



Challenges faced by Labour Inspectorates relating to enforcement - Contribution to the ex-post evaluation of the OSH legislation

*Committee of Senior
Labour Inspectors (SLIC)*

Adopted by 68th SLIC Plenary in Riga (LV) 27/05/2015

***Document is prepared by SLIC WG Enforcement – Sub-WG
Contribution to the ex-post evaluation of the OSH legislation***

The Sub-WG Contribution to the ex-post evaluation of the OSH legislation was set up by WG Enforcement (WGE) to put forward recommendations on how the Senior Labour Inspectors Committee (SLIC) could contribute to the review exercise of the OHS directives. This, in view of the fact that SLIC is expected to make its own contribution to the evaluation exercise of the Member States' Practical Implementation Reports, by providing information regarding enforcement aspects in the implementation of the Directives. According to WG Enforcement's decision, Sub-WG Contribution to the ex-post evaluation of the OSH legislation needs to:

- (i) identify and summarize problems encountered in transposing the Directives that appear in the report;
- (ii) address any special requests of the European Commission (for e.g. enforcement in the case of self-employed or domestic workers); and
- (iii) address other issues which are not included in the transposition report or which have been put forward by the Commission, e.g. the enforcement of social partner agreements as a problem area.

When the Sub-WG Contribution to the ex-post evaluation of the OSH legislation commenced its task, the national reports were not yet in the public domain and for this reason, the Sub-WG devised a questionnaire (which was first accepted by WGE, and later by SLIC), as would allow the identification and discussion of those aspects of the national practical implementation reports relating to enforcement that pose a challenge. This questionnaire was circulated to the 31 members of WGE for their replies.

There were 25 respondents to the questionnaire¹, which was divided into three sections – in Section 1, respondents were asked to describe a maximum of five major challenges related to enforcement which are encountered by the Labour Inspectorate (LI) within the respective country. Section 2 refers to a number of potential specific enforcement issues at a macro level meriting further attention and discussion – some of the issues relate to the Framework Directive, while others, to social partner agreements. Section 3 refers to potential enforcement issues that can hamper the successful implementation of the Strategic Framework for OSH 2014 - 2020. All the

¹ Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Lithuania, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom.

questions in Sections 2 and 3 required a yes/no answer, and in some cases to provide an explanation to the answer given.

Although the stipulated deadline was the end of October 2014, the last response was received in mid-December – all responses were included in this report.

The report was discussed by the WG Enforcement during its meeting held on the 26th February, when a few minor amendments were suggested. The amended report was recirculated to the WG Enforcement for its endorsement – since no untoward remarks were received, the report can be considered to be accepted by the WG Enforcement.

Analysis of the responses submitted.

Section 1: Description of perceived enforcement challenges.

In this section, respondents were asked to describe a maximum of five major challenges related to enforcement encountered by the LI in their respective countries. 24 out of 25 respondents listed a total of 78 major challenges (several challenges were mentioned by more than one respondent), while one respondent gave a short list of positive approaches being adopted by the LI instead of giving a list of challenges faced.

Interestingly, 12 respondents mentioned challenges which are inherent to the LIs themselves – inadequate resourcing, inadequate training (especially when it comes to continued professional development), inefficiencies in LI enforcement systems, administrative duties which decrease the amount of time available for enforcement duties, (especially with regards to the preparation of judicial proceedings, which increasingly are also leading to higher costs for the LI), and political interference in LI decisions. Other challenges described included the exclusion of certain categories of workers from the responsibilities pertaining to the LI, regional enforcement differences, and in the case of one respondent, an anomalous LI organisational structure. Several respondents also included the economic slowdown as a factor leading to an uncertain future for the LI, while highlighting a perceived loss of importance being given to OSH by employers. Another respondent mentioned that in view of the limitation of resources, LIs are required to prioritize their actions, meaning that low risk sectors are not being given much attention.

Employment contracts ('of service' and 'for service') featured as a challenge mentioned by the second highest number of respondents – 10 in all – all of whom mentioned different aspects relating to it. Self employed workers and domestic

workers (their exclusion, or, where these categories of workers are not excluded, the problems faced by the LI in enforcing OSH legislation in their regard) were specifically highlighted. Precarious work, work being carried out by foreign workers and posted workers (in the case of the latter, with special regard to health surveillance) were other common challenges identified. Telework was also identified by several respondents as offering a challenge to the LI, with one even describing the lack of regulation thereof as a major challenge. Another respondent identified voluntary work as a major challenge for the LI, and even suggested the inclusion of its interpretation in the Framework Directive in order to get a common European approach.

According to 7 respondents, the Directives themselves give rise to a number of challenges including that they were deemed too technical (creating problems for the LI, or leading to compliance difficulties for duty-holders, especially SMEs) - the vibrations directive and other physical agents directives (system of multiple limit values) were specifically mentioned in this regard. Other respondents highlighted the lack of EU produced guidance on the implementation of the biological agents directive as well as on the manual handling of loads directive. In the case of the latter, it was suggested that consideration should be given to establishing limit values.

One respondent also referred to the use of terms such as 'reasonable' and 'suitable' in the directives, for which no measurable objectives can be set, while another considers the minimum requirements established by the directives as being too general and may be open to different interpretations.

Repetition within the different existing directives and duplication of requirements was mentioned by 2 respondents, while 2 others mentioned the lack of legal instruments addressing new and emerging risks, including new forms of employment and new technologies (one specifically mentioned the VDU directive which needs to be amended to take into consideration modern technical developments). Another mentioned the lack of suitable links between the work equipment directive and the machinery directive.

The fourth commonest challenge identified concerned the size of enterprises, mentioned by 6 respondents, 3 of whom also referred to the bureaucratic challenges that may hamper compliance in microenterprises and SMEs. Another enterprise-related demographic characteristic described as a challenge for the LI is the ageing workforce (with young workers also being identified as posing a challenge to the LI) - this was mentioned by two respondents.

Various respondents mentioned specific risks or high risk work activities which pose significant challenges to the LI – psychosocial risks, ergonomic risks, construction work, handling of asbestos-containing-material, chemical agents. 2 respondents mentioned the challenge of old equipment and machinery which is still in use, and how this could be made to conform with the relevant directives and certified. 2 other respondents mentioned occupational diseases as a major challenge for their LI.

A wide range of other challenges were mentioned by individual respondents. Two issues in particular concerned the actual visits by LI and the resultant challenge of obtaining high-level cooperation between employers and workers during LI inspections, together with the difficulty in achieving a balance between the LI's role of communicating with employers while imposing penalties for infringements.

Other challenges which were only mentioned once by respondents included: the risk of violence faced by inspectors, the lack of a directive specifically addressing agriculture, motivating employees and obtaining their involvement in matters which affect their OSH, the difficulty to demonstrate the resultant benefits from ensuring adequate levels of OSH, the overall reduction in union membership, and how to ensure a level playing field for SMEs across the EU following REFIT.

Section 2: Specific macro enforcement challenges.

The majority of respondents (18 out of 25 replies) report that the LI is responsible for enforcing OSH EU legislation in the case of self-employed persons. However, several Member States further mentioned that there are a number of exceptions, so that the LI has no power to intervene. 12 out of these 18 respondents further claim that the LI encounters problems relating to enforcement with regards to self-employed persons.

Self-employed persons' poor knowledge of OSH requirements, and an apparent lack of information and training in OSH matters were given as reasons behind the LI's enforcement problems in this field. Other reasons given concerned the LI's difficulties in identifying self-employed persons on site, and distinguishing them from other, employed workers. This comment was also made in the light of the rapidly-changing employment status of self-employed persons. Enforcement action was also problematic in those cases where the residential address could not be determined. Another reason given was that the LI adopts a reactive approach with regards to self-employed persons, while another respondent referred to difficulties encountered by the LI to investigate accidents involving self employed persons. Another respondent

mentioned the nature of the work usually undertaken by self-employed persons, making compliance difficult to achieve.

In the case of domestic servants, 13 respondents (out of 25 replies) report that the LI is responsible for enforcing the relevant OSH legislation (in some MS, in a limited manner), 8 out of whom also report enforcement problems, related in particular to the LI's difficulties to enter residential buildings, which in some cases requires the permission of the home owner, a judicial mandate, or requires the LI to be accompanied by the police. Other respondents mentioned that the LI has little knowledge about where such work is being carried out, and waits for a complaint to be lodged before taking enforcement action. Another respondent mentioned the difficulty to enforce when domestic servants provide homecare services. Significantly, one respondent mentioned that the LI has no experience to report, implying that few cases involving domestic workers come to the attention of the LI.

The majority of respondents (16 out of 25 replies) report that the LI in their country does not encounter difficulties when enforcing OSH legislation in micro-enterprises and SMEs.

However, where such problems were encountered by the LI, they mostly relate to the relatively large number of SMEs requiring LI intervention, as well as the lack of resources that are assigned to OSH matters by the SMEs themselves. A perceived lack of information and guidance targeting SMEs was also given as an explanation behind the LI's problems in this field, together with a lack of safety management tools which can be used by them. Poor union membership was also given as an explanation behind the LI's problems in dealing with SMEs. Most of the above-mentioned problems could perhaps also explain the length of time required to carry out an inspection in such enterprises (which also requires a different pedagogy) – this was also mentioned as a problem in its own right by one respondent.

The situation is reversed in the case of psychological and/or psychosocial issues as 15 respondents (out of 24 replies) report difficulties in enforcing OSH legislation in this area.

Lack of specific legislation, lack of inspectors' training (who also lack the specialised competence required), lack of clear inspection tools, and the huge element of subjectivity are mentioned as reasons behind the LI's difficulties in this field. Other respondents mentioned a general lack of awareness about the subject, which is often ignored by enterprises. Other respondents mentioned the fact that employees do not find it easy to report cases, while others referred to the difficulties faced by the LI to

prove employers' liability, especially in the case of SMEs. Other respondents mentioned the unavailability of a unified methodology for psychosocial risk assessments, whereas others mentioned that risk assessment tools for enterprises omit psychosocial risks. Other problems hampering LI action in this field relate to the length of time required by LIs to investigate psychosocial risks, which often require complicated and lengthy controls, as well as the difficulty to investigate anonymous complaints. Another respondent mentioned the fact that the responsibility for psychosocial risks is shared with other national authorities.

In the case of European Social Partner Agreements, the majority of respondents (17 out of 24) claim that the LI only has an enforcement role in the case of those Agreements which are implemented through a Directive, with only 4 respondents (out of 24) saying that the LI in their country also has a role in the case of those Agreements which are binding only on the signatory parties. Encouragingly, the majority of respondents (14) do not report any problems associated with the enforcement of such Agreements.

Those who do report problems mention the difficulty in implementing various provisions of such agreements, since their legal status is either unclear, or remain not transposed into the local legislation. Another respondent referred to the poor LI experience in the field.

22 (out of 25) respondents report that the LI in their country asks to see written copies of the risk assessment when inspecting low risk microenterprises and SMEs.

Section 3: Enforcement problems relating to the Strategic Framework for OSH.

It is disconcerting to note that a sizeable proportion of respondents (16 out of 25) anticipate problems for the LI in their countries to meet enforcement-related objectives in the Strategic Framework. For those anticipating problems, the questionnaire included 4 possible reasons – 15 respondents believe that these problems will arise as a result of an inadequately resourced LI, 7 answered that these problems will arise as a result of inadequately trained inspectors or lack of competence within the LI, 5 replied that the problems are related to perceived unnecessary bureaucratic or administrative burdens on the LI, while 7 replied that there are parts of the *acquis* which are too difficult to enforce. It is important to highlight that respondents could choose more than one reply to this question.

Respondents referred to the LI's limited resources including lack of training (and lack of formal training programmes) as reasons why problems are anticipated in meeting enforcement-related objectives in the Strategic Framework. Another respondent believes that the Strategic Framework will result in new tasks for an already stretched LI. It was also reported that inspectors lack training and inspection practice with regards to emerging risks, while difficulties also exist in enforcement activities related to construction, REACH, CLP and the problems associated with an ageing workforce. Existing legislation which is also bureaucratic was mentioned as a cause behind the anticipated enforcement problems.

Those respondents who answered that the anticipated problems concerning the successful implementation of the Strategic Framework were related to an inadequately resourced LI were also asked to express their view as to whether the resourcing situation in their country would improve if a minimum ratio (number of inspectors per 100,000 workers) is established at a European level. This question was answered by 17 respondents (15 should have replied) – of these, 11 respondents believe that the situation would improve if a European minimum ratio is established.

Only 4 respondents (out of a total of 24 who answered the question) report that existing OSH *acquis* requirements specifically cause administrative burdens for the LI.

Only one respondent gave an explanation as to why it is believed that the existing OSH *acquis* requirements cause administrative burdens for the LI, and this was the multiple reporting duties to the EU and its bodies, which are incumbent upon the LI, in the form of questionnaires, reports, etc.

On the other hand, 13 out of 23 respondents think that simplification of the legislation through the reduction of unnecessary bureaucratic burdens for all duty-holders would also be of help to LIs in their enforcement capabilities.

Several respondents agree that a reduction of bureaucratic burdens would be of benefit to both dutyholders and the LI. Another respondent mentioned that certain operational practices require review to ensure efficiency and effectiveness. Another respondent referred to the VDU/Manual handling directives as requiring simplification and codification, whilst requiring references to new risks (biomechanical risks). One respondent mentioned the perceived lack of proportionality with regards to low-risk SMEs as it does not allow the LI to focus on more serious risks.

The vast majority of respondents – 23 out of the 24 who answered, think that regional co-operation would add value to the process of exchange of good practice between LIs.

Only 10 out of 24 respondents think that there are enough resources in their country which permit the early identification and evaluation of new and emerging risks, while 11 out of 24 respondents report that the LI in their country has the necessary resources and competence to apply for and adequately manage ESF/ESIF/ERDF projects.

Questionnaire's main findings and general discussion of replies

It needs to be highlighted at the outset that the short questionnaire used in this project was intended to obtain basic information about perceived enforcement problems, and to identify issues which may be common to several Member States.

In the light of the responses received, the sub-WG has also become aware that two of the questions (4.7 and 5.0), may be open to different interpretations and therefore the responses obtained thereto should be considered with caution.

As a further, general comment, it needs to be said that in all instances where respondents were asked to provide an explanation behind their choice of answer, few actually did so. Thus, an opportunity to gain further insight into, and a better understanding of any particular problem was lost.

The replies to this questionnaire indicate that several LIs report problems related to the enforcement of the OSH-part of the acquis. Several respondents further think that these problems may increase as LIs try to fulfill perceived additional tasks arising from the Strategic Framework. Most of the problems appear to be related to an inadequacy of human resources, together with a lack of training and opportunities for continued professional development, at least in some areas (psychosocial risks, new and emerging risks).

This claimed lack of resources also hampers the LIs' ability to manage projects using European funds, which therefore cannot be used to obtain the necessary training and, or acquire any additional competence that may be required. Other respondents mentioned inefficiencies in enforcement systems, including administrative duties which decrease the inspectors' time available for enforcement duties.

Various employment sectors present special difficulties to the LIs, especially those working in SMEs and microenterprises, self-employed persons, elderly workers and domestic workers. Precarious work, including work carried out by foreign/posted workers also posed challenges for the LIs, as did work of a voluntary nature and telework. Similarly, various high risk work activities (construction, asbestos and

chemical agents) as well as psychological and ergonomic risks were also mentioned as giving rise to enforcement problems.

An apparent lack of guidance and information for dutyholders (especially in some specific areas, e.g biological agents and manual handling), was a problem that, if solved, could facilitate the LIs' enforcement role.

The Directives themselves, including the Framework Directive, were, in the opinion of several respondents, giving rise to enforcement problems. Several respondents referred to perceived inherent bureaucratic or administrative burdens arising out of the directives, duplication of requirements as well as unclear or non-specific requirements which were open to different interpretations. Added to this, it was also mentioned that the multiple reporting duties to the EU and its bodies take up valuable time, which time and resources could be better used in enforcement duties.

An interesting finding concerns European Social Partner Agreements – whereas the majority of respondents do not report any enforcement problems, only a significantly low number of respondents report that the LI in their respective country also has an enforcement role in the case of those Agreements which are only binding on the signatory parties.

The findings of this report should be seen in the light of the Strategic Framework for OSH, 2014-2020, which highlights the need to pay particular attention to the prevention of occupational and work-related diseases by tackling existing, new and emerging risks, the ageing workforce and the need to improve the implementation of legislation, in particular in micro and small enterprises. The Strategic Framework also stresses the need for the practical implementation of OSH legislation, particularly in micro and small enterprises.

Seen in this light, the findings of this report indicate that such primary objectives may be difficult to achieve in view of the problems being encountered by LIs in several Member States.

Disclaimer

These recommendations are being made in the light of the responses obtained to the questionnaire. As such, they do not necessarily reflect the views of the WG Review of Legislation, or those of WG Enforcement.

Recommendations for further action

Labour Inspectorates have an important role in ensuring the adequate implementation of the OSH legislation in all Member States. For this reason, one should consider the possibility that LIs encounter difficulties that hamper them in their core functions and to propose remedial action so that LIs can fulfil the whole range of obligations relating to the enforcement of OSH legislation.

Whereas the primary objective of this report, and despite the obvious limitations (outlined elsewhere), remains the identification of such problems, the sub-Working Group is also putting forward a number of suggestions as to how the problems identified can be rectified.

The following are a number of proposals which may assist LIs better perform their functions.

1. The ongoing drive to identify and reduce as much as possible unnecessary bureaucratic burdens needs to also take into consideration any such burdens that hamper LIs in fulfilment of their enforcement-related objectives. The identification of these burdens, and their reduction would allow LIs to allocate more time to their enforcement capabilities. Significantly the reduction of these burdens for other duty-holders may also assist LIs to be more effective.
2. Opportunities need to be provided for the voluntary continuous professional development of Labour Inspectors. Such training should go beyond the initial training which inspectors receive within the national framework at the time of recruitment, and should tackle those areas providing particular technical difficulties especially with regards to new and emerging risks. However, such training need not be limited to technical areas, but may include the development of those Inspector skills which are necessary for them to carry out their full range of duties, including but not limited to conflict resolution. It needs to be highlighted that the scope of this proposal is not to promote the development of a minimum standard or curriculum to be followed across the EU, but rather to fill training *lacunae* wherever they may exist.
3. The provision of information and guidance for duty-holders in areas where this is not yet available will aid compliance. In the case of LI, exchanges of information should be facilitated and encouraged. Such information exchanges need to include areas such as the health and safety risks associated with atypical work relationships, and how these are tackled within different MSs.

4. The setting up of close regional cooperation between LIs needs to be considered as it facilitates the exchange of good practice by Member States facing common problems, have common approaches or similarities in processes, procedures or even legislation. The existing cooperation between LIs can also be strengthened by building on the existing SLIC inspector exchange programme through an increase in the available budget, by simplifying the application and acceptance procedures, and giving more publicity amongst the different LIs.
5. Whereas it is recognised that a number of Member States are currently against the establishment of 'minimum' or 'recommended' inspector-worker ratios, it should also be recognised that a number of Member States favour such a development, as it would assist the Labour Inspectorates' claims for the allocation of adequate resources. In view of such a divergence of opinion, it is being suggested that a wide discussion is organised on whether such a ration needs to be determined at a European level. However, were such a discussion to take place, it needs to consider divergences in country size, the available workforce, differences in the scope of each labour inspectorate (there are some which have competences in OSH matters and others which also have working relationships in addition to OSH), country-economic risk profiles, regional peculiarities and other relevant characteristics before arriving at any decisions.
6. Consideration needs to be given to the establishment of structures at national or at a European level so as to provide assistance to LIs wishing to apply for and manage projects using EU funds. Consideration needs also to be given as to whether the process itself can be simplified so as to encourage more LIs to make better use of this opportunity.

Annex 1 : Questionnaire with all responses

WG Enforcement sub-WG

“Contribution to the Review of EU OSH legislation”

Introduction

According to a decision taken by WG Enforcement during its meeting of the 26th February 2014, a sub-WG (Contribution to the Review of EU OSH legislation) was set up to:

- (iv) identify and summarize problems encountered in transposing the Directives that appear in the Member States’ Practical Implementation Reports;
- (v) address any special requests of the European Commission (for e.g. enforcement in the case of self-employed or domestic workers); and
- (vi) address other issues which are not included in the transposition report or which have been put forward by the Commission, e.g. the enforcement of social partner agreements as a problem area.

During its first meeting of the 11th June 2014, the sub-WG agreed that since the Practical Implementation Reports are not being made available to it, a questionnaire is developed and submitted for the consideration of WGE’s members prior to its being disseminated to the members.

Name of respondent:

Country: **CONSOLIDATED YES/NO ANSWERS**

Section 1

Kindly describe any major challenges (maximum of five) related to enforcement, encountered by the Labour Inspectorate (LI) in your country.

1. Enforcing the provisions of the vibrations directive. Both for employers both for employers and for labour inspectors it is difficult to evaluate the extent of exposure without doing complex measurements. It is difficult to estimate whether the exposure is too high, whether the time of working with a tool should be reduced or to which extent measures were successful.
2. Presence of foreign workers mainly on constructions sites either self-employed either under other difficult to identify work relationship, resulting on poorer safety conditions on these constructions sites.
3. One challenge is the attainment of a high level of cooperation on the part of employers and workers, at each inspection performed by the LI.
4. Insufficient number of labour inspectors.

5. The great majority of enterprises are classified as micro-enterprises, employing fewer than 10 persons. Such enterprises face difficulties regarding OSH compliance due to having fewer resources and means such as equipment, personnel, less experience and training, deemed necessary to enforce protective and preventive measures. Additionally, they face significant costs in the preparation and use of written risk assessments, as well as in complying with some of the existing OSH legislation.
6. The technological development has made it possible for employees to work from home. It is the employer who has the responsibility to make sure, that the OSH rules are observed. Even though, the employer has no right to inspect the employee at home. Normally the LI does not inspect the employee at home, but it can happen, and then the OSH representative will be involved.
7. Health and safety legislation on some occasions uses words like "reasonable", "suitable" which give much room for interpretation. Therefore, it is for LI impossible to issue an injunction.
8. The enforcement is not homogenous in the different areas of the country.
9. Falls from height represent 16% of the accidents and one third of the deaths recorded in the construction sector. After analysis, a typology of activity particularly accident-prone has been identified: roofing activities, structure and waterproofness with drop through "fragile roofs" or into an opening, work on ladder. That analysis is also showing that the assessment risk, collective or personal protections do not exist. A national campaign called "fall from height not right for error" is carrying out to inform the enterprises and clients of sector.
 - Target controls: small enterprises and clients of the sector.
10. The economic slowdown, as it appears so far has affected OSH, mainly in areas such as training, purchasing of new work equipment and technologies.
11. Problems, anomalies come from organisational structure.
12. The remit/role/responsibility of the LI arising from the implementation and transposition of the OSH Directives is significant. The impact of the recent economic recession on resources (reduction in staff & budget) has affected significantly and has put increased pressure on the LI leading to a reduction in the inspection programme.
13. Physical aggression against the inspectors.
14. The requirements of the Directive 90/270/EEC - display screen equipment of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) are outdated and do not reflect the possibilities offered by modern technical equipment, i.e. portable and tablet computers, interactive boards, etc. The increasing use of new forms of employment relationships, e.g. telework, mobile workplaces, etc. make the application of the Directive more complex.
15. Too many regulations to enforce, not enough resources being allocated to the LI. When new regulations / Directives are enacted, either the local or EU legislator does not take the additional effort / resources needed by LI to enforce the new regulations into account by either the local or EU legislator.
16. The legislation ensures both access and information needed due to efficient enforcement.

17. Building safety culture in light of binding legal provisions, promoting examples of proactive patterns of behaviour in working environment and business responsibility for safety and protection of workers' health.
18. How to deal with the repetition of the same obligation in many directives (which means, in transposition of the directives, the dispersion of the same obligation by several acts) and the fact of there is not any directive for the agriculture sector.
19. Lack of a consistent framework at European level to tackle the new and emerging risks and the new technologies.
20. Enforcement in case of self-employed.
21. Ergonomic and Psychosocial risks.
22. Directive 2000/54/EC of the European Parliament and the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work:
 - The implementation of the Directive lacks European Commission guidance. Although in respondent's country, two Guides on this Directive have been laid down, the lack of limit values or reference values for the exposure to biological agents and the absence of validated risk assessment and measurement systems, do not allow a proper evaluation. Therefore, a European Commission's non-binding guide to best practice with a view to improving the application of this Directive, as has happened before in other areas, would be welcomed. In this guide, technical issues of importance in terms of worker's protection, might be included, such as biological safety cabinets, decontamination and disinfection procedures, waste management, in particular of sanitary wastes. The guide could also collect other activities not specifically provided for in the Annex I to the Directive, in which the exposure to biological agents is possible.
23. We have a large number of SME's that we never inspect due to priorities and resources.
24. There is more strict enforcement. If it turns out, after a re-inspection, that the companies' OSH is not in order, the LI can use administrative enforcement instruments. The LI is not depending on the prosecutor's office to take further action.
25. In certain low risk small businesses, the emphasis placed on record keeping and paperwork by the directives (recording risk assessments etc.) can detract from the greater importance of managing/controlling risks – the task of completing the paperwork gains a disproportionate emphasis over the need to effectively put in place safe systems of work to manage risks on the ground.
26. System of multiple limit values for physical agents. It's difficult to communicate the need for such diverse systems (one limit value, two or even three) to the employers. No need or benefit seen.
27. Ageing of the workforce who increases the worker vulnerability to some, OSH risks (ergonomics, stress, dealing with high-work load,). Specially taken into account that it the statutory retirement age will increase.
28. Training of labour inspectors on changes in Regulations.
29. There are only approximately 20 full-time equivalent Labour Inspectors in the LI, tasked with carrying out OSH inspections. According to the latest official

- statistics, there are approx. 94000 enterprises in respondent's country, thus giving a ratio of one Inspector for every 4700 enterprises.
30. In the period 2007 – 2012 the LI has observed, an increasing amount of foreign workers and companies. Therefore, the LI uses interpreters when it inspects foreign workers and companies.
 31. LI inspectors use big part of their time to draw up legally correct paperwork about inspections and that decreases time for inspector to carry out his basic tasks.
 32. The small employers have not assessed risks adequately.
 33. Asbestos is the second cause of occupational diseases after musculoskeletal disorders and the leading cause of work-related deaths. Each year, between 4000 and 5000 occupational diseases related to asbestos are recognized, of which about 1,000 cancers.
 - Professionals finishing work of the building are particularly relevant when working on materials containing asbestos.
 - Parallel to inspection, information action towards the workers, employers, public and private order givers, security and protection of health coordinator, professional organizations is done.
 34. Special attention is paid from the LI to SMEs and Micro-Enterprises that usually have limited resources and/or OSH culture/ expertise but which represent the core of the respondent's country's economic structure.
 35. Number of staff limited.
 36. Inspection resources have been directed at the high-risk sectors of construction, farming, mines and quarries, manufacturing and health care sector with the result that lower risk sectors like education, services and retail sectors are not being proactively inspected. However, serious accidents and complaints are still inspected in all sectors.
 37. Health surveillance: mutual recognition of health surveillance for workers posted when they are exposed to the same risk.
 38. The need of micro, low risk activities to be covered by documented risk assessments is seen as too bureaucratic. All OHS Directives should aim to minimize the level of burden on duty holders and not the other way round.
 39. There are few major challenges but there are challenges connected to posted workers and businesses. This in relation to uncover the real ownership, where the workers are employed and so on. Different types of companies contribute to this challenge, i.e. transnational companies and ownership. Here it can be unclear how the real responsibilities are and who specifically should be held accountable.
 40. Engaging employers (persons in charge) in matters related to accident risk management and participation of workers in practical assessment of accident-related risk – as the most efficient way of ensuring a sustainable work safety
 41. How to resolve the problems related with machines which have been certified in the past, but now, looking for the current legal requirements, their certification is outdated and the fact of there is not any interconnection between the Directive on Machinery and Work Equipment Directive.
 42. Lack of OSH regulation on domestic workers.

43. Administrative burden of labour inspectors at harmonization of EU legislation and national legislation during performance of labour inspection (e.g. in the field of market surveillance, chemical agents, machinery products, etc.).
44. Chemicals.
45. Directive 90/269/ECC of the Council of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers:
 - The European Commission could provide additional information concerning guidelines or models for risk assessment and for the application of ergonomic principles and methods for the manual handling of loads. The fixing of limit values might be also considered, because the directive leaves a wide margin of interpretation in its application.
46. The public sector in respondent's country (municipalities, regions) creates a lot of occupational injuries, mostly MSD's and psychosocial matters. Even if we inspect schools, hospitals and the old age care sector a lot, the employers never seem to be able to establish a good, sustainable work environment. The organizations are steered by politicians.
47. The Inspectorate utilizes a risk-driven approach, and is therefore more efficient and effective with regard to enforcement.
48. The requirements (the setting of complicated measurements for exposure) of some of the Directives (AOR, EMF, for example) appear to be disproportionate to the risks they are trying to control and difficult for SMEs to implement. It is easier for us to enforce in such areas using more general requirements of health and safety at work law in order to get organisations to implement risk control measures in a more proportionate way.
49. Enforcement of OSH-provisions regarding workers with precarious work relations, e.g. people with limited work contract. Especially if the turnover is high, it is difficult to control whether those workers got an adequate training and information.
50. Psychosocial and stress related risks because those risks are strong related to personal perception and difficult to objectify. They can become a major OSH issue with the feeling of job insecurity due to economic crisis and recession risks.
51. Inspection supervision on Self-Employed workers.
52. The work of domestic servants is not easy to inspect especially because the LI does not have knowledge of when and where this work is conducted – only in the case of complaints will the LI get the knowledge that will enable an inspection.
53. There are in use old machinery, which is built prior to EU directives, and it is complicated to make them comply with the EU directive requirement.
54. In some cases, more efficient means for enforcement would be desirable.
55. Labour inspectorate action is centred on the fight against fraud to the rules on posting workers, big building construction and public works project and seasonal activities.
56. Because of the deep economic slowdown (since 2009) and high unemployment rates ($\approx 27\%$) in respondent's country, employees are willing to accept more workload and longer working hours in order to keep their job. In that concept, psychosocial health of workers is significantly affected. Moreover, job insecurity

- has a number of negative consequences over the employees. It reduces job satisfaction, loosens social relations within the enterprise, decompose organizational commitment etc. Such an environment makes psychological issues a luxury that is often overwhelmed even by the employees, making the LI enforcement more challenging.
57. Professional knowledge of the staff has to be improved.
 -
 58. As self-employed workers are covered by OSH in respondent's country, we do not have a problem when inspecting these as set out in section 2 below. We make contact with safety representatives in workplaces where they exist, which only happen in 20% workplace inspections.
 59. Limitation or elimination of existing and emerging risks related to occupational diseases and work-related diseases
 60. In the Services Directive: how to manage the fact that currently each MS creates obstacles to the recognition in his country of qualifications certificated in another MS (for example some of the certificates - crane operator, technical of health and safety – there isn't recognized in other MS) or even documents obtained in other MS (example: also medical certificate).
 61. Lack of OSH regulation on self-employed workers.
 62. Work related diseases.
 63. The percentage of employees belonging to a union has decreased in respondent's country. The number of safety delegates is also decreasing. This means that more and more working places don't have a safety delegate. The result of this development is partly that the employers lack a partner in the work for a good work environment partly that it becomes more difficult for the LI to get "a signal" from a working place that has problems and needs an inspection.
 64. In July 2014, the Cabinet in respondent's country approved a proposal by the Minister setting out the rules on the disclosure of inspection data by the LI in case of heavy or serious infringements with regard to asbestos. The proposal is effective as of 10 August 2014. The aim of disclosing inspection data is to increase the transparency of the Inspectorate and promote compliance. Other inspections agencies have gained experience with the disclosure of inspection results before. The intention of the LI is to extend the disclosure of inspection data to other areas mid 2015.
 65. The duplication and repetition of similar requirements in different Directives (consultation with employees, recording the findings of a risk assessment for example) creates confusion amongst duty holders as to whether it is more important to control one risk at the expense of controlling another. It also leads duty holders to think they need to conduct several separate types of risk assessment rather than one good one covering the relevant significant risks and capable of being regularly reviewed and updated.
 66. The globalization, the financial crisis and the permanent search for higher profits have led to new forms of employment contracts (contracting, working on behalf, associated self-employed,) the actual OSH legislation is mainly adapted to employer-employee relationship and therefore not always applicable.

67. Voluntary work is increasing in respondent's country. Therefore, it would be a good idea to make a definition on "voluntary work" in art. Two in the Framework directive in order to get a common European approach.
68. Action of accompanying social dialogue and control mechanisms providing a financial penalty related to the obligations about equality between women and men and also on the negotiations to preventing "exposure to occupational health risks"
69. Refinement of labour legislation imposes huge fines for every undeclared employee caught during the on-spot inspections. In that concept, it could be argued that the government at fighting "black work" gives more importance (than before) and because of the huge fines, many employers consider OSH as of "secondary importance" by many employers.
70. The inspectorate is encountering increased challenges in legal proceedings arising out of accident investigations/inspections. These challenges are arising from interpretations of legislation and definitions contained within legislation. The resultant impact is that there are significant costs and time spent by the inspectorate in taking legal proceedings which impact on the resource availability for enforcement. The legal challenges presented now leads to difficulties or a reluctance to proceed with legal proceedings as the burden of evidence (beyond all reasonable doubt) is difficult to prove due in part to the wide interpretations/definition of the transposed legislation
71. Specialist support and assistance for possibly high number of micro and small enterprises in the scope of efficient organizational and technical actions aimed at eliminating or preventing occupational risks in working environment
72. How to overcome the fact that the directives related to OSH be enforced to all workers and the competences allocated to the labour inspectorate is only for some workers (for example the LI in the respondent's country has no longer be entitled to carry out inspections in OHS in the public sector).
73. Lack of OSH regulation on teleworking (working from home).
74. Uncertain future of LI: Due to current financial context higher budget restrictions apply to all government bodies and thus to inspection bodies. Main possible identified problems are lack of specific training, non-replacement of retiring inspectors, IT resources out of date.
75. During the last five years, there was a dramatic increase of "flexible" employment agreements, having a variety of implications in all aspects of working conditions. To be more specific, the total number of full time contracts converted into flexible forms of employment during 2012 increased up to 410% compared to those of 2009.
76. Efficient intervention in cases of flagrant violations of OSH rules and regulations in workplaces with a high number of young or elderly workers
77. How to manage the possible imbalances to the level of requirements working conditions in the EU, which may arise in consequence of the present, legal adjustment to the specific needs of SME, is (made by REFIT, for example).
78. Minimum requirements of EU legislation in the OSH field are too general and therefore different approaches are possible in practice.

Section 2

		Yes	No
1.1	Is the LI in your country responsible for enforcing OSH EU legislation in the case of self-employed workers?	18	7
1.2	If your answer to question 1.1 is Yes, does enforcement in this area cause problems to the LI?	12	6
1.3	<p>If the answer to question 1.2 is Yes, please explain:</p> <ul style="list-style-type: none"> LI is responsible for enforcing OSH EU legislation in the case of self-employed workers only on construction sites and whether working as contractors at a company premises. That is to say, whenever they can put an employee's health and safety at risk. LI has to face the problem that self-employed workers usually have a poor knowledge on OSH regulations. Unavailability of a register to identify them. Observed great dynamics over time, as regards the status of self-employed workers. Self-employed persons are, due to the nature of the work they carry out, more likely not to comply with the OSH legislation. LI only controls self-employed workers if they are working at the same worksite with one or more employers workers. If self-employed person is working alone Estonia LI does not have right to inspect him. The Labour Code, sets the framework for contractual relations between the self-employed and contracting party. <ul style="list-style-type: none"> In general, to exercise self-employed activity, individuals must be registered or recorded in the commercial register of societies. Once when a contractual relationship with a contracting is established, legislation relating to OSH applies. About 150 infringements per year are laid on the status of "false self-employed" particularly in the construction and HORECA sectors. Actually, the Council Recommendation 2003/134/EC of 18 February 2003 concerning the improvement of the protection of the health and safety at work of self-employed workers is applied. <ul style="list-style-type: none"> However, sometimes it may be difficult to identify on-site if someone is actually self-employed or not and further investigation is required. Economic crisis and Lack of information and training Most self-employed persons do not operate from a fixed address and this creates problems for the LI during the execution of enforcement orders, particularly in the construction sector and other temporary activities. In addition, when dealing with the self employed, LIs need to be more sensitive to their particular needs when deciding what is a reasonable level of protection that 		

	<p>may be accepted before taking enforcement action.</p> <ul style="list-style-type: none"> • Problems with investigation of their occupational accidents, which has an effect on prevention, and protection of their life and health. • Under respondent's country's Law, the rights and obligations of self-employed workers, (without hired workers), on OSH matters, are restricted to those arising from their proper cooperation and coordination with the employers who develop their activities in the same place. Furthermore, companies that contract self-employed workers in order to carry out work or services corresponding to their designated activity, and that are done in their own workplace, must monitor the compliance with OSH legislation by these workers. When self-employed workers must operate with machinery, equipment, products, materials or tools supplied by the contracting company, but they do not perform work at the company's workplace, the contracting company must take on the information duties of manufacturers, importers and suppliers, laid down in Law 31/1995 on the Prevention of Occupational Risks. Self-employed workers are legally entitled to stop work and immediately to leave the workplace if they consider that such work involves a serious and imminent danger to their life or health • Due to resources and priorities, we seldom get contact with self-employed workers. Except when an accident has happened. • Sometimes it is unclear who is responsible for what. The law describes what the self-employed worker must do, but in practice, the self-employed worker often seems to be working under the authority of the employer and becomes an employee. 		
1.4	Is the LI responsible for enforcing OSH legislation in the case of domestic servants ² ?	13	12
1.5	If your answer to question 1.4 is Yes, does enforcement in this area cause problems to the LI?	8	6
1.6	<p>If your answer to question 1.5 is Yes, please explain:</p> <ul style="list-style-type: none"> • Mainly OSH legislation is not applicable to domestic servants. The only exception is the chapter over protection from violence, moral harassment (bullying) and sexual harassment at the workplace. Still it is not easy for LI to investigate it because LI has only limited access to inhabited houses. • In case of OSH legislation contraventions and occupational accidents, it is more difficult for Labour Inspectors to carry out inspections / investigations in the households where domestic servants are employed. • The LI is responsible see 1.3. The work of domestic servants is not easy to inspect especially because the LI does not have knowledge of where and when this work is conducted – only in the case of complaints will LI get the knowledge that will enable an inspection. • LI only controls domestic servants if they have employment contract. There are 		

² Text used in Framework Directive, Article 3 (a).

	<p>difficulties in inspecting their worksites.</p> <ul style="list-style-type: none"> • Domestic servants are usually employed in domestic workplaces (private houses). The LI does not have the legislative power to enter a domestic dwelling/house, but may do so with the permission of the householder. • In respondent's country, it's necessary a judicial mandate to enter in a particularly residence and the judicial mandate is issued only if there is a suspicion of crime. • The specific regulation for this kind of employment relationship provides that the employer must ensure that the domestic servant works with the proper health and safety conditions. However, this employment relationship is excluded from the scope of the Law 31/1995 on the Prevention of Occupational Risks, which transposed the Framework Directive. • Enforcement is difficult when the worker (domestic servant) for example provides homecare services. 		
1.7	Does the LI have difficulties in enforcing OSH legislation in micro enterprises and SMEs?	9 ³	16
1.8	<p>If your answer to question 1.7 is Yes, please explain:</p> <ul style="list-style-type: none"> • Not every company under 50 employees organizes the so-called social elections (elections for establishing employee representative bodies). Therefore, the role of trade unions in these companies is poor. Companies under 50 employees are not obligated to have an in-house trained safety officer. The amount of Micro enterprises and SMEs is too high compared to the number of inspectors. Currently LI is trying to address this problem by collaborating with the sectors and promoting the OIRA tool. Lack of safety management tools for those companies and whether they exist there is a need for guidance on implementation. • As mentioned in Section 1.1 above, SMEs and especially microenterprises face difficulties regarding OSH compliance due to having fewer resources and means such as equipment, personnel, less experience and training, deemed necessary to enforce protective and preventive measures. Additionally, they face significant costs in the preparation and use of written risk assessments, as well as in complying with some of the existing OSH legislation. • Difficulties related to the fact that small and micro businesses often do not have resources allocated specifically to OSH prevention and do not always know the regulatory requirements. For inspectors, these situations demand more time and pedagogy when controlling the workplace. • Even though enterprises understand the importance of OSH, limited resources and lack of expertise are the main reasons for inappropriate measures taken in order to fully comply with OSH legislation. In other (fewer) cases, crisis is 		

³ One respondent replied 'Yes' to question 1.7 but gave no explanation in 1.8 and two respondents replied 'No' to question 1.7 but gave replies in 1.8.

	<p>usually becoming an excuse for non-compliance with labour standards, and an argument to press on workers to accept lower standards on working conditions.</p> <ul style="list-style-type: none"> • Not a problem but more of a challenge: Although the law applies to all employers, irrespective of enterprise size, LIs need to be more sensitive to the particular needs of micro enterprises when deciding what is a reasonable level of protection that may be accepted before taking enforcement action. • Difficulties in enforcing OSH legislation in micro enterprises and SMEs relate to problems faced by employers and entrepreneurs with regard to ensuring appropriate level of safety and health protection of workers and compliance with labour law. They are caused, among others, by: difficulties in direct access to information on OSH requirements and legal obligations related to workers and their right to safe working conditions, lack of time for getting acquainted with OSH issues and conviction about high expenses related to OSH compliance. • The SME's says that do not have money to invest in OSH, but the enforcement OSH legislation is for all enterprises and a fatal accident may occur either in a big or in a small company. • Micro enterprises have difficulties in enforcing risk assessment provisions, mainly due to insufficient capacity and resources. <ul style="list-style-type: none"> • Micro enterprises and SMEs have difficulties in complying with the requirements of OSH information and training of workers. • The difficulties for these companies are usually linked to bearing the cost associated with implementing preventive and protective measures required by OSH legislation, and especially during the economic crisis. • Not when we inspect them. 		
1.9	Does the LI have difficulties in enforcing OSH legislation as regards psychological and/or psychosocial issues?	15	9
2.0	<p>If your answer to question 1.9 is Yes, please explain:</p> <ul style="list-style-type: none"> • Psychological risks are compared to other OSH risks particularly difficult to identify and above all to objectify. Especially when dealing with a formal complaint. <ul style="list-style-type: none"> • Most LI are not trained in a field related to psychosocial. • The texts in the law are too general and coercive measures are difficult to apply <ul style="list-style-type: none"> • Unavailability of a unified methodology for psycho-social risk assessment • Current risk assessments for OSH lack information on psychosocial risks, including work stress issues. Further awareness rising of employers / employees is required. • Legislation concerning psychosocial issues is relatively vague and for that, reason inspectors have difficulties issuing injunctions. Mostly inspectors give employers advice about psychosocial issues. Identifying problems concerning 		

psychosocial issues is also difficult because on many cases employees does not communicate openly with inspector and problems cannot be proven using other methods.

- In spite of the measures taken, the concept and its enforcement are often understood in different ways.
 - Targeting is also a challenge, because the issue has not been a problem in a particular industry.
- In this field, the controls demand more time and assistance to businesses.
- Because of the deep economic slowdown (since 2009) and high unemployment rates ($\approx 27\%$) in respondent's country, employees are willing to accept more workload and longer working hours in order to keep their job. In that concept, psychosocial health of workers is significantly affected. Moreover, job insecurity has a number of negative consequences over the employees. It reduces job satisfaction, loosens social relations within the enterprise, decompose organizational commitment etc. Such an environment makes psychological issues a luxury that is often overwhelmed even by the employees, making the LI enforcement more challenging.
- It is a particular evaluation that should be faced by specialists in the field.
- Lack of clear inspection tools and measures aimed at identification of psychosocial issues in the company.
- From LI's experience, it has been found that it takes more time to enforce psychological and/or psychosocial issues and anonymous complaints are very difficult to investigate. Enterprises have more flexibility in approach to ensure OHS, but within the parameters and principles of as established by the Framework Directive (risk assessment, consultation, involvement and participation of workers, designation of competent personnel to advise employer, training & instruction of workers, supervision of staff etc).
- There is no legislation to define and regulate these issues.
- In case of psychological and/or psychosocial issues labour inspection authorities need to coordinate their activity with public health authorities
- There is no specific legislative development relating to the employer's obligation on this matter; nevertheless, Courts' jurisprudence has defined the way OSH requirements apply to psychosocial issues. Furthermore, labour inspectors have to face difficulties when it comes to finding probative evidence to underpin employer's liability regarding cases of mobbing or psychological violence, particularly in micro and small companies.
- Our legislation is too weak when it comes to problems concerning stress. When our injunctions reach a civil court, they are normally cancelled due to vagueness. I hope that a new provision will be in order in late 2015.

	<ul style="list-style-type: none"> The LI published Stress Management Standards in 2004 - these provide guidance and toolkits to assist employers manage work-related stress. However, in common with other psychosocial issues that are only part work-related, enforcement becomes problematic particularly in respect of individual cases. There can be scope for enforcement in respect of risk assessment where there are multiple cases linked to a systemic management failure. 		
2.1	Does the LI have a role in enforcing European social partner agreements which are:		
(a)	Binding only on signatory parties?	4	20
(b)	Implemented through a Directive or through national legislation?	17	7
2.2	If your answer to questions 2.1 (a) and, or (b) is Yes, does enforcement in this area cause problems to the LI?	3 ⁴	14
2.3	<p>If your answer to question 2.2 is Yes, please explain:</p> <ul style="list-style-type: none"> Problematic are sectoral social partner agreements. Out of a legal view, their status is unclear compared to existing provisions on occupational safety and health. Some paragraphs in the social partner agreements are formulated in a way that they can barely be transposed into national law as this would require concise duties and prohibitions for employers and workers, e.g. in the needle sticks directive when it is postulated that a "no-blame culture" should be promoted. Who should promote it and how should this be enforced? LI does not deal daily with those particular OSH aspects therefore it is difficult either to recognise or to enforce those matters. 2.1(a) May cause problems in enforcement if provisions in Social Partner Agreements are not included in OSH legislation explicitly During the last few years, the National General Collective Employment Agreement (EGSSE) have also dealt with European social partner agreements such as: <ul style="list-style-type: none"> The 2008–2009 EGSSE includes as an addendum the framework-agreement of the European social partners on stress at work. The 2006–2007 EGSSE includes as an addendum the framework-agreement of the European social partners on telework and those were consequently enforced by the LI. Not enough experience on enforcement and professional knowledge e.g. on psychosocial risks evaluation. Enforcement by the LI is only limited to aspects arising from the Framework Directive and not from the agreement signed. E.g. enforcement focuses on the drawing up of a risk assessment, consultation of workers, safe use of chemicals 		

⁴ Two respondents answered 'No' to question 2.2 or left it blank but still replied to question 2.3

	<p>(e.g. in the case of hairdressers) etc.</p> <ul style="list-style-type: none"> • There are no local regulations that give a legal cover of such Agreements. However if this is that case and such legislation is published under the OHSAs remit, then the LI will enforce it. • Employment agreement. Not directly, on the content of the agreement but more if there is an agreement. 		
3.0	Does the LI in your country ask to see written copies of the Risk Assessment when inspecting low risk microenterprises and SMEs?	22	3

Section 3

The European Commission presented a new Strategic Framework on Health and Safety at Work 2014-2020 on the 6th June 2014. This Strategic Framework identifies three major challenges which need to be tackled through seven strategic objectives. Several of the objectives make a direct reference to the MS's LI enforcement capabilities. (To View the Strategic Framework on Health and Safety 2014-2020, follow this link:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2053&furtherNews=yes>)

		Yes	No
4.0	Do you anticipate problems for the LI in your country to meet the enforcement-related objectives in the Strategic Framework?	16	9
	If your answer to question 4.0 is yes, are these problems related to:		
4.1	an inadequately resourced LI?	15	3
4.2	inadequately trained OSH inspectors or lack of competence within the LI?	7	11
4.3	unnecessary bureaucratic or administrative burdens on the LI arising out of the OHS part of the acquis?	5	13
4.4	parts of the OSH acquis that are too difficult (for whatever reason) to enforce?	7	11
4.5 ⁵	<p>If your answer to any of questions 4.1 to 4.4 is Yes, please explain:</p> <ul style="list-style-type: none"> • With reference to 4.1 – extending the scope of the control activity to cover labour relations and the employment relations of public servants, international labour migration and employment promotion, with no change in the number of staff of the LI • With reference to 4.2 – unavailability of inspectors, prepared to deal with new emerging risks, as well as lack of inspection practice on this issue • Due to the current economic crisis in respondent's country, resources for government services / departments such as the DLI are stretched. • As mentioned above, the burdens on the LI arising out of the OSH acquis remain difficult to adequately enforce in the micro enterprises, which constitute the great majority of the enterprises. Issues such as nanomaterials, stress at work factors and occupational health surveillance make enforcement more difficult. • In respondent's country there is 1 inspector for 17 000 employees. We have relatively high number of new and less experienced inspectors who need training about psychosocial risks and at the same time they have 		

⁵ Not all respondents who answered 'Yes' to any of questions 4.1 to 4.4 gave an explanation in question 4.5

to inspect on the matter.

- The main problem would be the simplification of existing legislation.
- Moreover limited resources provided to LI, involves not only a decrease in the available budget and the number of OSH Labour Inspectors but also the organizational units of the inspectorate throughout the country have been recently reduced.
 - No formal training programs are performed for Labour Inspectors at a standard basis.
- As mentioned at the outset, the increased pressure due the reduction recently in resources will give rise to difficulties in fulfilling our obligations.
- In respondent's country the supervision of health and safety at work is under the responsibility of the local sanitary agencies: in this field the Ministry of Labour has jurisdiction only in construction. This situation (the multiplicity of the control bodies in OSH) does not allow an uniform and homogeneous training and does not guarantee the best use of the existing human and economic resources.
- Bringing about a marked reduction in cases of occupational diseases requires the cooperation of other parties besides the employer and workers, such as occupational doctors, general practitioners and health centres / hospitals. Unless it becomes obligatory on examining practitioners / doctors to report all cases of occupational diseases, it will be difficult to gauge success in the future or to take meaningful action in this area.
- The objectives defined require greater monitoring of OSH, which necessarily requiring more human resources to implement those goals.
- Inadequate financial and material resources.
 - Insufficient resources to achieve OSH training programs for labour inspectors, particularly regarding emerging risks and new technologies.
 - Implementation difficulties of the Directive 92/57/EEC - temporary or mobile construction sites, of the REACH-Regulation (EC) no. 1907/2006 and of the CLP-Regulation (EC) no. 1272/2008.
- The scope of competencies of LI is too wide, there is not enough space for preventive activities (4.1);
 - administrative burden on labour inspectors is very big, it could be lower in case of low risk enterprises (4.3)
- The number of OSH inspectors are the most important factor for

	<p>adequate enforcement.</p> <ul style="list-style-type: none"> We lack experience from supervision concerning “elder people at work”. <ul style="list-style-type: none"> To be able to reach a larger number of the SME’s we would need more inspectors. 		
4.6	If your answer to question 4.1 is yes, do you think that the resourcing situation would improve if a minimum number of inspectors per 100,000 workers were established (at European level)?	11	6
4.7	Does existing OSH acquit requirements cause administrative burdens for the LI?	4 ⁶	20
4.8	<p>If your answer to question 4.7 is YES, please explain:</p> <ul style="list-style-type: none"> Certain provisions in the acquis, require Labour Inspectors to have expertise in a range of OSH issues such as Manual Handling of Loads, Occupational Health, Psychosocial factors, thus necessitating the further training, education and development of Labour Inspectors in the Labour Inspectorate or even recruiting new staff with different qualifications. One case refers to the obligation on ALL employers (irrespective of size and risk levels) to document risk assessments. Administrative burden on labour inspectors is very big; it could be lower in case of low risk enterprises. 		
5.0	In your opinion, would simplification of the legislation through the reduction of unnecessary bureaucratic burdens, help LIs in their enforcement capabilities?	13 ⁷	10
5.1	<p>If your answer to question 5.0 is Yes, please explain:</p> <ul style="list-style-type: none"> The existence of fewer and simpler norms would suggest easier monitoring of the compliance and would decrease the risk of conflicting texts. Simplification of legislation would reduce bureaucratic burdens and help the LI in its enforcement. An example of where simplification is needed is the scope of application of EU Directives 90/270/EEC (Visual Display Units) and 90/269/EEC (Manual Handling of Loads) which would benefit from simplification and unification and further enhancement to include new risks such as biomechanics risks. Reduction of unnecessary bureaucratic burdens gives inspectors more time to concentrate on the inspections of the work environment and to deal with issues that can cause health problems and accidents. It would be valuable (for the enterprises) to consider the simplification of legislation that could lead to the removal of administrative and / or 		

⁶ One respondent answered ‘Yes’ to question 4.7 but did not give an explanation in 4.8

⁷ One respondent left question 5.0 blank and another replied ‘Not Sure’ but both gave an answer in question 5.1

bureaucratic burdens that restrict freedom of doing things more effectively. However, that could introduce a number of new emerging challenges for the LIs. In order to effectively tackle with such challenges, OSH culture should be firstly embodied to enterprises of all kinds.

- More simple legislation would help both employers and LIs.
- It would be easier to enforce OSH legislation because often the enterprises see some of the relevant rules as a bureaucratic and formal fulfilment: therefore, the reduction of unnecessary bureaucratic burdens could make the controls more effective, too.
- Each reduction of unnecessary bureaucratic burdens helps in work of LI. On the other hand, we believe, that there are not many bureaucratic burdens in EU legislation.
- Review of ALL OHS Directives to identify and remove potential burdensome clauses Reduction of burdensome clauses, followed by a decision to actually take action accordingly.
 - The issue by the Commission of adequate guidance notes / tools aimed at the LI and employers on how to conform to the different Directives, e.g. an update of the risk assessment guide issued by the Commission in 1996.
- Before commencement of each inspection, labour inspector presents his/her official ID card to the employer. However, in order to inspect an entrepreneur, a labour inspector needs to present, besides the official ID card, an authorization which is issued by the Chief Labour Inspector or his/her deputy or a District Labour Inspector or his/her deputy. If actual circumstances justify immediate commencement of inspection at an enterprise, (e.g. direct risk to life or health of workers or other persons performing work), an inspection may be carried out but the inspected entity has to be provided with the authorization within 7 days.
- The simplification of the legislation through the reduction of unnecessary bureaucratic burdens would help LIs to make their inspections more efficient.
- Some parts of directives cause some burden mainly for low risk enterprises.
- Dependent from level of the reduction and the way of that
- We have an on-going work to reduce both the number of provisions but also the amount of text. The biggest problem today is not the number of provisions but that some employers don't read them! The social partners should help their members more!
- What is simple? If the rules are unambiguous and more detailed enforcement will be easier. In general, the Netherlands is in favour of

	<p>more outcome-oriented regulations and clear limit values in order to crystallise the protection level. A number of directives are due for renewal or could be stripped of unnecessary details. In the NL, we have general (legal) regulations. To be able to meet these regulations the various sectors provide solutions in OHS catalogues. If the solutions provided in OHS catalogues are applied, the company complies with the legal rules.</p> <ul style="list-style-type: none"> • Lack of proportionality in some parts of the acquits resulting in excessive and unproductive bureaucracy for SME businesses e.g. written risk assessments, construction phase health & safety plans. If this were improved LIs would be free to concentrate on real risks and their management by duty holders. 		
6.0	Do you think that regional cooperation between LIs would add value to the process of exchange of good practice between LIs?	23	1
7.0	In your opinion are there enough resources in your country, whether within the LI or outside of the inspectorate, which permit the early identification and evaluation of new and emerging risks?	10	14
8.0	Does the LI in your country have the necessary resources and competence to apply for, and adequately manage ESF/ESIF/ERDF projects?	11	14