Council Directive 89/391/EEC of 12/06/1989 on introduction of measures to encourage improvements in the safety and health of workers at work

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## Added value to European Statistics on Accidents at Work (ESAW)

- Less serious accidents (<4 days off work)
  - Enable comparison to estimate reporting levels in ESAW
  - Accidents not so well covered in ESAW
  - Analysing accidents by LFS core variables
- 
- Data planned to be disseminated on Eurostat website by end of 2014

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## AHM variables

1. Number of accidents
2. Road accidents
3. Job of accident
4. Period off work because of the accident
5. Number of work related health problems
6. Type of work related health problems
7. Health problem limiting daily activities
8. Job of health problem
9. Period off work because of health problem
10. Exposure to physical health risk factors
11. Exposure to mental well-being risk factors
12. AHM weighting factor

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[http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search\\_database](http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database)



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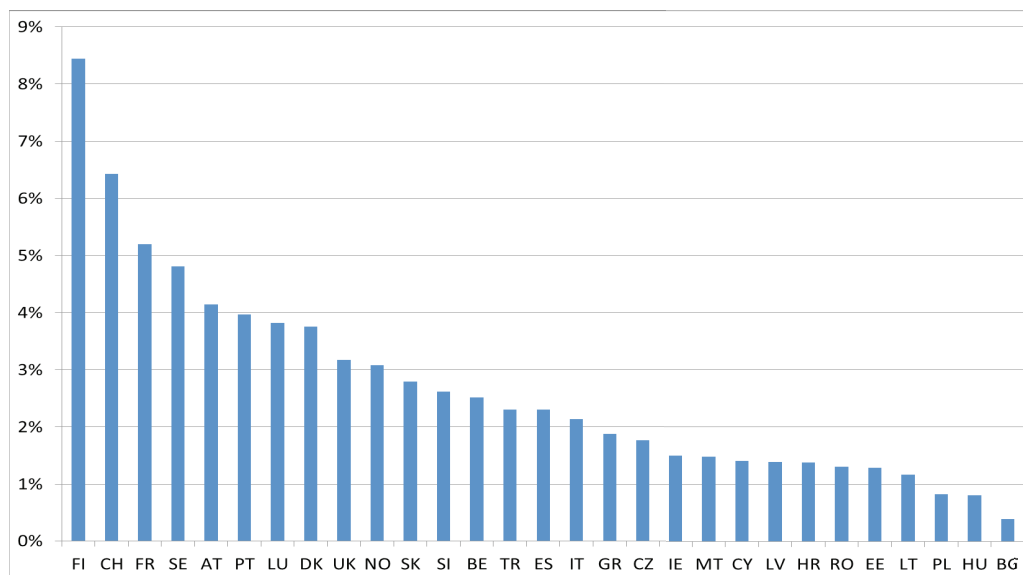
Country	Employees	Family workers	Self-employed with employees	Self-employed without employees
FI	8.58%	9.91%	9.63%	11.23%
CH	6.76%	3.54%	5.17%	5.27%
FR	5.38%	2.79%	4.07%	3.42%
SE	5.22%	8.78%	4.13%	5.78%
PT	4.24%	3.09%	2.68%	4.02%
AT	4.08%	4.38%	2.78%	4.21%
DK	3.99%	0.00%	2.97%	1.73%
LU	3.78%	5.36%	4.08%	2.51%
UK	3.24%	1.74%	2.23%	3.40%
NO	3.13%	3.75%	2.84%	2.41%
BE	2.85%	0.00%	0.61%	1.37%
SK	2.77%	0.00%	1.20%	3.69%
TR	2.56%	1.45%	1.63%	2.69%
SI	2.54%	2.29%	1.63%	2.93%
ES	2.53%	1.69%	1.62%	2.10%
IT	2.37%	0.80%	1.65%	1.89%
CZ	1.74%	0.61%	1.96%	2.31%
GR	1.72%	1.40%	2.99%	2.41%
IE	1.56%	0.00%	1.76%	1.60%
HR	1.53%	0.00%	0.97%	1.34%
MT	1.47%	:	1.46%	2.12%
EE	1.40%	0.00%	0.56%	1.63%
LV	1.38%	8.52%	0.00%	1.52%
CY	1.30%	1.40%	2.29%	1.44%
LT	1.17%	1.25%	1.39%	1.33%
RO	0.89%	1.53%	0.34%	2.77%
PL	0.84%	0.22%	0.90%	0.89%
HU	0.82%	2.00%	0.82%	0.59%
BG	0.40%	0.58%	0.00%	0.51%

**Table 5:**  
**Employed persons with one or more accidents by professional status, 2013 (%)**

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**Figure 3: Employed persons (employees, family workers and self-employed) with one or more accidents, 2013 (%)**



NACE section	Employed persons with one or more accidents
Water supply; sewerage	5.05%
Construction	4.62%
Transportation and storage	3.97%
Accommodation and food service activities	3.62%
Arts	3.59%
Human health and social work activities	3.55%
Mining and quarrying	3.55%
Manufacturing	3.52%
Administrative and support service activities	2.83%
Agriculture	2.80%
Wholesale and retail trade; repair of motor vehicles and motorcycles	2.58%
Public administration and defence; compulsory social security	2.54%
Education	2.27%
Not applicable	2.25%
Activities of extraterritorial organisations and bodies	2.13%
Electricity	2.04%
Real estate activities	2.04%
Other service activities	1.77%
Activities of households as employers; undifferentiated goods- and services-producing activities of household for own use	1.35%
Professional	1.34%
Financial and insurance activities	1.04%
Information and communication	0.84%
No answer	4.27%
Average of participating countries	2.86%

**Table 6: Employed persons with one or more accidents by NACE Rev. 2 section, 2013 (%)**

Country	Permanent employees with one or more accidents	Temporary employees with one or more accidents	Temporary / permanent employees (with one or more accidents)
RO	0.86%	3.05%	354%
EE	1.32%	3.74%	283%
CH	5.87%	12.58%	214%
MT	1.36%	2.79%	205%
DK	3.76%	6.45%	171%
LU	3.63%	5.81%	160%
AT	3.87%	6.18%	160%
TR	2.43%	3.50%	144%
BG	0.40%	0.56%	142%
PL	0.80%	0.97%	122%
BE	2.83%	3.15%	111%
GR	1.71%	1.85%	108%
SE	5.16%	5.56%	108%
IE	1.56%	1.67%	107%
FR	5.33%	5.67%	106%
NO	3.13%	3.29%	105%
SI	2.53%	2.60%	103%
HR	1.53%	1.55%	101%
CY	1.30%	1.31%	101%
ES	2.54%	2.51%	99%
UK	3.25%	3.10%	95%
FI	8.74%	7.75%	89%
IT	2.41%	2.12%	88%
CZ	1.78%	1.40%	79%
PT	4.55%	3.33%	73%
HU	0.85%	0.61%	71%
SK	2.87%	1.46%	51%
LT	1.19%	0.51%	43%
LV	1.42%	0.61%	43%

**Table 8: Permanent and temporary employees with one or more accidents (sorted by temporary / permanent contract accidents ratio), 2013 (%)**

21

Country	Never shift work with one or more accidents	Shift work with one or more accidents	Shift work / never shift work with one or more accidents
IE	1.21%	3.20%	265%
NO	2.34%	5.16%	220%
UK	2.66%	5.72%	215%
FR	5.03%	10.59%	210%
IT	2.01%	4.11%	205%
AT	3.52%	6.50%	185%
HU	0.71%	1.30%	182%
FI	7.35%	12.90%	176%
SE	4.49%	7.76%	173%
ES	2.23%	3.84%	172%
BE	2.73%	4.71%	172%
PL	0.70%	1.18%	169%
LV	1.19%	1.94%	163%
DK	3.87%	6.24%	161%
LU	3.52%	5.58%	159%
HR	1.28%	2.02%	158%
SI	2.16%	3.30%	153%
CY	1.23%	1.81%	147%
CZ	1.55%	2.22%	143%
GR	1.55%	2.21%	142%
SK	2.46%	3.44%	140%
CH	6.36%	8.73%	137%
BG	0.38%	0.50%	131%
EE	1.33%	1.74%	131%
PT	4.08%	4.90%	120%
LT	1.14%	1.31%	115%
MT	1.45%	1.55%	107%
RO	0.89%	0.91%	103%

**Table 9: Employees doing shift and never doing shift work with one or more accidents (sorted by shift work / never shift work accidents ratio), 2013 (%)**

22



Country	Full-time job	Part-time job	Total employed persons
AT	73.6%	26.4%	4,175,168
BE	75.9%	24.1%	4,548,782
BG	97.4%	2.6%	2,934,933
CH	64.3%	35.7%	4,460,667
CY	87.6%	12.4%	364,523
CZ	93.8%	6.2%	4,937,083
DK	73.9%	26.1%	2,697,565
EE	89.9%	10.1%	624,104
ES	83.4%	16.6%	17,138,960
FI	84.6%	15.4%	2,455,886
FR	80.9%	19.1%	25,728,170
GR	91.7%	8.3%	3,535,005
HR	93.1%	6.9%	1,542,474
HU	93.2%	6.8%	3,931,268
IE	75.8%	24.2%	1,869,927
IT	82.0%	18.0%	22,460,471
LT	91.2%	8.8%	1,297,147
LU	80.4%	19.6%	240,777
LV	91.8%	8.2%	888,369
MT	84.6%	15.4%	173,330
NO	73.6%	26.4%	2,601,086
PL	92.1%	7.9%	15,497,659
PT	83.7%	16.3%	4,950,989
RO	89.8%	10.2%	9,344,616
SE	75.2%	24.8%	4,702,401
SI	89.9%	10.1%	903,657
SK	95.0%	5.0%	2,327,607
TR	87.4%	12.6%	26,130,265
UK	73.9%	26.1%	29,764,465

**Table 10: Employed persons with full-time and part-time jobs, 2013 (%)**

23

Country	Full-time with one or more accidents	Part-time with one or more accidents	Full-time / part-time with one or more accidents
EE	1.5%	0.5%	287%
SK	2.9%	1.1%	269%
CZ	1.9%	0.8%	245%
CH	8.1%	3.6%	226%
PT	4.5%	2.1%	218%
MT	1.7%	0.8%	201%
AT	4.6%	2.4%	193%
LT	1.2%	0.7%	183%
IT	2.4%	1.5%	156%
DK	4.2%	2.7%	155%
UK	3.5%	2.4%	147%
FR	5.5%	3.8%	144%
IE	1.7%	1.2%	140%
TR	2.5%	1.8%	136%
CY	1.4%	1.0%	136%
ES	2.5%	1.9%	136%
BE	2.7%	2.1%	133%
FI	9.2%	7.2%	128%
LU	3.9%	3.1%	126%
PL	0.8%	0.7%	125%
LV	1.4%	1.1%	123%
RO	1.3%	1.1%	122%
HU	0.8%	0.7%	115%
SE	5.3%	5.0%	106%
NO	2.9%	3.5%	84%
SI	2.5%	3.0%	84%
HR	1.4%	1.8%	77%
GR	1.9%	2.7%	71%
BG	0.4%	0.6%	66%

**Table 11: Employed persons with full-time and part-time jobs with one or more accidents (sorted by full-time / part time accidents ratio), 2013 (%)**

24

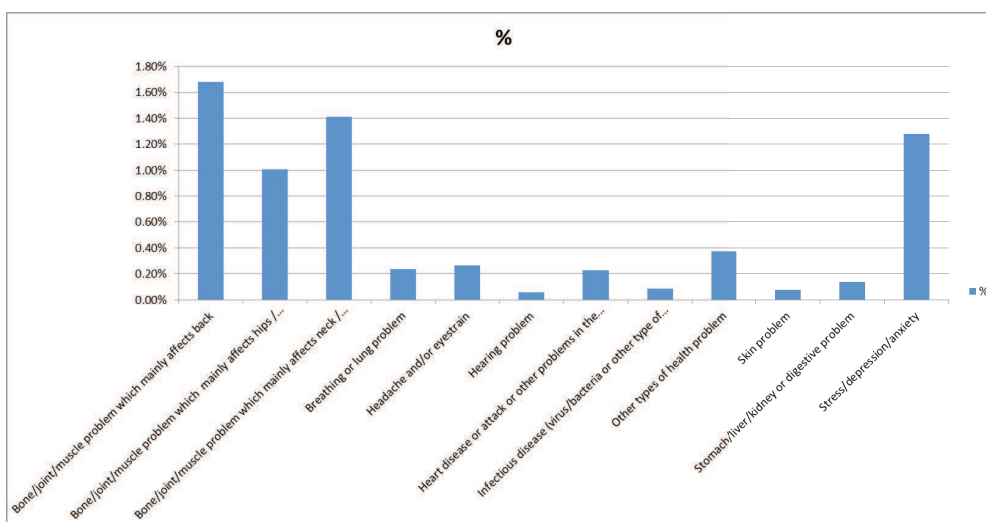
Country	Employees	Family worker	Self-employed with employees	Self-employed without employees
AT	12.9%	17.8%	13.2%	17.1%
BE	7.3%	5.4%	4.3%	6.1%
BG	3.6%	11.3%	3.4%	5.2%
CH	10.4%	11.5%	10.7%	12.4%
CY	4.9%	9.4%	4.1%	10.8%
CZ	4.3%	6.9%	6.5%	6.0%
DK	5.8%	1.2%	5.8%	5.0%
EE	5.8%	14.9%	1.9%	6.6%
ES	4.4%	2.2%	5.8%	5.7%
FI	27.1%	16.2%	21.6%	32.9%
FR	11.9%	5.5%	12.5%	11.4%
GR	4.3%	2.8%	4.1%	4.3%
HR	3.7%	2.3%	7.9%	11.7%
HU	2.9%	1.8%	2.2%	4.6%
IE	2.0%	2.6%	2.0%	3.0%
IT	5.4%	3.3%	5.1%	5.4%
LT	2.5%	9.4%	3.8%	3.3%
LU	7.8%	3.0%	7.8%	8.1%
LV	6.1%	23.0%	6.3%	5.5%
MT	2.8%	:	4.4%	7.3%
NO	11.0%	8.0%	11.8%	9.7%
PL	11.2%	15.6%	14.8%	19.4%
PT	5.4%	6.0%	5.3%	9.9%
RO	0.9%	2.4%	0.2%	3.2%
SE	22.7%	15.1%	16.2%	22.0%
SI	4.6%	6.4%	6.9%	7.3%
SK	7.2%	0.0%	5.0%	8.8%
TR	2.5%	1.8%	2.7%	3.0%
UK	4.0%	2.1%	4.3%	4.2%

**Table 12: Employed persons with one or more work related health problems by professional status, 2013 (%)**

25



**Figure 5: Type of work related health problems as percentage of the total number of employed persons, 2013 (%)**



26





Country	Permanent	Temporary	Temporary / permanent
EE	5.7%	8.7%	152%
DK	5.6%	8.0%	144%
LV	5.9%	8.2%	138%
HU	2.8%	3.7%	134%
CH	10.3%	11.2%	109%
RO	0.9%	0.9%	103%
TR	2.5%	2.4%	96%
BG	3.7%	3.3%	91%
BE	7.4%	6.6%	89%
PL	11.6%	10.2%	88%
UK	4.1%	3.5%	86%
NO	11.2%	9.4%	84%
LT	2.5%	2.1%	84%
AT	13.1%	10.5%	80%
IE	2.0%	1.6%	78%
SE	23.6%	17.8%	76%
CY	5.1%	3.8%	74%
ES	4.7%	3.5%	74%
CZ	4.4%	3.2%	74%
FI	28.4%	20.0%	71%
LU	8.0%	5.6%	70%
HR	3.9%	2.7%	69%
FR	12.6%	8.5%	68%
IT	5.7%	3.7%	64%
PT	6.1%	3.5%	58%
SK	7.4%	4.2%	57%
MT	2.9%	1.6%	56%
SI	5.1%	2.4%	47%
GR	4.6%	1.9%	42%

**Table 13:**  
Permanent and  
temporary  
employees with one  
or more work  
related health  
problems (sorted by  
temporary /  
permanent contract  
ratio), 2013 (%)

27

## **European statistics** on accidents at work and occupational diseases occurred to **non-standard** workers: data evidences comparing atypical workers to permanent employees.

### **ABSTRACT**

M. Fritz will present information and statistical results from the data collections (1) European Statistics on Accidents at Work (ESAW) for the reference year 2012 and before; and (2) Labour Force Survey Ad-hoc Module on "Accidents at work and other work-related health problems" (LFS AHM 2013) for the reference years 2013 and 2007.

ESAW is a data collection from enterprises, either directly by labour inspectorates and similar government agencies or via insurance systems in Member States. It includes the individual accidents at work which resulted in either (1) more than three days of absence from work or (2) death of the victim (fatal accidents). M. Fritz will give a short overview about the ESAW data collection, in particular its legal basis and methodology and variables collected. The main part of his presentation will show participants the statistical results in forms of tables and graphs for the reference year 2012 released on the Eurostat website between July and October 2014.

Concerning the LFS AHM 2013, M. Fritz will present similar information focussing on the reference year 2013. The Ad-hoc Module was carried out by most EU countries in form of an additional questionnaire annexed to the regular Labour Force Survey (LFS) questionnaire. LFS AHM data will give additional insight into accidents as well as into data on some main work-related health problems. It includes, for example, breakdowns of variables by: permanent vs. temporary work, full vs. part-time work as well as information about some additional atypical work such as shift, evening and night work. Eurostat aims to publish LFS AHM 2013 data in November - December 2014 on the Eurostat website.

### **MATTHIAS FRITZ**

*JOB TITLE: STATISTICAL OFFICER*

*EUROSTAT, UNIT F5 – EDUCATION, HEALTH AND SOCIAL PROTECTION*

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*Agenda point Session 1  
Non Standard Work and Health & Safety*

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The state of the art of **statistical** data collection on OSH (accidents at work and occupational diseases) and **non-standard** work in Italy.

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67th meeting of the Senior Labour Inspectors  
Committee (SLIC)  
THEMATIC DAY "NON STANDARD WORK AND OSH"

## The state of the art of statistical data collection on OSH (accidents at work and occupational diseases) and non standard work in Italy

Silvia D'Amario - INAIL

Roma, November 13, 2014



1

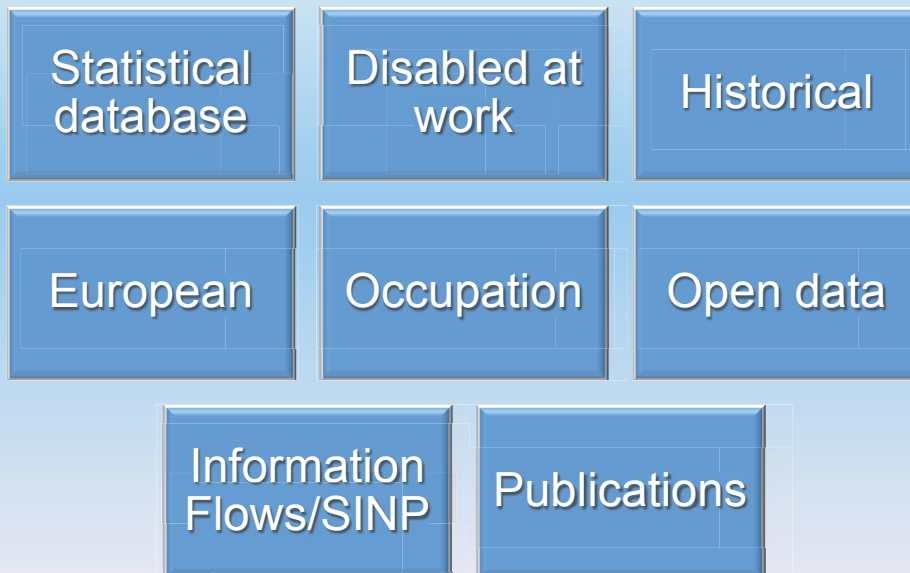
## Summary

- **INAIL statistical heritage**
- **Accidents at work and occupational diseases (statistical framework)**
- **Accidents at work / occupational diseases and non-standard work**



2

## INAIL Databases



several purposes:



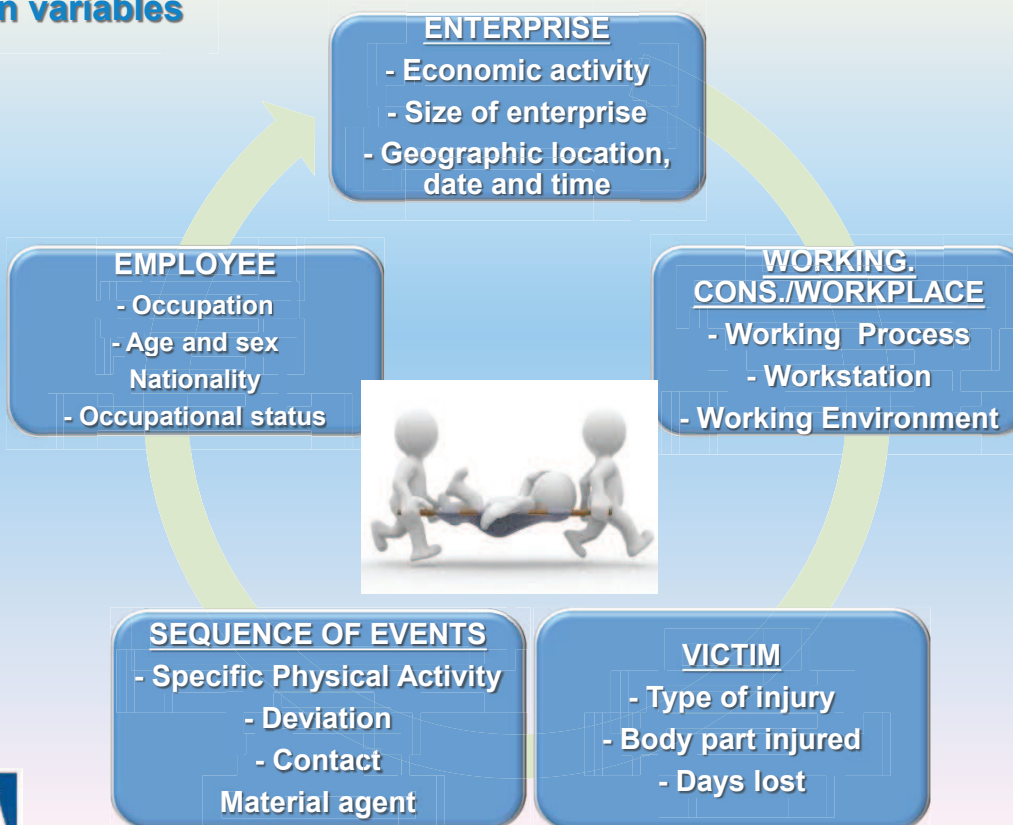
the reduction of accidents at work

the insurance of workers involved in risky activities

the re-integration in the labour market and in social life of work accident victims.

3

## Main variables



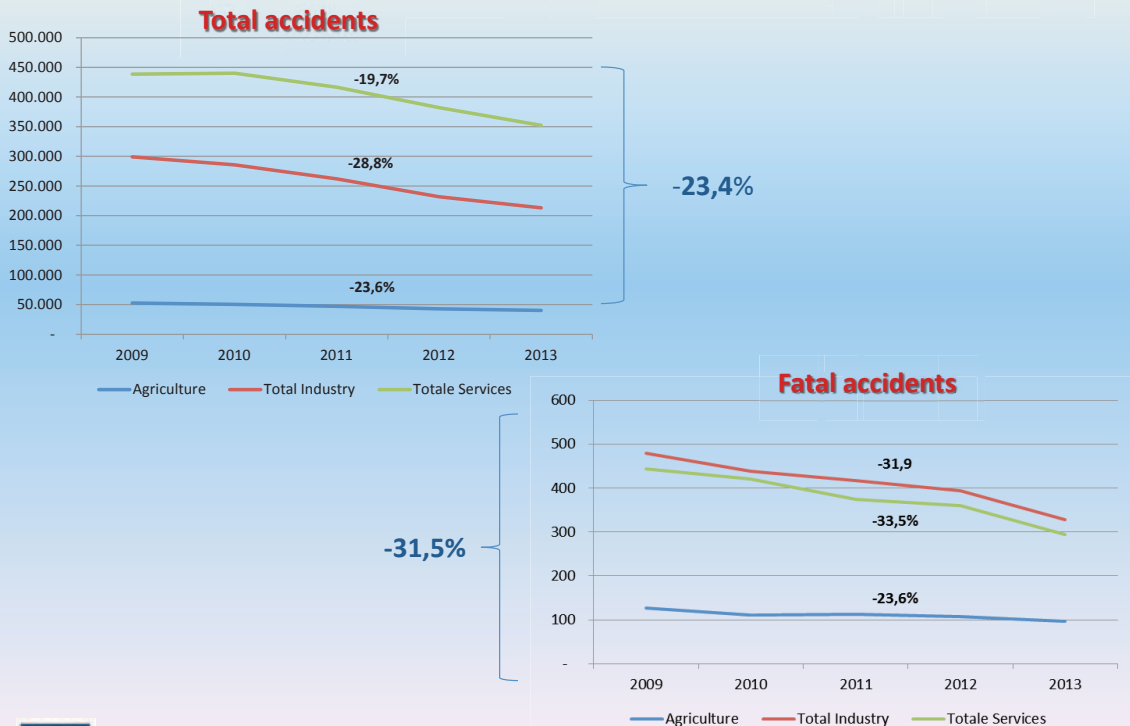
4

## The users of statistical databases



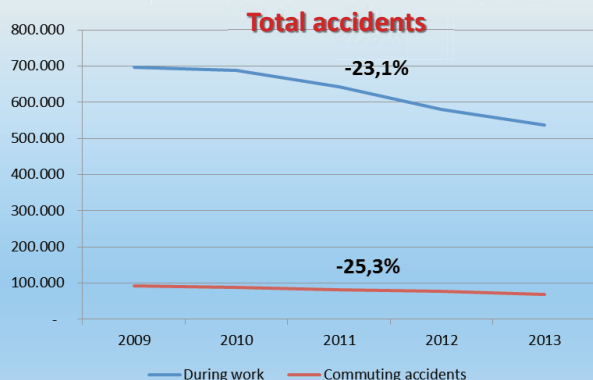
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## Accidents at work by economic activity – 2009-2013

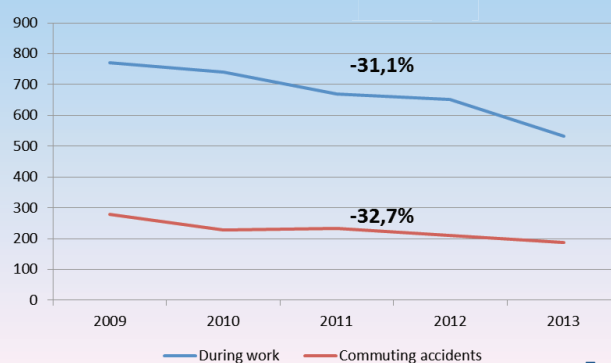


6

## Accidents at work by type of event – 2009-2013

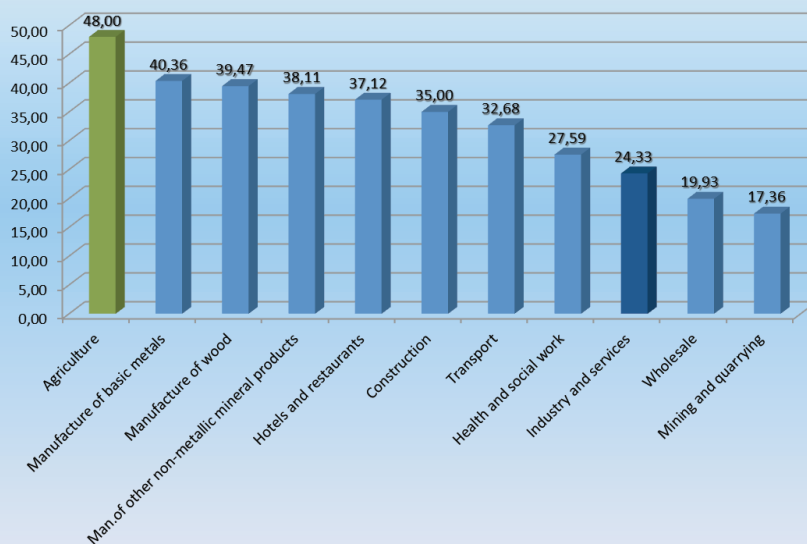


## Fatal accidents



7

## The high-risk sectors in Italy



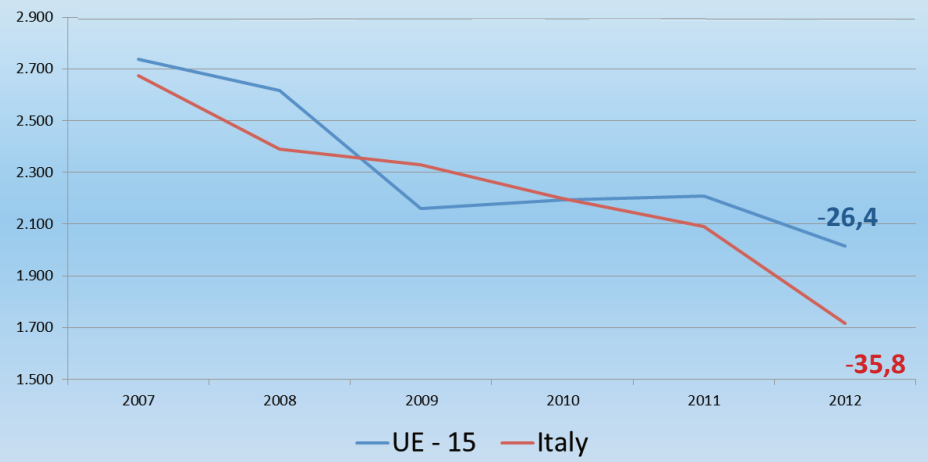
incidence rate (per 100.000 employees) - Three-year average



8

### Standardised incidence rate (per 100.000 employees) - 2007-2012

(NACE Rev. 2, A, C-N)

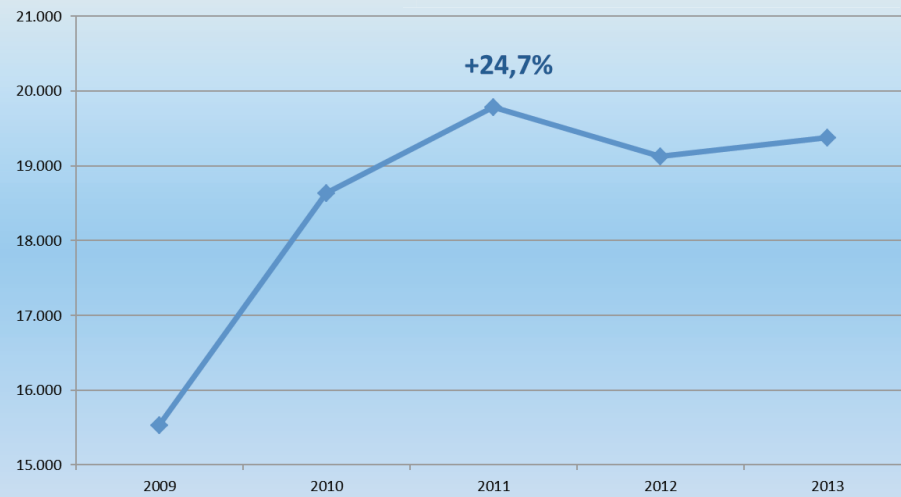


	2007	2008	2009	2010	2011	2012
UE - 15	2.736	2.617	2.160	2.192	2.207	2.015
Italia	2.674	2.389	2.330	2.200	2.092	1.717



9

### Recognised occupational diseases

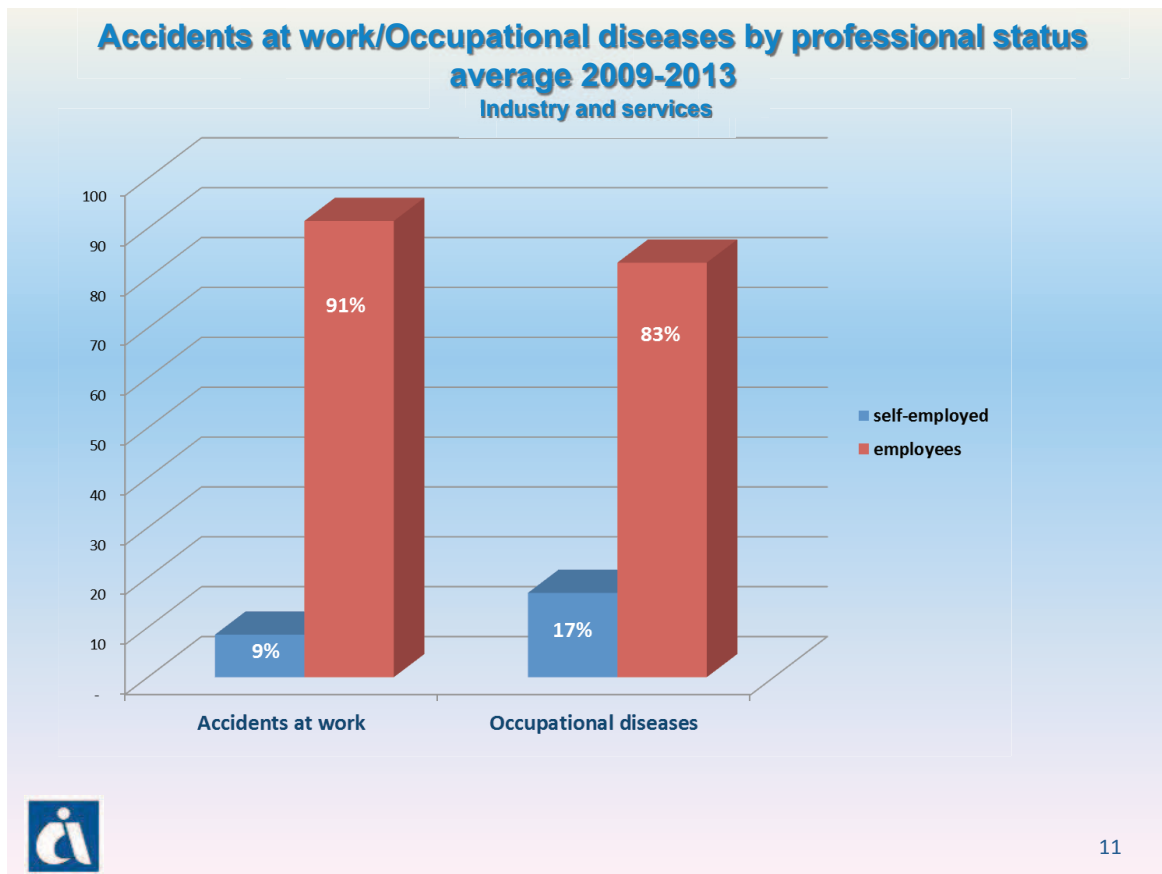


MUSCULOSKELETAL DISEASES	64,6%
DISEASES OF THE SENSORY ORGANS	14,3%
RESPIRATORY DISEASES	7,7%
CANCERS	5,6%
MENTAL DISORDERS	1,3%
SKIN DISEASES	1,4%
CARDIOVASCULAR DISEASES	1,2%
OTHER DISEASES	4,0%

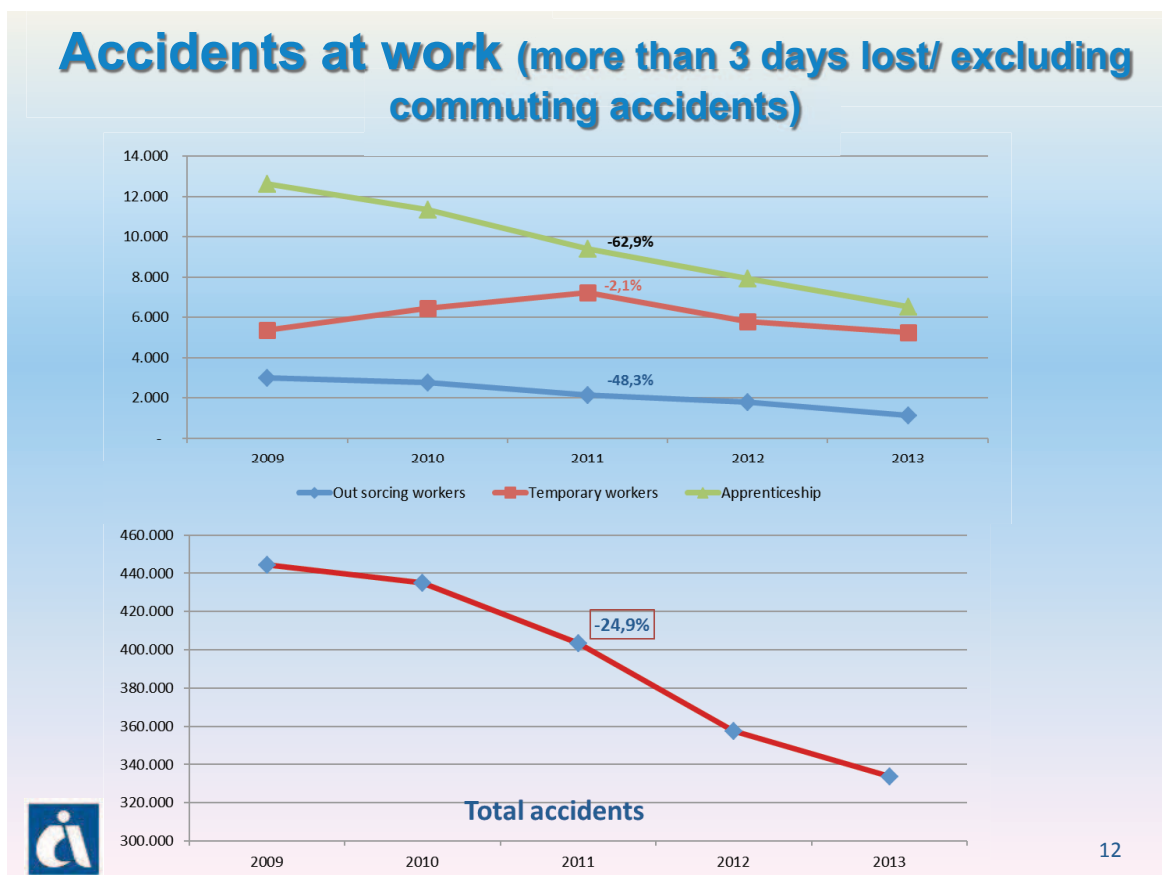


10

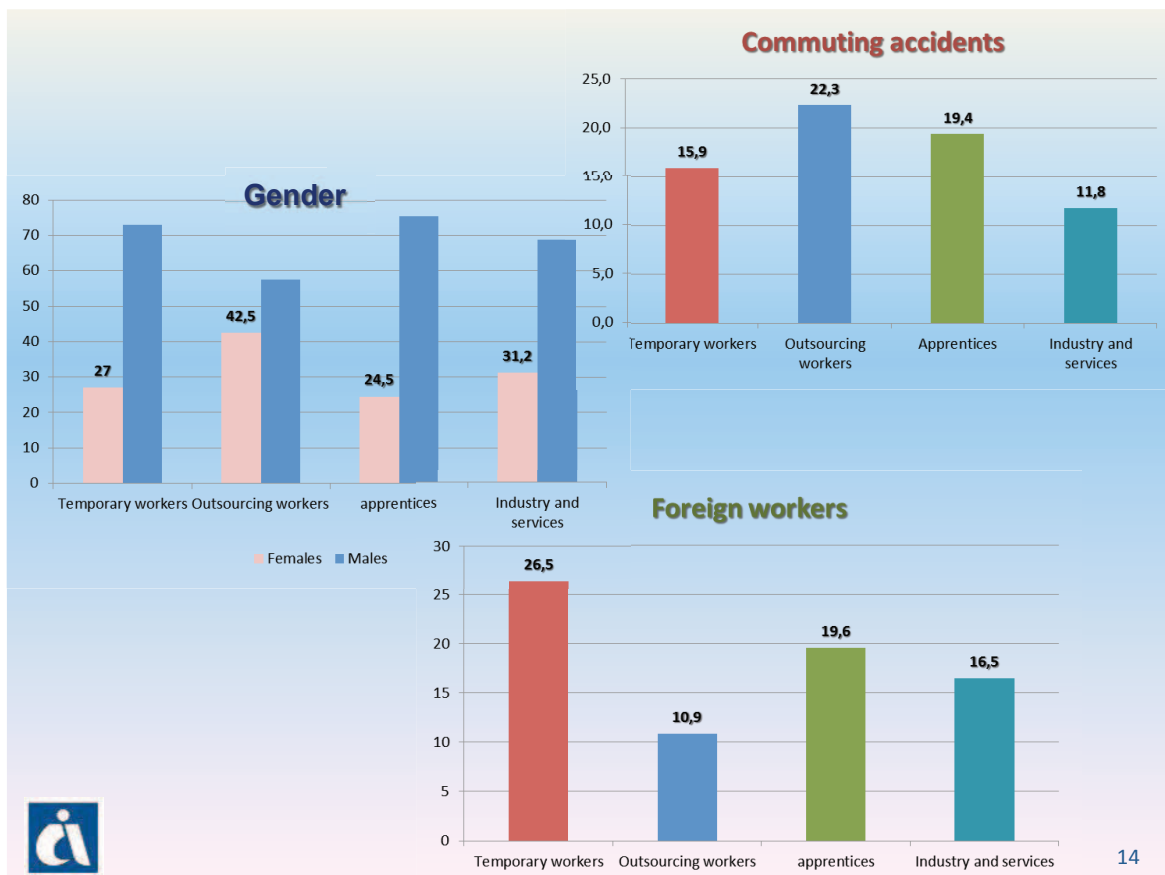
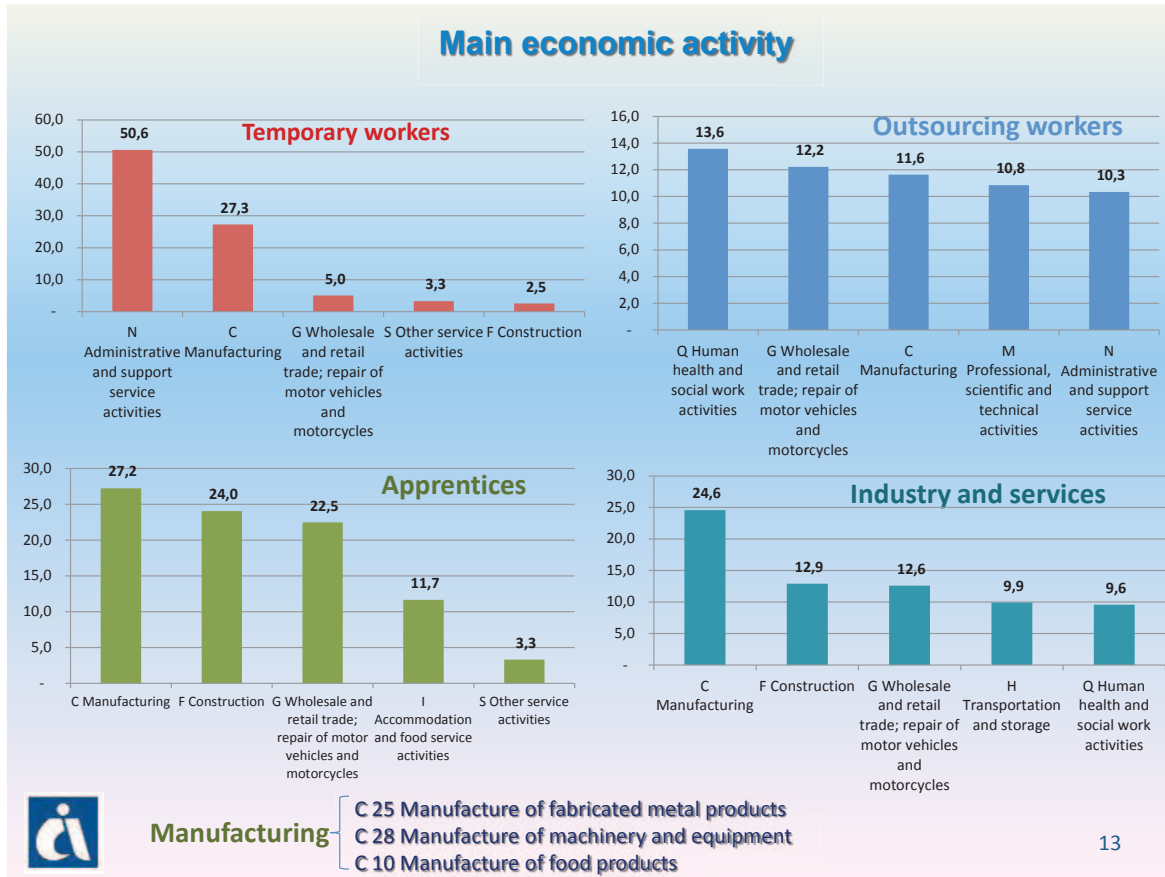




11



12





## NEW FORM OF COMPLAINT

Cognome \_\_\_\_\_ Nome \_\_\_\_\_

Codice Fiscale \_\_\_\_\_ Stato di nascita \_\_\_\_\_ Cittadinanza \_\_\_\_\_ Sesso \_\_\_\_\_ Stato civile (1) \_\_\_\_\_

Comune di nascita \_\_\_\_\_ Prov. \_\_\_\_\_ Data di nascita (GG/MM/AAAA) \_\_\_\_\_ Data decesso (GG/MM/AAAA) \_\_\_\_\_

Indirizzo di RESIDENZA (via, piazza ecc... e numero civico) \_\_\_\_\_

Nazione \_\_\_\_\_ Comune \_\_\_\_\_ Prov. \_\_\_\_\_ CAP \_\_\_\_\_ ISTAT \_\_\_\_\_ ASL \_\_\_\_\_

Indirizzo di DOMICILIO (via, piazza ecc... e numero civico) (compilare solo se diverso da quello di residenza) \_\_\_\_\_

Nazione \_\_\_\_\_ Comune \_\_\_\_\_ Prov. \_\_\_\_\_ CAP \_\_\_\_\_ ISTAT \_\_\_\_\_ ASL \_\_\_\_\_

Da compilare solo in caso di consenso del lavoratore a comunicare i propri dati personali all'INAIL, con le modalità e per le finalità strettamente connesse alla gestione della pratica di infortunio; l'indicazione di almeno un numero di telefono potrà consentirne una più tempestiva istruttoria.

Prefisso internazionale \_\_\_\_\_ Telefono abitazione \_\_\_\_\_ Prefisso internazionale \_\_\_\_\_ Telefono Cellulare \_\_\_\_\_

Indirizzo E-MAIL \_\_\_\_\_ Indirizzo PEC \_\_\_\_\_

Studente  Parente del datore di lavoro  Persone a carico  Tutela INPS in caso di malattia comune  
 SI  NO  SI  NO  SI  NO  SI  NO

Tipologia di lavoratore (2) \_\_\_\_\_

Tipologia di contratto (3) \_\_\_\_\_ Data assunzione (GG/MM/AAAA) \_\_\_\_\_ Data fine rapporto di lavoro (GG/MM/AAAA) \_\_\_\_\_

CCNL - Settore lavorativo CNEL (4) \_\_\_\_\_ CCNL - Categoria CNEL (5) \_\_\_\_\_

Qualifica assicurativa (6) \_\_\_\_\_

Voce Professionale ISTAT (7) \_\_\_\_\_



15

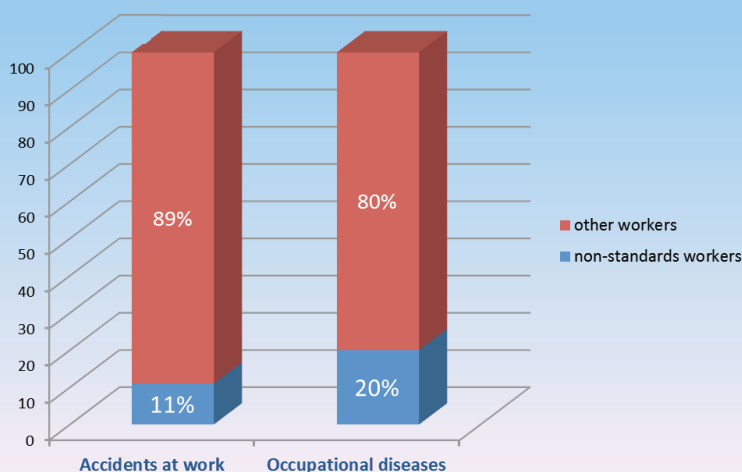
## Accidents at work/Occupational diseases – Year 2013

### ➤ Type

- Intermittent work
- Apprenticeship
- Temporary workers
- Outsourcing workers

### ➤ Character employment

- Fixed-term
- Time regime
- Part-time



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**Thank you !**

**Silvia D'Amario**  
**Consulenza Statistico Attuariale**  
**s.damario@inail.it**





# The state of the art of **statistical** data collection on OSH (accidents at work and occupational diseases) and **non-standard** work in Italy.

## **ABSTRACT**

The world of work shows an increasing vivacity and a feverish need to adapt itself to changes - in political and market logics - that appear on an almost daily basis. Flexibility, re-organization and downsizing of firms with a longer working time, are just some of factors that deeply influence the world of work, especially as regards matters and relationships between players.

The constant shift from production of goods towards production of services causes a substantial change on business risks. Other than traditional risks (chemical, physical and biological risks), new cross-cutting risks are rising; new work contracts that, demanding more flexibility, produce more job-related anxiety.

Stress, mobbing, workplace bullying, are quite new words, utilized to depict situations (actually not so recent) that are able to induce malaise in employees, hampering their aim to establish rewarding and pleasant personal relationships.

These words, however, have reached the "dignity" of an actual risk factor, when we think about worker's health protection not only as illness absence but as whole wellbeing.

Managing this complex matter, even complicated by new models of work organization and by the increasing non-standard work contracts utilization, has introduced new issues as regards uncertain juridical and judicial interpretation, as well as new management problems.

In Italian law system, a crucial turning point has been the legislative decree n. 81 of 2008, especially in light of latest innovations introduced by legislative decree n. 106 of 2009.

Compared with old regulations, the new ones apply on a wider field, not only on standard employment contracts, but also on freelance work and on "atypical" work contracts (temporary work, telework, "on project" work, etc.).

For work accident prevention activity, it is more and more important to have reliable and proper databanks available to use, because it is needful a deep knowledge of working conditions – related phenomena. That involves to have at your disposal many useful data, either analytic or synthetic, starting with existence and location of firms, distribution of accidents and occupational diseases, of risks, of prevention and vigilance activity among firms, in order to find out solutions to the underlined problems.

**SILVIA D'AMARIO**

INAIL - CONSULENZA STATISTICO ATTUARIALE





*Agenda point Session 1*  
*Non Standard Work and Health & Safety*

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## **Non standard** work, OSH and statistics: the **Italian case**.

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**67th meeting of the Senior Labour Inspectors  
Committee (SLIC)  
THEMATIC DAY  
“NON STANDARD WORK AND OSH”  
Thursday 13th November 2014**

**CERTAIN TO WORK IN UNCERTAINTY  
PROSPECTS FROM THE ITALIAN LFS**

Barbara Boschetto, Antonella Iorio, Carlo Lucarelli

ISTAT

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67th meeting of the Senior Labour Inspectors Committee (SLIC) – Roma, 13 Novembre 2014



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**Structure of the work**

- Definition of the matter .
- EU legislation on health and safety at work.
- Outcomes from LFS.
- Empirical analysis of relationship between the dimensions of uncertainty.
- Another point of view.

2/16

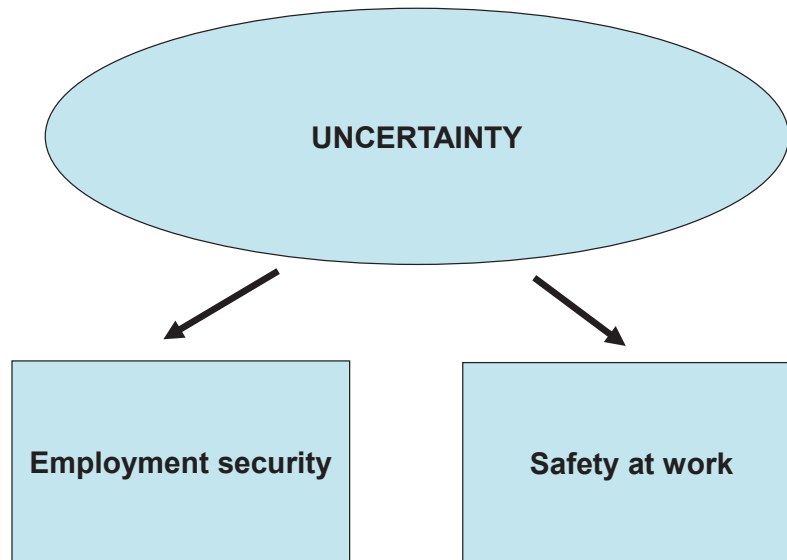
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## Two dimensions of uncertainty



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## European Commission Legislation

### The Community strategy on health and safety at work 2002-2006: adapting to change work and society.

- Adoption of a global approach to well-being at work, taking account of changes in the world of work and the emergence of new risks, especially of a psycho-social nature.
- Consolidating a culture of risk prevention, on combining a variety of political instruments (legislation, the social dialogue, progressive measures and best practices, economic incentives .
- An ambitious social policy is a factor in the competitiveness equation. Having a “non-policy” engenders costs which weigh heavily on economies and societies.

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## European Commission Legislation

### The Community strategy on health and safety at work 2007-2012: improving quality and productivity at work.

- Guarantee the proper implementation of EU legislation.
- Support SMEs in the implementation of the legislation in force.
- Adapt the legal framework to changes in the workplace and simplify it, particularly in view of SMEs.
- Promote the development and implementation of national strategies.
- Encourage changes in the behaviour of workers and encourage their employers to adopt health focused approaches.
- Finalise the methods for identifying and evaluating new potential risks.
- Improve the tracking of progress.

5/16 • Promote health and safety at international level.

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## HSW in figures: panorama

**Registers:**  
ESAW, EODS, ...

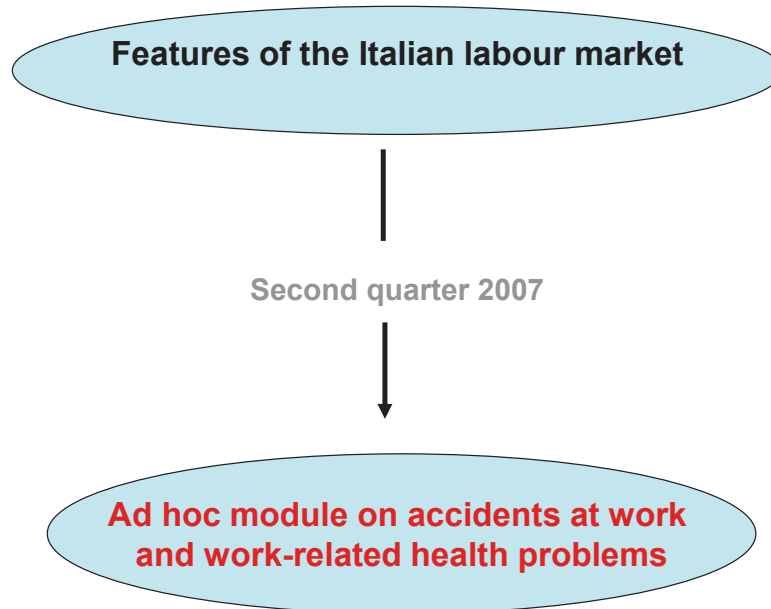
**Surveys:**  
European Agency for Safety and Health at Work, European  
Foundation for the Improvement of Living and Working  
Conditions, ...

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## Italian Labour Force Survey



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## Dependent Employment

<b>Fixed-term contracts typology:</b>	<b>15.9%</b>
• Fixed term contract (Collective Labour Agreement)	8.4%
• Training period (apprenticeship,...)	2.8%
• Temporary agency work	0.4%
• Free lance contract (coordinated or not)	2.9%
• Other fixed-term work	1.5%
• <b>Permanent work</b>	<b>84.1%</b>

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## Health and safety at work

<b>Accident at work</b>	<b>2.8%</b>
<b>Work-related health problem</b>	<b>7.4%</b>
<b>Exposure to risk</b>	<b>44.3%</b>
• chemicals, dusts, fumes or gases	16.4%
• noise or vibration	15.4%
• difficult work postures, work movements or handling of heavy loads	20.1%
• risk of accidents	21.2%
• time pressure or overload of work	14.2%
• harassment or bullying	5.3%
• violence or threat of violence	1.7%
• other factors	1.7%

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## Correlation between the two dimensions

### MC Analysis

Exposure to psychological factors of risk affects mainly fixed-term CLA contract and free lance workers (older workers in services)



Accidents and exposure to physical factors affect mainly workers with training contracts (youth with a short tenure in agriculture and industry)

Health problems and exposure to physical factors affect mainly middle age men with CLA fixed-term contract, resident in Southern Italy



Women in Northern Italy, highly skilled in commerce feel safe at work.

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## Another point of view (1)

### Safety at Work Indicator

$$\text{SWI} = \text{Acc} + \text{Hprob} + \text{Exp}$$

#### Where:

**Acc** = accidents at work (1=presence; 0=absence)

**Hprob** = work-related health problems (1=presence; 0=absence)

**Exp** = exposure to at least one factor of risk (1=presence; 0=absence)

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## Another point of view (2)

### Employment Security Indicator (ESI)

#### where:

**ESI** = 0 for permanent workers

**ESI** = 1 for fixed-term workers

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### Another point of view (3)

		SWI	
		0	1-3
ESI	0	Secure of the employment Safe at work 44,3%	Secure of the employment Unsafe at work 39,8%
	1	Insecure of the employment Safe at work 9,6%	Insecure of the employment Unsafe at work 6,4%

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### Another point of view (4)

#### Full Certainty Indicator

$$FCI = CSI + CSWI$$

Where:

**FCI = 0** employment without uncertainties

**FCI > 0** employment with presence of uncertainties

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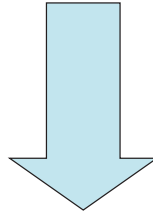
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## Main findings (1)

The relationship:  
fixed-term workers ↔ low level of safety at work is very weak



**Fixed-term workers are strongly worried of their contract**

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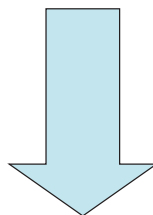
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## Main findings (2)

Improve the health and safety at work (reduction of accidents and work-related health problems)



**Reduction of exposure to risks**

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## **Non standard** work, OSH and statistics: the **Italian case**.

### **ABSTRACT**

CERTAIN TO WORK IN UNCERTAINTY

PROSPECTS FROM THE ITALIAN LFS

Barbara Boschetto, Antonella Iorio, Carlo Lucarelli

**KEYWORDS:** precarious workers, permanent workers, safety at work, job security

It is often argued that precarious workers enjoy less secure conditions with regards to health and safety at work. The position is strongly questioned by this paper. The analysis of data from the Labour Force Survey, in fact, does not reveal substantive differences between permanent workers and workers with short-term contracts as to the levels of safety at work. Yet, an association between the levels of safety at work and job security may be found observing the situation from another perspective, which is by means of a composite indicator accounting for the several dimensions of uncertainty within the national labour market.

**BARBARA BOSCHETTO**, *Istituto nazionale di statistica, boschett@istat.it*

**ANTONELLA IORIO**, *Istituto nazionale di statistica, iorio@istat.it*

**CARLO LUCARELLI**, *Istituto nazionale di statistica, calucare@istat.it*





*Agenda point Session 1*  
*Non Standard Work and Health & Safety*

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# OSH Law and the employer's duty of care towards **non-standard** and **subcontracted** workers

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## OSH LAW AND THE EMPLOYER'S DUTY OF CARE TOWARDS NON-STANDARD AND SUBCONTRACTED WORKERS



67<sup>th</sup> meeting of the  
Senior Labour Inspectors Committee  
(SLIC)  
Rome, November 13<sup>th</sup> 2014

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### Outline

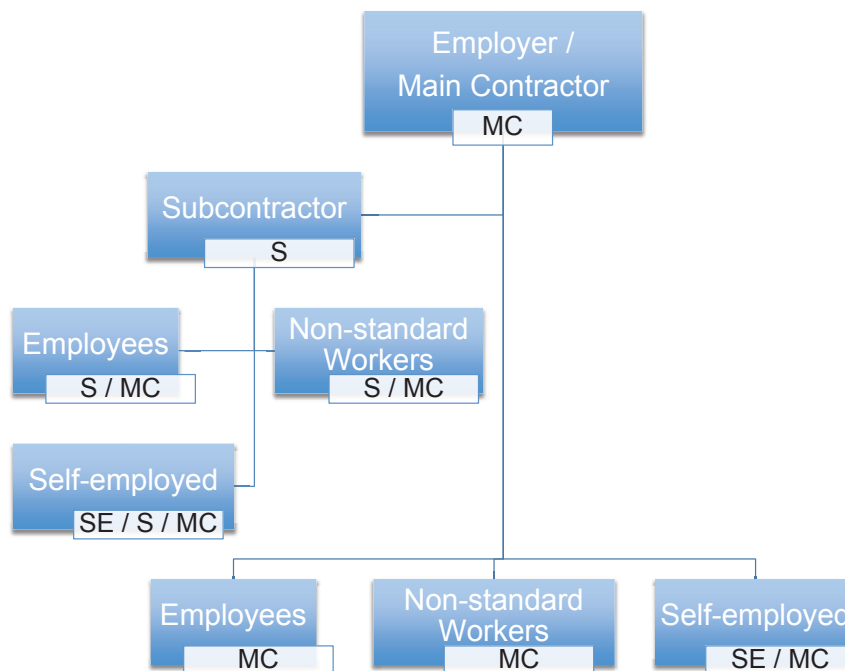
## OSH Law and the Employer's Duty of Care towards Non-standard and Subcontracted Workers

- Setting the context
- The Theoretical Framework
- The Analysis of Different Legal Systems:
  - The Common Law Approach (United Kingdom and Australia)
  - The OSH "Framework Directive" (Directive 89/391/EEC)
  - The Civil Law Approach: the Italian Case
- Food for thought
- References

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## Setting the context



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## The Robens Model (1972)

- **Too much law** is counterproductive
- Much of the law is **unintelligible** to those it is intended to influence
- Some of the law it is **obsolescent**



Most of the existing legislation should be replaced by a **single enactment**



**Performance standard legislation** is one which specifies the outcome of the OSH improvement but which leaves the concrete measures to achieve this end open for the duty-holder to adapt to varying local circumstances



**Duty of care standards:** ensure health, safety and welfare so far as reasonably practicable

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## The Common Law Approach - United Kingdom

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### The Health and Safety at Work etc Act 1974 (HASAWA)

Art. 3

General duties of employers and self-employed to **persons other than their employees**.

It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, **so far as is reasonably practicable**, that **persons not in his employment** who may be affected thereby are not thereby exposed to risks to their health or safety.

In such cases as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to **persons (not being his employees)** who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety.

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## The Common Law Approach - United Kingdom

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### The Management of Health and Safety at Work Regulations 1999

Art. 12. **Persons working in host employers' or self-employed persons' undertakings**

(1) Every employer and every self-employed person shall ensure that the **employer of any employees from an outside undertaking** who are working in his undertaking is provided with comprehensible information on —

(a)

the **risks** to those employees' **health and safety** arising out of or in connection with the conduct by that first-mentioned employer or by that self-employed person of his undertaking;

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## The Common Law Approach - Australia

### The Work Health and Safety Act 2011 (WHSA)

**Person conducting a business or undertaking** (individual person or an organisation conducting a business or undertaking)

A person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

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## The OSH “Framework Directive”

### Directive 89/391/EEC

Art. 3 - Definitions

- (a) **worker**: any person employed by an employer, including trainees and apprentices but excluding domestic servants;
- (b) **employer**: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/or establishment;

Art. 9 - Various obligations on employers

1. The employer shall:

- (a) be in possession of an **assessment of the risks to safety and health at work**, including those facing groups of workers exposed to particular risks;
- (b) **decide on the protective measures to be taken** and, if necessary, the protective equipment to be used;

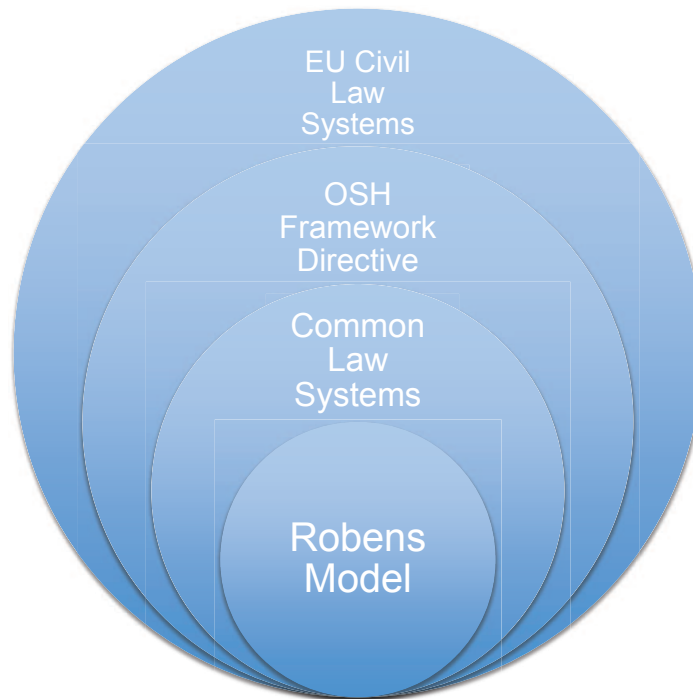
Art. 10 - Worker information

2. The employer shall take appropriate measures so that **employers of workers from any outside undertakings and/or establishments** engaged in work in his undertaking and/or establishment receive, in accordance with national laws and/or practices, **adequate information** concerning the points referred to in paragraph 1 (a) and (b) which is to be provided to the workers in question.

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## The OSH “Framework Directive”



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## The Civil Law Approach: the Italian Case

### Legislative Decree 81/2008

Art. 2

Definitions

1(a). **worker**: person that, independently of the contract on which is engaged in work, carries out work for an employer, both in public and private sector, including who is learning a job, but excluding domestic servants, including also work as:

- Intern
- co-operative member
- Employee shareholder
- Student
- Voluntary

And **specific regulation for**:

- Project based workers
- Cottage industries
- Teleworkers
- Self-employed
- Family-run business members
- Farmers
- Artisans
- Small retailers
- Members of agricultural sector businesses

1(b). **Employer**: person who has an employment relationship with the worker and has responsibility for the undertaking and/or establishment

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## The Civil Law Approach: the Italian Case

### Legislative Decree 81/2008

Art. 3; Art. 26

Specific regulations for:

- Agency work
- Contract for work and services
- Posting of workers
- Subcontracting

Art 27

Regulatory models of **professional qualification for undertakings and self-employed workers** operating in high risk sectors and in activities particularly subject to outsourcing

Presidential Decree No. 177/2011 - **Qualification companies and self-employed workers operating within polluted and confined spaces**

- Risks assessment plan specifically tailored
- Organization chart at least 30% permanent workers with min 3 years experience (+ foremen)
- Certification of non-standard employment contracts, contract / sub-contract for work and services
- Information / training
- General application of national collective agreements

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## Food for thought

- Is the **duty of care** still efficient in outsourcing?
- How to find **liabilities** for injuries in multi-level subcontracting chains?
- Are **non-standard workers** suitable for high risk sectors?
- Are **subcontracting chains** suitable for high risk sectors?
- What role can play **self-regulation** in vertical disintegration processes?
- Is it possible to improve OSH standards through fair **salaries** and **remunerations**?

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## References

- BARRETT B., *Health and Safety at Work*, in D. LEWIS, M. SARGEANT (Eds), *Employment law: the essentials*, Chartered Institute of Personnel and Development, London, 2011, 11th ed., p. 170;
- BROOKS A., *Rethinking Occupational Health and Safety Legislation*, in *Journal of Industrial Relations*, 1988, Vol. 30, Iss. 3, p. 347;
- GUNNINGHAM N., *From compliance to best practice in OHS: the roles of specification, performance and systems-based standards*, in *Australian Journal of Labour Law*, 1996, Vol. 9, Iss. 3, p. 221;
- JOHNSTONE R., *Dismantling worker categories: the primary duty of care, and worker consultation, participation and representation, in the model Work Health and Safety Bill 2009*, in *Policy and Practice in Health and Safety*, 2011, Vol. 9, Iss. 2, p. 91;
- KINEKE J.E., *The EEC Framework Directive for Health and Safety at Work*, in *Boston College International and Comparative Law Review*, 1991, Vol. 14, Iss. 1, p. 21;
- SIMPSON R.C., *Safety And Health At Work: Report Of The Robens Committee 1970-72*, in *The Modern Law Review*, 1973, Vol. 36, Iss. 2, p. 192;
- TIRABOSCHI M., *Work Organisation, New Forms of Employment and Good Practices for Occupational Health and Safety: Evidence from Italy within the European Context*, in TIRABOSCHI M., *Labour Law and Industrial Relations in Recessionary Times. The Italian Labour Relations in a Global Economy*, Cambridge Scholars, Newcastle upon Tyne, ADAPT Labour Studies Book Series, 2014, p. 335.

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**Thank you for your attention.**  
**Questions, suggestions and comments**  
**are welcome!**



**67<sup>th</sup> meeting of the  
Senior Labour Inspectors Committee  
(SLIC)  
Rome, November 13<sup>th</sup> 2014**

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# OSH Law and the employer's duty of care towards **non-standard** and **subcontracted** workers

## **ABSTRACT**

OSH laws are, in general, inspired by the traditional idea of the employment relationship employer-employee and might be inefficient if applied to the relationship between an employer and non-standard workers or a main contractor and the workers of its subcontractor. In this regard I propose a comparative analysis of Common Law and Civil Law systems that aims to explain the flaws in actual legislations and possible solutions to be adopted.

It can be argued that the Robens Report, published in 1972, has inspired both Common Law and Civil Law systems because there are many common elements in different regulations. The Robens Committee, appointed by the Government to review the provision of health and safety in the United Kingdom, declared that excessive regulation is counterproductive and unsatisfactory because the degree of detail and complexity renders it unintelligible to those it is intended to influence. Thus the Robens Report suggests to establish some minimum standards through the law, requiring companies to achieve them through self-regulation which is based on a general duty of care in order to ensure health, safety and welfare so far as reasonably practicable. Pivotal points of the Robens Report has inspired not only Common Law countries, but also the Council Directive 89/391/EEC of June 12th 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work. In compliance with that Directive, several Civil Law countries have developed regulation indirectly inspired by the Robens Report and similar to Anglo-Saxons regulations. In this legal framework, based on common elements, it is necessary to investigate how this approach may adapt to evolutions of the labour market, specifically to the spreading of non-standard work and work in subcontracting chains. A solution for the emerging issues may be find in the implementation of the Italian model of the "qualification of undertakings" which has been adopted in Italy for the services taking place in polluted and confined spaces.

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*IN THE FIELD OF LABOUR LAW AND INDUSTRIAL RELATIONS*



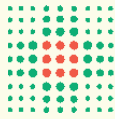


*Agenda point Session 1  
Non Standard Work and Health & Safety*

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# **Non standard**-workers and **risk** assessment: the point of view of occupational **medicine**.

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67<sup>th</sup> meeting of the Senior Labour Inspectors Committee (SLIC)  
Thematic Day

### NON STANDARD WORK AND OSH

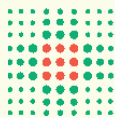


Farnesina – Sala Conferenze Internazionali  
Rome, Italy

21<sup>th</sup> November 2014

*Non standard workers and risk assessment: the point of view of occupational medicine*

Paolo Galli M.D. – AUSL Imola - Head of Occupational Prevention and Safety Unit  
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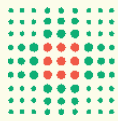


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Work organizations are progressively changed in the last decades, mainly for the need to compete with global and fast-changing market requests.

Non standard works (NSW) belong to those needs, as they provide more flexibility and a quicker response of the organization to the market demand.

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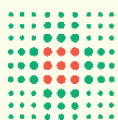


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In this framework, three important questions should be answered by occupational medicine:

- Do traditional occupational risks increase in NSW ?
- Are non-standard workers exposed to new occupational risks ?
- Are the current risk assessment procedures still suitable in this new contest ?

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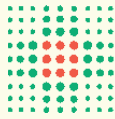


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The occupational health and safety output to be considered are:

- Illness
- Well-being
- Injuries

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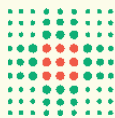


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According to literature and practical experience, we could say that occupational health and safety outcomes in NSW depend from an **interaction** between the following factors:

- Employment and organizational factors;
- Traditional occupational risk factors related to productive sectors;
- Social, personal and occupational status

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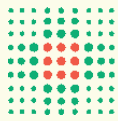


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Independently from the employment contract, precarious employment condition usually generates lack of control over future and less income opportunities (job insecurity).

The same perception of job insecurity has also been observed among permanent workers “survived” to their own companies’ organizative changes, like *restructuting* or *downsizing* processes.

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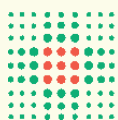


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The condition of job insecurity (real or perceived) has been associated with an increased risk of **occupational injuries, musculoskeletal disorders, psychological distress, sleeping problems.**

Also increased rates of **sickness absence** has been observed.

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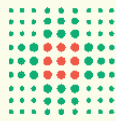


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The health disparities referred to job insecurity are more frequent among lower socioeconomic status (SES) workers, because temporary work contracts are more common in this group of population.

Hence, lower SES workers are **more exposed to work organization risk factors**, like low job control, job strain (high demand-low job control) and effort-reward imbalance.

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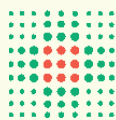


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On the other hand, has also been observed that the deleterious health effects of job insecurity are stronger in permanent employees than in temporary ones, although the latter group experiences more job losses and risks than the first.

Lee WW et al. Association between work-related health problems and job insecurity in permanent and temporary employees. *Annals of occupational and Environmental Medicine* 2013, 25:15 – <http://www.aoemj.com/content/25/1/15>

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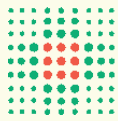
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Ethnicity and immigration status also give their contribution in health disparities, for immigrants are often employed (frequently as *on-call* or temporary workers or self-employed or *undeclared work*) in the most hazardous productive sectors, as construction, agriculture, portering, transportation or sorting waste.

Moreover, financial needs and lower SES contribute to increase the health disparities for these population groups.

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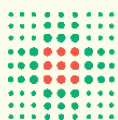
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## Wellness and Lifestyles

Low job control and sedentary work (like call-center) have been associated to an increased obesity risk.

Shiftwork and nightshift workers seem to show an increased risk of cardiovascular diseases and/or weight gain, because of circadian rhythm and lifestyle changes, inappropriate diet, smoking habit, difficulties in social relationships.

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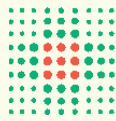
## What can we do ?

Risk assessment still represents the right way to define strategies for workers protection from occupational risk factors in workplaces.

In NSW the accuracy of risk assessment is particularly important.

Should be especially taken in account all the organizational factors over mentioned, studying solutions in order to mitigate the impact of work-related stress over health and other traditional risks.

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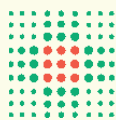
## JOB STRESS ASSESSMENT

In most of NSW, job stress certainly represents the most important risk factor, although usually difficult to evaluate.

If compared to individual focused approaches, organizationally focused approaches get the best results, improving working condition as well as health.

Immigrant worker status, gender and social status should be taken in account to choice the best preventive strategies about job stress control, even if these factors are more related to the welfare policy level.

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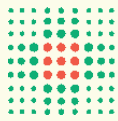


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## RISK ASSESSMENT, NSW and TRAINING

**Training** should be one of the most important among the preventive measures adopted after the risk assessment, since temporary workers, especially the younger ones, aren't often aware about the risks in their (often new) workplaces.

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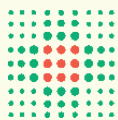


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## RISK ASSESSMENT, NSW and TRADITIONAL RISKS

In subcontracting, in outsourcing and in other types of non-standard job contracts, where single workers or companies cover different productive segments or activities inside a productive organization (e.g. painting, portering, electrical systems etc.), an **unclear definition** of the responsibility about the safety measures application can cause an impairment of safety levels, and therefore an **increase of traditional risk exposure** for workers.

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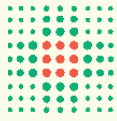
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## In conclusion

Traditional risk assessment process should be integrated with intervention strategies toward most vulnerable groups (injured workers, immigrants, working women, precarious employed workers), with the goal of improving psychosocial job quality through including policies, support, training and job organization actions.

Through this way a primary prevention could be acted, to pursue both job stress and traditional risks reduction and control.

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Thanks for your attention !



## Non standard-workers and risk assessment: the point of view of occupational medicine.

### ABSTRACT

The “non-standard work” (NSW) definition includes employments with different characteristics, both organizational and contractual, like temporary work, on-call work, outsourcing, subcontracting, etc. Regardless contractual aspects, injuries, illness and well-being are the occupational health and safety output to consider as resulting from the interaction between contractual and organizational factors, traditional occupational risks and social, personal and occupational status. The condition of job insecurity, experienced not only by temporary workers but also by permanent employees during downsizing and restructuring processes, seems to be associated with an increased risk of occupational injuries, musculoskeletal disorders, psychological distress, sleeping problems and a higher rate of sickness absence. The perception of job insecurity is more frequent among immigrants, women and workers with lower socioeconomic status, that are thus the most vulnerable groups, also about the exposure to traditional occupational risks. Concerning wellness and lifestyles, an increased obesity risk has been observed in low job control and sedentary works, while an increased trend of inappropriate diet, smoking habit, weight gain and difficulties in social relationship are related with shift and nightshift works.

In this framework, an appropriate risk assessment can be still considered the best way for the occupational safety and health stewardship. Especially job stress should be carefully valued as one the main risks, preferring an organizationally focused approach to an individual focused ones, as the latter, although successfully affects individual health and health behaviors, tends not to have a favorable impacts at the organization level. Besides, in all the organizational situations with fragmented work (like subcontracting, outsourcing, etc.) and more than one employer, risk assessment process is going to fail without a strong control and a clear definition of the all employers different responsibility about the observance of safety rules and the adoption of preventive measures.

Finally, intervention strategies toward the most vulnerable groups should be adopted, through including policies, support, training and job organization actions oriented to the improvement of psychosocial job quality.

### Essential references

- 1) Mel Bartley D. Job insecurity and its effect on health J. Epidemiol. Community Health 2005;59;718-719
- 2) Landsbergis, PA., Grzywacz JG, La Montagne AD. Work Organization, Job Insecurity, and Occupational Health Disparities American journal of industrial medicine 57:495–515 (2014)
- 3) Chandola T., Bunner E, Marmot M, (2006) Chronic stress at work and the metabolic syndrome: prospective

study. BMJ 332 (7540):521-525

4) Boyce RW, Boone EL, Cioci BW, Lee AH (2008) Physical activity, weight gain, and occupational health among call centre employees. Occup Med 58(4):238-244

5) Lee WW et al. Association between work-related health problems and job insecurity in permanent and temporary employees Annals of occupational and Environmental Medicine 2013, 25:15 – <http://www.aoemj.com/content/25/1/15>

6) LaMontagne et. al: (2007) A sistematic review of the job stress intervention evaluation literature: 1990-2005. IntJ Occup Environ Health 13:268-280

7) Gosetti G. Lavoro frammentato, rischio diffuso. Franco Angeli, 2012

**PAOLO GALLI M.D.**

*DIRECOR OF OCCUPATIONAL PREVENTION AND SAFETY UNIT*

*IMOLA LOCAL HEALTH UNIT- EMILIA ROMAGNA REGIONAL HEALTH SERVICE*



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*Agenda point Session 1  
Non Standard Work and Health & Safety*

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**Non standard** workers: savings  
or higher costs in **Occupational  
Safe and Health organization.**

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# Thematic Day - Rome

## Non-Standard Work and OSH

Non-standard workers: savings or higher costs in Occupational Safety and Health organization

Mauro Ferri



Thursday 13<sup>th</sup> November 2014



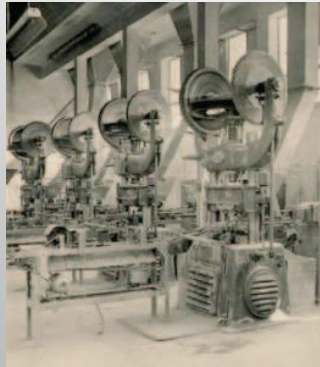
**COMPANY PROFILE**







Since 1919



**1 ITALY**  
Sacmi Imola  
Ips  
Sacmi Formi  
Sacmi Molds & Dies  
Nuovo Sma  
Koralech  
Giletto  
IN.TE.SA  
Sacmi Carpmet  
Decodign  
Sacmi Filing  
Benco Pack  
Sacmi Verona  
Sacmi Packaging  
PET Projecta  
Pistaject  
Roboline  
Carli & Montanari-OPM  
CMFama  
Igrei Progetti  
Italianopod  
Protesa  
Sacmi Impianti

**2 SPAIN**  
Sacmi Ibérica

**3 PORTUGAL**  
Sacmi Portugal

**4 FRANCE**  
Sacmi West Europe Beverage technology

**5 UNITED KINGDOM**  
Surfaco Inspection Grade Two

**6 LUXEMBOURG**  
Lancé

**7 GERMANY**  
Sacmi Deutschland  
Sama Maschinenbau  
Riedhammer  
Alpha Ceramics

**8 POLAND**  
Sacmi Polska

**9 TURKEY**  
Sacmi Istanbul Sanayi Ve Tic.

**10 EGYPT**  
Sacmi Molds & Dies Egypt

**11 IRAN**  
Sacmi Iran Sareh Ceramic & Material Iranian  
Sacmi Molds & Dies Paris

**12 UNITED ARAB EMIRATES**  
Sacmi Middle East

**13 RUSSIA**  
OOO Sacmi Mosca  
Sacmi Imola Moscow Representative Office  
Italianopod

**14 INDIA**  
Sacmi Engineering (India) Ahmedabad  
Sacmi Engineering (India) Mumbai  
Sacmi Engineering (India) Morbi warehouse

**15 THAILAND**  
Sacmi Thailand

**16 SINGAPORE**  
Sacmi Singapore

**17 INDONESIA**  
PT. Molds & Dies Indonesia  
Sacmi Impianti Regional Representative Office

**18 VIETNAM**  
Sacmi Vietnam Hanoi Representative Office

**19 CHINA**  
Sacmi Hong Kong  
Sacmi Hong Kong Foshan Commercial Branch  
Sacmi Machinery (Foshan Nanhai)  
Sacmi (Shanghai) Machinery Equipment  
Sacmi (Changshu) Machinery Equipment  
Sacmi Machinery (Foshan Nanhai) Zibo Branch  
Sacmi Jiajiang Office  
Sacmi (Gaoan) Representative Office  
Liaoh Beijing Representative Office  
Liaoh (Qidong) Trading

**20 KOREA**  
Sacmi Machinery Korea

**21 JAPAN**  
Riedhammer Japan

**22 UNITED STATES**  
Sacmi USA  
Molds & Dies  
Carli & Montanari USA  
Haves Machine Company

**23 MEXICO**  
Sacmi de México  
Sacmi Beverage de México  
Sacmi de México División Logística  
Sacmi Molds & Dies México

**24 VENEZUELA**  
Sacmi Beverage Venezuela

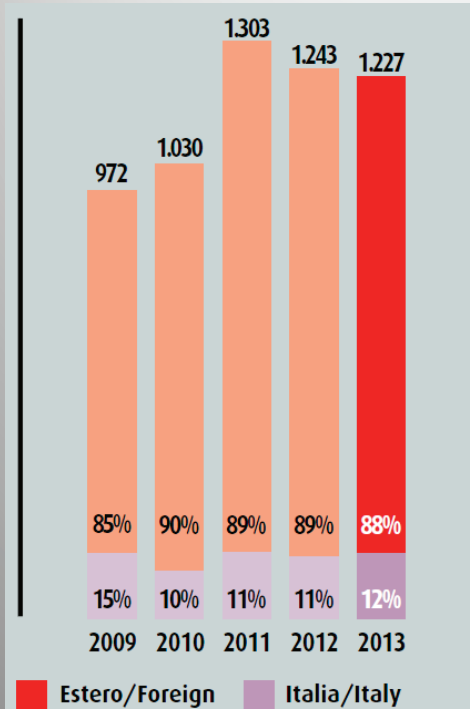
**25 BRAZIL**  
Sacmi do Brasil

**26 ARGENTINA**  
Sacmi Impianti Argentina



### Revenue from sales and services

(millions €)

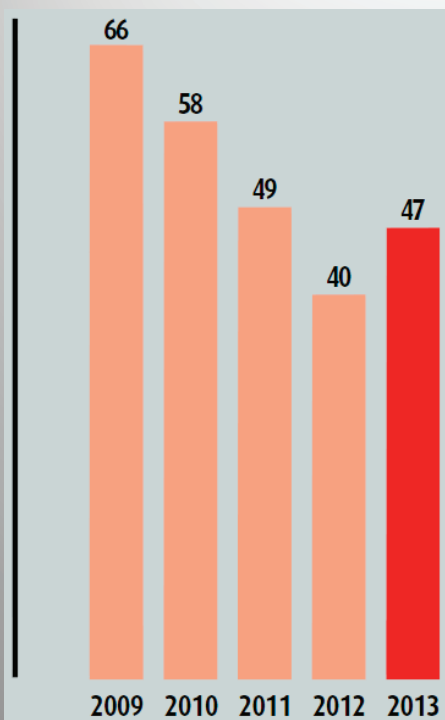


### Group employees at year's end



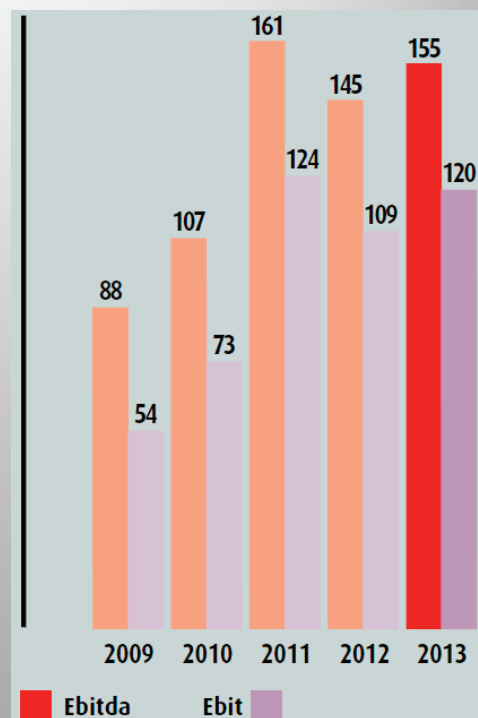
### Group investments

(millions €)



### Ebitda / Ebit

(millions €)





## Survey

- EXTERNAL PERSONNEL ENTERING SACMI
- SACMI STAFF WORKING EXTERNALLY



## External personnel entering Sacmi

- Fixed-term under-age workers
  - Office
  - Production department
- Interns
- Trainees, persons on work experience, on scholarships
  - Office
  - Department



## External personnel entering Sacmi

- Production process contractors
  - Office
  - Production department
- Customers' personnel
  - EU/non-EU
  - Practical training/testing
  - Theoretical training



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## External personnel entering Sacmi

- Production process contractors
  - Office
  - Production department
- Customers' personnel
  - EU/non-EU
  - Practical training/testing
  - Theoretical training





## External personnel entering Sacmi

- Training of a supplier's/subsidiary's personnel
  - EU
  - Non-EU
  - Non conformity
- Suppliers of intellectual services
  - Offices
  - Production department



## External personnel entering Sacmi

- Suppliers assembling a good
  - e.g. Supplier assembling machine tool
- Maintenance suppliers
  - e.g. Electrical maintenance technician
- Suppliers working on building sites
  - e.g. Suppliers making machine tool foundations



## **Sacmi staff working externally**

- Detached staff working at subsidiaries/suppliers
- Assembly staff on customers' premises/external building sites
- Assistance staff on customers' premises/external building sites



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## **Documentation**

- Under-age Risk Assessment
- Information from and for contractual counterpart
- Risk Assessment Report for Multi-Employer Workplace
- Safety and Coordination Plan, Operational Safety Plan





## Non Standard Workers Management Procedure

❖ Pr-33 of the Systems of Quality, OSH,  
Environment - certifications ISO9001,  
OHSAS18000, ISO14001

❑ **Purposes:**

- 1) definition of the Sacmi's OSH procedures related to outsourcing (supply contracts): rules to be followed by Contractors/Suppliers (undertakings parts of the Group or not).
- 2) definition of responsibilities (who does what) and operational activities in compliance of the OSH rules (D.Lgs. n. 81/2008).



## Documentation Management

- In 2013 we managed 133 access requests (126 in 2012) of varying types:
  - 80 tenders
  - 8 loaned workers (in collaboration with the Legal Office)
  - 7 trainees
  - 38 accesses for quality control, repairs on NC machines, technical support



## Building site operational safety checks 2013

- Total number of inspections increased by 150%; **254 inspections on 233 building/work sites**
- Increased number of «autonomous» suppliers and customers on the «safety documents web portal»:
  - Customers : 83 (54 in 2012)
  - Suppliers : 240 + many sub-suppliers (167 in 2012)
  - Subsidiaries: SF, Simp, SFIL, SPACK, Protesa, nuova Sima, Italiansed, Carpmec, Intesa
- Updating of the standard Operational Safety Plan for various types of production



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## OTHER RESPONSIBILITIES

- Information, Training
- Health check-ups
- PPE (Personal Protection Equipment)
- Nomination of Works Managers and Safety Coordinators
- Building/work site inspections





## Resources employed

- 1 Prevention and Protection Service worker for external personnel intake
- 2 Prevention and Protection Service workers for external building site control
- Resources from Personnel Office, Legal Office, Secretariat, Reception
- An access control portal
- A safety documents portal
- Automatic emergency control system



## Conclusions: docs requested and verification of the workers employed by Sacmi's suppliers

- Contract offer Form;
- Coordination Report;
- Form A: information on the technical and the professional requirements related to the contractors/suppliers;
- Form B: information given to the supplier concerning the specific risks in SACMI working environment;
- DUVRI: Interference risks assessment report;
- Request for Authorization to sub-contract.



## **Conclusions: docs required and verified related to SACMI's workers working outside**

- Chamber's Certificate of Incorporation of the undertaking (dated not earlier than 6 months);
- DECLARATION concerning the technical qualification for the activities object of the contract;
- DECLARATION of not being subject to administrative/criminal restrictions;
- D.U.R.C. – Administrative document attesting the undertaking is regularly paying the social security contribution (dated not earlier than 4 months)
- Insurance for civil responsibility in case of damages (min. 1.500.000 euro)



## **Conclusions: docs required and verified related to SACMI's workers working outside**

- Risk Assessment Document (named POS) specifically related to the (client's) working environment the activities will be carried out;
- Name of the employee in charge of the OSH duties;
- Certificates related to the OSH/professional training the Sacmi's employees in charge of the activities of the contract have followed, general training and specific training (crane, forklifts, lifting platforms, electrical works, ecc...)
- OSH documents related to the machinery, devices and temporary works;
- IPDs.





## **Conclusions: docs required and verified other non standard workers (temporary workers, internships, fixed term workers, etc.)**

- Information;
- Vocational training
- Operational instructions
- Preventive medical surveillance
- IPDs



## **Thematic Day Non Standard Work and OSH**

Non standard workers: savings or higher costs in  
Occupational Safe and Health organization

## **Thank You for Your Attention**



Rome, Thursday 13th November 2014

## **Non standard** workers: savings or higher costs in **Occupational Safe and Health organization.**

### **ABSTRACT**

Sacmi Imola is a manufacturing cooperative based in Imola, in the province of Bologna, Italy. It was founded 95 years ago in 1919 and now has approximately 1050 employees and 380 working associates. Over the years Sacmi has broadened its horizons considerably and is now present in 26 countries, has 72 subsidiaries and employs over 4,000 people worldwide.

Sacmi produces machines and complete plants for the Ceramics, Packaging, Food and Services businesses and manufactures in Italy, Germany, China, India and Brazil.

The Sacmi Imola factory covers a surface area of approximately 270,000 m<sup>2</sup> of which some 110,000 m<sup>2</sup> are indoors. Every day, in addition to employees, some 500-600 non-standard workers come to the plant.

These are workers with a wide range of contracts, as provided for in Italian law. They include under-age fixed-term workers, temporary agency workers, interns, those on scholarships or trainees courses; adult fixed-term workers are treated the same as employees with permanent contracts.

A specific category of non-standard worker concerns employees of contractors working on the edges of the production cycle. These may include painters, storekeepers, packagers, forwarding agents etc. or studios that develop the design details of the various products under the supervision of the machine and plant technical offices.

A specific category of non-standard worker concerns the employees of suppliers, subsidiaries and customers; they in turn, can be sub-divided into those coming from EU or non-EU countries. These workers have access to the company for theoretical training, practical training and machine/plant commissioning purposes.

Non-standard workers also include all persons working at the plant within the sphere of maintenance contracts or persons installing machines and goods that might also require building work.

Of course, in addition to the above we also need to add the frequent visitors and the flow of people generated by special events such as open days etc.

All the above, even before being considered from a SAFETY viewpoint, is managed from a SECURITY viewpoint in order to clearly define the attendance inside the company perimeter; this is done via an access points control system directly connected to the company emergency and evacuation system.

Safety control involves Risk Assessment for under-age persons, Risk Assessment, informative documentation on risks associated with the work environment and on specific risks associated with the various types of non-standard workers, multi-employer 'interference' risk assessment documents, information and training and relative checks, the Safety and Coordination Plan and the Operational Safety Plan.

All documentation is managed via a safety portal that can be accessed by contractors and customers; this tool is also used to manage all the work/construction sites that Sacmi opens on customers' premises for the



installation of machines and plants, sites on which, in turn, many contractors and sub-contractors work.

The resources used for this management and the relative operational checks are human resources: at least 3 full time staff members of the Prevention and Protection Service, temporary resources working in the Personnel Management, Legal Office, Secretariat and Reception areas and those engaged in the implementation of the access control portal and safety documents portal.

**MAURO FERRI**

SACMI - RSPP





*Agenda point Session 1  
Non Standard Work and Health & Safety*

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## Results of the **questionnaire** addressed to **MS**.

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SLIC - Senior Labour Inspectors Committee  
Plenary Meeting



## *NON STANDARD* WORK AND OSH

**HEALTH AND SAFETY  
WHAT YOU NEED TO KNOW**

Italian Semester of European Presidency

THEMATIC DAY, Rome, 13 - November - 2014

# Results of the questionnaire



*Comparing the different approach in all European Member States  
(A European view)*





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## NON STANDARD WORK AND OSH

- *We thank all the Countries for their collaboration and their very comprehensive answers that we understand were not easy to give, due to the different Authorities involved in the matter at hand, the different legislation, sanctioning system, and approach. Some minor misunderstandings are also quite common in these cases.*
- *The **Scope** of this questionnaire is the examination of the different aspects related to the increasing adoption of non-standard employment contracts.*
- *The **Aim** of this ‘Survey’ is to pinpoint the Organization of the different Authorities having a role in the issue at hand, a brief examination of the Legislation in force and the Socio-Economic Contest in which the situation is evolving. Last but not least the final part of the questionnaire takes into consideration the different ways of managing the problems encountered by Member States through the Inspection activity, carried out by the competent Authorities.*

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## NON STANDARD WORK AND OSH

- *The term “non-standard work” is not easy to define and is also liable to different interpretations. The term non-standard work is often linked to the terms “atypical”, precarious, temporary, and “flexible” work.*
- *It is important to underline that in the questionnaire, for “**standard work/employment**” we mean work performed by employees having full time permanent jobs, and for “**non standard work/employment**” we address to all the others.*
- *In past times the adoption of such forms of work was traditionally related to transitory needs, while in the recent economy the wide recourse to non standard employment contracts is a sign of the reaction of the markets that adjust their own organization in order to be more and more competitive in a situation of global competition. Undertakings consequently are pushed to become as flexible as they can. The increasing globalization then is the major factor responsible for the need of companies to meet the requirements of production and at the same time being free from constrictions in a situation of extremely competitive market.*
- *As a consequence, the number of workers employed under non-standard employment/contracts is having a continuous increasing, accompanied by the issuing of a legislation that, in some way, offers less protections and security to workers. The tendency to set up a system of ‘flexible workforce’, have produced an increase in the number of temporary workers, including part-time contracts, pseudo self-employment, subcontractors, and on-call contracts.*

## NON STANDARD WORK AND OSH

- *The European Commission has found out that non-standard forms of employment represented 25% of the workforce.*

	Employment rate (15–64 years)			Unemployment rate (15–64 years)			Percentage of workers working part-time			Percentage of employees on temporary contracts		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
EU27	64.2	70.1	58.2	9.6	9.7	9.6	19.2	8.7	31.9	14.0	13.4	14.6

*Key labour market indicators in Europe in 2010 (%): (Source EU-OSHA)*

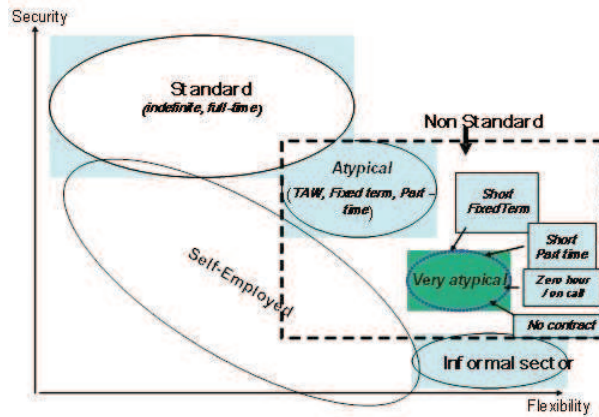
- *The rise in non-standard employment often means a certain negative impact on workers' health and safety, but also on the performance and sustainability of organizations.*
- *The conditions of employees framed in this contract typology is often associated with problems related to safety, health and in general with wellbeing at workplaces.*
- *Other types of conditions and problems are related to non-standard work such as: Time limit labour relationship - reduction of social protection – working conditions - reduction of wages, and so on.*

## NON STANDARD WORK AND OSH

- *Together with the reductions of labour protection often there is a considerable exposure to risks which can be harmful for health, and safety. The working conditions, in particular those related to the organization of work, working time and shifts, work intensity, insufficient pay and salary progression, discrimination, and others implies also psycho-social problems.*
- *Non standard work when associated to situations of precariousness and vulnerability has been found to be cause of deterioration in workers' health and safety, as well as with the increased risks of a number of psycho-social issues*
- *On the one hand the studies have shown that precarious or non-traditional work may cause an increase in injury rates, exposure to hazards, stress, work-life imbalance and other mental health effects. On the other hand though it is difficult to monitor and enforce workplace health and safety legislation, ensure safe work practices or provide a safe work environment to part-time, temporary or at-home workers on the ground that the relationship between cause and effect in these cases is not always evident and certain. It's more difficult to identify risks and the underlying exposure to them.*

## NON STANDARD WORK AND OSH

The situation of the decreasing Security for workers is summarized in the table below



Precarious Work (Source EU-OSHA)

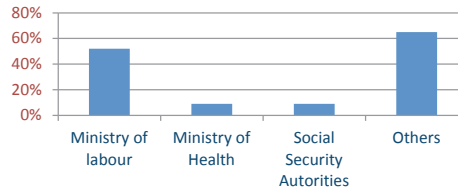
## NON STANDARD WORK AND OSH

- Therefore, the aim of the questionnaire is not to discuss the legal terms of non standard contracts, which is a matter of internal policy, but to focus on the practical implications, specifically in terms of OSH, and more widely in terms of social costs (accidents at work, social security, public/private policies on training, etc.), of the wide use of these contracts.
- In that way, though OSH is a most central issue of the topic, not all the questions proposed in the questionnaire directly and specifically concern traditional OSH items, but are aimed at focusing on critical aspects and implications related to the presence of non standards workers in workplaces.

## LABOUR INSPECTION ORGANIZATION

### 1. Which public Authorities/Administrations are responsible for labour inspection and inspection concerning OSH in the workplace and social legislation?

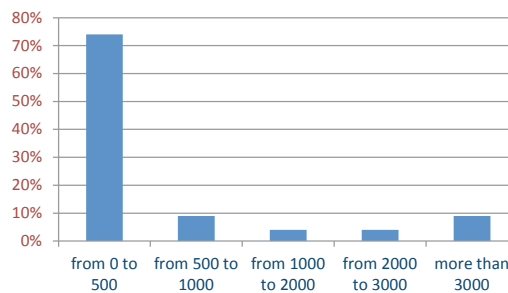
- Ministry of Labour 52%
- Ministry of Health 9%
- Social Security Authorities 9%
- Others 65%



*As shown in the table, OSH matters are not always within the competence of Ministry of Labour or other Authorities that regulate Labour Relationships, but of other Authorities (Ministries, Agencies, Regions, and others). This fact could imply a certain difficulty in ensuring a comprehensive evaluation of the impact of atypical forms of employment on OSH.*

### 2. How many are the labour inspectors in your Country in charge of social legislation and OSH?

from 0 to 500	74%
from 500 to 1000	9%
from 1000 to 2000	4%
from 2000 to 3000	4%
more than 3000	9%



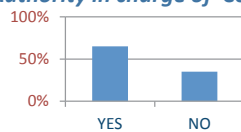
## LABOUR INSPECTION ORGANIZATION

### 3. With regard to the abovementioned questions please specify the number of inspective Units belonging to each Public Authority you have chosen.

*From the answers given to this question we have noticed that some Countries have communicated the number of Inspectors, while others have mentioned the number of Local Offices/Branch Offices. As a consequence is not possible to give a clear picture of the situation in the different Countries.*

### 4. Is there a Public Authority in charge of Coordination of inspection activities?

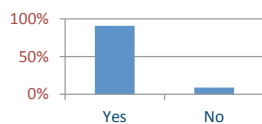
- Yes 65%  
No 35%



*A Public Coordination of the Inspection Activities present in 65% of Countries, while in the 35% of them it seems to be missing. Taking into due consideration the fact that more than 91% of Authorities have Local Offices, it appears advisable the implementation of such a coordination in all MS.*

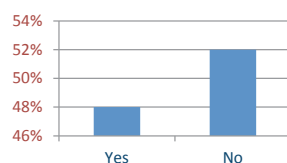
### 5. Are there offices/branches placed locally?

- Yes 91%  
No 9%



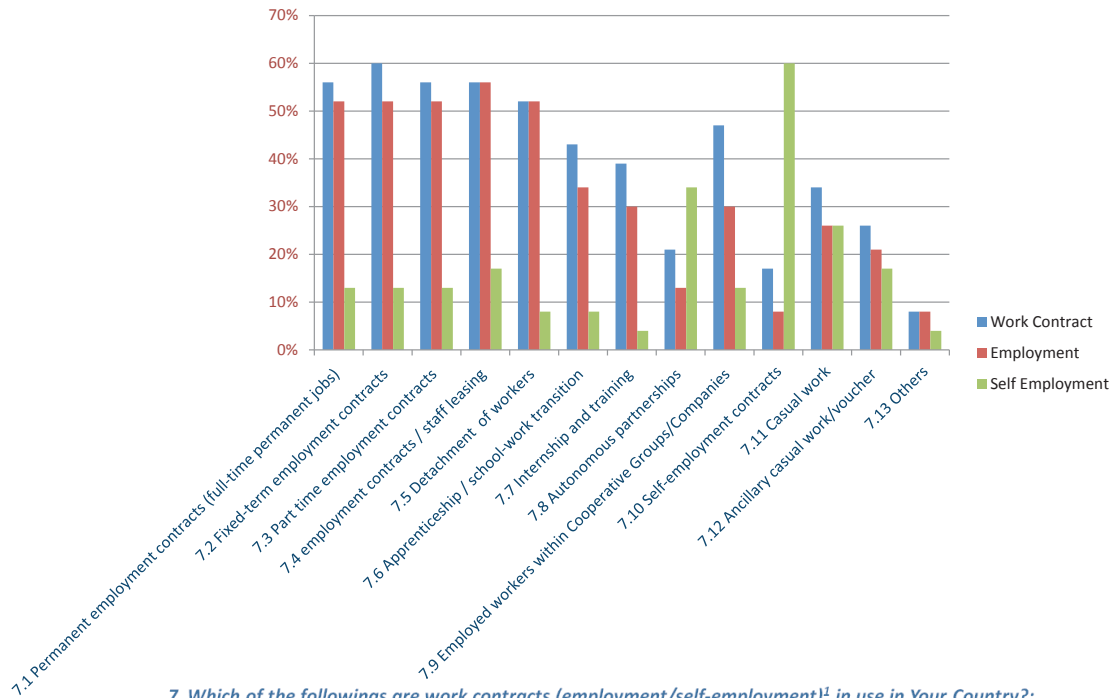
### 6. With regard to the diffusion of non standard employment contracts in the labour market, have any specific measures (organizational or not) been adopted to ensure an efficient inspection system by National Labour Inspectorate?

- Yes 48%  
No 52%



*As shown in the table 52% of the Countries do not adopt particular inspection measures concerning non standard work, apart from targeted campaign as highlighted below*

## SOCIO-ECONOMIC CONTEST



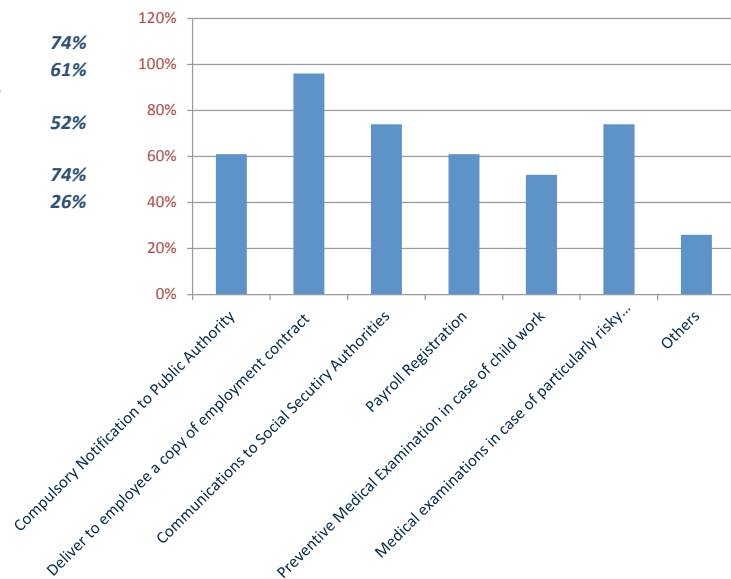
### 7. Which of the followings are work contracts (employment/self-employment)<sup>1</sup> in use in Your Country?:

<sup>1</sup> The wording used as 'Work Contract' implies the 'drawing up' of a real work contract, while the term Employment presupposes a general subordinate work relationship (including e.g. Vouchers, Traineeships, and so on), and Self-employment a real autonomous working condition.

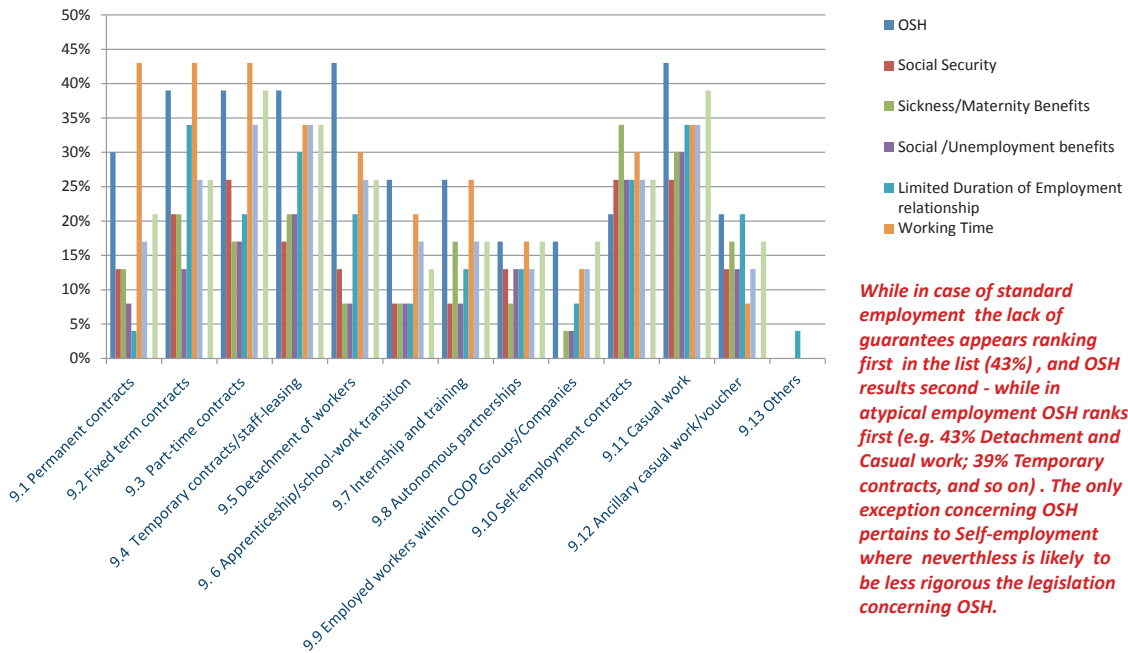
## LEGISLATION

### 8. Once the employment contract is signed, what are the fulfillments the employer has to comply with?

<b>Compulsory Notification to Public Authority</b>	<b>61%</b>
<b>Deliver to employee a copy of employment contract</b>	<b>96%</b>
<b>Communications to Social Security Authorities</b>	<b>74%</b>
<b>Payroll Registration</b>	<b>61%</b>
<b>Preventive Medical Examination in case of child work</b>	<b>52%</b>
<b>Medical examinations in case of particularly risky tasks</b>	<b>74%</b>
<b>Others</b>	<b>26%</b>



**SOCIO-ECONOMIC CONTEST**



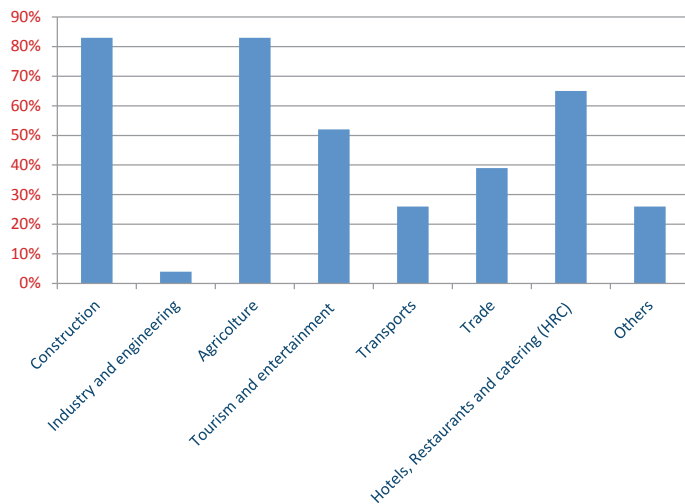
*While in case of standard employment the lack of guarantees appears ranking first in the list (43%), and OSH results second - while in atypical employment OSH ranks first (e.g. 43% Detachment and Casual work; 39% Temporary contracts, and so on) . The only exception concerning OSH pertains to Self-employment where nevertheless is likely to be less rigorous the legislation concerning OSH.*

9. From a practical point of view, please specify, within the employment and self-employment relationships listed above, which are the ones that, resulting from the inspections carried out, are commonly found providing fewer guarantees for workers in terms of health and safety at work, social security, sickness and maternity benefits, social and unemployment benefits, too limited duration of employment relationship, working time, (paid) holidays and pay. In particular, please point out, for each form of work defined as non-standard employment, which of the safeguards / guarantees are generally resulting reduced/lacking, as a result of the inspections performed by Labour Inspectorates:

**SOCIO-ECONOMIC CONTEST**

10. If the data are available, which are the economic sectors where the use of non-standard employment is more common?

Construction	83%
Industry and engineering	4%
Agriculture	83%
Tourism and entertainment	52%
Transports	26%
Trade	39%
Hotels, Restaurants and catering (HRC)	65%
Others	26%



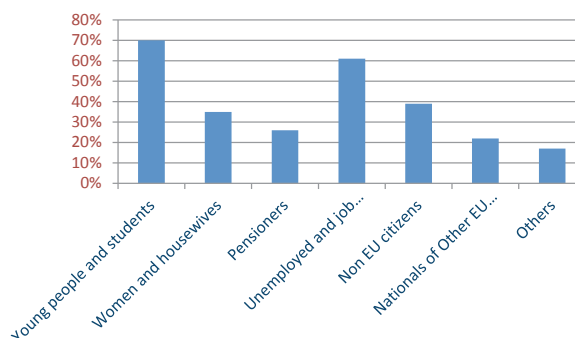
*Agriculture and construction are the sectors of activity most interested in non standard work, and then HRC. As shown in the next table also the typologies more involved in this type of work are Young and students (70%) – Unemployed (61%) - Non EU citizens (39%), and women and housewives (35%).*



## SOCIO-ECONOMIC CONTEST

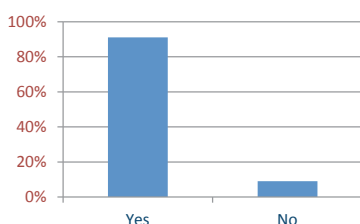
11. If the data are available, please specify which types of workers are more involved in the forms of non standard work:

Young people and students 70%  
Women and housewives 35%  
Pensioners 26%  
Unemployed and job seekers 61%  
Non EU citizens 39%  
Nationals of Other EU Member States 22%  
Others 17%



12. In your Country, are the accidents at work registered by Public Authorities?

Yes 91%  
No 9%



*As for this question, 8 Countries have not answered, while only 7 have given data concerning atypical employment. From these last ones the number of fatal accidents appear much higher than the ones registered for standard work. It is important to underline though that we have tried to spotlight the fatal accidents since we reckon that accident in atypical jobs are more often underreported*

## SOCIO-ECONOMIC CONTEST

	If the answer is Yes, please specify the total number of workplace accidents and the number of fatal accidents according to the ESAW criteria (2012 and other years, if data are available):								
	BE	BG	CZ	DK	DE	EE	IE	EL	ES
<b>2012</b>									
Tot		3027	41.404		969.860	2.577	6.619		408.537
Non Standard		-	914		-	746	-		12.834
Fatal		82	113		677	14	48		452
Fatal Non Standard		-	318		-	8	-		151
<b>2011</b>									
Tot		2.891	42.434		1.007.864	2.531	6.956		512.584
Non Standard		-	1.274		-	690	-		175.953
Fatal		116	139		664	19	54		551
Fatal Non Standard		-	32		-	8	-		193
<b>2010</b>									
Tot		3.086	44.113		1.045.816	2.146	7.284		569.523
Non Standard		-	374		-	610	-		201.536
Fatal		109	137		674	17	48		569
Fatal Non Standard		-	15		-	7	-		200
<b>2009</b>									
Tot		3.125	42.931		974.642	1.937	7.161		617.440
Non Standard		-	341		-	427	-		226.402
Fatal		180	128		622	19	43		632
Fatal Non Standard		-	19		-	4	-		204
<b>2008</b>									
Tot		3.125	61.310		1.063.915	2.988	8.417		804.959
Non Standard		-	351		-	610	-		351.309
Fatal		180	192		765	21	57		810
Fatal Non Standard		-	18		-	6	-		347



*SOCIO-ECONOMIC CONTEST*

If the answer is Yes, please specify the total number of workplace accidents and the number of fatal accidents according to the ESAW criteria (2012 and other years, if data are available):									
	FR	HR	IT	CY	LV	LT	LU	HU	MT
<b>2012</b>									
Tot	640.891	1.096	357.545	1.741	1.345	2.866		17.025	
Non Standard	-	-	5.796	-	12	-		2.019	
Fatal	558	33	604	10	35	58		62	
Fatal Non Standard	-	-	3	-	-	-		11	
<b>2011</b>									
Tot	669.914	1.162	403.489	2.010	1.397	2.676		17.295	
Non Standard	-	-	7.218	-	-	-		1.800	
Fatal	552	32	621	5	33	51		80	
Fatal Non Standard	-	-	6	-	-	-		20	
<b>2010</b>									
Tot	658.847	1.250	435.032	2184	1.232	2.316		19.948	
Non Standard	-	-	6.470	-	-	-		1.973	
Fatal	529	34	718	20	25	50		95	
Fatal Non Standard	-	-	6	-	-	-		13	
<b>2009</b>									
Tot	651.453	1.317	444.484	2.227	1.194	2.068		18.454	
Non Standard	-	-	5.359	-	-	-		1.780	
Fatal	538	39	703	11	33	49		99	
Fatal Non Standard	-	-	4	-	-	-		19	
<b>2008</b>									
Tot	703.976	1.493	499.990	2.367	1.781	3.235		22.217	
Non Standard	-	-	11.187	-	-	-		1.768	
Fatal	569	38	780	14	43	79		116	
Fatal Non Standard	-	-	8	-	-	-		20	

*SOCIO-ECONOMIC CONTEST*

If the answer is Yes, please specify the total number of workplace accidents and the number of fatal accidents according to the ESAW criteria (2012 and other years, if data are available):											
	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	CH
<b>2012</b>											
Tot		90.400	91.000	41.404		17.320	8.455	128.264*	31.980	125.651	
Non Standard		N/A	35.934	914		-	-	-	-	-	
Fatal		98	350	113		-	52	-	45	85	
Fatal Non Standard		N/A	159	18		-	-	-	-	-	
<b>2011</b>											
Tot		92.311	97.222	42.434		18.396	8.824	131.037*	29.864	131.585	
Non Standard		N/A	39.736	1.274		-	-	-	-	-	
Fatal		98	404	139		-	38	-	57	97	
Fatal Non Standard		N/A	182	32		-	-	-	-	-	
<b>2010</b>											
Tot		92.954	94.207	44.113		20.803	9.180	123.965*	29.723	132.310	
Non Standard		N/A	37.195	374		-	-	-	-	-	
Fatal		84	446	137		-	49	-	54	97	
Fatal Non Standard		N/A	205	15		-	-	-	-	-	
<b>2009</b>											
Tot		75.704	87.052	42.931		21.402	9.227	116.631*	27.053	139.441	
Non Standard		N/A	N/A	341		-	-	-	-	-	
Fatal		94	406	128		-	44	-	41	81	
Fatal Non Standard		N/A	N/A	19		-	-	-	-	-	
<b>2008</b>											
Tot		116.407	104.402	61.310		25.036	11.696	141.427*	29.664	128.873	
Non Standard		N/A	44.419	351		-	-	-	-	-	
Fatal		115	520	192		-	80	-	68	83	
Fatal Non Standard		N/A	224	18		-	-	-	-	-	

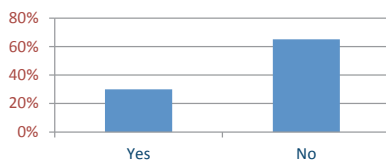




## SOCIO-ECONOMIC CONTEST

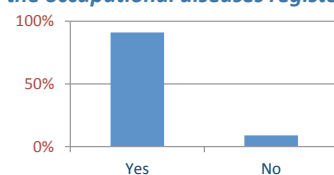
**13. Is there statistical evidence of occurrence detailed for non standard workers and specific economic sector (sectors of interest: Constructions, Agriculture, Hotels-Restaurants and Catering [HRC])?**

Yes 30%  
No 65%



**14. In your Country, are the occupational diseases registered by Public Authorities?**

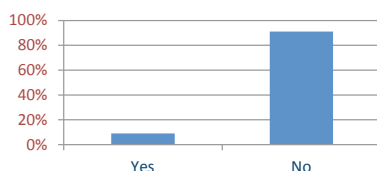
Yes 91%  
No 9%



*91% of the answering Countries have a public registration system of occupational diseases, but only 10 have given relevant data and only 2 specifically concerning atypical work.*

**15. Is there statistical evidence of occurrence detailed for non standard workers and specific sectors (sector of interest: Constructions, Agriculture, Hotel-Restaurants and Catering (HRC))?**

Yes 9%  
No 91%



*On this concern could be useful to remind that the latent period of O. Diseases comparatively long, which is in contrast with the limited duration of the working relationship. This fact could hamper the setting up of a significant statistic on this matter.*

## SOCIO-ECONOMIC CONTEST

	If the answer is Yes, please specify the total number of occupational diseases according to the EODS criteria (year 2012 and other years, if data are available):								
	BE	BG	CZ	DK	DE	EE	IE	EL	ES
<b>2012</b>									
Total		-	1.099		15.949	151	6.619		15.711 (7.552 with sick leave)
Non Standard		-	-		-	-	48		-
<b>2011</b>									
Tot		-	1.256		15.880	223	6.956		18.121 (8.919)
Non Standard		-	-		-	-	54		-
<b>2010</b>									
Tot		-	1.292		15.926	234	7.284		16.928 (8.875)
Non Standard		-	-		-	-	48		-
<b>2009</b>									
Tot		116	1.313		16.657	155	7.161		16.850 (9.803)
Non Standard		-	-		-	-	43		-
<b>2008</b>									
Tot		-	1.403		13.546	163	8.417		18.700 (11.926)
Non Standard		-	-		-	-	57		-



*SOCIO-ECONOMIC CONTEST*

	If the answer is Yes, please specify the total number of occupational diseases according to the EODS criteria (year 2012 and other years, if data are available):								
	FR	HR	IT	CY	LV	LT	LU	HU	MT
<b>2012</b> Total Non Standard	N/A	149 -	18.542 15	15 -	794 -	393 -		193 -	N/A
<b>2011</b> Tot Non Standard	N/A	264 -	19.505 14	16 -	822 -	402 -		316 -	N/A
<b>2010</b> Tot Non Standard	N/A	98 -	18.478 9	8 -	1.150 -	472 -		455 -	N/A
<b>2009</b> Tot Non Standard	N/A	43 -	15.357 2	8 -	1.385 -	846 -		368 -	N/A
<b>2008</b> Tot Non Standard	N/A	32 -	12.918 2	16 -	989 -	1.030 -		403 -	N/A

*SOCIO-ECONOMIC CONTEST*

	If the answer is Yes, please specify the total number of occupational diseases according to the EODS criteria (year 2012 and other years, if data are available):										
	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	CH
<b>2012</b> Total Non Standard	N/A	1.777 N/A	2.402 -	N/A		N/A	344 -	N/A -	10.297 -	6.665 -	N/A
<b>2011</b> Tot Non Standard	N/A	1.247 N/A	2.562 -	N/A		N/A	373 -	4.692 -	9.775 -	8.605 -	N/A
<b>2010</b> Tot Non Standard	N/A	1.446 N/A	2.933 -	N/A		N/A	436 -	5.839 -	9.427 -	30.125 -	N/A
<b>2009</b> Tot Non Standard	N/A	1.335 N/A	3.146 -	N/A		N/A	470 -	6.299 -	9.134 -	13.750 -	N/A
<b>2008</b> Tot Non Standard	N/A	1.477 N/A	3.546 -	N/A		N/A	429 -	6.104 -	10.804 -	6.000 -	N/A

## INSPECTION ACTIVITIES

The aim of this part of the questionnaire is to find out what characterization could be given to the problems encountered during the inspection activity, the different approach to the matter, and to share where possible the best practices adopted by the MS.

### 16. Which official documents are examined during the Inspection activities focused on temporary or non-standard work?

Risk assessment documents 70%

Factual conditions 65%

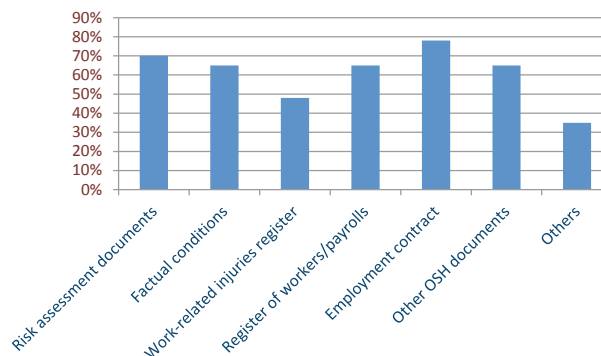
Work-related injuries register 48%

Register of workers/payrolls 65%

Employment contract 78%

Other OSH documents 65%

Others 35%



The table shows that Employment contracts, risk assessment, and other OSH documents are examined. It would be useful to know if in each legislation, as provided for it in the Art. 28/Dlgs. 81/08, employer is required to make the assessment of the risks related to non-standard work.

While in general the MS Countries have shown that there is quite no distinction between the documents examined during inspections carried out for standard and non-standard work, few differences have been learnt in relation to some specific documents concerning the Authorization of the Employment Agency, Medical visits, Training and Information (with special reference to the overlap of the obligations involving the Agency itself and the 'User'), Detachment documents, and others.

## INSPECTION ACTIVITIES

### 17. Which are the main measures for the protection/safeguard of OSH conditions, and more widely for working conditions, for non-standard workers?

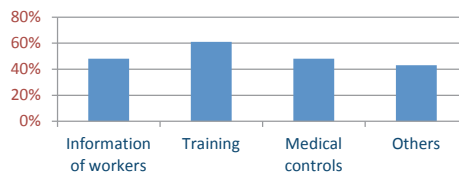
	Answers	Ratio	
Fines/sanctions, especially concerning OSH	16	70%	
Administrative measures/Orders for the prevention of accidents at work	16	70%	
Improvement notices regarding OSH	17	74%	
Administrative measures for the regularization of the irregular employment relationship	12	52%	
Administrative measures that compel the employer to the payment of the due salaries /wages	10	43%	
Administrative measures that compel the employer to the payment of the due social security contributions	4	17%	
Administrative sanctions for non observance of working time limits	12	52%	
Joint and several liability	3	13%	
Civil measures concerning the employment contracts (ex. judicial declaration of null and void contract)	3	13%	
Others	6	26%	

Also in this case the measures adopted for the violations found in both standard and non-standard work OSH legislation apply to all workers regardless of the type of contract. Some of the results acquired through the questionnaire show that in case of workers recruited by an Agency or by another employer and hired out to another employer to perform work for a limited time, the "Sending" (Labour Agency) is obliged inform workers about the general risks to which they are exposed and train them to use the tools necessary for the production activities for which they are hired, while with the "User" lie all the obligations of prevention in particular giving specific information and training. It is important to underline that Improvement notices (74%) outnumber all the other measures adopted, immediately after we find Administrative measures (70%) and Fines/Sanctions, followed by Administrative sanctions. In those number is possible to read a certain diversity as regards the different approach in EU MS. The two figures related to the first and the second enforcement measure (which includes for example measures as verbal warnings; written advices; improvement notices, etc.), show us that some Countries try to achieve the prevention through a "softer" type of approach based on the search for a certain collaboration with employers. On the other hand some others favour sanctioning the infringer. Among all Member States we know that there is a continuous search for the right balance between the two different types of approach that could be depending also from a different way of thinking and a different cultural background.

### INSPECTION ACTIVITIES

18. Which are the most common types of infringement to OSH law regarding temporary and non standard workers?

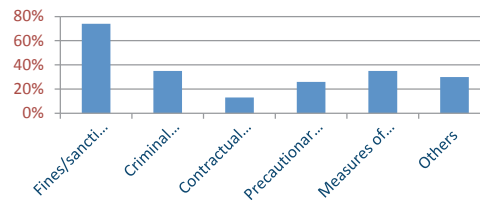
**Information of workers 48%**  
**Training 61%**  
**Medical controls 48%**  
**Others 43%**



In this respect appears clear that the most common infringement found are related to information, training, medical surveillance, working time, and others. Is commonly known though that it is not easy for the inspectors to detect infringements, punishable behaviours and environmental problems which can cause psychological stress whose effects are not immediate.

19. What are the main sanctions/repressive measures that are taken in case of OSH violations, concerning non standard workers?

**Fines/sanctions 74%**  
**Criminal sanctions 35%**  
**Contractual sanctions 13%**  
**Precautionary injunctions 26%**  
**Measures of interdiction 35%**  
**Others 30%**

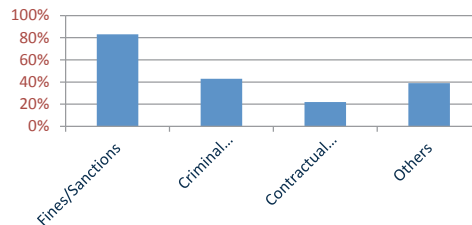


Starting from taking note that also in this case the sanctions provided for both types of working conditions are almost the same, several Countries have declared that they carry out specific campaigns targeted to non-standard contracts, foster the dissemination of information and the cooperation between all the Stakeholders and the relevant Authorities.

### INSPECTION ACTIVITIES

20. Which measures are taken in order to combat and sanction undeclared work?

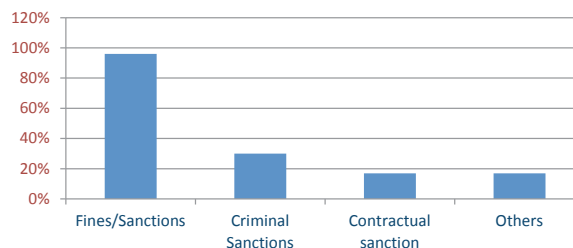
**Fines/Sanctions 83%**  
**Criminal Sanctions 43%**  
**Contractual sanction 22%**  
**Others 39%**



As shown in the table above fines appear to be the most frequent measure adopted. Some Countries also adopt sanctions of suspension of the activity of the enterprise, temporary closure of company, exclusion of public procurement, and others. Undeclared work though in some countries is under the jurisdiction of fiscal/customs police.

21. Which sanctions are imposed (taken) against violations concerning temporary and non standard work?

**Fines/Sanctions 96%**  
**Criminal Sanctions 30%**  
**Contractual sanction 17%**  
**Others 17%**



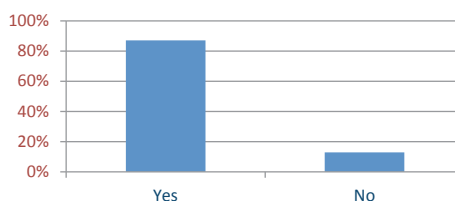
Further to the infliction of fines, also measures related to administrative requalification of the labour relationship established by the parties and the conversion in permanent employment contract are adopted. See also what said at point 17.

## INSPECTION ACTIVITIES

**22. Are the Employment Agencies (and the Temporary work Agencies) requested specific administrative permits/authorizations?**

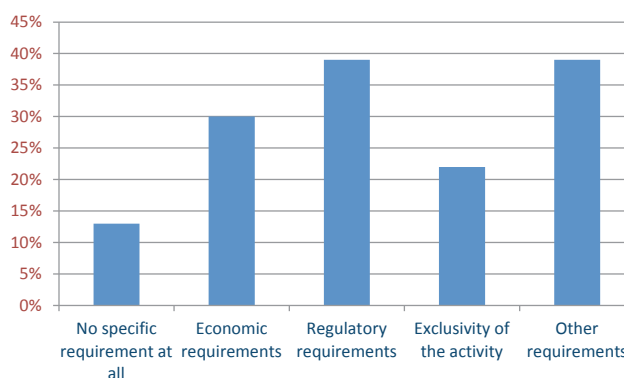
Yes 87%

No 13%



**23. Are there specific legal requirements for the Employment Agencies (and for the Temporary Work Agencies)?**

- No specific requirement at all 13%
- Economic requirements 30%
- Regulatory requirements (number of headquarters/offices, number of employees, etc..) 39%
- Exclusivity of the activity/ company aim 22%
- Other requirements 39%



## INSPECTION ACTIVITIES

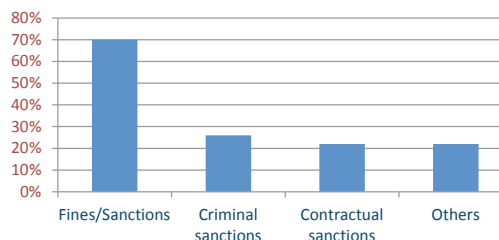
**24. Please specify which are the enforcement measures and actions (if any) to be taken in case of misuse of temporary work contracts and staff leasing contracts:**

Fines/Sanctions 70%

Criminal sanctions 26%

Contractual sanctions 22%

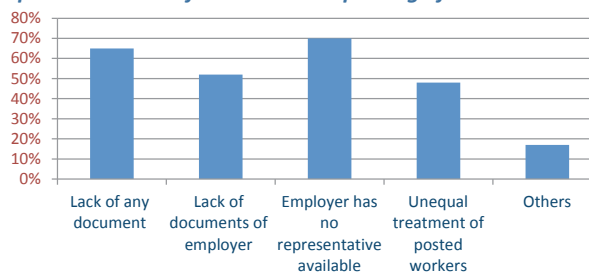
Others 22%



Besides the adoption of sanctions in case of misuse of temporary work and staff leasing contracts some Countries inflict the Prohibition of business / Improvement notices and written advice

**25. What are the main problems of labour inspection in case of transnational posting of workers?**

- Lack of any documents 65%
- Lack of the documents of the employer (posting undertaking) 52%
- The Employer has no representative available in the country to which workers are posted 70%
- Unequal treatment of posted workers compared to national employees 48%
- Others 17%



Some problems stand out like the one pointed out by 1) Italy concerning the non-genuine or fraudulent and fictitious posting of workers and fictitious posting companies, including letterbox companies. In case of genuine posting, the most typical abuse is not respecting the minimum rates of pay established by the collective agreements; 2) Spain: the need for the close cooperation with the State of origin's authorities (object of the SLIC W.G. Cross-Broder Enforcement; 3) Sweden: Lack of documents, identification problems, language problems, etc; 4) Poland: The costs of translation from the language of the posted worker into the Polish.

## OCCUPATIONAL POLICIES

### 26. What is the unemployment rate in your Country?

Country	Ratio	Country	Ratio
Belgium	-	Luxembourg	-
Bulgaria	-	Hungary	8
Czech Republic	9	Malta	7
Denmark	5	Netherland	7
Germany	7	Austria	5
Estonia	5	Poland	12,5
Ireland	12	Portugal	15
Greece	-	Romania	-
Spain	25	Slovenia	13
France	9,8	Slovakia	13
Croatia	17	Finland	8
Italy	13	Sweden	8
Cyprus	16	United Kingdom	7
Latvia	11	Switzerland	3
Lithuania	11		

## OCCUPATIONAL POLICIES

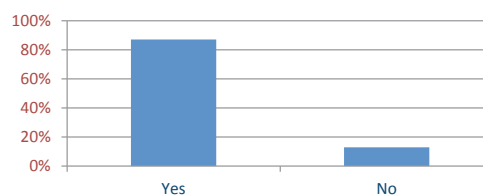
### 27. What are the protections provided for the unemployed, for the job seekers and for the dismissed workers?

•Economic benefits	91%
•Registration in special lists for possible recruitment/placement	87%
•Guidance and training services	91%
•Exemption from health care costs or other incentives	52%
•Others	17%



### 28. Is the non standard worker entitled to unemployment benefits or to other economic benefits in case of interruption/termination of the employment relationship?

Yes 87%  
No 13%



In most cases non-standard workers take advantage of the same benefits granted to standard workers when they lose their jobs. Three Countries (Slovakia, Slovenia, and Switzerland) do not recognize benefits in case of interruption/termination of the employment relationship.



## Results of the **questionnaire** addressed to **MS**.

### **ABSTRACT**

Comparing the different approach in all European Member States

#### COMBINING FLEXIBILITY AND SECURITY

Since the second half of the 1970s were sown the seeds of globalization that in the 1980s started to grow more and more, seeing as major actors the Asian Countries where the two advantages of having cheap labour combined with extreme flexibility were within reach. During the following years this resulted in the growth of unemployment rate in western Countries and in particular in Europe. Some kind of measures have been adopted since then by each Country. The major problem to cope with is the competition in the global market. One of the solution to unemployment and competitiveness has been identified in the achievement of the unburdening of undertakings and the labour flexibility. The Flexibility has meant for many years now the rise of a series of problems for employees. The concept of Flexicurity was designed to implement the main principles of the Lisbon Strategy as an integrated strategy to enhance, at the same time, flexibility and security in the labour market. In 2010 was launched Europe 2020, the European Union's ten-year growth and jobs strategy to give an answer to the increasing unemployment in Europe.

The questionnaire addressed to MS during the Italian Semester of the Council has been designed to facilitate a reciprocal understanding between Member States and foster a further cooperation in the field of inspection, in particular in non-standard work.

The answers given by the European Countries have pinpointed the main issues concerning labour laws and OSH. One of the major results is the fact that it is not easy to detect with accuracy the violation of the laws in consideration of the type of employment and the limited period of time of work relationships. The most recurrent violation are those related to lack of information, training, medical surveillance, working time, and others. It is commonly known that one of the main issues concerning non-standard work is the exposure to "psychosocial stress" where it is not easy for inspectors to detect infringements, punishable behaviours and environmental problems whose effects are not immediate and not easy for employees themselves to be aware of.

In the majority of MS the applicable legislation concerning OSH does not make any distinction between standard and non-standard work. Targeted campaigns are carried out by Labour Inspectorates.

Yet again the outcome of the questionnaire has shown that in Europe a different approach is also adopted in terms of main measures for the protection/safeguard of OSH conditions, and more widely for working conditions for non-standard workers. A certain prevalence of administrative measures (e.g. verbal warning, written advice, improvement notice, and others) has been registered in comparison with fines/sanctions. Among all Member States it could be seen a continuous search for the right balance between the two different types of approach that could be depending also from different ways of thinking and different cultural backgrounds.

**ANDREA DI COSOLA**

MINISTERO DEL LAVORO E DELLE POLITICHE SOCIALI







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*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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What are the adaptations  
of European labour inspections  
to act against the **development**  
of various forms of undeclared  
work and illegal work?  
The **Spanish experience**.

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## GELEI: SPECIAL GROUP AGAINST UNDECLARED WORK

[www.empleo.gob.es/its](http://www.empleo.gob.es/its)

**JUAN PABLO PARRA**  
LABOUR AND SOCIAL SECURITY INSPECTOR  
MADRID INSPECTORATE

67th SLIC's THEMATIC DAY  
ROME, NOVEMBER 13 2014

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## MADRID'S LABOUR AND SOCIAL SECURITY INSPECTORATE

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**VICEDIRECTOR**

**OSH  
AREA**

**SOCIAL  
SECURITY  
AREA**

**GENERAL  
AFFAIRS  
AREA**

**GELEI**

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## GELEI's AIM

**BECAUSE THE FIRST OSH PREVENTIVE MEASURE FOR SOME WORKERS IS TO MAKE THEM EXIST**



**FIGHTING UNDECLARED WORK, MAINLY IN A SOCIAL SECURITY SCOPE, BUT ALSO IN OSH AND LABOUR RELATIONS**



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## GELEI's PHILOSOPHY

- **“FULL COURT PRESSING”**: all places, all sectors, night and day, weekends...
  - **COLLABORATION**: All Administrations, Police, other Inspectorates, Social Partners...
  - **PLANNING**: Search and... visit. “Think before”
  - **CONTROL**: Quality and Quantity
  - **TERRITORIAL SPECIALIZATION**: Knowing a specific zone of Madrid and the Region
  - **TEAM ORGANIZATION**
  - **JOINT ACTION**: Within the team and with other teams
- +40% IN ITS FIRST YEAR's RESULTS**

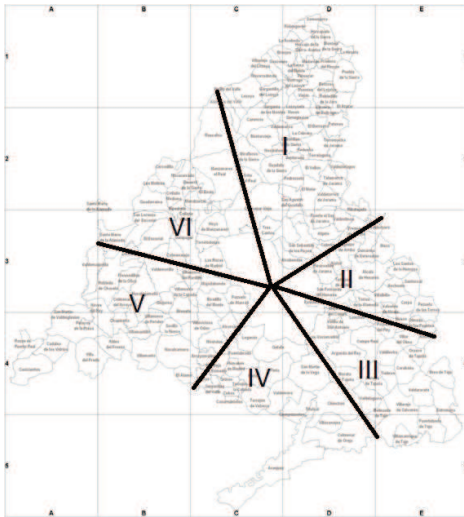
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## THE GELEI's SEVEN TEAMS

### 6 TERRITORIAL TEAMS



### 1 TEAM SPECIALIZED IN IRREGULAR IMMIGRATION



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## ORGANIZATION

# IF WE ARE IN ROME...

# I LEGIO CONTRA INDECLARATUM LABOREM

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# ORGANIZATION

**2 CENTURIONES  
(COORDINATORS)**



**7 DECURIONES  
(TEAM LEADERS)**



**30 LEGIONARIII  
(SUBINSPECTORS)**



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# COORDINATORS TASKS



- **Link with the Heads of Area and Director**
- **Relations with other Administrations and social partners**
- **Definition of the general lines**
- **Teams coordination**
- **General planning (monthly) of the ex officio activity**
- **Distribution of complaints**
- **Statistics / control / reporting**

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## TEAM LEADERS TASKS



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- Complaints distribution
- Preparation of the ex officio activity
- Coordination of ex officio activity
- OSH and Labour issues in the relevant visits
- Control / reporting

## SUBINSPECTORS TASKS



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- Carry out the inspection activity in the Social Security context:
  - Ex officio
  - Complaints
- Visiting the workplace, alone or as a team
- Meeting with the employer in the Inspectorate premises
- Requesting documents
- Adopting the relevant measures



# GRATIAS!

AND SPECIAL THANKS TO THE ASOCIACIÓN MADRILEÑA DE  
COLECCIONISTAS DE CLICKS DE PLAYMOBIL



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# What are the adaptations of European labour inspections to act against the **development** of various forms of undeclared work and illegal work? The **Spanish experience**.

## ABSTRACT

1.- Control on undeclared work has always been one of the most important duties of the Spanish Labour and Social Security Inspectorate.

In the last years, the Spanish Labour Inspectorate has stressed the proportion and importance of the planned activity on the basis of inspection campaigns. Complaints and ex officio activity are the two sources of these campaigns.

Additionally, the economic crisis demanded a closer control of the Social Security financial resources and employers&workers obligations, inter alia, the affiliation of workers.

It also must be taken into account that undeclared work is not only a Social Security problem, as far as an undeclared worker does not exist for the OSH and labour employer's obligations. For many workers, the undeclared workers, the first health and safety measure is not a risks assessment nor a medical check: it is "taking them from the depths to the surface", from the black to the legal economy.

2.- These two circumstances propitiated the creation in May 2012 of the Special Group Against Undeclared Work ("GELEI" in Spanish) with the purpose of optimizing the results on this subject applying the principles of:

- > Planning, specially referring the ex officio activity. Inspection activities are previously prepared on a specific area or sector.
- > Cooperation, GELEI keeps a close relation with other public administration to share information, with police to carry out joint actions, with social partners to learn about sectors, etc.
- > Specialization on a specific geographical zone and/or activities.
- > Control of both quantitative results and quality of the reports, notices, etc.
- > Team working. GELEI is based on seven teams composed of a team leading Inspector and 4-5 Subinspectors.

In the first year of life, GELEI achieved an increase of almost 40% in the undeclared work results.

GELEI is part of the General Affairs Area of the Madrid's LI. The other areas are OSH and Social Security. In any case, it must be kept in mind that any Spanish Labour and Social Security Inspector is entitled to act in labour, Social Security, undeclared work and OSH affairs. Subinspectors' task is focused on Social Security and undeclared work.





GELEI is based on seven teams. Six of them are linked to a specific zone of Madrid city and Region. The seventh team works in cooperation with Policía Nacional mainly in irregular immigration issues.

With this system, the Team Leader controls both the complaints and the ex officio activity on this zone's enterprises, so repeated visits and inconsistencies are avoided, and enterprises can be monitored.

### 3.- And, how does GELEI work?

GELEI is lead by two Coordinators (an Inspector and a Subinspector) who manage the Group's coordination, and:

- > Relations with Madrid's LI and, in case, DG's hierarchies.
- > "Public relations" with other Public Administrations and social partners.
- > Setting the basic lines for the undeclared work inspecting activities.
- > Inter-teams coordination.
- > Monthly planning of Madrid LI's undeclared work activities.
- > Complaints' analysis and distribution.
- > Reporting, statistics and control.

GELEI Coordinators keep a close relation with the Team Leaders, that is, the Labour Inspectors in charge of a 4-5 Subinspectors team, which is assigned to a geographical zone. Coordination meetings are kept on a regular basis, where feedback and new ideas are discussed. Team Leaders:

- > Distribute complaints within their team.
- > Prepare the ex officio activity: make previous visits to zones to be acted on, look for "suspicious premises", try to accumulate various complaints to make all the visits in one single day, etc.
- > Coordinate the ex officio activity, that is, these days (one per week/ten days) that all the team's Subinspectors act jointly on the same geographical area (a district, a leisure zone, a commercial area, a flea market...). Night visits and visits in weekend/holidays are regularly carried out.
- > If a labour or OSH problem is detected, it will be tackled by the Team Leader.
- > Make the quantitative and qualitative control of the team's output and the relevant reporting.

GELEI's "raison d'être" is Subinspectors' activity. Each Team is provided with 4 or 5 Subinspectors, who carry out the relevant duties in the Social Security frame.

Subinspectors work both on complaints and on the ex officio activity managed by the Team Leader. This work can be carried out either alone or jointly with other Team's Subinspectors, depending on complexity, number of possible undeclared workers or possible danger (Police, in case, can bring protection). This task implies:

- > Visits to the workplace, the crucial moment in an undeclared work control.
- > Meetings in the LI's premises, where the employer can declare on the relevant issues.
- > Analysis of those documents provided by the employer during the meeting.
- > Request for additional information to other Administrations, e.g. Tax Agency.

These inspecting activities will support the possible sanctions or Social Security measures .

4.- To conclude, we can say that GELEI faces undeclared work on a structured basis focused on optimization.

All disposable resources are oriented to place a Subinspector or a Team where undeclared work exists. Coordinators must work in an institutional environment to obtain the best possible information and cooperation in the city, the Region or a sector. Team Leaders must adapt this information to their zones and must also know what happens in these zones. Finally, Subinspectors must act in the most appropriate manner to achieve the best results in the visit and the rest of inspecting procedure.

**JUAN PABLO PARRA GUTIÉRREZ**

LABOUR AND SOCIAL SECURITY INSPECTOR

HEAD OF MADRID'S GELEI



*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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What are the adaptations  
of European labour inspections  
to act against the **development**  
of various forms of undeclared  
work and illegal work?  
The **French experience**.

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**Direction Générale du Travail**

**French Labour Inspection**

**National actions for the fight against illegal work**

**Thematic Day  
67th meeting SLIC**

**Rome, 13th November 2014**

Jessy PRETTO  
Labour General Inspectorate



## **PLAN**

- I – Overview of new forms or situations of illegal work**
- II – National plan for the fight against illegal work**
- III – New LI national organisation**
- IV – New legislation and mean of cooperation**
- V - Infractions**

## I – Overview of new forms or situations of illegal work

- more of **10 years** of inspection and cooperation between State inspection bodies
- every year, almost **70 000** companies have been controlled in the priorities sectors (construction, transport road haulage, seasonal work in agriculture, catering, food retail, services, entertainment activities)



**While the number of companies controlled is staying constant, the nature of illegal work has changed a lot during this period**

- false self-employed
  - false status of workers (trainees, volunteers... )
    - rules fraud on posting of workers (seasonal activities, chain of subcontractors...)

3

## II – National plan for the fight against illegal work

**2013 - 2015**

### • **5 priorities objectives**

- posted workers' frauds in the context of transnational services
- fight against dissimulated work in all its forms
- fraudulent subcontracting transaction "in cascade"
- use of "false status" and particularly with trainee
- fight against foreigners without work title but also protection of the rights of workers in illegal situation

- **7 priorities sectors:** construction, transport road haulage, seasonal work in agriculture, catering, food retail, services, entertainment activities

4



**Preventive action:**

- negotiation of agreements with the social partners in the risk areas
- regional and departmental plans

**Priority:**

- all inspection bodies put together their effort to fight against complex and organized fraud.



5

**II – National Labour Inspection system : national organization reform**

- ▶ LI reform – 20th Mars 2014 decree

CURRENTLY	IN PROCESS OF DEPLOYMENT
▶ <b>DGT - National authority</b>	▶ <b>DGT - National authority</b> <ul style="list-style-type: none"> <li>➤ <b>National group of monitoring, support and control/DGT</b></li> </ul>
▶ <b>Regional directorate (DIRECCTE)</b> ..... .....	▶ <b>Regional directorate (DIRECCTE)</b> <ul style="list-style-type: none"> <li>➤ <b>Regional unit of technical support and control to fight against illegal work</b></li> <li>➤ Control Unit (CU) specialized (sectors or thematic or particular risk)</li> </ul>
▶ <b>Territorial Unit</b> <ul style="list-style-type: none"> <li>➤ Sections</li> </ul> <p style="text-align: center;"><b>790 units</b></p>	▶ <b>Territorial Unit</b> <ul style="list-style-type: none"> <li>➤ departmental CU or sub-district or inter-departmental</li> <li>➤ each CU have a team between 8 - 12 LI</li> </ul>

**29 CUR**

**232 CU**

6

## IV – New legislation

- Directive on posting of workers n°2014/67/EU - 15th May 2014
- French law to fight against unfair social competition  
- 10th July 2014
- French law towards development, monitoring work placement  
and improving the status of trainees - 10th July 2014

7

## New mean for strengthen European cooperation:

**The EU platform for cooperation in the fight against  
illegal work**



**it will strengthen action between labor inspectorates**

8



## V - Infractions

### In 2013:

- 9 045** judicial proceedings on illegal work (statement of offence)
- % of companies in infraction:
  - 32%** construction
  - 20%** HORECA
  - 16 %** commerce
- On **3 975** judicial proceedings for illegal work, **84** have also concerned OHS

9

THANK YOU FOR YOUR ATTENTION

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# What are the adaptations of European labour inspections to act against the **development** of various forms of undeclared work and illegal work? The **French experience**.

## **ABSTRACT**

French Labour Inspection

National actions for the fight against illegal work

During more than 10 years of inspection and cooperation between State inspection bodies, the fight against illegal work has been a major focus of the labor policy. Every year, almost 70 000 companies have been controlled in the priority sectors like construction, transport road haulage, seasonal work in agriculture, catering, food retail, services, entertainment activities.

While the number of companies controlled is staying constant, the nature of illegal work has changed a lot during this period such as false self-employed, false status of workers (trainees, volunteers...) and rules fraud on posting of workers (seasonal activities, chain of subcontractors...).

To strengthen the action between State inspection bodies, the Government has adopted a National plan for the fight against illegal work in 2013 until 2015. Five priority objectives have been decided: fight against posted workers' frauds in the context of transnational services, fight against dissimulated work, fraudulent subcontracting transaction "in cascade", use of "false status" as trainee, fight against foreigners without work title but also protection of the rights of workers in illegal situation.

Inside framework of the labour inspection reform, the Labour Directorate has decided to create a national and regional team to control as priority the illegal work.

In the context of the transposition in French legislation of the European Directive of 15th May 2014 on posting of workers n°2014/67/EU, two very important laws have been adopted in July 2014. First one is about the matters related to fight against unfair social competition and another one about monitoring work placement and status of trainees. These new legislations are adopted to reinforce powers of the labour inspection.

The creation of the European platform for cooperation in the fight against illegal work, it will strengthen also action between labor inspectorates.

As a result of 2013 control, 9 045 judicial proceedings on illegal work (statement of offence) have been done by labour inspection. However, on 3 975 judicial proceedings for illegal work, 84 cases have also been concerned by infringement related to health and safety at work rules.

**JESSY PRETTO**

MINISTÈRE DU TRAVAIL, FRANCE





*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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# **Flexible regulation** and workplace inspection: the **Lithuanian experience.**

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www.mruni.eu

## Flexible regulation and workplace inspection: the Lithuanian experience

67th meeting of the Senior Labour Inspectors Committee (SLIC)  
THEMATIC DAY  
"NON STANDARD WORK AND OSH"  
Thursday 13th November 2014  
Farnesina – Conference Hall  
Rome, Italy

Vilius Maciulaitis, PhD  
13/11/2014



### *The definition of flexicurity:*

- *a policy strategy,*
- *that attempts, synchronically and in a deliberate way*
- *to enhance the flexibility of labour markets, the work organisation and labour relations on the one hand, and*
- *to enhance security – employment security and social security – notably for weaker groups in and outside the labour market on the other hand.*

www.mruni.eu

Wilthagen and Rogowski, 2002



### *The definition of flexicurity:*

- (1) *a degree of job, employment, income and combination security that facilitates the labour market careers and biographies of workers with a relatively weak position and allows for enduring and high quality labour market participation and social inclusion, **while at the same time providing***
- (2) *a degree of numerical (both external and internal), functional and wage flexibility that allows for labour markets' (and individual companies') timely and adequate adjustment to changing conditions in order to maintain and enhance competitiveness and productivity.*

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Wilthagen and Tros, 2004

### *The definition of flexicurity:*

- an integrated strategy
- to enhance, at the same time,
- flexibility and
- security
- in the labour market.

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European Commission, 2007

## Flexibility and Labour inspection: ways to affect

- external flexibility (conclusion and termination of labour contracts, fixed-term contracts);
- internal flexibility (possibility to change working time, to organize overtime, etc.);
- functional flexibility (possibility to change work organization: redirect employees to different jobs);
- work pay flexibility (the correction of work pay according to the changes in the market: demand/supply).

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## Security and Labour inspection : ways to affect

- work security (in the particular workplace);
- employment security (security of staying employed, though not necessarily in the same job);
- income security (being secured income in case of unemployment, sickness or accidents, and is expressed through the public transfer income systems, such as unemployment and cash benefit systems);
- combination security (the possibilities available for combining working and private life, e.g. through retirement schemes, maternity leave, voluntary-sector unpaid work etc.).

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## Ways to affect labour conditions (OSH and legal requirements): Lithuanian experience (1):

- Enterprises Risk Assessment System:
  - The system was developed on purpose to optimize SLI inspection activities and do not disturb a work of fair dealing enterprises.
  - At first, most risky economic sectors were indicated and then - most risky enterprises in those economic sectors.
  - SLI scheduled inspects only the most risky SE's, other inspections are only reactive (complains, undeclared work, investigation of accidents).



## Ways to affect labour conditions (OSH and legal requirements): Lithuanian experience (2):

- Soft measures:
  - Prior declarations ( "First years declaration", Electronic OSH declaration);
  - Consultancy inspections;
  - Consultancy, information and education activities (consultancy center, public consultations, seminars, etc.);
  - E- measures (social networks, electronic communication, e-newsletters);
  - Objective OSH seminars (work with targeted groups, involving social partners, etc.

## Instead of Conclusions

- Flexibility is necessary for growing economies, but it should be adequate and balanced with the security.
- The flexibility of labour regulation is not a reason for lower standards of labour security.
- The inspection activities should ensure the proper balance between flexibility and security – ways to achieve it should be found.
- The modern economy has the great impact to labour relations and demand of deregulation – that is the challenge for Labour Inspectorates to achieve the goal of better workplaces using modern inspection methods.

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**THANK YOU FOR YOUR ATTENTION**

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## Flexible regulation and workplace inspection: the Lithuanian experience.

### ABSTRACT

The definition of flexicurity – it's a policy strategy, that attempts, synchronically and in a deliberate way to enhance the flexibility of labour markets, the work organisation and labour relations on the one hand, and to enhance security – employment security and social security – notably for weaker groups in and outside the labour market on the other hand.

*Wilthagen and Rogowski, 2002*

Development of the definition, flexicurity is:

(1) a degree of job, employment, income and combination security that facilitates the labour market careers and biographies of workers with a relatively weak position and allows for enduring and high quality labour market articulation and social inclusion, **while at the same time providing**

(2) a degree of numerical (both external and internal), functional and wage flexibility that allows for labour markets' (and individual companies') timely and adequate adjustment to changing conditions in order to maintain and enhance competitiveness and productivity.

*Wilthagen and Tros, 2004*

Institutionalized definition of flexicurity – it is an integrated strategy to enhance, at the same time, flexibility and security in the labour market.

*European Commission, 2007*

### Labour inspection and flexible regulation:

- > external flexibility (conclusion and termination of labour contracts, fixed-term contracts);
- > internal flexibility (possibility to change working time, to organize overtime, etc.);
- > functional flexibility (possibility to change work organization: redirect employees to different jobs);
- > work pay flexibility (the correction of work pay according to the changes in the market: demand/supply).

### Labour inspection and demand for security:

- > work security (in the particular workplace);
- > employment security (security of staying employed, though not necessarily in the same job);
- > income security (being secured income in case of unemployment, sickness or accidents, and is expressed through the public transfer income systems, such as unemployment and cash benefit systems);
- > combination security (the possibilities available for combining working and private life, e.g. through retirement schemes, maternity leave, voluntary-sector unpaid work etc.).

### **Ways to affect labour conditions (OSH and legal requirements): Lithuanian experience:**

#### > Enterprises Risk Assessment System:

- The system was developed on purpose to optimize SLI inspection activities and do not disturb a work of fair dealing enterprises.
- At first, most risky economic sectors were indicated and then - most risky enterprises in those economic sectors.
- SLI scheduled inspects only the most risky SE's, other inspections are only reactive (complains, undeclared work, investigation of accidents).

#### > Soft measures:

- Prior declarations ( "First years declaration", Electronic OSH declaration);
- Consultancy inspections;
- Consultancy, information and education activities (consultancy center, public consultations, seminars, etc.);
- E- measures (social networks, electronic communication, e- newsletters);
- Objective OSH seminars (work with targeted groups, involving social partners, etc.

### **Conclusions**

- > Flexibility is necessary for growing economies, but it should be adequate and balanced with the security.
- > The flexibility of labour regulation is not a reason for lower standards of labour security.
- > The inspection activities should ensure the proper balance between flexibility and security – ways to achieve it should be found.
- > The modern economy has the great impact to labour relations and demand of deregulation – that is the challenge for Labour Inspectorates to achieve the goal of better workplaces using modern inspection methods.

**VILIUS MAČIULAITIS, PHD**

MYKOLAS ROMERIS UNIVERSITY



*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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## **Minijobs-non standard employment with standard problems?**

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## Mini jobs-non standard employment with standard issues?

Udo Diel, North Rhine-Westphalia Ministry of Work, Social Integration and Social Affairs

Rom, 13. November 2014

1



### Facts and figures.

6.85 million marginally employed in the commercial sector;  
some 265,000 low-wage jobs in private households  
(December 2013).

some 33 per cent: Mini job as second job

Percentage of female employees: 61.3 pc (91.4pc in privat homes).

Mini job holders by industry:

Commerce; car repairs	1,286,594
Other commercial services	838,712
Hospitality industry	807,154
Health and social sector	707,103

2



## Peculiarities: social insurance and taxes.

€0.01 – €450.00 or: employment not exceeding 2 months or 50 days in one year	€450.01 – €850.00	From €850.01								
<p><u>Marginal employment</u></p> <ul style="list-style-type: none"> <li>- Reduced contribution to old age pension scheme and health insurance (typically 15 and 13 per cent respectively)</li> <li>- Contribution paid by employer</li> <li>- No claim for benefits of the health insurance</li> <li>- Since 1 January 2013: mandatory contribution to old age pension scheme with option for exemption</li> <li>- Typically flat tax of 2 per cent</li> </ul>	<p><u>Sliding scale</u></p> <ul style="list-style-type: none"> <li>- Full contribution to social insurance system paid by employer</li> <li>- Smaller contribution withheld from wage (between 35.75 and 51.14 per cent)</li> <li>- Mandatory contribution to old age pension scheme, compulsory long term care insurance and unemployment insurance</li> <li>- Taxation according to group certificate</li> </ul>	<p><u>Employment subject to social insurance contribution</u></p> <ul style="list-style-type: none"> <li>- Contribution split between workers and employers (Exception: extra contribution to health insurance)</li> <li>- Mandatory contribution           <table border="0" data-bbox="1023 734 1347 869"> <tr> <td>old age pension scheme</td> <td>18.90pc</td> </tr> <tr> <td>health insurance</td> <td>15.50pc</td> </tr> <tr> <td>compulsory long term care insurance</td> <td>2.05pc</td> </tr> <tr> <td>unemployment insurance</td> <td>3.00pc</td> </tr> </table> </li> <li>- Taxation according to group certificate</li> </ul>	old age pension scheme	18.90pc	health insurance	15.50pc	compulsory long term care insurance	2.05pc	unemployment insurance	3.00pc
old age pension scheme	18.90pc									
health insurance	15.50pc									
compulsory long term care insurance	2.05pc									
unemployment insurance	3.00pc									

3



## How are mini jobs treated in employment law?

### Holders of mini jobs

- are part-time employees
- enjoy unrestricted workplace health and safety protection

### Some of the things minijob holders are entitled to under employment law:

- Continued pay for up to six weeks if unable to work due to injury or sickness
- Paid statutory holidays
- Statutory maternity pay (during pregnancy/maternity)
- Paid annual leave
- Notice periods

4



### Workplace health and safety/employment legislation.

frequent detection of massive breaches of employment laws (findings of a 2013 study carried out by the RWI institute and commissioned by the North Rhine-Westphalia Ministry of Work, Social Integration and Social Affairs)

	Survey of workers	Survey of employers
No leave granted	41 per cent	31per cent
No continued pay during sickness	39 per cent	26 per cent
No maternity pay	27 per cent	33 per cent
No statutory holiday pay	43 per cent	40 per cent

<sup>5</sup> Problem: Employee must sue before an employment tribunal.



### Risk management, monitoring and enforcement.

Health and safety executive  
 Anti-illegal employment taskforce  
 old age pension scheme auditors  
 Mini-Job Centre

6



**Result: Minijobs - standard employment with non standard problems!**

**Position of the North Rhine-Westphalia Ministry  
of Work, Social Integration and Social Affairs.**

improve working conditions for the marginally employed.

prevent or reverse the transformation of jobs  
that are subject to social insurance contribution to mini jobs.

**Objective: All employment must be subject to social insurance contribution**

7



**Thank you for your attention**

8

## **Minijobs-non standard** employment with standard **problems?**

### **ABSTRACT**

The presentation addresses the scope and structure of mini jobs (employment with a salary below 450,- Euro per month) in Germany and illustrates the peculiarities regarding the social insurance sector as well as the tax system. Holders of mini jobs are regular employees and have the same rights in the Workplace health and safety/employment legislation as employees with full social insurance coverage.

Nonetheless there are many breaches of employment laws to observe. Therefore risk management, monitoring and law enforcement are on the political agenda. As far as possible mini jobs should be transformed in jobs that are subject to the full social insurance system.

**UDO DIEL**

MINISTRY OF LABOUR, INTEFRATION AND SOCIAL AFFAIRS - GERMANY





*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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# **Temporary** work and labour inspection: the **Swedish experience.**

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ARBETSMILJÖ  
VERKET

**Work for lease**  
*- Physical and psychosocial work environment  
for employees in the staffing sector*

Magnus Falk, Senior analyst

1



ARBETSMILJÖ  
VERKET

## A booming industry...

- A tenfold growth since the 90's
- The number of employees has increased from 5000 in 1994 to just over 60,000 in 2012
- Research shows that 40 percent of the nation's workplaces with more than 100 employees make use of hired staff
- Figures from employer organizations shows that sales in the third quarter of 2011 increased 18 percent compared with the same period in 2010

2



## ...with a high degree of risks

- A higher number of accidents than the rest of the labour market
  - 2011 all sectors had an average of six reported accidents with sick leave per 1000 employees. The staffing sector had double the frequency
- The sector employs a large number of young people
  - Of those injured 60 percent is under 35 years compared to 30 percent for the labour force in all sectors

3



## Risks (contd.)

- Hired employees experience greater strain than permanent ones, a feeling of lack of control over their work situation
- It is also common to worry about household finances and to become out of work = risk for stress
- According to a Norwegian thesis employees on short fixed-term contracts in Sweden and Finland are more likely to be unemployed than the one that has the same form of employment in Norway or Denmark

4

## Results from the campaign

- We inspected 759 companies. 332 where agencies and 427 companies that hired staff
- There were shortcomings in the introduction and therefore direct risks that hired staff falls in-between responsibilities
- Higher risk of exposure to psychosocial ill-health
- Evident shortcomings in preventive work environment
- The heaviest and most monotonously repetitive work is often being carried out by the hired staff

| 5

## Results from the research report

- Hired staff are more likely to be exposed to psychosocial ill-health than other groups in the labour market
- Job satisfaction is significantly lower than for other groups
- They also have a lower level of independence and self-control than other employees = risk for stress
- They are overrepresented in occupations and industries where working conditions are hazardous
- Those hired are also more vulnerable to injuries

| 6



## So what must be done?

- A well-functioning safety culture with adequate introduction and safety information at each new assignment is essential to reduce the risk of work
- A good systematic and preventive approach is highlighted in different ways and fora – increase awareness of shared responsibility between employer and hiring company
  - Increase the application of SAM, especially in small and medium-sized businesses
- Increase the knowledge of safety and health at work – for instance information campaigns

7

## Temporary work and labour inspection: the **Swedish experience**.

### ABSTRACT

#### Bild 1.

##### *Work for lease*

- Physical and psychosocial work environment for employees at staffing agencies

In pace with social change in recent decades the forms of employment also have changed. I will in this short presentation show you the situation today in Sweden regarding employees at staffing agencies – both regarding direct figures of the sector as such, but also the results from an inspection campaign that we have done, and the results from a research report.

#### Bild 2.

So, to start off with: the staffing sector has boomed in Sweden. The number of employees has increased from 5000 in 1994 to just over 60,000 in 2012, and it will continue to increase.

Research shows that 40 percent of the nation's workplaces with more than 100 employees make use of employees from staffing companies. The prognosis is that the sector will grow further.



A special thing with the staffing sector is that two parties bear the responsibility for the work, both the employer (staffing company) and the client company. Unfortunately, instead of doubling the safety for the individual worker, this more often means that the worker is left in-between.

This, together with the fact that the worker quite often is new at a worksite, and thus have no or little knowledge of how the work is done safely because of lack of introduction, means that he or she is put at great risk sometimes.

### **Bild 3.**

Since the employees are leased to various industries – different types of risks arise, and the staffing sector shows a higher number of accidents than the rest of the labour market. In 2011 all the social sectors had an average of six reported accidents with sick leave per 1000 employees. The industry had double the frequency, i.e., 12 reported accidents with sick leave per 1000 employees, despite the fact that a large part works with clerical services.

The sector employs a large number of young people, resulting in a larger number of young people injured. Of those injured in the staffing industry 60 percent is under 35 years compared to 30 percent for the labour force in all sectors.

### **Bild 4.**

Apart from physical harm – there is also the psycho-social factors. Staffing employees experience greater strain than permanent employees because they often have less control over their work situation. It is also common to worry about household finances and to become out of work.

According to a Norwegian thesis employees on short fixed-term contracts in Sweden and Finland are more likely to be unemployed than the one that has the same form of employment in Norway or Denmark. Meanwhile, the number of employees in the staffing sector grows throughout Europe.

A direct concern relating to this is that the Authority's own analysis report on Systematic Work Environment Management (SAM) shows that staffing agencies have a lower degree of knowledge of SAM than other enterprises. In order to be able to tackle this growing number of accidents – and the concerns regarding psycho-social factors – the Swedish Work Environment Authority started up an inspection campaign in 2011. The aim was both to investigate what kind of risks that were at hand and gather information regarding the situation as a whole. The campaign lasted for 2 years and gave valuable insights for further work. The authority also gave the task to some researchers to write a report regarding what has been showed in recent years of research concerning flexible work – and then especially the case of staffing agencies.

I will now in short give you some of the results.

## **Bild 5.**

### *Results from the campaign*

We inspected 759 companies within this campaign: 332 where agencies and 427 companies that hired staff. Some of the things were:

- > there were shortcomings in the introduction and therefore direct risks that workers falls in-between responsibilities
- > higher risk of exposure to psychosocial ill-health
- > evident shortcomings in preventive work environment
- > another important problem is that the heaviest and most monotonously repetitive work is often being carried out by the hired staff

## **Bild 6.**

### *Results from the research report*

The researchers looked into the Swedish and international research on temporary workers physical and psychosocial work environment and work-related injuries. The psychosocial work factors included job security, control and decision opportunities, career development and organizational culture. They show that hired staff are more likely to be exposed to psychosocial ill-health than other groups in the labour market. As was also proven within the inspection campaign. The report also shows that job satisfaction is significantly lower for these workers than for other groups. Even more:

- > they also have a lower level of independence and self-control than other employees
- > they are overrepresented in occupations and industries where working conditions are hazardous
- > those hired are also more vulnerable to injuries

One can then wonder why this is the case. It is however difficult to draw any general conclusions about the reasons for the increased risk of injury for the hired staff.

Even so, according to the researchers several studies indicate that some important factors are the fact to always be new on the job as well as, as I mentioned before, deficiencies in the introduction and safety instructions/ routines.

The use of hired staff is still a fast growing and very profitable area – the last part also seen as one of the main drivers for hiring staff from the part of the company that is hiring. They also see the fact of having a flexible workforce as a positive, almost competitive factor. Then being able to meet the fluctuating demands of the market. But we now know for certain that this is devastating for the employees themselves if not proper measures are being taken.

## **Bild 7.**

### *What should be done?*

The option is not to put hinder in the way for the agencies/companies as such. There are thousands of people that find a way of supporting themselves and their families by the work that is being offered through staffing agencies. What the campaign and the deepened knowledge through the report by the researchers has given us, is a better set of tools and even so routines to be able to deal with the problems that arise. It is important to deal with the challenges that exist in the work environment – both for employed staff and the hired workers.

This benefits both the

employees, the industry and the society as a whole.

- > a well-functioning safety culture with adequate introduction and safety information at each new assignment is essential to reduce the risk of work
- > a good systematic and preventive approach is highlighted in different ways and fora – increase awareness of shared responsibility between employer and hiring company
  - o increase the application of SAM, especially in small and medium-sized businesses
- > increase the knowledge of safety and health at work – specific information campaigns

## **MAGNUS FALK**

SENIOR ANALIST

ARBEITSMILJÖ VERKET, SWEDEN





*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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**Experiences** of the National  
Labour Inspectorate in **Poland**  
as regards the observance  
of the law with reference  
to **temporary** workers.

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# Experiences of the National Labour Inspectorate in Poland as regards the observance of the law with reference to temporary workers

Beata Krajewska  
Chief Labour Inspectorate  
Legality of Employment Department

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## Temporary employment in Poland

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1. In 2013, there were **1610 temporary work agencies**, which engaged a total of almost **560 thousand persons to perform temporary work**.
2. Temporary workers are most often young persons below 26 years of age; men outnumber women (53%).
3. They are mainly engaged in the motor industry (18.66%), machine industry (13.8%) and in food manufacturing (11.44%).

*Data of the Ministry of Labour and Social Policy and results of the survey conducted by the Polish Human Resources Forum in 2013.*



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## Temporary employment in Poland

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4. The largest number of temporary workers are engaged in production-related positions (about 80%).
5. In Poland, about 20% of temporary workers are educated persons, with good command of foreign languages. They are mainly employed in companies like *call centres and service centres*.
6. Polish temporary work agencies direct temporary workers to work for Polish employers-users, but also abroad, mainly in the **Netherlands, Belgium, Germany and France**.

*Results of the survey conducted by the Polish HR Forum in 2013 and data of the National Labour Inspectorate in Poland.*

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## Role of National Labour Inspectorate

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The National Labour Inspectorate is an authority established to supervise and inspect the **observance of labour law**, in particular **regulations and rules of occupational safety and health, provisions on the legality of employment**, and provisions **governing the activity of employment agencies**.

## Thematic scope of inspections focused on temporary employment

1. Compliance with provisions applicable to the activity of employment agencies, including those agencies which provide services related to temporary work (*Act of 20 April 2004 on the promotion of employment and labour market institutions*);
2. Observance of labour law, including work safety and health regulations, with regard to temporary workers (*Act of 9 July 2003 on the employment of temporary workers and other provisions of labour law*);
3. Compliance with provisions on the legality of employment of Polish citizens and foreigners (*Act of 20 April 2004 on the promotion of employment and labour market institutions, as well as other provisions*).

### Irregularities in 2013 regarding compliance with legal provisions governing the activity of employment agencies

- a) provision of services related to temporary work **without having obtained an entry in the register** of employment agencies:
  - 11 agencies (6.7% of inspected entities) in 2013,
  - 24 agencies (10.8%) in 2012;
- b) employment agency's failure to comply with the duty to write the **number of its entry in the a/m register** in documents, advertisements and offers – 30 agencies (18%);



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## Irregularities in 2013 regarding compliance with legal provisions governing the activity of employment agencies

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- c) employment agency's failure to comply with the duty to **mark offers to perform temporary work as „temporary work offers”** – 20 agencies (12% of inspected entities);
  
- d) employment agency's failure to comply with the duty to **inform the voivodeship marshal** about each change of data included in the application for an entry in the register (also its name or address) – 11 agencies (6.7%).

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## Irregularities in 2013 regarding compliance with provisions of the Act on the employment of temporary workers and other regulations of labour law

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- a) shortcomings related to **making arrangements, in writing**, between a temporary work agency and an employer-user concerning the terms and conditions of temporary work – 54 agencies (33% of inspected entities);
- b) incorrect **content of employment contracts** concluded between a temporary work agency and temporary workers – 37 agencies (30% of entities where this issue was verified);
- c) exceeding the **permissible period of performing temporary work** for the benefit of one employer-user – 31 agencies (20% of inspected entities);

## Irregularities in 2013 regarding compliance with provisions of the Act on the employment of temporary workers and other regulations of labour law

- d) non-payment, or delayed payment, of **remuneration for work** or other employment-related benefits – 27 agencies (23%);
- e) non-observance of provisions on **working time**, including failure to keep, or unreliable keeping, of working time records – 26 employers-users (21%), irregularities were related to 14% of temporary workers covered by inspections;
- f) breaching the rule that temporary workers should be directed only to **perform temporary work** (that is seasonal, periodic or casual tasks) – 16 agencies (11%) with regard to 231 persons (7%);

## The most frequently identified irregularities related to OSH in 2013

**Irregularities concerning the observance of occupational safety and health regulations were identified mainly during inspections of employers-users. Shortcomings were proved during 44% of inspections of such employers.**

- g) Irregularities related to providing temporary workers with working clothes, footwear and personal protective equipment – 34 employers-users (22.5%);
- h) Irregularities related to training workers in occupational safety and health matters – 31 employers-users (19%);
- i) Irregularities related to assessing occupational risk and informing workers about it – 25 employers-users (17%).



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## Irregularities in 2013 regarding compliance with the provisions on the legality of employment of Polish citizens and foreigners

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- a) Irregularities related to registering persons performing work with the **social insurance system** (failure to register or delayed registration) – 50 agencies (30.6%);
- b) Irregularities in the payment of **contributions to the Labour Fund** – 40 agencies (24%);

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## Irregularities in 2013 regarding compliance with the provisions on the legality of employment of Polish citizens and foreigners

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- c) Irregularities related to the **legality of employment of foreigners**, including:
- entrusting performance of work to a foreigner who does not have a required work permit,
  - entrusting performance of work to a foreigner in conditions different from those stipulated in the work permit,
  - making a foreigner perform work illegally, for example by misleading the foreigner
- 19 agencies (that is 27% of inspected entities employing foreigners).

## Example of irregularity

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**41 foreigners** were engaged by a Polish temporary work agency and directed to **pick up mushrooms in a company of a Polish employer-user.**

Shortcomings identified as a result of an inspection:

- failure to observe the terms of the pre-initial contract with regard to the basis of an employment relationship and the amount of pay for work,
- employment based on civil-law contracts in conditions typical of an employment relationship,
- unreliable recording of working time,
- violations of working time regulations, including failure to ensure an average five-day working week and a free Sunday at least once in four weeks,
- failure to arrange OSH training and preventive medical examinations,
- work at height without any means of protection from falling,
- **employment of foreigners in breach of the terms specified in their work permits** (that is, in a company of an employer-user other than the one mentioned in the permit) – **illegal work.**

## Example of irregularity

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**Applied legal measures and other steps taken by NLI's inspectors:**

- decisions with orders and improvement notices were issued to eliminate identified irregularities,
- penalty motions were filed with the criminal court in relation to offences in the area of labour law, OSH regulations and legality of employment,
- prosecutor's office was notified of a suspicion, among others, that a fraud was committed, and that inspection activities of a labour inspector were obstructed,
- the Voivodeship Marshal was informed of irregularities in activities of the temporary work agency. The Marshal took a decision to cross out the entity from the register of employment agencies.





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## CONCLUSIONS AND CHALLENGES

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1. The need for temporary workers is **continually increasing**.
2. In the opinion of labour inspectors, contrary to theoretical assumptions, temporary work **does not mainly serve as a short-term** help to ensure that regular operations of an enterprise may be continued. Employers treat this form of employment first and foremost as a method to reduce the costs of economic activity.

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## CONCLUSIONS AND CHALLENGES

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3. Problems during inspections of the observance of provisions on temporary work are related to **deficiencies in those regulations**, including the lack of sanctions for breaching essential duties (e.g. non-observance of a ban on discriminating temporary workers as regards their terms and conditions of employment in comparison with the terms offered to workers directly employed by the employer-user).
4. Employment of persons performing temporary work on the basis of civil law contracts **is becoming widespread**.

## CONCLUSIONS AND CHALLENGES

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5. In view of the fact that Polish temporary work agencies provide services for foreign employers-users, emphasis should be put on the importance of **international cooperation**.
  
6. Popularity of temporary work means that **educational activities** targeted at temporary work agencies, employers-users and prospective temporary workers **should be developed**.

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# Thank you for attention

**Beata Krajewska**  
CHIEF LABOUR INSPECTORATE  
Legality of Employment Department



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## **Experiences** of the National Labour Inspectorate in **Poland** as regards the observance of the law with reference to **temporary** workers.

### **ABSTRACT**

Temporary employment is an efficient and flexible tool for acquiring workers, thus it is getting more and more popular amongst Polish entrepreneurs.

The presentation includes information on the scale of temporary employment in Poland (including the number of temporary employment agencies and temporary workers), a profile of a temporary worker, most affected sectors as well as the list of countries where Polish temporary workers perform work. You will also find information on the role of the National Labour Inspectorate.

The main objective of the presentation is to present the outcomes of inspections carried out by labour inspectors of the National Labour Inspectorate at temporary employment agencies and their clients in 2013 in terms of compliance with regulations concerning the operations of employment agencies, the Act on the employment of temporary workers and other labour law regulations, inclusive of occupational safety and health and legality of employment, including foreigners. The presentation also contains an example of a flagrant exploitation of temporary workers by a temporary employment agency and the client. In the final part of the presentation there are conclusions and challenges that particularly refer to problems faced by labour inspectors when inspecting agencies and clients, the need for development of international cooperation as well as the need for educational actions aimed at all temporary employment stakeholders.

**BEATA KRAJEWSKA**

CHIEF SPECIALIST

NATIONAL LABOUR INSPECTORATE, POLAND





*Agenda point Session 2*

*Non Standard Work and Labour Inspection: some national experiences*

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## **Apprenticeship**, regulation and labour inspection: the **Italian experience**.

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# Apprenticeship, regulation and labour inspection: the Italian experience

**Danilo Papa,**  
General Director of D.G. for Inspection Activity,  
Ministry of Labour and Social Policies, Italy

67TH MEETING OF SENIOR LABOUR INSPECTORS COMMITTEE (SLIC)  
Rome, 13th November 2014

## Apprenticeship: principles

### Three types of apprenticeship:

- Apprenticeship in completion of the secondary education programme (professional diploma);
- Professional Apprenticeship;
- Apprenticeship of higher education and research.



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Rome, 13<sup>th</sup> November 2014





The three types of apprenticeship contracts are **disciplined by**

- ❖ **Inter-sectoral National Collective Agreements** or by
- ❖ **Sectoral National Collective Agreements**, providing that:

- entitled to these agreements are the Unions and the (sectoral) Employers Associations most representative at National level;
- the Agreements have to follow a few principles established by the law.



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## **Apprenticeship rules comprehend:**

- Limits on the number of apprentices the Employer is entitled to engage;
- “Burdens of stabilisation” of part of the Apprentices.



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## Apprenticeship in completion of the secondary education programme (professional diploma)

### Objectives

it is a way to achieve the minimum standard of education (in alternative to formal education at secondary school);

### Entitled to employment

Young people from 15 up to their 24<sup>th</sup> birthday;

### Discipline of the trainees' profiles (job profiles)

Established by Regions heard the Social Partners.



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## Professional Apprenticeship

### Objectives

To reach the “professional qualification” as defined and described by the National Collective Agreement;

### Entitled to employment

Young people between 18 and 29;

### Discipline of the trainees' profiles (job profiles)

(inter-sectoral and/or sectoral) National Collective Agreements.



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## Apprenticeship of higher education and research

### Objectives

In order to reach a secondary school diploma, a university degree, a PhD, a higher technical diploma;

### Entitled to employment

Young people between 18 and 29;

### Discipline of the trainees' profiles (job profiles)

Regions in accordance with the Social Partners and Universities/Professional and Technical Secondary Schools/research centres.



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## OSH law and Apprenticeship in Italy

«**Employee**»: a person who, irrespective of the type of contract, works within the organization of an employer, public or private, with or without a salary, including the case of work carried out for the only purpose of learning a job, an art or a profession.

(art. 2.1 Leg. Decree n. 81/2008)

### **The objects of the risks assessment**

The risks assessment [...] should comprehend all the risks for health and safety the employees are exposed to, including those regarding particular groups of employees facing specific risks, such as those [...] related to gender, age ....

(art. 28.1 D.Lgs. n. 81/2008)



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## OSHA: Why are young people vulnerable?

New to the job and new to the workplace, **young people lack experience, and may not pay enough attention to the risks that they face:**

- they may lack physical and psychological maturity
- they may lack skills and training
- they may be unaware of their employer's duties, and their own rights and responsibilities
- they may lack confidence in speaking out if there's a problem.

For their part, **employers may fail to take account of the vulnerability of young people**, by providing them with the training, supervision and safeguards that they need, and giving them work that is appropriate for them.

(see: [https://osha.europa.eu/en/priority\\_groups/young\\_people](https://osha.europa.eu/en/priority_groups/young_people))



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## ... the law says that Training for Apprentices is composed of:

### Basic Training and Training on Cross-Cutting issues:

- discipline established by each Region;
- up to 120 hours in three years (depending on public funds).

### Professional training:

- discipline established by the National Collective Agreements;
- paid by the Employer.



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❑ **Basic Training and Training on Cross-Cutting issues:**

- discipline established by each Region;
- up to 120 hours in three years (depending on public funds).



❑ **OSH Training for Apprentices is part of the Basic Training and the Cross-cutting Training (public funds);**

❑ **OSH Training for Apprentices should be issued within 60 days after starting work.**



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2014 Presidenza Italiana  
del Consiglio  
dell'Unione Europea

**Thank you for your attention**

**Danilo Papa,**  
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Ministry of Labour and Social Policies, Italy  
67TH MEETING OF SENIOR LABOUR INSPECTORS COMMITTEE (SLIC)  
Rome, 13th November 2014

# Apprenticeship, regulation and labour inspection: the **Italian experience**.

## **ABSTRACT**

The presentation describes the regulatory framework of apprenticeship set by the law and the collective agreements in Italy, with specific consideration to OSH.

The first part of the presentation is essentially normative and descriptive, and it gives some essential information on the three forms of apprenticeship now available in Italy for young workers: a) Apprenticeship in completion of the secondary education programme (professional diploma); b) Professional Apprenticeship; c) apprenticeship of higher education and research.

The three forms of apprenticeship are tailored to meet different organizational needs on the employer's side, as well as they are meant to be addressed to different types of young workers/work seekers. Training is an essential part of the apprenticeship agreements, and OSH training is a core item.

The second part of the work is specifically addressed to the implications concerning the OSH risks assessment in case of work performed by young people, and in particular by apprentices. The essential point is that, while affording the risks assessment process, employers are expected to consider young employees as a specific and particularly vulnerable group to focus on.

## **DANILO PAPA**

*GENERAL DIRECTOR FOR THE INSPECTION ACTIVITIES  
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