

REPORT
on the Evaluation of the
Danish Working Environment Authority
in 2008



Senior Labour Inspectors Committee 2008

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1. Overview of the 2008 SLIC evaluation.

The responsibility for enforcing EU occupational health and safety legislation rests with each individual member state. The European Commission seeks reassurance that the legislation is being applied and enforced effectively and efficiently, and to that end the member states have established shared common principles of inspection. A system of mutual auditing of labour inspectorates on a voluntary basis has been established whereby national systems are tested against the Senior Labour Inspector Committee (SLIC) '**Common Principles for Labour Inspectorates regarding Inspection of Health and Safety at the Workplace**' (see annex 1).

Having been the subject of an evaluation in 2003, Denmark was amongst the first of the member states to undergo a second evaluation, which took place from the 26th to the 30th of May 2008. One of the main themes of the 2008 evaluation was to examine developments within the Danish national labour inspectorate, the **Working Environment Authority** (WEA), since the 2003 evaluation (see annex 2). It should be noted that the WEA has undergone an extensive re-organisation since 2003. The evaluation team also attempted to address the questions set by the SLIC Committee in the March 2008 paper '**Refocusing Evaluations of NLI**' (see annex 3).

The 2008 evaluation team consisted of Dr. Peter Claffey (Ireland) (chairman), Ms. Ana Leão (Portugal), Ms. Anne Trebucq (France), Ms. Charlotte Salomon (Austria), Mr. Andrea Vescio (Italy), Mr. Jaromir Elbel (Czech Republic), Mr. Rein Reisberg (Estonia) and Mr. Mark Rowlands (Ireland).

The important pre-evaluation preparation carried out by the WEA (and in particular the supply of the questionnaire and other associated documents) was excellent. The organisation of the logistics for the week was first-class and all went according to plan. Suitable facilities were made available for use by the evaluation team at all times. Finally, without exception all WEA staff encountered were highly professional, courteous and very helpful.

The evaluation team would like to thank Jens Jensen, Lis Gamborg, Charlotte Martin, Charlotte Skjoldager, Jan Gybel, Signe Gummesen, Nina Hedegaard, Vibeke Andersen, Tanja Krabbe, Per Malmros, Kirsten Brink, Ulrik Spanager, Hasse Mortensen, Leo Bjornskov, Bitten Hojmark Dojholt, Elsebeth Jarmbaek, Jens Aage Nielsen, Mette Bogehus Rasmussen, Dan Radmer Henriksen, Ulrik Olsen, Tove Ferm, Jan Moller Mikkelsen, Mia Pilgaard, Ruby Brinn, Troels Sorensen, Finn Lykke, Kim Borch, Charlotte Hovgaard Juhl, Rehan Bakhsh, Mikael Sylvestersen, Erik Timmermann, Henning Mortensen, Susanne Neiendam, Kenneth Holm Petersen, Casper Hansen, Sven Duckert, Poul Neilsen, Flemming Overby, Lennart Hoy, Helle Jonassen, Kim Andersen and Svend Bradtberg. Particular thanks should be extended to Annemarie Knudsen and Anne Therese Schultz-Petersen.

Thanks should also go to Anna-Maria Luciano and Andrew Murray of the EU Commission for their assistance in the preparation for this evaluation.

2. Summary of main findings and recommendations.

Below is a summary of the main findings, with the evaluation team specific observations and recommendations highlighted in bold type.

Overall, the evaluation team found that the WEA are in compliance with the SLIC Common Principles of labour inspection. The evaluation team also found that there were several commendable examples of innovation and good practice that would be of particular interest to SLIC (see the Executive Summary **annex 4**). However, while most of the problems highlighted by the 2003 SLIC evaluation had been dealt with, there remained some matters of concern. It is important to note that, as with any evaluation, the exercise was of necessity based upon a limited inspection sample and review.

1. The role of central government.

For economic as well as for social reasons the Danish government places a great emphasis on the need to reduce work-related accidents and ill-health. To that end it has set clear goals for the WEA, and in particular the need to carry out a preliminary 'screening' inspection of all enterprises by 2011. **The evaluation team concluded that the political process was actively involved in the need to improve health and safety at work.**

2. Resources.

As a consequence, the WEA appears to be adequately resourced and staffed, and has suitable office facilities at the Copenhagen headquarters and at three regional locations. The office-based staff operates an extensive call-centre service, and assists inspectors in preparation for each inspection. **The evaluation team found that the administrative arrangements for the WEA are excellent.**

3. Planning.

Strategic and operational planning for dealing with the four prioritised areas is comprehensive and includes an efficient system for analysing data so as to periodically assess outcomes and effectiveness. **The evaluation team were impressed with these initiatives.**

4. Social partners.

The social partners have an established and extensive role in occupational health and safety under the Danish system. The employer and employee representative organisations declared themselves to be broadly in agreement with the current strategy. **While the social partners appear to be very active nationally, the evaluation team formed the impression that there was less engagement at workplace level. There were also concerns over the arrangements for training worker health and safety representatives, in that some of the health and safety representatives encountered during the evaluation appeared to lack appropriate technical knowledge.**

5. Inspectors.

Inspectors are highly professional, have excellent personal and communication skills and are drawn from a diversity of backgrounds. **A training programme for trainee inspectors is in place, but there were some doubts as to depth of the subject matter covered by the formal classroom-based training, given the limited time**

allocated to the extensive range of modules. However, the evaluation team noted that this training is supplemented by a programme of accompanied inspections with experienced inspectors (the mentoring scheme). There are also opportunities for continued professional development training.

6. Specialist support.

There are no formal specialist inspector groups as such (apart from those dealing with the psycho-social issues, see below), and this may be regarded as a disadvantage. However, general inspectors appear to give each other a good deal of mutual support, and they all operate as members of a regional work sector group and of a 'thematic' group dealing with a particular issue such as ergonomics or noise. Representatives of these groups have an input into the formulation of national policy in their specialised areas.

7. Forms and guidance material.

WEA forms and guidance material handed out during inspections (and also accessible on the website) is very comprehensive and informative, and is available in a number of languages. **This material impressed the evaluation team.**

8. Review of documents.

It appeared that not all of the inspections witnessed by the members of the evaluation team involved the review of company health and safety documentation and risk assessments (or indeed establishing that the documents existed), even though we were informed that it was WEA policy to do so. **The evaluation team considered that this needed to be followed-up so as to ensure consistency of approach.**

9. Data entry.

The data entry ATIS IT system appears very comprehensive, but there was conflicting evidence as to its ease of use. The establishment of an IT Helpdesk should make a useful contribution, and it was noted that a series of recent upgrades have improved usability. It was considered a positive that a company may access its own particular records (as part of a commendable 'open government' policy).

10. Screening inspections.

The screening programme involves carrying out a basic inspection on every enterprise in Denmark by 2011. This has the effect of putting environmental health and safety issues on the agenda in all workplaces. **While recognising that the programme is a political imperative, the evaluation team had doubts as to whether the blanket screening of all enterprises, regardless of relative risk, is a good use of WEA inspection resources.**

11. Follow-up inspections.

There may be a relatively long delay between a screening inspection and any follow-up inspections. The evaluation team noted that WEA policy set down an 8 week gap between the screening and 'adapted' inspections carried out on enterprises with working environment problems. However, there was then a potential 2 year gap before any further follow-up inspections were scheduled. If the report sent to the WEA in response to an improvement notice appears to be satisfactory it would be accepted without a further inspection. If the said report appears to be unsatisfactory or it is not submitted, the evaluation team were informed that the WEA may conduct a

control inspection. The purpose of this inspection is to control whether the company has solved the working environment problems or not. The control inspection would be conducted shortly after the WEA has received the unsatisfactory response (or, presumably, the time period for the submission of the report has elapsed). **This appears reasonable, but evaluation team considered that the gap between the acceptance of a satisfactory report and the next inspection may in some cases be too long if serious issues are involved.**

12. Smiley scheme.

The 'smiley' scheme for grading workplaces following an inspection was commendable, but had all the limitations of such a scheme and was something of a blunt instrument in its application.

13. Safety management systems and occupational health support.

It was found that many enterprises still lack appropriate safety management systems and do not have adequate provision for occupational health support.

14. Certificate scheme.

An enterprise that has qualified for a recognised certificate is not subject to inspection other than for reactive purposes (for example, following a complaint or a reported accident). **There seemed to be across the board support for the scheme.**

15. Approved consultants.

Denmark has a system of officially approved authorised consultants. Again, there appeared to be a consensus that the scheme worked well. Inspectors frequently serve notices requiring an enterprise to use the services of such a consultant to deal with a specified problem. **However, it is doubtful that the inspector would have the time to fully review the report produced by the consultant. It is assumed until proved otherwise that an authorised consultant would act within the law.**

16. Enforcement notices.

A large number of enforcement notices appear to be served, but there was some doubt as to whether they are adequately followed-up. The evaluation team noted that inspectors are expected to follow the WEA policy on adapted and follow-up inspection timescales.

17. Prosecutions.

Enforcement action rarely results in a hearing in open court: an agreed fine deals with the majority of cases, even for serious offences. **This may have the effect of downplaying the seriousness of the contravention.**

18. Co-operation with other appropriate agencies.

Co-operation with other appropriate agencies on health and safety related matters (for example on fire precautions) is poorly developed, and is of some concern.

19. Psycho-social issues.

The psycho-social issues were dealt with in a very pro-active and progressive way, with good guidance material and appropriate specialist support for general inspectors.

20. Other occupational health matters.

There was evidence that other occupational health matters (for example, exposure to chemicals, ionising and non-ionising radiations) were less comprehensively handled, and the evaluation team had very serious concerns on this point, even though it was noted that sector specific guidelines on these issues are available.

3. The background to labour inspection in Denmark.

Economic, political and social factors.

The Danish workforce has 2.6 million employees spread across approximately 200,000 enterprises (approximately 310,000 if the self-employed are included, there are 187,000 self-employed persons). The size of Denmark is 43,094 square kilometres.

Projected trends in the Danish economy include increased globalisation, the relative growth of the service sector, rapid technological development (particularly in IT, bio technology and nano technology), a decline in the more traditional industries, an aging population and an increasing proportion of people from a non-Danish ethnic background in the workforce.

For economic and social reasons the political establishment in Denmark has placed a high priority on maximising the size and stability of the nation's workforce. Securing improvements in the working environment and promoting health at the workplace are seen as essential components in this strategy.

It has been estimated that one-third of sickness related absenteeism in Denmark is due to problems with the working environment. Every year approximately 40,000 industrial accidents and 12,500 work-related health problems are reported to the WEA (it should be noted that incidents resulting in the loss of one working day must be notified). This factor partly explains the emphasis given to dealing with the psycho-social and musculo-skeletal issues, as these factors account for a relatively high proportion of sickness related labour absenteeism.

WEA objectives.

According to the '**Performance Contract for the WEA 2008 to 2011**', the mission statement for the Authority is to 'contribute to a safe, healthy and developing working environment through efficient inspection, targeted regulation and information,' while the vision statement is to 'focus on the most important working environment problems and target efforts towards enterprises with a problematic working environment.' The main objectives are effective inspection, the encouragement of self-regulation in enterprises and keeping up to date in terms of monitoring, research and policy so as to advise the Minister for Employment.

In 2005 the government announced that the four prioritised working-environment targets for up to and including 2010 were:

- Industrial accidents – 20 per cent reduction on current figures.
- Psychological working environment –10 per cent reduction.
- Noise – 15 per cent reduction in hearing damage, 10 percent reduction in nuisance noise.

- Musculo-skeletal disorders – 10 percent reduction in total sickness absence due to musculo-skeletal difficulties at work.

Since 2005, the WEA has received additional resources for the implementation of a government initiative called the ‘screening programme’. Under this programme, the WEA must inspect all Danish enterprises with employees by the end of 2011 with a view to dividing them into ‘with or without significant health and safety problem’ categories. This division provides the WEA with the opportunity to concentrate its resources on inspecting those enterprises that under-perform. The screening programme should also ensure that all employers are entered onto the WEA database.

Legislation.

The EU Framework Directive has been transposed into Danish law by the **Working Environment Act, Consolidated Act no. 268 of 2005**. It is a framework act consisting of a large number of statutory orders. The Act covers the design and operation of the place of work, the use of work equipment, materials and substances used at work, rest periods and provisions for employees under the age of eighteen. It is intended to create the basis for self-regulation, assisted by guidance from the social partners and advice and inspection from the WEA.

The 2005 Act applies to all sectors of industry, but enforcement is the responsibility of other government departments for certain specified areas:

- Inspection of seagoing ships lies with the Danish Maritime Authority in the Ministry of Economic and Business Affairs.
- Aviation falls under the responsibility of the Department of Transport.
- Inspectors from the Department of Energy monitor off-shore installations.
- The Ministry of Employment has an agreement with the Institute of Radiation Hygiene, a part of the Department of Health, to monitor the use of ionising and non-ionising radiation at work.
- Responsibility for general fire matters at workplaces falls to the local fire authorities.

Apart from the above exceptions, the labour inspectorate, the WEA is responsible for the enforcement of health and safety in all sectors of industry (including the loading and off-loading of ships in dock and the movement of commercial aircraft on the ground).

4. Reorganisation of the WEA since the 2003 SLIC evaluation.

The WEA has had a significant reorganisation since the 2003 SLIC evaluation. An Administrative Board comprising of the Director-General and six Centre Managers manages the WEA. It is funded from the annual Ministry of Finance budget via the Finance Act. An annual report analysing the performance of the WEA over the year is prepared for the Minister and is also published on the website.

The WEA has approximately 760 employees at the time of writing. There are approximately 520 inspectors. During 2007 the WEA carried out 51,288 inspections (approximately half of that number were screening inspections).

Spacious new offices have been established in Copenhagen (the headquarters) and in three suitable regional locations. The Administrative Board, which oversees the strategic management of the WEA, is based in the Copenhagen office, as is the Working Environment Advisory Centre. The latter essentially functions as a policy section, implementing guidance and regulations and acting as a source of expertise on specific health and safety issues. It also is responsible for monitoring the effectiveness of and progress with the WEA inspection programme.

The regional offices, called Inspection Centres (note that one Inspection Centre is located in the headquarters office), are carefully sited so as to facilitate ease of access to the major road network. Each Inspection Centre has approximately 125 employees. There is provision for inspectors to work from home, although the evaluation team received some evidence that suggested that the ATIS computer data entry system occasionally fails in this regard (see below under ATIS system).

The Inspection Centres are organised around inspection groups and thematic groups. Every inspector belongs to one inspection group and to one thematic group.

Inspection groups.

The inspection groups cover different industrial sectors, and the members focus on inspecting those sectors covered by the group.

The main aim is to provide a forum where the inspectors can discuss specific inspection-related themes, exchange inspection experiences and knowledge, and hence achieve a high level of uniformity in performing inspections. The inspection groups have frequent meetings.

Thematic groups.

The thematic groups are based around specific themes, for example the prevention of accidents, machine technology, chemistry and biology, ergonomics and the psychosocial work environment. The main purpose of these groups is to provide a forum for discussing the professional aspects of the various topics, to communicate the latest knowledge on the issue to other inspectors, and to feedback current developments to the central office. The thematic groups have quarterly meetings. They in effect function as specialist regional support groups.

Representatives from both these groups meet nationally on a regular basis. The inspection group and thematic group structure appears to provide a high level of mutual support for general inspectors, with specialist advice and assistance readily on-hand.

Administrative staff.

The administrative staff plays an important role in preparing packs of appropriate documents for the inspector before each inspection. They also deal with correspondence and monitor progress with enforcement notices.

The efficient operation of the WEA public information call-centre system was also noted.

5. The role of the social partners.

The political administration of health and safety at work in Denmark places a great deal of emphasis on the role of the social partners as part of a wider tri-partite

involvement in labour market strategy. A number of councils have been established to provide a forum for the involvement of the social partners.

The **Working Environment Council** is a bipartite advisory body that consists of ten representatives from the employer organisations and ten representatives from the trades unions under a chairman appointed by the Minister of Employment. There are five additional members of the council without voting powers. The Council initiates discussions on matters of concern in occupational health and safety and participates in the development and drafting of new legislation. The evaluation team were given the impression that the workings of the Council move very slowly, and that the social partner members tend to act from their particular group interest rather than on the substance of the issue at hand. However, the current four priority areas for the WEA are based upon recommendations made to the government by the Council in 2005.

There are eleven **Sectoral Working Environment Councils** that cover specific industrial sectors. The Councils have equal representation from employers, supervisors and employees. The functions of the Sectoral Working Environment Councils are to:

- Survey the problems associated with the special working conditions in their sector of industry.
- Assist enterprises within the sector in resolving problems concerned with working conditions.
- Participate in the drafting of sector-specific regulations.
- Draft guidelines for improving health and safety in the sector in cooperation with the WEA.

Whereas the WEA attends meetings of the Working Environment Council, it does not have a direct involvement in the business of the Sectoral Working Environment Councils, which are seen as forum exclusively for the relevant social partners.

The **Council of Appeal on Health and Safety at Work** is a bipartite institution that acts as the final appeal board for decisions made in relation to inspections carried out by the WEA. It consists of five representatives from the employer organisations and five representatives from the trades unions under a chairman appointed by the Minister of Employment. The council also has three non-voting members who are experts in legislation, the working environment and occupational health.

Workplaces with more than ten employees (or more than five for a construction site) must by law establish an internal safety organisation, with contributions from management and the employees' safety representatives. The function of the internal safety organisation is the evaluation and monitoring of workplace risk assessments and the investigation and reporting of accidents. During a WEA inspection the members of the internal safety organisation would be expected to accompany the inspector. Where there are more than twenty people employed a safety committee must be established. The safety committee would co-ordinate the activities of safety groups set up at departmental level in a relatively large organisation.

The evaluation team were given presentations by both employer and employee representative organisations.

The employer representative organisations.

The employer organisations declared themselves to be broadly satisfied with the current administration of occupational health and safety standards and stated that they worked well with the WEA. However, they also stated that they felt that the regulatory system in Denmark was too complex.

The employer organisations felt that occupational health and safety had been somewhat 'politicised' in recent years in that decision-making had shifted from the Working Environment Council and towards the central government of the day. The Council of Appeal had been established following a proposal by the employer organisations, and it was considered by them to work very well.

The employer organisations had some reservations with regard to the 'smiley' scheme (see below), but they indicated that they accepted that the scheme was a political initiative that would remain in place for the foreseeable future. They were supportive of the safety and health certificate scheme (see below), seeing it as a positive rather than a negative performance indicator.

The employer organisations saw no need to have particular representative bodies for the small-to-medium sized enterprise sector.

The employee representative organisations.

The employee representative organisations were also largely positive in their support for the current health and safety system in Denmark. They were satisfied with the Council of Appeal, but they shared the employer organisations concerns that health and safety had become politicised in recent years.

The employee representative organisations stated that they agreed with the current WEA priority areas. They were enthusiastic about both the screening programme and the smiley scheme (indeed, they wished to see more public attention given to the latter). The WEA arrangements for the measurement of objectives and outcomes also met with approval.

The main concerns for the employee representative organisations appeared to be the apparent lack of effective safety management systems in many small-to-medium sized enterprises, and the relatively high accident rates amongst young persons. There are approximately 38,000 worker safety representatives in Denmark.

Evaluation team findings.

The social partners appear to be organised on a national and political basis rather than at the level of the workplace. This may lead to a degree of isolation for individual employers and, in particular, employee health and safety representatives. The evaluation team found that employee representatives took an active role in most of the inspections they witnessed, however, there were doubts as to the extent of their routine involvement at the workplace. The team also had concerns about the extent of appropriate training given to employee health and safety representatives.

6. WEA Inspectors.

The powers of the WEA inspectors are set out in the Working Environment Act, 2005, and were found to be fully in keeping with the Common Principles.

Labour inspectors have the power:

- to gain access to workplaces at any time without a court order,
- to supervise and investigate any or all parts of production or the enterprise,
- to take samples from the enterprise for analysis, as well as take photographs,
- to gain access to reports or other documentation with significance for safety and health, including minutes of safety committee meetings,
- to collect appropriate information from employers and employees,
- to impose necessary sanctions, including requiring the employer to carry out investigations, tests and inspections to ascertain whether the working conditions are adequate in terms of safety and health,
- to demand that work ceases immediately in the event of a significant immediate danger.

Inspectors spend, on average, 30% to 35% of their time on inspection (with 15% travel time) with the remainder on various administrative and office duties. Inspectors would normally be expected to have a technical or higher academic education. Chemists, pharmacists, economists, law graduates, nurses, therapists, psychologists, engineer and construction specialists are all represented in the current inspectorate.

The training of inspectors.

A training programme for new inspectors has been put in place. The purpose of the training programme is to equip the new inspectors with the basic competences so as to enable them to conduct inspections on a general level, rather than to train them for specialist roles or give them advanced knowledge of health and safety problems.

A new inspector would receive twenty-six days of training during the first year of service. Internal instructors provide the bulk of this training, which makes extensive use of real-life case studies (there is very little provision for university level specialised occupational health and safety study in Denmark). The training consists of an introduction to the WEA and the relevant legislation, followed by a module covering the role of the inspector and how to communicate effectively during an inspection. Further modules deal with ergonomics, noise, chemistry, the indoor climate, machinery and technical equipment, accident prevention and the psychosocial working environment.

The basic training programme has provision for allowing more senior staff to avail of appropriate aspects of it so as to meet their particular needs. Some attempt has also been made to ensure that inspector competence is developed so as to meet current WEA needs. Individual competence and training needs are to be assessed at yearly appraisal interviews (known as the competency year cycle). The aggregated results of the individual appraisal interviews are then matched to the strategic decisions made by the WEA management board.

There are also plans for advanced individual training for specialised functions (the 'talent' programme). Under this programme, which is open to all staff, participants

can obtain advanced training in different occupational health and safety issues. Eighteen different training activities of this type were planned for 2008. Training is provided by external sources when necessary.

The mentoring system.

Each new inspector is allocated to an experienced inspector 'mentor' for the first year of service. The mentor undertakes joint inspections (where instruction in the health and safety issues typically found in the sector concerned takes place) and generally supports the new inspector during that period. The mentoring system therefore complements and supports the formal training programme. The two elements are mutually dependent, and a new inspector cannot complete the basic training programme without participation in both.

The mentor is also responsible for making regular evaluations of the progress of the new inspector.

Evaluation team findings.

The evaluation team found that all the inspectors encountered were highly motivated, professional and demonstrated excellent communication skills. The latter quality, in particular, left a deep impression both at the workplaces being inspected and with the evaluation team.

The inspector training programme appeared to be very comprehensive, but there were concerns that a considerable amount of classroom learning had to be covered in twenty-six days. Given that inspectors are drawn from a wide variety of disciplines, they may need additional training in new and emerging technical areas such as engineering and the use of chemicals. The evaluation team was informed that the WEA has some difficulty in recruiting suitably qualified engineers as trainee inspectors. It was noted during the inspections witnessed that there might be gaps in the inspector's knowledge of some technical issues.

The evaluation team observed that the two-inspector mentoring teams appeared to work very well, particularly during the construction campaign. One inspector dealt with the 'paperwork', while the other concentrated on the verbal communication with the people encountered on the site. This speeded up the inspection process and the team felt it was a very effective and efficient use of the inspector resource, particularly during an intensive campaign when the emphasis is on making contact with as many workplaces as possible.

7. Inspection system.

Forms and guidance.

Appropriate forms listing the issues raised during an inspection are invariably passed to the employer, along with a brief form explaining the role of the WEA and the purpose of the inspection. Guidance is available in a number of languages (and is also accessible via the WEA website). There are approximately one hundred and forty general guidelines on a range of issues currently available. Thirty-six separate sector working environment guidance notes have been prepared, in addition to sixty sector-oriented workplace assessment checklists aimed at enterprises with less than ten employees. Adjustment of the guidance is made in the light of experience, so it is continuously developed and adjusted to keep up with current developments. When

new or updated guidance notes are issued, the inspectors are briefed and trained on their content and on their practical application.

Priority areas and risk assessments.

The evaluation team had some concerns that during inspections the focus was almost exclusively on the four priority targets (reduction in industrial accidents, the psychological working environment, noise and musculo-skeletal disorders) to the possible exclusion of other significant health and safety issues. Furthermore, during some of the inspections witnessed, there was surprisingly little evidence of inspectors checking workplace risk assessments, material safety data sheets and other appropriate company documents. In other cases the reviews were very comprehensive.

The policy of the WEA in this regard is that the inspector should check that a risk assessment is in place that covers the following elements:

1. Identification and mapping of environment problems.
2. Description and assessment of environment problems.
3. Incorporation of sick absence.
4. Prioritising and preparing an action plan.
5. Guidelines on follow-up procedures with regard to this action plan.

The inspector is expected to react to working environment problems noted during the inspection rather than analysing the matters contained in the risk assessment.

Co-operation with other agencies.

The Danish SLIC Evaluation Questionnaire stated that the WEA arranges quarterly co-ordination meetings with the other appropriate working environment authorities (the Danish Civil Aviation Administration, the Danish Safety Technology Authority on electrical safety matters, the Danish Enterprise and Construction Authority, the Danish Energy Authority and the Danish Maritime Authority) so as to discuss matters of common interest.

It is understood that the WEA is working on developing the prospects of performing common inspections with other appropriate agencies.

However, the evaluation team remains unclear as to the practical arrangements for liaison and contact with other appropriate agencies dealing with, for example, workplace fire precautions, electricity supply and the use of ionising and non-ionising radiations.

G.P.S. system.

Because of the nature of screening inspection work, where inspectors may have to travel significant distances from one workplace to the next, it was noted that some inspectors were using their own G.P.S. system for locating companies listed for inspection.

Evaluation team findings.

The evaluation team found that there was excellent use of the very good WEA forms and guidance during inspections.

The evaluation team recommends that the WEA inspectors review key health and safety documents at the start of the inspection and check for their implementation at the workplace on a sampling basis.

There appeared to be no formal mechanisms for dealing with other appropriate agencies on issues such as workplace fire precautions, electricity supply and the use of ionising and non-ionising radiations, and it was apparent that the WEA do not address them during inspections. This is a matter of some concern to the evaluation team, particularly with regard to fire precautions.

The evaluation team recommends that consideration be given to make GPS available to all WEA inspectors, particularly those based in regional areas.

8. The ATIS data entry system.

The current system used for the recording of relevant data (known as ATIS) appears to be very comprehensive and facilitates the production of inspection and enforcement statistics which can be analysed for future program planning, and for the periodic review of outcomes and objectives.

It is considered positively beneficial that all WEA staff have access to this data. Also commendably in keeping with the 'open government' ethos is the facility that allows an enterprise to view any records related to itself.

Evaluation team findings.

The evaluation team observed that the ease of use and the time taken for recording data appeared to be reasonable, however there was some evidence that the more senior staff have difficulties in this area. There was also some evidence that the data entry system is unreliable and unstable when used from home. In some instances the accuracy of pre-screening company records may be outdated and no longer reliable. The evaluation team felt that these issues should be reviewed. However, it is recognised that improvements have been made in the system in recent years, and an IT Helpdesk has been established to resolve individual problems. Management is aware of the issue of frequent difficulties experienced by users attempting to log on while at home.

9. Screening inspections.

A 'screening inspection' is a basic review of the health and safety in an enterprise. It is recognised that the screening of all enterprises by the year 2011 is a clear political requirement, and that considerable and welcomed extra resources were allocated to the WEA for this programme. The aims of the programme are to ensure that all enterprises are on the WEA database, that they are subject to a basic inspection and that they may be prioritised for further contact based upon the risk factors encountered. From 2012 the WEA intends re-screening all enterprises every three years.

The screening inspections are unannounced and last, on average, two hours, depending on the size of the enterprise and the relative risk factors encountered during

the inspection (if serious problems are encountered during the screening, the inspector would be expected to deal with them there and then). For very large places of work (with more than five hundred employees), teams of inspectors would carry out the screening so as to complete the inspection in one day. One inspector is given the task of co-ordinating the approach to a multi-site enterprise with more than twenty-five production units (such as a construction company).

Evaluation team findings.

All enterprises are given the same consideration during screening, a positive in terms of operating a fair and open system. At the conclusion of the exercise all enterprises should have had helpful and positive contact with a WEA inspector. The system also has the advantage of introducing concepts such as the psycho-social issues to all workplaces visited.

However, while recognising that screening inspections are a political issue, the evaluation team questions if the screening programme is a good use of WEA resources as opposed to targeting the known high-risk sectors. For example, do all country churches, which are considered of low-risk, need to be screened, while the relatively high-risk construction sector certainly justifies more attention? The four per year special nationwide construction campaign days, though no doubt a valuable contribution, appeared to be a relatively meagre resource to devote to such a potentially hazardous sector.

Consideration should be given to rating screened enterprises that are not to be subject to an adapted inspection (i.e. those that are returned to the 'screening pool') on the basis of risk, so that the relatively high risk workplaces would be re-screened before the low risk ones (as stated above, from 2012 all the WEA intends re-screening all enterprises in the screening pool every three years).

Another problem was also the issue of the difficulty of locating enterprises that are not listed on the company registration database.

10. Adapted inspections.

After screening, if the enterprise is deemed to have significant health and safety problems, it is marked down for a more comprehensive 'adapted inspection' (so called because the inspection is 'adapted' to suit the enterprise concerned) within 8 weeks of the screening inspection. On an adapted inspection the inspector will make a thorough examination of the problems found by the screening visit. WEA figures show that approximately 50% of screening inspections require a further inspection. The enterprise is given prior notification (by letter) of an adapted inspection. Unlike a screening visit, no reports are left for the employer following an adapted inspection, other than for enforcement purposes. If the adapted inspection finds that the workplace enterprise does not comply with the legislation, the WEA will issue an improvement notice with a given time limit for the enterprise to rectify the issue. The enterprise needs submit a report to the WEA, within the time limit, which sets out how the problem will be resolved. If the enterprise doesn't report back to the WEA, or the report is defective, the WEA will conduct an additional inspection see if the problems are still present.

Unannounced follow-up inspections are carried out if problems were encountered during the adapted inspection. The follow-up visit should be carried out within two years of the adapted inspection. If there are no further problems following the adapted inspection, the enterprise returns to the 'screening pool' where, from the year 2012, it should be re-screened every three years.

There is a third category of inspection types: 'detailed inspections' take place when a specific problem has to be investigated at a place of work. Inspections of this type would generally occur after an accident or a reported case of occupational health, following a complaint, or to check progress with an enforcement notice.

Evaluation team findings.

The evaluation team considered that adapted inspections were comprehensive and should result in improved health and safety at the workplace. It was considered that during these inspections the original inspector should be accompanied by an appropriately qualified or trained colleague (for example, civil engineers would inspect large construction sites while chemists concentrate on chemical plants).

There was some indication that the time taken between the adapted inspection and any necessary follow-up inspection may be significant at up to two years, and too long to deal effectively with outstanding serious problems.

The evaluation team also considered that adapted inspections might not be a suitable approach to adopt for the construction sector due to the transient nature of the industry.

11. The Smiley scheme.

The WEA adopted the smiley scheme on the 1st of January 2005 (amended in 2007). The scheme is widely used quality mark in the public sector in Denmark, and the WEA were required by the government to adopt it.

The smiley is allocated to an enterprise following an inspection, and is based on the outcome of that inspection. It is hoped that by making the working environment visible to e.g. applicants and collaborators, the enterprises will be motivated to continuously focusing on working environment.

The details of an allocated smiley are posted on the WEA website. An enterprise may be allocated one of four types of smiley:

- A **red** smiley is given when the inspection resulted in the serving of a consultancy notice and/or a prohibition notice. It remains in place for at least six months.
- A **yellow** smiley is given when the inspection results in the service of an improvement notice with a time limit, a report on the physical health and safety conditions or an immediate improvement notice. It remains in place for at least six months.
- A **green** smiley is given when, following an inspection, none of the conditions requiring a red or a yellow smiley were found to exist.

- A **crow** smiley is given, on request, when an enterprise holds a recognised health and safety certificate (see below on the health and safety certificate system).

As with other aspects of the work of the WEA, the smiley scheme is a commendable attempt to abide by the principles of open government. It is also noted that as with all inspection systems the smiley scheme is based upon a ‘snapshot’ judgement in time.

Evaluation team findings.

The evaluation team concluded that while the smiley scheme has merits, it might be something of a blunt instrument in its application. For example, a school and iron foundry were both given a red smiley, even though the relative risks in each differed widely. In addition, the serving of an immediate improvement notice (to deal with an imminent risk) would merit a yellow smiley while a notice for a consultant report (implying a less serious issue) would receive a red smiley. It was felt that the media and the general public may not have an appreciation of these subtle distinctions, and would regard all those awarded a red smiley as equally blameworthy.

12. The health and safety certificate system and the use of authorised consultants.

The health and safety certificate.

It was noted that a ‘certified’ health and safety management scheme is in existence in Denmark and is used by many enterprises in order to demonstrate compliance with health and safety legislation. The certificate is regarded as an indication that the enterprise met the statutory requirements. If an enterprise gains such a certificate, it is not subjected to routine inspections by the WEA: it would only be visited reactively, for example following a complaint, an accident or a case of work-related illness.

There are three routes for achieving the certificate:

- **Accredited inspection** of the enterprise or one or more of its production units. This route is particularly suitable for the relatively smaller enterprises that do not have extensive health and safety management systems. The process consists of an extensive inspection of the processes at the workplace by an approved and accredited inspection body. The inspection would include an examination of the health and safety policy and risk assessment documents of the enterprise. The workplace must not have any problems of the sort that would result in an improvement notice from the WEA. A certificate acquired by this route would be valid for three years before requiring renewal.
- **Accredited certification** of the health and safety management system at the enterprise or of one or more of its production units. This route involves an in-depth audit of the health and safety management system at the workplace by an approved certification body. A certificate obtained by this route would be valid for three years, but the awarding certification body would have to inspect and review the management system at least once a year.
- Gaining the **DS OHSAS 18001** standard for health and safety management systems.

The enterprise has a choice over the route taken and on which approved accredited inspection or certification body to employ. The WEA website lists contact details for four certification bodies in Denmark that are able to issue certificates in accordance with the 'accredited certification' or **DS OHSAS 18001** models. At present there are 1,300 production units in Denmark that hold a recognised health and safety certificate.

The authorised consultant system.

The Working Environment Act of 2005 (as amended) contains provisions for the authorisation of health and safety consultants. Authorisation is issued by the WEA and has to be renewed every three years. The WEA may withdraw authorisation from a consultant given just cause.

The primary aim of the authorisation process is to ensure that health and safety consultants have the necessary competencies to be able to advise and assist enterprises in complying with the legislation. Persons who apply to be authorised as a consultant need to provide documentary evidence that they have access to professional personnel who have held appropriate qualifications for at least three years and who have had at least one year's relevant experience.

There seemed to be an across the board consensus that the current system of authorised health and safety consultants is more effective than the levy arrangement that it replaced (whereby enterprises had to pay an annual fee to fund a pool of consultants). This system tended to be underused.

Inspectors frequently serve consultancy improvement notices requiring an enterprise to avail of the services of authorised consultant to address a particular issue (paid for by the enterprise).

Evaluation team findings.

Schemes such as the health and safety certificate may be of value, because they facilitate the labour inspectorate in concentrating resources on the under-performers. However, they need to take account of the implications for the perception of the scheme if a serious problem occurred in a certified or otherwise approved enterprise. In this particular case there seems to be an anomaly in that an enterprise may have a health and safety certificate and yet still be allocated a red smiley following a reactive inspection.

It appeared to the evaluation team, based upon the inspections they witnessed, that in spite of the long established tradition of health and safety consultants in Denmark, many enterprises lacked both an effective safety officer/risk prevention system and an occupational health service.

Given the pressures of work, it is questionable as to whether the reports produced by the authorised consultants are fully reviewed by the inspector who requested their preparation. However, it is understood that the authorised consultants have to operate within the established system, and they stand to lose their authorisation if they do not perform accordingly.

13. Enforcement.

The WEA has a range of enforcement options for ensuring compliance with the Working Environment Act, based on the nature and seriousness of the problem:

Improvement notice on the use of an authorised consultant.

A consultancy notice requires an enterprise to use an authorised safety and health advisor to help solve one or more of its working environment problems. The WEA can issue a consultancy notice to an enterprise where there are:

- 1) serious and complex problems,
- 2) many health and safety problems, and
- 3) Repeated health problems.

Two types may be issued:

- A problem notice on the use of an authorised consultant to solve a specified health and safety issue that is so serious and complex as to require specialist assistance.
- A period notice requiring the use of an authorised consultant over a specified period of time, particularly when problems are found where there is not an effective health and safety management system.

Note that it is the responsibility of the employer, and not the authorised consultant, to ensure that the notice is complied with.

Investigation notice.

An enterprise can be issued an investigation notice to examine whether it has a working environment problem. This takes place if the WEA has a reason to believe that there are problems with the enterprise's working environment, but is unable to provide evidence to confirming this. In 2007, the WEA issued 122 investigation notices.

Improvement notice with time limit (or deadline).

An improvement notice with deadline means that the enterprise may continue its production while being required to find a permanent solution to the problem before expiry of the deadline. The period should be long enough to allow the enterprise the necessary time to find a good and sustainable solution to the problem. In 2007, the WEA issued 18,910 such notices. It is understood that an enterprise that has been served with an improvement notice with a time limit needs to report back to the WEA to explain how the problem has been solved. If the enterprise doesn't report back to the WEA, or the report from the enterprise is inadequate, the WEA will conduct an additional inspection.

Immediate improvement notice.

The enterprise may be issued an immediate improvement notice if there is a serious working environment problem. An immediate improvement notice means that the error must be corrected immediately. Enterprises that are issued an immediate improvement notice can be permitted to solve the problem temporarily until such time as it is possible to solve the problem permanently. In 2007, the WEA issued 4,026 immediate improvement notices.

Report on the psycho-social working environment.

If the WEA observes a psycho-social working environment problem at an enterprise, it will be issued an improvement notice to draw up a report with a timetable and an action plan for resolving the issue. On the basis of the report the WEA will assess whether the enterprise is prepared and able to solve the problem. If the enterprise is not prepared or able to satisfactorily deal with the matter, an improvement notice will be issued to use the services of an authorised working environment advisor. In 2007, the WEA issued 509 reports on the psycho-social working environment.

Prohibition notices.

An enterprise may be issued a prohibition notice preventing it from continuing to work if there is an imminent and great danger to the safety and health of the employees and others. A prohibition notice means that all work must stop immediately, and that it may not be resumed until it can be carried out safely. In 2007 the WEA issued 418 prohibition notices.

Administrative fines.

With the **Statutory Order on Fines of 2002**, the WEA was given the power to issue administrative fines without requiring a court hearing and a judicial decision. Such a system is in common use as part of the Danish legal process. A number of conditions must be met before the WEA may issue administrative fines:

- there must be a clear and uncomplicated violation,
- gross violations of clear and known rules on a subject where there is documented risk of injury or danger to health must have taken place, and
- it should not be likely that the case will lead to a more severe punishment than a fine.

The Ministry of Employment **Executive Order No. 107 of 2002** sets out typical matters that may be dealt with by means of an administrative fine, and includes the following:

- The use of unguarded dangerous machinery such as circular saws or power transmission shafts.
- Working at height without taking appropriate precautions.
- Work in an unsupported excavation.
- Work with dangerous material and substances without taking appropriate precautions.
- Offences under the provisions that apply to the employment of young persons.
- Gross breaches by individual supervisors or employees (such as the refusal to wear personal protective safety equipment).
- Non-compliance with an improvement notice.

If the defendant does not accept or pay the fine the WEA will recommend to the public prosecution service that charges should be brought.

Police reports.

In the event of gross violations of the working environment rules, the WEA can prepare police reports. Both employer (the enterprise) and an employee can be issued with administrative fines or police reports. Failure to comply with stop notices,

immediate improvement notices and improvement notices with deadline/reports on significant problems can result in fines being issued to the enterprise or being reported to the police. During 2007, the WEA referred 368 cases to the public prosecutor.

Evaluation team findings.

It was noted that a comparatively large number of the various types of enforcement notices were issued, but it was questionable as to whether they are effectively and efficiently followed-up in all cases. The system requires that these notices be followed-up within two years, and the evaluation team considered that this period was too long, particularly if serious problems were involved.

The criteria for the production of police reports and prosecutions are unclear, as are the factors that determine whether a case results in a 'settlement fine' as opposed to a court hearing. There seemed to be some variation across the WEA as to the number of case reports were being sent to the police. The evaluation team felt that in some high profile cases, particularly where there are fatal accidents, the prosecution should have the matters discussed in open court.

14. Psycho-social and other occupational health issues.

The psycho-social issue.

In recent years the issue of what the WEA terms 'psycho-social risks in the working environment' has been given a considerable amount of attention in the Danish media. There has also been a political focus on the need to reduce absenteeism rates in the workforce (a relatively high proportion of which is allegedly associated with psycho-social factors). The WEA has decided to be pro-active in this area, because the alternative strategy of examining individual cases entails waiting until a problem occurs. It is also important to note that the WEA would regard a workplace psycho-social problem encountered during an inspection as a matter of concern even if the individual concerned felt able to deal with the situation.

The WEA has attempted to draw a clear distinction between those factors that it cannot legitimately influence (such as the nature of the work, job security and organisational changes) and those where it would be justified in making an intervention (it lists five risk factors: quantitative demands, emotional demands, work related violence and trauma, bullying and sexual harassment and night and shift work). Psycho-social factors are taken into account during screening inspections. If necessary, they are followed-up by an 'adapted inspection', when the general inspector would be accompanied by a psycho-social specialist from the task force (see below). During 2007 the WEA issued 72 improvement notices on psycho-social issues.

Clear and comprehensive guidelines on psycho-social issues have been prepared (to assist both the inspector and the employer). There is a psycho-social task force of five or six specialist inspectors in every WEA inspection centre (in fact, they are the only specialist inspection group within the WEA). The task forces provide support for general inspectors on an issue that many may not feel completely comfortable dealing with during an inspection.

Other occupational health issues.

As stated above, four priority areas have been set for the WEA to focus upon over the period 2005 to 2010 (see table below).

Working environment issue.	Reduction target.	Measurement indicator.
Industrial accidents.	20% reduction.	Injury, loss of ability to work, absenteeism due to sickness.
Psycho-social working environment.	10% reduction.	Absenteeism due to sickness.
Noise.	Noise causing hearing damage: 15%, nuisance noise: 10%.	Noise causing hearing damage in affected sectors, noise-related complaints.
Musculo-skeletal disorders.	10% reduction.	Absenteeism due to sickness.

The musculoskeletal and noise issues appeared to be comprehensively dealt with during inspections. Sector related guidelines on these issues have been prepared. Standard templates assist inspectors in the issuing of enforcement notices.

Evaluation team findings.

The evaluation team found that the WEA were generally adopting a very pro-active and progressive attitude to dealing with the psycho-social issue. However, it was very strongly of the opinion that other occupational health risks such as chemical exposure were less well covered during the inspections witnessed by the evaluation team (even allowing for the fact that the sector guidelines referred to above may cover use of chemicals in the sector concerned) and that this needs to be addressed. The evaluation team considered that the chemical exposure issue could be incorporated into the forthcoming training planned for the introduction of the EU REACH Regulations).

15. Annex 1.

The SLIC Common principles of Labour Inspection.

The Common Principles of Labour Inspection concentrate on the implementation and enforcement of EU legislation. They address the Council and Commission view that “the effective enforcement of Community law is a precondition for improving the quality of the working environment”. To ensure that effective implementation and enforcement is delivered at operational level, labour inspectorates must:

Planning and monitoring

- (i) prepare annual plans of work setting out the priority areas for action for the year and detailing the inspection and other programmes that will be necessary to deliver the plans;
- (ii) set up systems for monitoring progress against the annual plan, and for establishing the data needed for the SLIC Annual Report.

Inspectors' competencies and independence

- (iii) ensure that men and women are eligible for appointment as inspectors; that inspectors have the appropriate qualifications;
- (iv) ensure that they are competent to undertake their responsibilities; and that they receive the training, instructions and information necessary for them to properly carry out their work safely;
- (v) ensure that inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties;
- (vi) ensure that inspectors are impartial, that they are independent of inappropriate external influences and of the companies or organisations which they inspect, and that they do not undertake other duties which may interfere with their primary responsibilities;
- (vii) ensure that inspectors are provided with suitable offices, and transport facilities, and are reimbursed for any necessary expenses they incur in carrying out their duties.

Prevention, protection and assistance for inspectors

- (vi-a) ensure that inspections of companies by inspectors can take place safely. Member States must take all appropriate measures to ensure protection against violence of any kind, especially by prior assessment of risks, and they must make all the necessary legal and administrative arrangements for providing support and follow-up in the case of such events, in terms of both legal assistance and psychological care.

Inspectors' powers

- (vii) ensure that inspectors are given the powers necessary to carry out the duties assigned to them. These should include in particular the powers:
- of entry to workplaces without notice;
 - to carry out inspections and investigations at the workplace;
 - to require employers and employees to supply information relevant to an inspection or investigation;
 - to examine records and reports relevant to health and safety at the workplace;
 - to apply, or to arrange the application of, sanctions when these are deemed to be necessary;
 - to require the immediate stoppage of working activities in the case of serious risk. In some MS this serious risk must also be immediate – in others the serious risk may be delayed, as in the case of latent health effects.

These powers should be exercised taking full account of the confidentiality of personal medical data, economic information, employees' complaints and manufacturing secrecy.

Guidance for inspectors

- (viii) set out in writing the approach to be taken by inspectors at visits to workplaces and indicate the action which should be taken in particular circumstances;

Internal communications

- (ix) ensure that good communication links exist to enable issues of good practice and areas for improvement to be brought to the attention of other inspectors, policy makers and legislators, especially through the use of a suitable information system.

The approach to be taken during an inspection must include a physical examination in the workplace of working practices, standards and conditions, and discussion with representatives of the employer and with workers' representatives.

It is important when investigating work-related accidents or cases of ill-health that whenever necessary and possible, the person affected is interviewed. Within the core principles, examination and discussion should be focussed on ensuring compliance with applicable national legislation, including that resulting from the transposition of EU law. Following an inspection, the inspector must be in a position to take appropriate action, based on the legal powers of the inspector within the Member State.

Such action may include the use of sanctions that the inspector is empowered to use.

Priorities for inspection

The priorities for inspection, based upon the structure of the Framework Directive, are:

- (i) ensuring compliance with EU law;
- (ii) to judge whether the employer's policy for health and safety is directed to ensuring the health and safety of his employees;
- (iii) to judge whether the organisation and arrangements the employer has introduced for securing health and safety are likely to lead to the identification, rectification and prevention of deficiencies. This will include the employer's arrangements for identifying hazards and for assessing risk;
- (iv) in particular to make assessments of the employer's arrangements for:
 - the effective planning, organisation, implementation, control, monitoring and review of the protective and preventive measures at the workplace;
 - securing expert advice and assistance on health and safety matters;
 - dealing with emergencies; providing the employees and/or their representatives with comprehensible and relevant information;
 - training the employees in health and safety;
 - ensuring consultation with the employees and/or their representatives on matters relevant to health and safety ensuring that the arrangements in place effectively protect workers against the identified risk.

Action taken by the inspector as a result of the inspection.

With respect to the employer

- (i) to decide what action is necessary and take the required measures to secure compliance with legal provisions and acceptance of supporting guidance; such action includes advice (both written and verbal); the issue of an order requiring the immediate stoppage of work, or improvements by a specified deadline; the issue of an administrative fine/penalty (either directly or through the appropriate authority); or a referral to the prosecuting authorities.

With respect to the employees

- (ii) to ensure that workers representatives are informed about the inspector's conclusions, and that any written reports given to the employer, are made available to the workers representatives, who should also be informed of the responses given by the employer. Such reports should not include information confidential either to the employer or employees (see section 10(vii) above).

With respect to other organisations

- (iii) to decide whether liaison is necessary with other enforcing bodies who may have responsibility under national legislation for matters such as the protection of public health, consumer or environmental protection, or fire safety.

With respect to records kept for internal Labour Inspectorate use only

- (iv) to make a written record of the inspector's decisions and action, which may include information on:
- core data, characteristics and identification of the employer and the organisation and arrangements for health and safety in place at the workplace;
 - standards of health, safety and working conditions noted at the workplace and an indication of the level of compliance with the relevant legal provisions;
 - hazards identified by the inspector and an assessment of these risks;
 - advice given or formal enforcement action taken by the inspector
 - an assessment of the scope for improvements in health, safety and working conditions, and whether these improvements that have already been made are likely to be maintained. This may include the measures that the employer has proposed to the workers representatives, to improve and maintain standards of health and safety.

The developmental principles

The developmental principles address the broader aims of the Community Strategy. Some will already be a reality in several LIs; some will be aspirational in most LIs. While it is important to maintain the priority for those functions concerned with enforcement of the law, which only labour inspectors can perform, it is also vital to improve worker protection by the application of the developmental principles. It is therefore important that Member States take action to:

- (i) develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work;
- (ii) encourage the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach;
- (iii) ensure that work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities;
- (iv) ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives;
- (v) develop systems for monitoring inspection processes, techniques and activities, which take into account international approaches to quality management.

16. Annex 2.

An update on the findings of the 2003 SLIC evaluation.

•Lack of systematic professional development and training.

The 2008 evaluation team found that this problem appeared to have been largely addressed in the inspector training program. However, there remained concerns that the training programme was of insufficient length so as to adequately cover all the subjects involved.

•Back-up from specialists for general inspectors.

The current structure of the WEA should allow considerable scope for providing appropriate specialist support when required (particularly in the psychosocial area).

•The WEA has no laboratories for monitoring or analysis.

The WEA still does not have laboratory facilities, but the legislation has provision for requiring a company to arrange for appropriate sampling and testing, with the results passed to the inspector concerned. Several labour inspectorates adopt this approach across the EU.

•The police give a low priority to accident investigation.

This statement may no longer apply, but it appears that very few cases are given a public hearing in open court (which, for various reasons, may be considered desirable for the more serious offences).

•System of adapted inspections is sensitive.

The reorganisation of the WEA since 2003 has rendered this comment no longer applicable.

•Reporting system is time consuming.

The evaluation team had mixed evidence on this point. While the ATIS system appears to work well, it seems some of the staff (and in particular the more senior inspectors) still have difficulties working with it. There is also evidence that using the system when working from home can be problematical.

•Four national objectives are abstract.

The evaluation team concluded that the national objectives were clearly communicated to all concerned. However, there was some concern that inspectors focus on these objectives to the exclusion of other health and safety problems.

17. Annex 3.

Topics to be addressed under the paper ‘SLIC Refocusing Evaluations of National Labour Inspectorates’ 2008.

•National strategy for reducing accidents etc.

The evaluation team found that the WEA had a clear and measurable national strategy for advancing health and safety in Denmark, including reducing accidents in a number of key sectors and areas.

•Support of SMEs in implementation.

In theory the screening program treats all enterprises alike, regardless of size. The WEA appears to have no special approach to the SME sector. The employer representative organisations also appeared to see no reason why particular provision needed to be made for SMEs.

However, the evaluation team found that the provision of guidance material during inspections and the availability of information (from the WEA website and from the call-centres) was very good and would be of particular value to SMEs.

•Periodic assessment of outcomes and effectiveness.

The WEA appears to have a very comprehensive system for analysing data from the ATIS so as to periodically assess outcomes and effectiveness.

•Co-operation with other agencies.

The evaluation team saw very little evidence relating to appropriate co-operation between the WEA and other agencies involved in health and safety at the workplace. This was a significant concern that the team strongly considered should be addressed.

•Organisational changes regarding the Community Strategy.

The evaluation team found that the reorganisational changes in the WEA since the 2003 evaluation are fully in line with the Community Strategy.

•The role of social partners in prevention.

The political system in Denmark has traditionally placed a great emphasis on the role of the social partners in the economy. Consequently, the evaluation team found that the organisations representing the social partners played a very active national role in occupational health and safety in Denmark, although there were some questions as to the extent of their involvement at the level of the workplace, and on the degree of training given to employee health and safety representatives.

18. Appendix 4.

Executive summary for SLIC members: evaluation of WEA, Denmark (2008).

1 Observed trends

- Changes in the workforce (more ‘white collar’ work, decline of traditional industries, labour shortages, aging population, more non-Danish nationals in the workforce) and need for WEA to reflect these trends.
- ‘Politicisation’ of health and safety and in particular in the need to tackle the main causes of health and safety related absenteeism. It is recognised that the ‘screening programme’ (i.e. the basic inspection of all enterprises) is a political requirement, and that considerable and welcomed extra resources were allocated to the WEA for this program.
- WEA reorganisation into a smaller number of regional offices, with inspectors working in both sector based and ‘thematic’ issue based groups in each office.
- Open government is an accepted principle, as is the active involvement of the social partners.

2 Good practice and initiatives

- Excellent guidance material handed out during inspections, readily available information (from the WEA website and from the call-centres).
- Progressive programme for addressing the psycho-social issues using extensive sector guidance and specialist pro-active task forces in each WEA regional office.
- Effective data record system (ATIS).
- Comprehensive internal training programme for trainee inspectors (appropriate modules of the programme was open to established inspectors for necessary refresher training).
- Good attempt at the monitoring and review of WEA activities and outcomes using the ATIS database.

3 Innovation

- The smiley scheme involves allocating a graded ‘smiley’ to each enterprise following an inspection. The type of smiley gives an indication of the status of the enterprise following inspection. This information is open to the public via the WEA website.
- The ‘screening programme’, which attempts to ensure that all enterprises are listed on the WEA database and are given at least a basic inspection, while prioritising them for future WEA attention.
- The certified system and use of authorised consultants (certified enterprises are only inspected reactively, and inspectors may require an enterprise to use the services of a consultant authorised by the WEA).

