

SENIOR LABOUR INSPECTORS COMMITTEE (SLIC)

EVALUATION OF THE FINNISH SYSTEM OF LABOUR INSPECTION ON
OCCUPATIONAL SAFETY AND HEALTH

6-10 OCTOBER 2014



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A PREFACE

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 F2**). The objectives and procedures for evaluations are described in the “Evaluation Reference Manual; Carrying out a SLIC Evaluation”. The basic purpose of the evaluation is to review the capability of the labour inspection system in the host country with regard to their implementation and enforcement of the EU directives on health and safety at work. The main focus is on the daily work of inspectors.

The 2014 evaluation team consisted of Jens JENSEN (Denmark) (chairman), Ms. Annemarie KNUDSEN (Denmark) (assistant to the chair), Ms. Antigoni BISKA (Greece), Mr. Franz FEICHTINGER (Austria), Mr. Andrea DI COSOLA (Italy), Mr. Michael WYSZKOWSKI (Poland) and Mr. Kresimir IVESKIC (Sweden).

The team gained the necessary insight both by the formal response to the questionnaire on the Common Principles of Inspection provided by the Finnish OSH Divisions and OSH Department and by the team’s own observations and findings gathered during the stay in Finland in October 2014.

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 inspection staff encountered were highly professional, courteous and very helpful. The evaluation team would like to thank following from the Finnish Ministry of Social Affairs and Health and the Occupational Safety and Health Divisions:

Mr. Leo Suomaa, Ms. Helena Kalliolinna, Ms. Hannele Jurvelius, Mr. Arto Teronen, Mr. Toivo Niskanen, Ms. Tarja Nupponen, Mr. Hannu Stålhammar, Mr. Jan Hjelt, Ms. Kaarina Myyri-Partanen, Mr. Eerik Tarnaala, Mr. Ari Toivoniemi, Ms. Katja-Pia Jenu, Mr. Riku Rajamäki, Ms. Riikka Mandelin-Hakala, Mr. Joonas Heinilä, Mr. Timo Tuovila, Mr. Ilkka Kervinen, Mr. Petri Saukkoriipi, Mr. Keijo Päivärinta, Ms. Jenny Rintala, Ms. Tuula Haavasoja, Mr. Jyri Muje, Mr. Rauli Eriksson, Ms. Kirsi Vattulainen, Mr. Taru Aho, Mr. Veli-Pekka Hammo, Mr. Mikael Söderholm, Ms. Piia Koskinen, Ms. Kati Tikkanen, Ms. Leila Pynnönen, Ms. Mirva Lohiranta and Ms. Taru Aho.

Furthermore the team would like to thank following stakeholders in the field of OSH:

Ms Raili Perimäki, Central Organisation of Finnish Trade Unions SAK, Ms Erika Kähärä, Trade Union for Workers in Private Services Sector PAM, Ms Tarja Arkio, Confederation of Unions for Professional and Managerial Staff Akava, Mr Erkki Auvinen, Finnish Confederation of Professionals STTK, Ms Riitta Wörn, Confederation of Finnish Industries EK, Ms Taija Hämäläinen, Local Government Employers KT, Ms Päivi Lanttola, Office for the Government as

Employer, Dr Harri Vainio, Director general of the Finnish Institute of Occupational Health, Ms Tiina-Mari Monni, Development manager of the Centre for Occupational Safety.

B SUMMARY OF OVERALL FINDINGS

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

Overall, the evaluation team found that Labour Inspection in Finland is in compliance with the SLIC Common Principles for Labour Inspection in relation to health and safety in the workplace. The evaluation team also found that there were several commendable examples of innovation and good practice that would be of particular interest to SLIC.

B1 INTRODUCTION

It should be remarked that the system of Occupational Safety and Health Divisions and the Occupational Safety and Health Department of the Ministry of Social Affairs and Health is a generalist system in contrast to specialists systems. This means that they have the competence for monitoring and control of the enforcement of employment and labour relations and not just the safety and health legislation (OSH). This evaluation focused on occupational safety and health issues. Supervision of labour relations or other labour related activities was not addressed. However, in order to get a better understanding of the system, a number of labour relations activities have been attended by the team members.

B2 MAIN FINDINGS

Legislation - Ensuring compliance with EU Law

We assume that the Occupational Safety and Health Act and the Occupational Health Care Act represent steps to achieve full implementation of the EU OSH directives, so there is a high degree of ensuring EU law. The OSH divisions deal both with preventing accidents and ill health. **The legislation is in accordance with the Common Principles, but there seems to be different practices concerning the demand for written risk assessments – some inspectors accept that the risk assessment is not written down.** See the supplementary comments in section C2.

Organizational structure

The new organizational structure with a ministerial department which has two “legs” (political/lawmaking and steering) and an inspection system seems thoroughly thought out.

The regions are independent from the department.

There seems to be some dissatisfaction in the regions with the structure of the Regional State Administrative Agencies. Some regions would rather be independent of the other divisions in the regional agencies.

The social partners find the new organizational structure bureaucratic.

The evaluation team concluded that the organizational structure is in accordance with the Common Principles

See the supplementary comments in section C3.

Social Partners

The evaluation team found that the OSH department and the OSH divisions have established effective relationships with the social partners to draw on their expertise take account of their priorities and secure their support. **The involvement of the social partners is in accordance with the Common Principles.**

See the supplementary comments in section C4.

Strategy

The strategic priorities – decreasing the number of occupational diseases, reducing the number of workplace accidents and reducing the work-related harmful strain – are relevant and reasonable.

The strategy is in accordance with the Common Principles.

See supplementary comments in section C5.

Administrative and operational procedures

Planning and monitoring

The planning system with 3 levels (2020/ 4 years plan/ yearly plans) involves the social partners and the inspection body in a reasonable way. The plans are monitored qualitatively and quantitatively.

The planning system is in accordance with the Common Principles.

See the supplementary comments in section D1.

The Peer Review conducted by the OSH divisions themselves using the Common Principles.

The evaluation team finds this a very inspiring initiative to improve the activities of the Labour Inspectorate.

See the supplementary comments in section D1.

Standards for inspection and their application

Inspection

Inspections are carried out according to the Common Principles.

The evaluation team is very impressed by the dialogue based method of inspection which seems very effective.

The new models for inspection projects seem to be relevant in the work of increasing the effectiveness and uniformity in the inspection. But there are still quite few inspections per year although there seems to be a positive trend towards an increasing number.

There is guidance for inspectors available in the form of some guidelines. **A further use of sharing of good practices could be useful in order to create a more effective and uniform inspection.** The evaluation team saw examples of very good checklists that only were used in the region where they were developed.

See the supplementary comments in section E1.

The balance between announced and unannounced inspections is a concern of both social partners. The OSH divisions primarily use announced inspections.

There are almost only conducted inspections in microenterprises when inspectors dealing with the grey economy inform their colleagues dealing with OSH that there are some OSH problems in the microenterprise.

The Unions are satisfied with the development in the inspection system both as far as competencies and tools.

The internal communications to bring matters to the attention of inspectors and to feedback progress and issues of concern were good.

The standards for inspection and their application are as such in accordance with the Common Principles.

See supplementary comments in section E1.

There seems to be little cooperation between the OSH divisions and other OSH task holders such as the Occupational health care service.

The evaluation team found that there was surprisingly little cooperation between especially the OSH divisions and the Occupational health care service when dealing with inspections in the companies. A more effective cooperation between the OSH divisions and the Occupational Health care service would be beneficial for companies because a higher degree of compliance with the OSH regulation would be easier achievable.

See supplementary comments in section E1.

Accident investigations, investigations of occupational diseases and investigations of complaints are carried out in accordance with the Common Principles.

The evaluation team is very impressed by the fact that the number of complaints and questions on actions of the inspection body is very low.

See supplementary comments in section E2.

The actions taken as a result of inspections are in accordance with the Common Principles.

See supplementary comments in section E3.

The personnel and their training and powers etc.

All members of the team were impressed by the competence, commitment and professionalism of the inspectors they met. All approached their work with a positive attitude and communicated effectively with the duty holders to achieve their objectives. The competence of the inspectors and

their work confirms that the selection and training arrangements in place are well targeted and thorough. Inspectors have the full range of powers they need and we saw evidence of these being impartially and confidently applied in a transparent manner.

It is ensured that inspections of workplaces can take place in the safest possible conditions. Furthermore it is ensured that the inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties.

The Common Principles is met in these areas.

See supplementary comments in sections D2, D3 and D4.

The resources available

The Labour Inspectorate has many other tasks than OSH inspections (labour law, act on contractor's liability, grey economy etc.)

Only 50% approx. of the resources are used on OSH. The unions find that more resources should be used on OSH.

The evaluation team finds that the resources is in accordance with the Common Principles

See the supplementary comments in section C3.

Information and guidance

Inspectors provide information on what the provisions and regulations require from the workplace. The OSH Divisions have information plans specifying in advance the known needs with respect to information. They produce some materials on the main obligations relating to occupational safety and health.

The evaluation team finds that information and guidance is in accordance with the Common Principles.

See the supplementary comments in section D5.

Guidance for inspectors

The OSH Department has produced inspection guidelines, the purpose of which is to standardize the work of the OSH Divisions, to improve the quality of the inspections of occupational safety and health, and to use resources more effectively.

The evaluation team finds that the guidance for inspectors is in accordance with the Common Principles.

See the supplementary comments in section D6.

The systems for reporting, record keeping and information collection

The VERA system is a very comprehensive system for reporting, record keeping and information collection. The system has a great possibility of making transparency both inside the OSH division and outside.

We were impressed by the level of investment and effort being put into the VERA system. But the team found that the OSH divisions should consider if all the registrations are necessary since some of the registrations are very time consuming.

The procedures and practices used both on site and in the office ensure comprehensive records of inspectors' decisions and actions are made.

The systems are in accordance with the Common Principles.

See the supplementary comments in D7

C INTRODUCTION

The evaluation team findings are to be found at the bottom of each section.

C1 Overview of operating environment

The population of Finland is 5.4 million. The total workforce in 2013 was 2.6 million of whom 2.4 million were employed (2.1 million employees and 338 000 entrepreneurs or their family members) and 210 000 were unemployed. The unemployment rate was 7.9 %.

Finnish enterprises are typically very small. 99 % on enterprises that have employees, are small- or medium sized. These enterprises employ 55 % of the Finnish workforce.

The Occupational Safety and Health Divisions at the Regional State Administrative Agencies and the Occupational Safety and Health Department of the Ministry of Social Affairs and Health are the authorities that enforce the occupational safety and health legislation concerning workplaces and that comprise the Occupational Safety and Health (OSH) Administration.

As a result of the regional administration reform based on the government programme, the Finnish Occupational Safety and Health Inspectorates were abolished on 31 December 2009 and formed into five fields of responsibility for occupational safety and health under the Regional state administrative agencies from the beginning of year 2010.

The Agencies are divided into four divisions:

- Base public services, legal rights and permits
- Occupational safety and health
- Environmental permits
- Fire and rescue services and preparedness.

The divisions share some administrative services, but the OSH Divisions are independent of the agencies in matters concerning occupational safety and health inspections.

The agencies are divided geologically into six areas: Southern Finland (amount of workforce: 1 070 000), Eastern Finland (236 000), Southwestern Finland (302 000), Western and Inland Finland (538 000), Northern Finland and Lapland. The OSH Divisions of Northern Finland and Lapland have been joined to form one division (272 000).

At the institutional level, the Finnish approach is based not only on the narrow concept of safety and health but at least partly on a more generic concept of labour protection. Besides the OSH legislation, the enforcement of legislation related to terms of employment and labour relations is a task of the OSH Divisions. The OSH authorities enforce compliance with more than 100 regulations e.g.

- the Act on the Contractor's obligations and Liability when Work is contracted and for supervising foreign employees
- Employment Contracts Act
- machinery, working equipment and protective equipment
- working hours
- annual holidays

In Finland, most authorities and institutions related to OSH are subordinate to the Ministry of Social Affairs and Health, i.e. the OSH Divisions, the Finnish Institute of Occupational Health (research and service institution), and the Radiation and Nuclear Safety Authority (monitoring standards of occupational health and safety at nuclear power stations and regarding the use of ionizing radiation).

The Finnish Institute of Occupational Health (FIOH) is an expert organization in the field of occupational health. The FIOH is a public corporation supervised by the Ministry of Social Affairs and Health. The FIOH carries out research and provides expert services, training and information. The research is concentrated on employees' health, the features of a good working environment, the physical and mental pressure at work, dangers caused by chemical substances, noise, heat and radiation, safe working methods and occupational accidents and illnesses.

The Ministry of Employment and Economy promotes the operations of the labour market and work organizations as well as the integration of immigrants. The Ministry prepares labour legislation together with the social partners, that is, acts related to employment contracts, working hours, annual holidays, young employees and collective labour agreements.

Monitoring of the transport branch, including the health and safety of employees in shipping rests with the OSH Divisions. The authorities related to OSH under the Ministry of Employment and Economy are the Finnish Safety and Chemicals Agency (TUKES) (technical safety, e.g. chemical and process safety, pressure equipment and electrical safety) and the Finnish Competition and Consumer Authority (consumer safety).

Other organizations in the field of OSH include the Centre for Occupational Safety (training and information) which is administrated by the labour market organizations and the Federation of Accident Insurance Institutions (statutory accident insurance, statistics on occupational accidents).

C2 Legislation – ensuring compliance with EU Law

There is a modern framework based on EU Directives. The principal legislation is composed of the Occupational Safety and Health Act (No. 732/2002) and the government decisions made by virtue of the Act and the Occupational Health Care Act.

Separate legislation exists regarding:

- safety symbols
- general requirements for safety and health
- cooperation at the workplace
- machinery, work equipment and protective equipment
- noise, vibration and ergonomics
- asbestos, chemicals and dangerous substances
- protection of young employees
- occupational accidents
- occupational diseases

In addition there is industry based OSH legislation on:

- Construction
- Health care
- Seafaring, working on ships
- Forestry
- Blasting and mining

The OSH Act applies to work carried out under the terms of an employment contract and to work carried out in an employment relationship in the public sector or in comparable service relation subject to public law. With few exceptions, the responsibility for enforcing the Act lies with the OSH Administration. The legislation places no specific obligations on self-employed persons, except at construction sites and shared workplaces.

Finland has implemented all the OSH related EU directives.

The Council Framework Directive (89/291(EEC) has been implemented as part of the OSH Act (No. 738/2002) and Occupational Health Care Act (No. 1383/2001). The other 23 OSH directives (so-called daughter directives) have been implemented as part of the government decisions made by virtue of the OSH Act.

The Evaluation team findings.

The legislation is in accordance with the Common Principles. The Occupational Safety and Health Act and The Occupational Health Care Act and the government's OSH policy draw a distinction between the public and private domains. The Finnish system seems to show that a combination of top down and bottom up measures are a good way to ensure safe and healthy workplaces.

Companies have room to develop an OSH policy that is appropriate to their unique situation and its specific set of safety and health issues. Under the Occupational Health Care Act they are obliged to obtain the advice of occupational health care experts in order to formulate an action plan that meets the specific needs of the company and fulfil the legal requirements.

We have assumed that the Occupational Safety and Health Act No. 732/2002 and Occupational Health Care Act (No. 1383/2001) represent steps to achieve full implementation of the EU OSH Directives. Noting this, we have no observations on the Transposition by Finland, although there is a specific issue - the transposition of article 9 (1)a and article 10 (3) a in the Framework directive (391/89/EEC) on risk assessment which we do wish to comment. Referring to Judgment of the Court (Fifth Chamber) of 7 February 2002. - Commission of the European Communities v Federal Republic of Germany. – “...by failing to ensure that the obligation laid down in the Directive to be in possession of an assessment in documentary form of the risks to safety and health at work applies to employers of 10 or fewer workers in all circumstances, the Federal Republic of Germany has failed to fulfil its obligations under Articles 9(1)(a) and 10(3)(a) of the Directive.”

From discussions with Inspectors involved in the evaluation there appeared to be inconsistencies in how this demand is dealt with. Some Inspectors said that a risk assessment always should be in writing while other inspectors said that they do not demand written risk assessment in microenterprises without any particular risks.

It was referred to the fact that according to the Occupational Health Care Act (section 11) the employer shall have a written Occupational health care action plan which shall include the general aims of occupational health care and the occupational health care needs based on the workplace conditions together with the associated measures. The opinion is that this plan contains the same as a risk assessment.

Although it is a demand that all employers should arrange occupational health care the team was informed that approx. 40 % of the small enterprises have not arranged occupational health care. So these enterprises do not have a written Occupational health care action plan.

Recommendation

The OSH divisions should strive for a more uniform way to handle the demand of written risk assessment.

Finland has in connection with the team finding informed that the Ministry of Social Affairs and Health has issued several guidelines concerning inspections. There are general inspection guidelines as well as specific guidelines. In Finland the aim of inspections is, besides to monitor if the employer follows the provisions in the legislation, also to encourage the workplace to start a working conditions improvement process at the workplace. Therefore occupational safety and health management and risk assessment are important issues at the inspections and are included in all regular OSH inspections. The inspector checks whether risk assessment has been carried out, if it is up to date, if it is comprehensive, if measures have been taken according to the risks and if the employer consistently monitors the situation at the workplace.

If the inspector finds shortcomings related to risk assessment, he/she issues either written advice or an improvement notice to the employer. According to the guidelines concerning inspection of organizing occupational health care, the inspector checks whether the employer has organized occupational health care and if a written occupational health care workplace survey has been carried out and if it is kept at display at the workplace. If the employer has not fulfilled the obligation to organize occupational health care, the inspector gives an improvement notice. If a written occupational health care workplace survey has not been

carried out, if it is not up to date or if it is not at display at the workplace, the inspector gives written advice to the employer. In a workplace where there is a special risk for health and there is no written occupational health care workplace survey, the inspector gives an improvement notice.

C3 Organization

As mentioned in C1 the Occupational Safety and Health Divisions are a part of the Regional State Administrative Agencies. The divisions share some administrative services, but the OSH Divisions are independent of the agencies in matters concerning occupational safety and health inspections.

The OSH Divisions serve as authorities for the practical enforcement of occupational safety and health. The Divisions enforce that regulations concerning work conditions and employment are being followed in workplaces and give employers and employees' instructions and advice on how to apply the regulations.

The number of personnel in the Divisions is approximately 470, 370 of whom are inspectors.

The Ministry of Social Affairs and Health is responsible for, among other things, developing income security and social and health services, improving the population's living and working conditions by preventive social policies, and monitoring the implementation of legislation. The Ministry also coordinates social policies with other ministries. The administration and guidance concerning occupational safety and health is the duty of the OSH Department. The Department is in charge of the following:

- preparing national policies and strategies for OSH
- preparing OSH legislation and instructions for applying the legislation
- developing the working environment and the functioning of working organizations
- directing the OSH Divisions and the allocation of resources
- improving the means and conditions for OSH inspection
- handling market surveillance cases on the machinery and personal protective equipment used at work
- coordinating research and the distribution of knowledge on OSH

The OSH Department is divided into three units: Legislation Unit, Field Operations Unit and Policy Unit. There are some 65 employees in the Department.

The OSH Department of the Ministry is headed by the Director General

The evaluation team findings

Even though the OSH divisions are placed at the Regional State Administrative Agencies and share administrative services we find that the new organizational structure of the Finnish Labour Inspectorate with 5 independent OSH Divisions under the supervision and control of a central body (the OSH department) that deals both with political and lawmaking issues and steering of the OSH divisions is in accordance with the SLIC Common Principles since it is an effective system that is compatible with administrative practice of Finland .

Some of the OSH divisions found it rather difficult to share the administrative service with other divisions because of the different nature of the work of the divisions. The director general of the regional State Administrative Agency has the competence to decide how the administrative service should function (the director of the OSH division does not have this competence). The other divisions are found to have little appreciation of the fact that the OSH inspectors are away on inspections and are away from the office etc.

The social partners expressed that they found the new structure a bit confusing and bureaucratic. Sometimes they felt that it was difficult to get hold of the right person in the OSH divisions/department.

Only approx. 50% of the resources in the OSH divisions are used on OSH matters. The Unions expressed that they are of the opinion that more resources in the OSH divisions should be used on OSH matters. Since there is no international requirement for a specific number of labour inspectors dealing with OSH and since it seems that there is sufficient number of labour inspectors to secure an effective discharge of the duties of the OSH divisions, the team has no comment to the opinion of the unions – and as stated above the team finds the organization and also number of labour inspectors dealing with OSH in accordance with the Common Principles.

Finland has informed that the use of resources will be discussed in 2015 with the social partners in the preparation of the next framework agreement.

Recommendation

We encourage that further measures are taken to improve the cooperation inside the Regional State Administrative Agencies but without jeopardizing the very important independency of the OSH divisions.

C4 The Social Partners

In Finland, matters concerning working life are dealt with in a tripartite system that includes the government and representatives from employer and employee organizations. The co-operation dates back a long way. The role of the organizations is important in almost all legislative and developmental activities. The role of the employer and employee organizations is so strong, because most of the employers and employees are members in the organizations. About 67% of employees are members in a labour market union. On the other hand, about 85% of the employees work for an employer that is organized.

Matters of policy and other central issues regarding health and safety are dealt with by the Advisory Committee on Occupational Safety and Health. The Committee has been established by a Parliamentary Act. The tasks and the role of the committee are defined by legislation. The activities of this advisory committee have been developed by establishing as part of its authority the Subcommittee for the Forum for Well-Being at Work, the Subcommittee for Agriculture and Rural Enterprises and the Bilbao Subcommittee for the co-operation carried out with the European Agency for Safety and Health at Work. The Advisory Committee on Preparation of Occupational Safety Regulations exists separately for the preparation of legislation.

In addition to the national Advisory Committee on Occupational Safety and Health, there are regional OSH committees functioning alongside the OSH Divisions. Besides social partners, other locally important parties influencing the development and promotion of health and safety participate in the OSH committees. The tasks and role of these regional committees are also defined by legislation.

Cooperation and the exchange of information at a practical level are agreed upon with the stakeholders at meetings. There is also cooperation on inspection projects and in connection with other tasks with the various stakeholders and other authorities.

During the preparation of the OSH strategy, discussions with the social partners have taken place. They have made valuable comments about the strategy during the different phases of the drafting. The Ministry of Social Affairs and Health and the OSH Divisions direct and target their operations so as to implement the strategy.

In addition to deciding the content of the strategy, the social partners are involved in determining the target goals for OSH Administration via the Advisory Committee on Occupational Safety and Health. At the regional level, the social partners are involved in the practical planning of actions connected with target goals by the Advisory Boards for Occupational Safety and Health.

The National Working Life Development Strategy and Working Life 2020 project were drawn up under the supervision of the Ministry of Employment and the Economy. The strategy was drawn up via extended collaboration with the social partners.

Cooperation on occupational safety and health at workplaces

Cooperation on OSH at workplaces has been defined in the OSH Act, Enforcement Act and Occupational Health Care Act. The goal of the cooperation laid down in the Acts is to improve the interaction between the employer and the employees, and to make it possible for the employees to participate in and influence the handling of matters concerning safety and health at the workplace.

The issues to be handled in cooperation between the employer and employees include, among other things:

- matters immediately affecting the safety and health of any employee, and any changes in those matters;
- principles and the manner of investigating risks and hazards at the workplace, as well as such factors generally affecting the safety and health of employees that has come up in connection with the investigation or a workplace survey carried out by an occupational health care organization;
- development objectives and programs relating to workplace health promotion or otherwise affecting the safety and health of employees;
- matters that concern general organizational principles and operational planning of occupational health care in the workplace, including the occupational health care action plan, the content and coverage of occupational health care and the implementation and impact evaluation of occupational health care;
- matters affecting the safety, health and working ability of employees and relating to the organization of work or workload, or to any essential changes in the organization or workload;

- need and arrangements for OSH training, guidance and induction to be given to employees;
- statistics and other follow-up information relating to the work, work environment and state of the work community and describing safety and health at work.

The employer shall nominate his/her representative (*OSH manager*) for the cooperation, unless the employer him/herself wishes to take the position. It is the duty of the OSH manager to help the employer and management in tasks relating to the acquisition of expertise in OSH and to cooperation with employees and OSH Divisions. For this purpose, it is the duty of the OSH manager to take necessary measures to organize cooperation between the employer and the employees and to maintain such cooperation in the workplace, as well as to contribute to the development of OSH cooperation.

At workplaces where at least ten employees work regularly, the employees shall from among themselves choose an *OSH representative* and two vice representatives to represent them in the cooperation, and to keep contact with OSH Divisions.

The OSH representative represents the employees of the workplace when dealing with OSH matters. It is the duty of the OSH representative to become familiar with the environment of the workplace, with matters connected with the state of the work community and affecting the safety and health of employees, and with OSH legislation. The OSH representative shall also participate in inspections and expert investigations relating to occupational safety and health. The OSH representative shall also, for his or her own part, make the employees he or she represents pay attention to matters that promote safety and health at work.

At workplaces where at least 20 employees work regularly, an *OSH committee* shall be established. Both the employer and the employees of the workplace are represented on the committee.

The organization of cooperation may also be agreed on in another way where appropriate for inspection of safety and health.

The evaluation team findings

The OSH department and the OSH divisions have established effective relationships with the social partners to draw on their expertise take account of their priorities and secure their support. The involvement of the social partners is in accordance with the Common Principles.

C5 Strategy

There are two strategies associated with wellbeing at work. The first is the strategy for social and health policy adopted in 2010 by the Ministry of Social Affairs and Health: Socially Sustainable Finland 2020. This strategy is being implemented by the OSH Administration in accordance with Policies for the Work Environment and Wellbeing at Work until 2020. The policies consist of a vision for wellbeing at work, objectives (indicators), measures, execution and monitoring.

The Ministry of Social Affairs and Health's strategy and the Policies for the Work Environment and Wellbeing at Work until 2020 took into account the EU Strategy on Health and Safety at Work in place at the time. The aim of the Ministry's strategy is to extend the period of time that people work during their lives by three years by the year 2020. According to the strategy, this will happen by

extending people's careers and reducing the incidence of disability and absences through ill health. Under the Policies for the Work Environment and Wellbeing at Work, this will happen in the area of improved safety and health with reliance on the following objectives by the year 2020:

- The number of occupational diseases decreases by 10%
- The frequency of workplace accidents is reduced by 25%
- Work-related harmful strain is reduced:
- Perceived physical strain is reduced by 20%
- Perceived psychic strain is reduced by 20%.

The aims of the policies will be achieved with measures that include management development, the use of the occupational health care services as an effective partner, good legislation as a basis for maintaining minimum level regarding working conditions, competent occupational safety and health administration ensures enforcement of legislation and influential communications and cooperation with different actors involved in these areas.

The other strategy relating to wellbeing at work is the National Working Life Development Strategy of 2012, which is based on the current Government Program and the Working Life 2020 project drawn up on its basis. The Ministry of Social Affairs and Health has promised of cooperate with the effort to implement the Working Life 2020 project regarding which key objectives 1, 3, 4, 5 and 6, which in part relate to the OSH Administration. Key objective 1, *cooperation in occupational health promoting work capacity and career*, relates to strengthening the status of partnership in occupational health care. Key objective 2, *the management development network*, is being implemented in the manner of a network by the Finnish Institute of Occupational Health, and the development of good management was also done in accordance with the guidelines on wellbeing at work. Key objectives 4 and 5 relate to the work of the Forum for Wellbeing at Work. Key objective 4 has to do with *developing a common databank of good practices for workplaces* and key objective 5 *supports activities in the workplace by means of regional networks*. Key objective 6 has to do with *those with partial work capacity in working life*. Objective 6 is being implemented as a national project by the OSH Department.

The Evaluation team findings

According to the Communication from the Commission on an EU Strategic Framework on Health and Safety at Work 2014-2020 (COM/2014/0332) a summary analysis of national strategies shows that they generally reflect the priorities set out in the EU Strategy, while adapting them to the relevant national context. In most Member States, stakeholders at national level emphasized the role of the EU OSH Strategy in putting OSH high on the national political agenda and influencing national decision-making processes in this area.

The team finds that Finland has put OSH quiet high on the political agenda and that the strategic priorities – decreasing the number of occupational diseases, reducing the number of workplace accidents and reducing the work-related harmful strain are very relevant and reasonable.

The Strategy is in accordance with the Common Principles.

D ORGANIZATION

The core principles, whose application is vital in all states, concentrate on the implementation and enforcement of the EU legislation. The effective enforcement of Community law is the precondition for improving the quality of health and safety at the work place.

D1 Planning and monitoring

The Ministry of Social Affairs and Health directs the implementation of its OSH strategy through performance negotiations carried out annually with the OSH Divisions. The activities are based on a four-year frame agreement on the performance objectives and a supplementary annual performance agreement.

The frame agreement defines the same focal areas of activity for all OSH Divisions in the years 2012-2015. The agreement also defines a goal for the year 2015, and the activities carried out during the agreement period aim at achieving that goal. The activities of the OSH Divisions concentrate on the two focal areas: monitoring the rules of working life and prolonging work careers. The goals and resources for each year are agreed upon annually. Sectors and workplaces are selected for inspecting that reveal significant problems and stress factors at work.

The key aim for the current framework period has been to increase the number of inspections without also seeing decline in their quality. An additional approach to the work has been taken in the form of inspection projects at both the national and regional level.

The OSH Divisions organize inspections in line with their own practices. Nationally uniform functions, however, have recently increased in number with the launch of national inspection projects where general inspection practices and targets for inspections are determined for each separate project.

The extent to which the performance objectives are realized and how the resources are being used are followed up on annually. In their annual reports, each OSH Division evaluates, on the basis of defined evaluation criteria, whether the performance objectives have been reached and how successful the central principles have been when carrying out activities in line with the performance objectives.

The realization of each objective or set of stated goal for the Division will be followed up on through mutually agreed upon evaluation criteria. Every objective will be followed up on by means of one or more criteria. The aim of the evaluation criteria is to describe how the Division succeeded in reaching the agreed upon objectives.

How the OSH Division reaches this goal will be based on the number of inspections, number of workplaces where the matter is in order, and the development of the working conditions in the inspected workplaces.

The OSH Divisions also report on their planned enforcement activities, customer initiated enforcement and personnel and economic matters. The Divisions give information on workplace inspections, the use of coercive means and statements made to the police. The observance of the inspection reports and other goals with deadlines related to the quality of activities will be followed up on. The Divisions follow up on the number of times customers have contacted them, and the number of investigations of occupational accidents and diseases. The coverage of training and

information occasions organized by the Divisions is also monitored. Other matters to be followed up on are data concerning the Divisions' personnel, such as the division between age groups and genders, the use of personnel resources and personnel training and how it is covered.

OSH divisions report yearly to the OSH Department according to the guidelines given by the Ministry. The realization of the performance objectives are evaluated through the evaluation criteria set by the Ministry. The Ministry prepares on the basis of the OSH Division's reports an annual report of the OSH administration as well as a report to the National Audit Office.

There are regional differences in the way the Divisions monitor themselves internally, though the principles are similar. Activities are monitored monthly, quarterly, semiannually and/or annually, depending on the context and scope. In the same way, monitoring is carried out, depending on the general subject area, with respect to each inspector, project, unit and team, sector and/or Division.

The Evaluation team findings

The planning system with 3 levels – the strategy for social and health policy (Socially Sustainable Finland 2020) and the National Working Life Development Strategy of 2012, the four year frame agreement on the performance objectives between the Ministry of Social Affairs and Health and the OSH Divisions and a supplementary annual performance agreement are involving both the social partners and the OSH division in a reasonable way.

The plans are monitored qualitatively and quantitatively since the extent to which the performance objectives are realized and how the resources are being used are followed up on annually.

Peer Reviews

In 2009 it was decided to create a comparative assessment procedure for the purpose of standardizing both the OSH divisions' inspection practices and the quality of inspection (peer reviews). The peer reviews were carried out in 2011-2013 and had among other things back ground in the SLIC Common Principles. The OSH Department and the OSH Divisions have in 2014 agreed on common targets for development. The targets have been discussed with the social partners.

The evaluation team is very impressed by the organization of and the follow-up on the peer reviews. The team finds it a very inspiring initiative to improve the activities of the OSH divisions and the OSH department – and an initiative other Labour Inspectorates should consider to carry out.

D2 Inspectors competencies and independence

According to the Decree on Regional State Administrative Agencies OSH Divisions' inspection personnel must include such inspectors, who have several years of experience on the type of work they inspect. Inspectors are usually appointed to make inspections on a specific branch or on a specific topic. Their knowledge on this branch or topic has priority over their knowledge on OSH and on academic education.

Gender equality and non-discrimination lie behind the selection and recruitment process for inspectors. Both the Act on Equality between Women and Men and the Non-Discrimination Act forbid discrimination at work in Finland, and this also applies to job applications. Regarding job applications and their procedures, no one can be discriminated against on the grounds of gender, age, ethnic origin, citizenship, language, religion, opinion or state of health.

An official decision is taken on who to appoint to the post of inspector, after the merits of all the applicants have been compared; the most qualified applicant is then selected for the position. Under the Non-Discrimination Act and the Act on Equality between Women and Men, other applicants can apply for compensation if they feel that they have been discriminated against when comparisons were made during the application process or that the appointment has been made contrary to the Act on Equality between Women and Men.

All OSH inspectors take part in a basic administrative training course lasting 6 weeks, regardless of their professional background or future inspection area. This ensures that all inspectors have the same basic knowledge of OSH and the same approach to inspection. The grounds for taking part in additional and/or refresher courses are a person's skills, or lack thereof.

The same pay scheme applies to all OSH inspectors in Finland, and all inspectors and senior inspectors are in the same pay categories for the work they do. Differences in pay are due to job differences and/or how well people cope. Job specific differences relate, for example, to the investigation of accidents or some other nationwide specialist tasks of senior inspectors, which are not the tasks that all inspectors have. A personal ability to cope can increase pay by 5-45% of the pay for a specific job. The factors that contribute to an assessment of how well someone copes with their tasks are professional skills and achievement (50%), cooperation and interaction (25%), and their approach to personal development and their degree of flexibility (25%). An inspector's ability to cope is assessed annually at personal development meetings. In addition to this a performance reward is paid, if the OSH Division exceeds its goals.

According to the Act on Regional State Administrative Agencies OSH Divisions are independent of the agencies while inspecting workplaces. The operation must be arranged so, that independence and impartiality are guaranteed. OSH Divisions can't be assigned with such other tasks, that could jeopardize the supervision and its' independence.

Provisions on the independence of all civil servants are included in the Administrative Procedure Act. According to the Act, an official shall not participate in the consideration of a matter, or be present during such consideration, if he/she is disqualified. The provisions on the disqualification of officials apply also to members of multimember bodies and to other persons participating in the decision on a matter as well as to inspectors in their inspection duties.

Inspectors have no other duties given by their employer than their supervisory tasks related to health and safety. They may pursue other tasks in their leisure, however. Civil servants' secondary occupations can be divided into those subject to permission and those subject to notification on the grounds of whether or not a civil servant performs his or her secondary tasks during office hours or leisure hours. According to the legislation on government civil servants, permission is obligatory for secondary duties performed during office hours. A notification of secondary duties performed during leisure hours must be given to the employer. A secondary occupation will be considered acceptable if it does not disqualify the civil servant or endanger his or her impartiality, cause inconvenience to his or her official duties or create conflicting interests. Permission for a secondary occupation is in general refused if due care of civil service duties is endangered for example due to the great amount of work involved in the secondary occupation.

The Evaluation team findings

It is ensured that men and women are eligible for appointment as inspectors, that they have the appropriate qualifications, that they are competent to undertake their responsibilities and that they receive the training, instructions and information necessary for them to carry out their work. It is ensured that the inspectors are impartial. The Common Principles are met.

D3 Protection and assistance for inspectors

The OSH Divisions have carried out assessments of risks as part of a risk assessment programme organized by the Regional State Administrative Agencies. The evaluations have been conducted in collaboration with staff, and areas for improvement have been identified as a result. The safety of inspectors was also dealt with by all five Divisions in their peer reviews in 2011-2013.

The OSH Department dealt with the work of an inspector by means of an inspection in its general guidelines on inspection. The Regional State Administrative Agencies have also drawn up general guidelines entitled 'Violence, Threats and the Prevention of Hazardous Situations in Traffic', which deals with avoiding violence and threats and how to act in such situations. The guidelines also contain report forms in the event of dangerous situations, accidents or 'near miss' situations.

The inspector training course, which all new inspectors take before they conduct independent inspections, covers the safety and security of inspectors and how to deal with difficult clients. In addition, the induction sessions organized by the OSH Divisions talk about this issue and examine potentially dangerous as part of the training of a new inspector.

When inspection targets are being chosen, consideration is given to whether the industry shows any potential for threats or dangers that are worth taking into account. If it is suspected that an inspection target will pose problems, it is possible to conduct an inspection in pairs or organize a joint inspection with another authority, such as the police. Problematic inspection targets are identified on the basis of previous experience, location, industry, employer, employees, matters to be dealt with or communications where a client has himself initiated the inspection.

Inspectors also have permission in threatening situations to end the inspection and resume it at a later date, when it can be carried out in pairs or together with another authority. There are separate instructions for inspections carried out outside normal working times (e.g. in the restaurant branch). In such cases, the inspections are usually conducted in pairs.

To increase levels of safety and security during inspections, the supervisor and his/her colleagues have knowledge of the inspection sites. The calendar entries for inspectors show the name and location of the inspection site and the time of the inspection, enabling an inspector to be located, when necessary. However, there is no actual procedure for acknowledging that an inspector is back from an inspection.

The office keeps separate instructions and facilities for the reception of clients. If a meeting with a client should for some reason take place in an inspector's own room, the guidelines state that the inspector should sit in a place where he or she may if necessary get out of the room quickly. Furthermore, colleagues seated nearby must be told of such a meeting.

The Evaluation team findings

It is ensured that inspections of workplaces can take place in the safest possible conditions. The Common Principles are met.

Specialist support

According to the Enforcement Act OSH Divisions may have recourse to outside experts in order to investigate circumstances significant for enforcement purposes.

An expert has rights to the extent that they are necessary for the investigation, insofar as is indicated by the letter of authority which the OSH Division has issued for the expert individually for each case. However, experts are entitled to carry out their duties on the premises only in the company of the inspectors they are assisting.

The OSH Division shall notify the employer and the occupational safety and health representative of any essential observations made by an expert in a manner it considers appropriate. In the absence of an OSH representative, the employer shall notify the employees of the essential observations in an appropriate manner at the workplace.

Experts from outside an OSH Division are only used where the Division lacks the necessary expertise in a case. Inspectors receive expert assistance from several different sources. It can, if necessary, be obtained from the Labour Council based on the interpretation of the OSH Act, Annual Holidays Act and Working Hours Act. The Finnish Safety and Chemicals Agency (Tukes) can be asked for expert assistance in matters pertaining to electrical safety. The Finnish Institute of Occupational Safety and Health can be approached for expert assistance in the matters pertaining to indoor air. For the interpretation of collective agreements, the liaison offices of trade unions can provide expert advice. In some cases, expert assistance has also been obtained from special experts at the Ministry. The Ministry of Employment and the Economy can be approached for expert assistance when there are issues involving foreigners.

The inspectors can also oblige the employer to get specialist support to provide further clarifications or measurement for example on the noise levels at the workplace.

The Evaluation team findings

It is ensured that the inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties. The Common Principles are met.

D4 Inspectors powers

The OSH Divisions have the right to carry out health and safety inspections at workplaces and in other places where supervision is necessary, and they have the right, when necessary, to use experts for performing investigations at the inspection site.

A special cause shall exist in order to carry out an inspection at place of a residence for the purpose of supervising that the relevant regulations are followed when a person works in his or her home.

Inspectors have the right to carry out an inspection without informing the employer or the employer's representative, or the employees or their representative, in advance about the coming inspection. After coming to the workplace, the inspector must, however, report to the persons mentioned above unless there is a special reason to carry out an inspection or investigation without informing them about it. If an inspection or investigation has been carried out without informing the appropriate persons about it in advance, then the persons mentioned must, however, be informed

about it before the inspector or investigator leaves the workplace.

According to Enforcement Act inspectors have the right, to such an extent as is necessary for enforcement purposes, to:

- have access to any place where work is performed or, for a good cause, is expected to be performed, to any other premises where employers are, according to an act to be enforced by occupational safety and health authorities, obliged to provide for employees' use, and to any place where products to be placed on the market or supplied for use are manufactured, stored or displayed;
- receive from employers any inspection documents which they, according to provisions to be enforced by occupational safety and health authorities, shall draw up or keep, and to receive any other analyses of matters which employers, according to provisions to be enforced by occupational safety and health authorities, shall keep or have in their possession in some other manner than in writing;
- discuss with a person working in a place, or with any other person otherwise occupied there, in private or in the presence of witnesses, and receive from this person information necessary for performing their duties and the documents required of the person by provisions to be enforced by OSH Authorities;
- receive from employers a description of any other analyses made by the employer that are related to the work, the work environment and the work community and which affect the employees' safety and health, as well as a description of any other essential plans that affect the structures of the workplace, the work and production methods and the employees' safety and health;
- receive from employers for inspection an agreement on the provision of occupational health care concluded between the employer and an occupational health care service provider or the employer's description of occupational health care services it has provided, as well as an occupational health care action plan, workplace analysis and any other description of occupational health care activities necessary for enforcement purposes;
- take samples, after informing the employer of the matter, of raw materials or other materials used at the workplace, or of products manufactured or used at the workplace, for separate analysis or investigation; the current price must be paid for a sample, unless its value is insignificant;
- carry out hygiene measurements at the workplace and, by permission of the employer or for a cause justified by enforcement purposes, take photographs there;
- receive from employers other information necessary for enforcement purposes and copies of the above mentioned documents.

If an employer does not fulfil the obligations imposed on him by the provisions to be enforced by OSH authorities, the inspector shall issue to the employer **written advice** to eliminate or remedy the noncomplying conditions. If the hazard or harm arising from non-complying conditions is greater than the minimum allowance, the inspector shall issue an **improvement notice** obliging the employer to eliminate or remedy the non-complying conditions. Likewise, the inspector may issue an improvement notice if the employer does not follow the written advice.

If a defect or a shortcoming at the workplace risks the life or health of an employee, the inspector may promptly issue a prohibition on the use of a machine, work equipment or technical device, a product or a work method or the continuation of work, as a **temporary prohibition notice**, if the

risk to the employee's life or health is immediate. A temporary prohibition notice must be complied with immediately. The inspector shall without delay submit the matter to the OSH authorities

OSH authorities may, by a **binding decision**, oblige an employer to remedy or eliminate conditions **within a specific time limit**. When setting the time limit, the authorities must take account of the time limit previously set in the improvement notice. OSH authorities may, as **a sanction for an obligation**, impose a default fine as a threat that the noncomplying conditions must be remedied or eliminated at the defaulter's expense or the concerned activity will be stopped.

If a defect or a shortcoming at the workplace risks the life or health of an employee, the competent OSH authority may **prohibit the use** of a machine, work equipment or technical device, a product or a work method or the continuation of work until the non-complying conditions have been remedied or eliminated. The OSH authority may **order a fine as a sanction** for the prohibition notice.

An improvement notice may be issued in matters concerning:

1. conditions related to the work environment and the state of the work community that affects the safety and health of employees;
2. records of working hours or annual holidays or an obligation to keep other similar records;
3. issuance of such a payment calculation or work certificate as referred to in the Employment Contracts Act or in some other act to be enforced by occupational safety and health authorities;
4. provision of occupational health care;
5. supervision of private employment services; or
6. an obligation provided for in the Enforcement Act.

The written advice and the improvement notice must specify the legal provisions that apply and the shortcomings observed in compliance with them. The notice must also set a deadline by which the employer will have to bring the situation in line with the law, if that is not possible right away.

Inspectors, or even OSH Divisions, can't impose a fine of a penal nature or other punishment. OSH authorities must report to the police those cases where they have probable grounds to suspect that safety regulations have been violated. They must be provided with the possibility to be heard in the police interrogation, consideration of charges and an eventual trial.

A court hearing may result in a personal fine imposed on someone in a managerial position. Furthermore, a company may be ordered to pay a corporate fine and any benefit gained from the offence (for example, the savings made by not erecting scaffolding) may have to be forfeited.

The Evaluation team findings

It is ensured that the inspectors are given the power necessary to carry out the duties assigned to them and accordingly meets the Common Principles.

D5 Information and guidance

According to the Act on the Occupational Safety and Health Administration, the OSH Administration shall

- develop the safety and healthiness of work;
- enforce, by carrying out inspections and investigations, that provisions and regulations concerning occupational safety and health are being met, where this duty has been assigned by law to the OSH administration;
- give instructions, advice and statements on the application of OSH provisions and regulations;
- intensively co-operate with the employers' and employees' organizations in the field of occupational safety and health.

Information and guidance is not the primary task of the occupational safety and health inspector. Inspectors are expected to provide information on what the provisions and regulations require from the workplace, and to enforce the observance of them. At workplaces, the OSH Divisions contribute to both the management of occupational safety and health and to working conditions. The former comprises planning, organizing and leading of the organizations' or enterprise's activities, and it is targeted at the line organization, personnel management, support organizations, OSH policy for the workplace, occupational health care etc. The OSH delegates and OSH managers of workplaces are usually present at the inspection.

Each year the OSH Divisions draw up an information plan specifying in advance the known needs with respect to information. They produce some materials on the main obligations relating to occupational safety and health, and they issue bulletins on court decisions on occupational safety and health offences and on topical issues relating to occupational safety and health (e.g. young employees doing summer jobs). The Divisions also organize seminars and training sessions and provide lecturers for events organized by other actors, such as the social partners.

The evaluation team findings:

The information and guidance carried out by the OSH divisions are in accordance with the Common Principles.

D6 Guidance for inspectors

The OSH Department has produced inspection guidelines, the purpose of which is to standardize the work of the OSH Divisions, to improve the quality of the inspections of occupational safety and health, and to use resources more effectively. The guidelines apply for a maximum of five years, after which they are reviewed. The guidelines are made known to all the inspectors in the form of modular training sessions and, where necessary, more advanced tuition is provided for inspectors who are specialized in a certain matter.

At the present time, eleven guidelines have been issued:

- general guidelines on inspections
- inspection of physical violence and the threat of it
- inspection of damage caused by dampness and mold
- inspection of harassment and other inappropriate treatment
- inspection of employment matters
- inspection of discrimination at work

- inspection of foreign labour
- inspection of the organization of occupational health care
- inspection of psychosocial strain
- investigation of occupational accidents
- investigating the causes of occupational diseases.

In Finland, inspectors at a workplace inspection make observations based on sense perception, so they do not have any technical equipment with them during the inspections. It is the employer's duty to, for example, conduct hygienic measurements at the workplace at his or her own expense. Every inspector has modern computer hardware at his or her disposal. Each inspector is provided with appropriate training in the use of the hardware and software. At the moment inspectors receive training especially on the Vera inspection data system. Different guidance is available in the OSH Divisions' extranet.

New inspectors are given instruction on what to do in an inspection situation, in training sessions that are compulsory for everyone, and during inspection visits, where a new inspector is first accompanied by a more experienced one.

The general inspection guidelines cover

- the inspection of occupational safety and health and its orientation
- concepts
- carrying out an the inspection (preparations, the inspection itself, post-inspection tasks)
- the content of the inspection report and the imposition of obligations
- monitoring compliance with obligations, the use of administrative coercive measures and reporting offences.

The different OSH Divisions have issued more specific inspection guidelines that cover, for example, preparations and decision-making procedures within a Division.

The Evaluation team findings.

There exists guidance for the inspectors in form of some guidelines. The evaluation team was shown excellent examples of checklists which were produced in an OSH division – but only used in this OSH division. The team finds that a further use of sharing of good practice could be useful in order to create a more effective and uniform inspection.

The guidance for the inspectors is in accordance with the Common Principles.

D7 VERA system for reporting, record keeping and information collection

Vera inspection data system is software supporting the vital processes of occupational safety and health enforcement and the planning and monitoring of enforcement. The system is consisted of three data systems, which are called Vera Inspection, Vera Report and Vera E-service. Vera Inspection supports the knowledge management of OSH enforcement and the OSH administration's activities at all organizational levels. It maintains a reliable, comprehensive and up-to date knowledge base for monitoring the OSH administration's activities and the changes in working conditions. The aim is also to create e-service applications for use by employers.

At the moment Vera Inspection is in use, Vera Report is partly in use and Vera E-service is in a planning phase.

Inspectors must draw up an inspection report on every inspection they have carried out within 30 days from the inspection. Vera Inspection is built in order that more working time than before could be used for actual inspections and the planning of inspections and after routines could go more smoothly. The system also aims at improving the quality and reporting of inspections. The purpose is to reduce the time used for after routines by 5 per cent. It is also predicted that the planning time will decrease.

The evaluation team findings.

The VERA system is in accordance with the Common Principles. The VERA system is a very comprehensive system for reporting, record keeping and information collection. The team was told that VERA has a great possibility of making transparency both inside the OSH divisions and external.

The team was impressed by the level of investment and effort put into the VERA system. But the team found that the OSH Divisions should consider if all registrations are necessary since some of the registrations are very time consuming.

The procedures and practices used both on site and in the office ensure comprehensive records of inspectors' decisions and actions are made.

Recommendation

A way to improve the efficiency in the labour inspectors work could be that the VERA system also contained the information related to previous inspections. It seems rather time consuming that the inspector shall check the previous systems to gather information on the results of the previous inspections at an enterprise.

We encourage that further measures are taken to improve the cooperation between the OSH divisions in order to improve the uniformity of inspections procedures nationwide.

E METHODS OF INSPECTION

The basic purpose of evaluation is to review the capability of the labour inspection system in the country to be evaluated (the host country) to implement and enforce EU Directives on health and safety at work. 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.

Besides international agreements, there are national statutes and agreements relating to inspectors' work. There are also common principles guiding the actions of inspectors, e.g. the principles of objectivity, proportionality, equality, and the principle of being bound to the purpose of the authority.

Ethical and moral aspects and values affect the work of the individual inspector. The common value foundation for the state administration is formed by the following values: activities are result-oriented and open, they are characterized by quality, strong expertise and trust and they fulfill the service principle. Activities are neutral, sovereign, equal and responsible.

The OSH administration's core messages for the years 2012-2015 have been defined. They are as follows:

- Longer working careers through occupational safety and health
- Fair working life rules
- Expertise to ensure legal working conditions

E1 Typical inspection

Workplace inspection

The inspections are carried out mainly on the basis of the goals established during the yearly negotiations. When preparing for an inspection, the inspector draws up a plan for the inspection that forms the basis of the procedure at the workplace. In the Vera inspection data system, agendas for different fields have been defined. Predefined agendas are also used in inspection projects.

A workplace inspection usually comprises three parts: preparations, an inspection visit and giving information on written advices or improvement notices for corrective measures. The inspection visit is also divided into three parts: an initial meeting, an inspection round and a final meeting.

The purpose of the initial meeting is usually to ensure that the visit goes well, and to give an account of the targets to be inspected and the matters to be dealt with, as well as to gather necessary information for the inspection report and the inspection database.

At small and medium enterprises, most work stations can usually be checked during the inspection round. The observed deficiencies and faults shall be tackled. When necessary, discussions shall be carried out in private with the employees or their representatives. The same applies to the employer and his or her representatives.

During the final meeting, a summary shall be presented about the inspector's central observations concerning matters that must be improved. The inspector shall also specify what measures he/she requires from the employer in order to eliminate the noticed deficiencies and faults. During the final meeting it is also possible to hear from the parties involved if this was not already done during the inspection round in connection with individual matters.

The inspector shall always write a report on the inspection and send it to the employer and to the OSH Delegates representing the workers and the clerical employees. The report is a document describing the basic information on the inspection (time, place, those present), which topics were covered during the inspection and which were presented by the inspector to the employer in the form of written advices or improvement notices for how to correct the deficiencies or faults. In the report, the inspector shall clearly mention those deficiencies, faults and matters that he or she requires to be corrected by the workplace. For improvement notices, a deadline is given.

The inspector should follow up on whether or not the employer has complied with his or her written advices or improvement notices. This is important especially in cases where the activities have clearly not complied with a statute, and when the inspector has called attention to it, and, referring to the statute, given instructions about the matter in the inspection report. Various methods have been used for the follow-up.

These include, for example,

- follow-up / renewed inspections

- requests for clarification (by letter, phone)
- enforcement in connection with the next inspection.

The final means for eliminating deficiencies and faults are coercive means made by the OSH Division, such as sanctions for obligation and prohibitions. The provisions for these means are included in the Enforcement Act. According to the same Act, a notice shall be given to the police of an offence that should be punished according to any act enforced by the OSH authorities, or according to the Criminal Code.

Document inspection

Documents relating to factors where there is no added advantage in actually seeing the working environment are checked at the office. The inspections may, for example, relate to conditions of employment and cases of discrimination and harassment. Inspectors compile an inspection report, after having asked the employer and employees for details and evidence.

The Evaluation team findings

The inspections are in accordance with the Common Principles.

The team is very impressed by the dialogue based method of inspection which seems very effective. *We learnt that written advices and improvement notices are legal measures but not administrative decisions so they are very useful when the employer doesn't fulfil obligations resulting from OSH legislation because of lack of knowledge if or how they should be implemented. On the one side the enforcement system described in the act bases on cooperation between employer and labour inspector and seems to be effective – most of irregularities are removed without conflict and necessity of using 'sanction' enforcement measures. On the other side, when there is no good will on employer' side, OSH authorities are able to provide administrative proceeding with effective enforcement measures. In the teams opinion such structure of enforcement system also allows inspectors to teach inspected employers that occupational safety and health is first of all a matter of dialogue and cooperation.*

The social partners were concerned of the balance between the announced and unannounced inspections.

According to the Act on Occupational Safety and Health Enforcement, the rule is that inspections are announced and unannounced inspections are exceptions. The inspections the team has participated in showed that previous announcement can have positive influence for state of occupational health and safety in inspected entity. The inspectors showed and convinced the team that announcement of inspection is important part of 'soft' enforcement. Very important element of previous announcement is also short list of issues that will be on inspection's agenda. It allows the employer and other OSH players to prepare to inspector's visit and allows inspector to start inspection with dialogue focused on the most important aspects of occupational safety and health.

The team will though recommend that measures are taken to ensure that a sufficient number of regular and unannounced inspections (that is to say not in response to a complaint) to ensure that when inspections are conducted as a result of a complaint, the confidentiality of the complaint can be ensured.

Finland has informed that this matter will be discussed in 2015 with the social partners in the preparation of the next framework agreement.

The team found that OSH inspections in microenterprises that are not considered to be in high-risk sectors very seldom take place. The team encourages that measures shall be taken to ensure the effective discharge of inspection duties and compliance with respective legal provisions also in these micro enterprises.

There seems to be little cooperation between the OSH divisions and other OSH task holders such as the Occupational health care service. The evaluation team found that there was surprisingly little cooperation between especially the OSH divisions and the Occupational health care service when dealing with inspections in the companies. The team experienced that the inspectors very seldom during the inspections referred to other relevant OSH actors.

A more effective cooperation between the OSH divisions and other OSH actors such as the Occupational Health care service would be beneficial for companies because a higher degree of compliance with the OSH regulation would be easier achievable for the companies.

Finland has informed that on a general level it is possible to increase the cooperation with occupational health care service providers for instance in matters related to training. However, since organizing of occupational health care service is a duty of each employer as well as covering the costs of the occupational health care services, direct cooperation between an inspector and the occupational health care provider is not possible concerning matters related to an individual workplace.

E2 Accident investigations, investigations of occupational diseases and investigations of complaints

Investigation of an accident

OSH inspectors investigate on a yearly basis approximately 900 occupational accidents and diseases at workplaces. The Enforcement Act defines the OSH Divisions' duty to investigate occupational accidents that have caused severe injury or death. Occupational accident means any accident causing injury or illness to an employee:

1. in the course of his/her employment
2. in circumstances arising from employment:
 - a) at the workplace or in an area pertaining to it
 - b) while commuting from his/her residence to the workplace or vice versa
 - c) while attending to business for the employer elsewhere
3. while attempting to protect or save the employer's property or, in connection with his/her employment, human life.

The employer must immediately inform the police of accidents resulting in death or severe injury. Where appropriate, the same statutes shall be applied to occupational accidents and occupational diseases. Employers are required to notify the OSH Division of any occupational accident or occurrence of a work-related occupational disease that calls for an investigation by the police. The OSH Divisions usually do not investigate accidents that occur during trips to work or from work.

Information on an accident is often received through some other source than the employer. The information often comes to the Division from the police or the regional rescue service. In these cases, the Division tries to start its investigation immediately in cooperation with the police. In order to make a record of the circumstances and the situation, it is important to visit the place of the accident as soon as possible.

Already before the visit to the workplace, the inspector evaluates how comprehensive investigation is needed. Persons at the workplace may be asked to take photographs and samples before the inspector arrives. To obtain background information, contact will often be made with the occupational health care. The aim is that all parties involved in the investigation gather at the workplace at the same time. Outside experts or investigators that are familiar with the equipment and technical systems of the workplace can be asked as help.

At the investigation scene, the inspector evaluates what matters must be investigated at once, before the data and traces disappear. Photographs taken and drawings made at the scene of the accident will act as records of the incidence.

The first phase of an accident investigation is to identify the event that caused the injury. After that, a general view will be created on what really happened. An inspection report will be drawn up, describing what happened and when, during which production phase and at which individual part of the workplace the accident happened, and what partial factors influenced the accident.

In the accident investigation, the following will be described:

- the properties of the physical working environment,
- the procedures and the management of the organization,
- factors related to the personnel and operation, etc.

A sufficiently detailed evaluation and list of work phases, the working methods used, tools and auxiliary equipment, and working conditions will help investigators find the causes and effects of the accident and develop methods to prevent similar accidents.

During the last phase of the accident investigation, the inspector will list all of the advice that needs to be followed in order to prevent similar accidents. The inspection report contains the prevention advice that is immediately connected with the accident that occurred. The inspection report gives instructions based on the law. The inspection report takes a stand on the legality of the occupational safety and health situation of the workplace, even though the actual inspection was carried out because of the accident. The OSH Division decides whether the matter is such that the police shall be notified. The prosecutor will decide whether any charges will be brought.

Investigation of complaints

When the OSH Division is told that a workplace is suspected of having broken the law, or if an employer, OSH representative, OSH committee, etc., asks an OSH Division to act, it has an obligation to act without delay. Such notifications and requests can relate to contracts of employment and to working conditions.

If a request relates to a direct risk of loss of life or to health, an inspection is conducted immediately, whenever possible. The investigation of a fatal accident or one resulting in serious injury is carried out instantly.

The Evaluation team findings

Accident investigations, investigations of occupational diseases and investigations of complaints are carried out in accordance with the Common Principles.

The evaluation team is very impressed by the fact that the number of complaints and questions on actions of the OSH divisions is very low. In 2013 following numbers of complaints/questions about the actions of OSH divisions were given:

16 to the Minister

31 to the OSH department

12 written questions from the Parliament.

E3 Action taken as a result of an inspection

In 2013, the OSH Divisions carried out approximately 25 600 inspections. About 30% of the inspections did not result in any action. The total amounts of different actions taken by the OSH Divisions in 2013 were as follows:

- 49 667 written advices
- 8 223 improvement notices
- 252 binding decisions
- 46 confirmed and 16 unconfirmed prohibitions of use.

In addition, there were 513 cases reported to the police for investigation. These reports mainly concern occupational safety and health offences and breaches (230 in 2013), offences and breaches relating to working hours (119), discrimination at work (62), and issues connected with the use of foreign labour (75).

The Evaluation team findings

The actions taken as result of inspections are in accordance with the Common Principles.

ANNEXES

F1 Update on progress since the SLIC evaluation 2005

The report of the SLIC evaluation in 2005 was not finalized and was not available for the evaluation team, but Mr. Leo Suomaa has orally presented the findings from 2005 for the evaluation team. Furthermore the evaluation team has been presented a document "Proposals for action of the Working Group on Resources" from 2009. This document among other things should reflect the findings from the SLIC evaluation in 2005. On this background compared with the evaluation team

own findings in the evaluation 2014, the evaluation group finds that following progress has taken place:

- There is progress in the balance between inspections in small/big companies especially due to the focus on grey economy.
- The inspections seem to be linked to risks
- MSD and psychosocial matters are discussed at inspections
- Safety delegates are usually spoken to alone
- There is a clear basis for planning and measuring the effect
- The regional advisory boards seem to have a more uniform way of work

F.2

The document “**SLIC EVALUATION 2014 Finland QUESTIONNAIRE AND ANSWERS**” is attached”.

COMMON PRINCIPLES FOR LABOUR INSPECTION IN RELATION TO HEALTH AND
SAFETY IN THE WORKPLACE

Aim

[This document has been agreed by the Senior Labour Inspectors Committee (SLIC)]. This new version results from a request from the SLIC Strategy Working Group to revise the document to take into account the experience of evaluations in recent years, and the new Community Strategy on health and safety at work. While responsibility for the enforcement of Community law lies with Member States, SLIC plays a central role in promoting the correct and uniform implementation and enforcement of Community directives. The aim of this document is to set out a number of Common Principles for health and safety inspection and thereby encourage a common approach to the implementation of legal requirements in the workplace and the adoption of comparable criteria by inspectorates in their enforcement policies and practices. This revision is structured in three main sections:

The Overview, which explains the current context of labour inspection in the European Union, The Core Principles, whose adoption is vital in all states, and concentrates 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”,

The Developmental Principles, whose adoption is vital if MS are to embrace the broader aims of the Community Strategy.

The evaluation of Labour Inspectorates will concentrate on the Core Principles, but will also examine progress towards the Developmental Principles.

The overview

1 Labour inspection operates at the point where law, technology and political, social and economic reality meet. It is now widely recognised as a multidimensional activity that has political, economic, cultural and social contexts as well as those that are technical, medical and legal in nature. Labour Inspection thus finds itself confronted with complex challenges which involve balancing the demands of more traditional industrial health and safety problems against the demands arising from the changing economy and the changing perception of the role of labour inspection. The point of balance differs between Member States (MS) and the Common Principles (CP) need to be expressed in a way which enables MS to relate their differing needs and priorities to these Principles.

2 **Acknowledging all of this implies a need for approaches that are more holistic¹, integrating improvements to the work environment, with methods that seek to secure “well-being at work²” in its broadest sense. Such approaches have as their foundations:**

- (i) the requirements of existing ILO conventions, notably Convention 81 “Labour inspection”;
- (ii) the Framework Directive and its related directives with their focus on health and safety management systems;

¹ "Holistic" is a term which implies a "whole system" approach, whether to an individual, or to an organisation.

² "Well-being at work" is described in the Community Strategy as being taken to mean physical, moral and social well-being, and not just something that can be measured by an absence of accidents or occupational illnesses.

- (iii) the objectives laid down in "Adapting to change in work and society: a new Community Strategy on health and safety at work 2002-2006", which has as its aim, the constant improvement of well-being at work;
- (iv) the "Resolution on the role of SLIC in the new Community Strategy on safety and health at work 2002-2006", SLIC Billund, Denmark, 5-6 November 2002;
- (v) the European Social Charter (revised), Strasbourg, 3 May 1996.

3 The Framework Directive provides a legislative basis for the scope of labour inspection in the EU as it defines the general application of EU health and safety law. The Directive applies to virtually all sectors of work. The primary interest of SLIC is directed towards the correct and uniform implementation and enforcement of Community directives and these Common Principles support this interest. The Framework Directive does not apply to self-employed persons³, nor does it apply to risks to the public, arising from work activities, but in some Member States these two areas are part of mainstream labour inspection. In addition there may be other functions performed by labour inspectors (for example in relation to the environment, or industrial relations) which are not part of the legislative scope of the Framework Directive. The sectoral scope of the Framework Directive goes beyond the scope of ILO Convention 81 "Labour Inspection" and its related conventions, although the topic scope of Convention 81 is wider.

4 ILO Convention 81 has a structural concept that refers to 'central' or 'competent' authorities with a national oversight of the legal and administrative arrangements and the supervision and control of labour inspection. However, the organisations in many Member States which include the Labour Inspection function also include the development of strategy, the establishment of operational policy, and the planning, monitoring and information gathering functions. As a result, the distinction between a labour inspectorate and a central authority is in many cases largely artificial. Therefore when this revised statement of Common Principles refers to the Labour Inspectorate (LI) this is assumed to include the role of the ILO "Central Authority", including arrangements within federal systems.

5 The Council Resolution of 3 June 2002 and the supporting Community Strategy for 2002-06 emphasise that 'the effective enforcement of community law is a precondition for improving the quality of the working environment' and this remains at the heart of SLIC's responsibilities and the Common Principles. But at the same time, the Resolution and Strategy envisage a much broader, more innovative, more holistic approach to occupational health and safety "to achieve the aim of constant improvement of well-being at work", and it is important that Labour Inspection is seen to be contributing fully to these developments.

6 This means that authorities responsible for labour inspection assume the tasks of:

- (i) formulating a clear vision;**
- (ii) re-orientating services towards new goals, while recognising the continuing relevance of many existing goals;**
- (iii) effectively implementing all labour inspection activities;**
- (iv) increasing their efficiency; of developing new policies, strategies and preventive intervention methods; and**
- (v) optimising and evaluating their qualitative and quantitative impact.**

³ But see "Council Recommendation of 18 February 2003 concerning the improvement of the protection of the health and safety at work of self-employed workers".

7 This revised Common Principles document has been developed in response to these signposts and as the basis for the evaluation of MS. It can be used:

- (i) as a guide to strategic, administrative and inspection policy, and the organisation, practice and ethics of inspection;
- (ii) as a tool for encouraging the development of inspection systems and for monitoring a Member State's progress towards a more effective system;
- (iii) as a measure of efficiency of the different inspection systems in place, partly to help to strengthen the national and regional inspectorates and partly to increase the transparency between MS and the methods of evaluating their performance and impact externally and internally;
- (iv) as a source of policy reference, reflecting or taking into account international and national standards;
- (v) as a demonstration of the common purposes and consistency of approach;
- (vi) as an explanation of how an enforcement policy has to flow from a set of basic principles that reflect the role and responsibilities of labour inspection and the expectations of the world of work.

8 The responsibility for the implementation and enforcement of Community laws in relation to occupational health and safety lies with MS. It is important that they work together to develop consistent approaches across the Community. It is an essential precondition for the effective exercise of the Labour Inspection function in relation to the Common Principles (see paragraphs 10 and 11) that arrangements are in place in MS to:

- (i) ensure that EU law is properly transposed into national law;
- (ii) establish their strategies for occupational health and safety within an overall approach to working conditions, indicating what the MS wishes to achieve and over what period. The strategies should be transparent to the social partners and should take into account the Community Strategy, and national and local expectations, needs and priorities;
- (iii) maintain or develop institutions and mechanisms for the enforcement of EU law, which, in certain cases, may include specialist support services, the police, and the legal and court systems, upon which labour inspectorates depend for the effective and efficient discharge of their responsibilities. These institutions should be sufficiently resourced to discharge the duties expected of them by the national and regional strategies;
- (iv) establish effective relationships between ministries, organisations and institutions with a direct or indirect involvement in occupational safety and health, to align strategies, share expertise and coordinate action;
- (v) establish effective relationships with the social partners to draw on their expertise, take account of their priorities and secure their support;
- (vi) collect, collate, analyse and publish information about health and safety performance gathered at national, regional, sector of activity, and, where appropriate, company and workplace level;
- (vii) encourage employers and workers to take positive action to bring about higher standards of occupational health and safety, and to provide appropriate information and guidance to help employers and workers comply with the law.

9 There are a number of other aspects which may be relevant if improvements to health and safety are to progress and move forward in line with the Community Strategy and in

relation to the Developmental Principles (see paragraph 12). To take account of these aspects, **Member States should:**

- (i) ensure that the future strategies of MS incorporate as their purpose, the constant improvement in the quality of work and in well-being at work in physical, mental and social terms;
- (ii) establish or strengthen effective relationships between ministries, organisations and institutions with a direct or indirect involvement in well-being at work, rehabilitation, public health, employment policy, and with other policies pursuing protection objectives, to align strategies, share expertise and coordinate action;
- (iii) ensure that the allocation of resource reflects the needs of the developing national or regional strategies;
- (iv) agree clear coordination arrangements for securing necessary change and development;
- (v) emphasise the importance of social dialogue in the development of the broad strategy;
- (vi) expand the scope of occupational health and safety legislation to include all employees;
- (vii) consider how the risks to self-employed persons can be built into national and regional strategies;
- (viii) consider how the principles behind existing European law which relates to risk to members of the public from work activities can be applied through the labour inspection system;
- (ix) promote a prevention culture throughout the educational system.

The core principles

10 The core principles, whose application is vital in all states, 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, LIs 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 plans⁴;
- (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; that they are competent to undertake their responsibilities; and that they receive the training, instructions and information necessary for them to carry out their work in the safest possible conditions;
- (iv) ensure that inspectors are able to obtain specialist, technical, scientific, legal, methodological and other support to assist them in carrying out their duties;
- (v) 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;
- (vi) 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 workplaces by inspectors can take place in the safest possible conditions. 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

⁴ The plans should also reflect the needs of the SLIC Annual Report, which will be one of the tools used in the evaluation of the application of these Common Principles.

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 (see paragraph 11 below);

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.

11 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 MS. Such action may include the use of sanctions which the inspector is empowered to use. The priorities for inspection, based upon the structure of the Framework Directive, are:

Ensuring compliance with EU law

- (i) **to judge whether the employer's policy for health and safety is directed to ensuring the health and safety of his employees;**
- (ii) **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;**
- (iii) **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

- (iv) 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

- (v) 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

- (vi) 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 LI use only

- (vii) 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

12 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.

Evaluating the inspection system

13 The Community Strategy calls for effective, equivalent inspection and monitoring of the implementation of legislation in MS, and sees the evaluation of national inspection systems by reference to the Common Principles as an important element in the framework of consistent implementation. SLIC has agreed that a programme of evaluations will be undertaken of all MS; each evaluation will be led by a SLIC member, supported by representatives from other MS. A Protocol which gives useful guidance on the conduct of evaluations is attached as Annex 1. A questionnaire has been prepared, based on the Common Principles, to aid the evaluation process, and this is attached as Annex 2. To minimise duplication and to integrate the responses, the questionnaire emphasises that where information is already provided in the Handbook entry of the MS or in the Annual Report to SLIC, this need not be repeated in responding to the questionnaire, but simply attached to it.

Review of principles

14 It will be appropriate for the Senior Labour Inspectors' Committee to review the principles set out in this document from time to time, as experience of the enforcement of European legislation develops and as awareness grows of the longer term aims of the Community Strategy.

12 September 2004