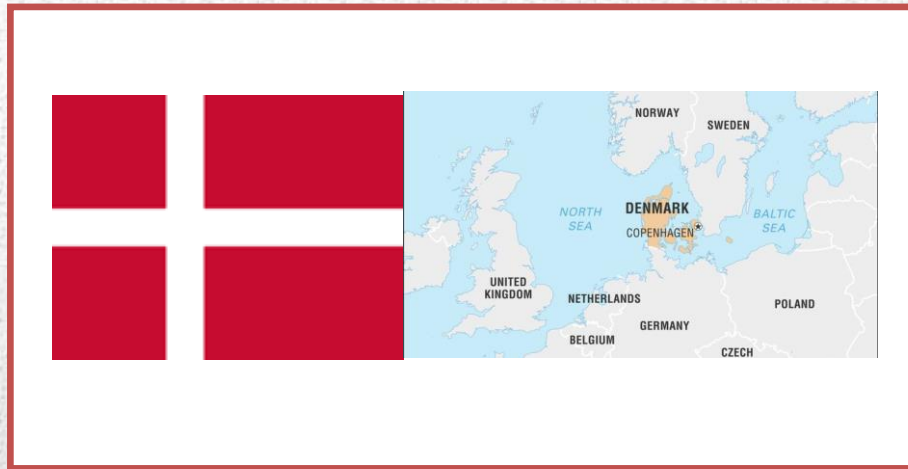


## SENIOR LABOUR INSPECTORS' COMMITTEE (SLIC)



## *EVALUATION REPORT OF THE LABOUR INSPECTORATE OF DENMARK (DWEA)*

**December 1st & 2nd 2021, May 30th – June 4th 2022**

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## **Abbreviations**

**DWEA** Danish Working Environment Authority

**EMM** Enforcement Management Model

**EU** European Union

**HOT** Special Inspection at a building site

**IC** Inspection Centre

**ILO** International Labour Organisation

**IT** Information Technology

**LI** Labour Inspector

**NRCWE** National Research Centre for Working Environment

**OSH** Occupational Safety and Health

**PPE** Personal Protective Equipment

**RUT** Register of Foreign Service Providers

**SD** Social Dumping

**SDI** Large scale infrastructure projects

**SLIC** Senior Labour Inspectors' Committee

**WSR** Workers' Safety Representative

# A PREFACE

The responsibility for enforcing EU laws with respect to occupational safety and health (OSH) lies with the individual Member States. The European Commission seeks reassurance that the legislation is being applied and enforced effectively and efficiently by Member States. The Senior Labour Inspectors' Committee (SLIC) seeks to encourage consistent and effective enforcement of Community based legislation.

To this end, Member States have established shared common principles of inspection and a system of mutual auditing on a voluntary basis by which national labour inspectorate arrangements are evaluated against SLIC's "Common Principles for Labour Inspectorates regarding Inspection of Health and Safety at the Workplace".

The remit of the SLIC evaluation process is to assess, against the agreed common principles, the way in which the EU Directives regarding occupational health and safety are implemented and enforced.

As it is easily understood, in each Member State there are peculiarities both in terms of the operation of the Labour Inspectorate and the labour market in general, which requires the control of harmonization with the common principles of the Labour Inspectorate.

This is also one of the main purposes of the SLIC evaluation, in order to carry out a regular review of the capacity of the labour inspection system in the host country to implement and enforce the EU OSH Directives. The main focus is on the daily work of the Inspectors.

The implementation of the evaluation process to date has been established in the consciousness of all as a very effective process which has managed to offer the transfer of the necessary knowledge, good practices, specialized knowledge, etc.

This evaluation of the Danish Labour Inspection System is part of the third round of evaluations undertaken by SLIC. Danish Working Environment Authority (DWEA – Arbejdstilsynet) was evaluated for the first time in 2003 and a second time in 2008. The findings and recommendations of the previous evaluation of Denmark, in 2008, have been taken into account within this evaluation report. The structure of the report is based on the format suggested in the SLIC Reference Manual.

The evaluation of the DWEA was planned for 2020 but it coincided with the outbreak of the coronavirus pandemic. Due to the consequences and the precautionary measures taken, it was decided to have a virtual pilot phase of the SLIC evaluations (see Annex 1). According to this virtual pilot phase, the evaluation was carried out for the first time in 2 phases and in 2 separate time periods.

The first phase took place virtually on December 1<sup>st</sup> and 2<sup>nd</sup> 2021 and included interviews with DWEA members and representatives of Employers' and Employees' unions. Specifically, the members of the evaluation team met virtually on December 1<sup>st</sup> with the General Director of DWEA, Ms Sine Frederiksen and Heads of Units of the DWEA Working Environment Advisory Centre. We have received from them a full presentation establishing how DWEA is supported, its place within the government, its achievements, aims and priorities, current issues and practices, operating environment and political and economical context.

On December 2<sup>nd</sup>, the evaluation team met virtually with Ms Nina Hedegaard Nielsen and Mr. Ulrik Spannow from the Danish Trade Union Confederation and Mr. Jens Skovgaard Lauritsen from the Danish Confederation of Employers.

Both the Danish Trade Union Confederation and the Danish Confederation of Employers presented their positions on health and safety issues in Denmark, the extent of their cooperation with the DWEA and their proposals for improving its operation.

The second phase took place physically between May 30<sup>th</sup> and June 4<sup>th</sup> 2022 and it contained a presentation from the Data and Digitalisation Unit in the offices of DWEA and on-site inspections.

The Evaluation Team consisted of 8 Inspectors from 7 different Member States (Greece, Belgium, Cyprus, Ireland, Italy, Slovakia and Finland).

The programme of on-site visits by the evaluation team with DWEA Inspectors was very well organised and successfully executed.

Although the majority of DWEA Inspectors, who participated in the on-site visits, were quite new Inspectors with few years of experience in Labour Inspection, the whole programme ran smoothly and inspections were carried out in different areas of the country, with a variety in the type of enterprises, their size and the scope of the inspection.

Specifically, four distinct Groups were set up with the participation of DWEA Inspectors and the evaluation team members and carried out the following inspections:

*Group 1:* Basic inspection in plastics manufacturing enterprise, basic inspection in day care centre as part of the campaign on psychosocial risks and special inspection in large scale construction works as follow-up, part of the normal inspection flow after having issued an immediate improvement notice in the last inspection.

*Group 2:* Special inspection/social dumping and undeclared work in construction sites, special inspection about an accident investigation in a nursing home, as part of the campaign on psychosocial risks and special inspections of two construction sites (HOT) to ensure compliance with health and safety legislation and to reveal social dumping problems.

*Group 3:* Basic inspection in an educational institution focusing on the inspection on occupational safety and health measures, special inspection, follow up visit in a storage distribution centre and basic inspection in a garage and inspection of two Contractors, carrying out construction work, in the context of special inspection and social dumping.

*Group 4:* Basic inspection in agriculture, special inspection in the context of an investigation of an occupational accident in a metal construction industry, basic inspection in a supermarket and in a metal industry, with a focus on prevention of chemical hazards, machine safety and psychosocial risks.

According to the SLIC Reference Manual, most of the time during the evaluation week was devoted to carry out joint visits with DWEA Inspectors to observe what Inspectors do in practice in the workplace (3 days were used for joint visits).

The program was strictly adhered to and at the same time there was a demonstration on site of how the information infrastructure and applications used by the DWEA Inspectors work.

## Acknowledgements

The evaluation team would like to express their thanks to: General Director Sine Frederiksen, Deputy Director Trine Bødker, Deputy Director Pernille Harden, Head of Unit Tania Engbo Dyck-Madsen and to the *Preparatory working group composed of*: Senior advisor Annemarie Knudsen, Special advisor Anne-Marie von Benzon, Project manager Elsebeth Jarmbæk and Administrative officer Inge Marie Edelskov.

A special thanks goes to the human resources of the three Inspection Centres of DWEA and in particular:

### Inspection Centre East:

Executive Chief of inspection Karsten Bjerrum Refsgaard,  
Inspector Kamilla Strålmán  
Inspector Bo Bang Berthelsen  
Inspector Julie Ella Malmros  
Inspector Thomas Buch Olesen  
Inspector Maria Blankholm Gyldenkvist  
Inspector Aleksander Haldrup Iversen  
Inspector Tina Skovgaard Jensen  
Inspector Rune Friis Lauridsen  
Inspector Lasse Buch Olesen  
Inspector Alexander Eknes  
Inspector Thomas Egaa Jakobsen  
Chief of Inspection Bjørn Wirlander  
Chief of Inspection Peter Rønberg Hansen  
Chief of Inspection Jakob Krohn-Rasmussen.

### Inspection Centre South:

Executive Chief of inspection Hanne Sofie Tromborg Olsen,  
Chief of inspection Eva Skov Blach  
Senior Advisor Kristina Tuperna Nedergaard  
Inspector Lars Nebel  
Inspector Kasper Dahl Christensen  
Inspector Signe Poulsen  
Inspector Klaus Søllingvraa  
Inspector Mads Martin  
Inspector Muraleetharan Balasubramaniam

### Inspections Centre North:

Executive Chief of inspection Kristian Pinderup Langbak  
Special advisor, Rasmus M.M. Sørensen  
Inspector, Mrs. Anja Sørensen  
Inspector, Mrs. Louise Ahle  
Inspector Peter Struve Nikolajsen  
Inspector Jørn Nørgaard Andersen  
Chief of Inspections Ida Krarup  
Chief of Inspections Michael Dam

We greatly appreciate the time and effort the Inspectors took to allow members of the evaluation team to accompany them and to answer questions. They acted professionally and were exceptional hosts and visits ran smoothly. Sincere thanks to all Inspectors involved. It made the evaluation process easier for the team.

Last but not least, we would like to thank the SLIC Secretariat in Luxembourg, especially Priscilla Vaes, Muriel Guillut, Clotilde Guiffault and Dubravka Susilovic for their involvement and assistance during this evaluation process.



## **B SUMMARY AND RECOMMENDATIONS**

### **B1 Summary**

Here is the summary of the evaluation team's views and recommendations using the headings in the SLIC Common Principles Template. These are our key findings from the review:

#### **Operating Environment**

We only have positive remarks considering the operating environment. The evaluation team noted that Inspectors are provided with excellent office facilities and equipment. Inspectors have IT tools that work either on tablets or mobile phones and they are reimbursed for all the expenses, which are necessary for the performance of their duties. External translators and specialists in call centre assist Inspectors in their duties and a Legal Department gives support before, during and after the inspections and investigations.

#### **Organization**

A diversity in the backgrounds of the Inspectors was observed while their skills are appreciated. There is a flexible procedure to recruit in contact with the Finance Department. Tasks are allocated through the Inspection Supporters and certain Inspectors have been designated to select accidents for further investigation. The team was impressed by the well-organized call centre with retained experts who provide assistance to both internal and external users and the monitoring tool to evaluate Inspectors' performance as well.

#### **Planning and Monitoring**

Strategic planning is well designed and daily planning of the inspections is organized in an exemplary way. DWEA uses a risk model with specific criteria for the planning of inspections and there are campaigns organised at a national level in priority topics. It is very positive that in large scale infrastructure projects (SDI), designated Inspectors are assigned for each project duration. On the other hand, ongoing issues related to the existing IT infrastructure were observed. We also noted that the Smiley scheme does not always provide the current information about the safety level in the company. The Smiley scheme has been already outlined in the previous SLIC evaluation 2008 but we got informed during the evaluation week that this scheme will no longer be used.

#### **Inspectors competence and independence**

All members of the team were impressed by the commitment, enthusiasm and professionalism of the Inspectors they met. All approached their work with a positive attitude, promoted the dialogue during inspections and communicated effectively with the duty holders to achieve their objectives. They also had excellent communication skills. Inspectors belong to well organized formal specialist groups (Thematic Groups) according to their competences (academic background, working experience etc.) and there is a variety in their background and education. Inspectors involved in the evaluation demonstrated competencies in the areas of ergonomics and psychosocial risks and dealt efficiently with them in the workplaces. However, we are concerned with the fact that there is not any specified department dealing with the training of newly recruited personnel and continuing professional development of existing Inspectors. New Inspectors' training is based on the availability of the experienced Inspectors

whereas for existing Inspectors, we have not noticed available provisions for their continuing professional development.

Another issue observed refers to the Complaints procedure regarding anonymity during which, although Inspectors may have the consent of the complainant, they handle the complaint on OSH issues anonymously. In this way, the team expressed the concern that some OSH complaints e.g. for harassment, accident investigation may not be effectively dealt by the Inspectors.

## **Prevention, protection and assistance for Inspectors**

The evaluation team found very positive that there is a team of Inspectors for serious cases and that Inspectors always have the support of the call centre.

Inspectors are provided with appropriate PPE and they are assisted by DriveApp while driving for inspections. They are also in close collaboration with the Police, Tax Office etc.

In case of a potentially traumatic event e.g. after an investigation of a fatal accident, DWEA offers Employment Assistance Programs to assist the Inspectors.

The evaluation team expressed a concern in terms of protection of Inspectors in cases of violence or aggression by duty-holders.

## **Inspectors powers**

Inspectors demonstrated their powers during the inspection activity and they used a range of means to enforce the OSH law depending on the findings.

However, the concern of the evaluation team was that Inspectors might have too wide range of available enforcement actions. The evaluation team could not establish whether there are clear criteria for selecting the enforcement action to be used in each case of inspection.

## **Information and guidance for inspectors**

All members of the team noticed that Inspectors had Intranet access available during the inspections. It is also very positive that there are sector-specific priority issues in every Thematic Group with relevant guidance. Besides, Inspectors use application ViVi which provides updated information about the company to be inspected and there is also a database called Virk which helps them to identify the company and the workers for social dumping.

## **Internal and external communication**

Team meetings, Group meetings among all Inspection Centres (ICs), as well as meetings among Directors of all ICs are organized on a frequent basis. DWEA has a very informative website and there is presence of DWEA on different social media. Inspectors communicate with their colleagues for knowledge exchange and they also cooperate with other agencies facilitated by the Inspection Supporters. Besides, the call centre facilitates internal and external communication.

## **Social partners**

During our virtual meetings with the social partners on December 2nd 2021, we were informed that there is a good collaboration with the social partners.

However, during the inspections, in most of the cases that Inspectors requested the presence of a Workers' Safety Representative (WSR), the evaluation team noticed that:

Many of them were not trained, the ones who were trained had received a 3-day training, which is considered too short e.g. for manufacturing companies with a variety of OSH risks, and other WSRs could not be present during the inspections because of other duties. This point was also a recommendation of the previous SLIC evaluation in 2008.

## **Method of inspection**

Inspections are conducted based on the strategic planning. Inspectors invest time in promoting the dialogue during inspections and provide inspected companies with guidance.

Inspectors use internet & intranet applications & information during inspections.

On the other hand, the evaluation team noticed that in some cases time balance was not kept between dialogue about the OSH plan and on site inspection.

Another point noticed by the team was that during inspections in the construction sector, all involved parties in the project were not always informed about the inspection findings. In this case, the inspectors will sometimes have to discuss the findings with a supervisor or legal consultant. Therefore, it will not always be possible to issue an improvement notice before leaving the enterprise.

We also observed that the Employer was only informed verbally about immediate enforcement action relating to high risk activities and the immediate enforcement action notice would be issued at a later stage because the inspectors have to forward the notice letter to the relevant persons.

## **B2 Recommendations**

- R1: Even though the IT system is maintained and developed, there is evidence that it has lost its flexibility in related issues e.g. time taken for recording data or unstable connection. It seemed to the evaluation team that the IT system has a delay in meeting the future requirements and we therefore suggest speeding up to develop the interoperability and reliability of the IT tools.
- R2: Since there is not a specified department dealing with training, we strongly recommend the introduction of a training Academy for Inspectors which would support the induction of the newly recruited personnel and the ongoing continued professional development of DWEA.
- R3: We strongly encourage a review of the consistency of enforcement action taken as the result of the inspection process. With so many enforcement options available to Inspectors, the issue of leniency and lack of consistency especially related to the same sector regarding enforcement was discussed by the evaluation team. The introduction of an Enforcement Management Model may be worth investigating. It can also help towards avoiding the risk of infringing the principle of equality in similar inspection cases. Fundamental to this is the principle that enforcement action should be proportionate to the health and safety risks present and the seriousness of the breach or contravention. Another suggestion would be the use of a guidance document of using competence so that every inspector knows what kind of actions should be made in the inspection.
- R4: The Complaints procedure relating to the anonymity of the complainant should be reviewed in case of his/her consent. We recognize and affirm the importance to deal with complaints anonymously but we find it necessary to give the complainant the possibility to authorise the removal/lifting of anonymity because in some cases this is necessary to allow an efficient handling of the complaint.
- R5: We understand that social dumping is a vital issue in Denmark but we recommend that Inspectors allocate the same weight on OSH as well as on social dumping during inspections.
- R6: Inspectors may face difficulties in using their powers such as violence or aggression by duty-holders. The issue of violence and aggression could be assisted by the implementation of personal alarms for Inspectors which could be used if they come into difficulty whilst carrying out inspections or investigations.

### **Some of the recommendations from the previous evaluation are still relevant:**

- R7: The role of workers' safety representation in the companies should be strengthened.
- R8: Improvement of balance between occupational health and occupational safety inspection.
- R9: The use of Smiley scheme should be monitored but we were informed during the evaluation week that this scheme will no longer be in use.

# C INTRODUCTION

## C1 Overview of operating environment

### 1. Denmark

Denmark is the most populous and politically central constituent of the Kingdom of Denmark, a constitutionally unitary state that includes the autonomous territories of the Faroe Islands and Greenland in the North Atlantic Ocean.

#### **Labour market**

Denmark has adopted the Nordic Model, which combines free market capitalism with a comprehensive welfare state and strong worker protection. As a result of its acclaimed "flexicurity" model, employers can hire and fire whenever they want (flexibility), and between jobs, unemployment compensation is relatively high (security). No restrictions apply regarding overtime work, which allows companies to operate 24 hours a day, 365 days a year.

In 2020 the number of employees in Denmark were 2.287.926, with 322.695 enterprises and 184.025 self-employed.

The percentage of foreign companies compared to Danish ones is about 3%.

#### **Political system**

Denmark is a constitutional monarchy. It has a representative parliamentary system with a head of government, the prime minister, and a head of state, the king / queen, who officially holds executive power, although his duties are strictly representative and ceremonial. The kingdom also includes two other constituent nations located in the Atlantic, which are not members of the EU: the Faroe Islands and Greenland. Executive power is exercised in the Queen's name by the Minister of State and the other ministers who head their respective departments. The Council of Ministers and the Minister of State constitute the Government. Ministers respond to the "Folketing" parliament, the single-chamber legislative assembly.

### 2. The Ministry of Employment

The Ministry of Employment is the supreme administrative authority in the field of health and safety at work in Denmark. At executive level, the national organisation of labour inspection has five major components:

1. The Danish Working Environment Authority (DWEA) with headquarters in Copenhagen and three regional labour inspection centres (ICs).
2. The Council of Appeal on Health and Safety at Work, a bipartite institution and the final appeal board for decisions made in relation to inspections by the DWEA.
3. The Working Environment Council, a bipartite advisory council for the Ministry of Employment. The Council initiates discussions on matters of concern in occupational health and safety. Further, the Council participates in the development and drafting of new legislation and supervises the activities of the Sector Working Environment Committees.
4. The Danish National Research Centre for Working Environment (NRCWE), a government research institute under the Ministry of Employment. NRCWE is a national centre of occupational health research, which means that the institute is obliged to carry out strategic working environment research and to ensure a high coordination of Danish working environment research. A further task of NRCWE is the surveillance of international working environment research and the national and international working environment. It also functions as a national reference laboratory for working environment measurements and analyses.

5. The Working Environment Research Fund with task to enhance research into the working environment by allocating resources to prioritised themes. The Fund supports research and development into the working and has an annual budget of DKK 50 to 60 million. The Fund has prepared the "Working Environment Research Fund Strategy for Research and Development on Working Environment 2018" that focuses on the strategy to improve in important themes such as Occupational accidents, Psycho-social working environment, Musculoskeletal disorders and development of tools for the work with the working environment.

DWEA organisation chart is enclosed as Annex 3.

## **2.1 The Danish Working Environment Authority (DWEA)**

DWEA is an authority under the auspices of the Ministry of Employment, which contributes to the creation of a safe and healthy working environment at Danish workplaces and is involved in the development of rules on OSH.

DWEA inspects companies and offers guidance on health and safety conditions in Denmark. It has authority to penalise enterprises which do not comply with the working environment rules by issuing administrative fines and, in cases of extreme danger, may also order the work to be suspended.

The responsibilities of the DWEA are based on the Danish Working Environment Act and related Executive Orders.

DWEA has responsibility for inspection of health and safety in all sectors of industry, including the loading and off-loading of ships in dock and flights on ground and health and safety on off-shore installations. Certain sectors such as seagoing ships, aviation, use of ionising and non-ionising radiation and general fire matters at workplaces are excluded from the responsibilities of the DWEA and are supervised by other public authorities.

In order to prevent working environment problems, DWEA also supervises project designers and consultants in the construction industry, as well as suppliers, and, where possible, involves project designers and consultants in measures.

In some industries, DWEA can also issue a statement to an enterprise on a planned activity where the enterprise wants to make sure that a given work process involving specific issues is planned according to the requirements in the regulations. The statement is binding for DWEA and, if conditions in the planned work process are not altered, DWEA will not carry out an inspection of the specific work process when visiting the enterprise. This is particularly used in the oil and gas industry.

DWEA also functions as the Danish liaison office and coordinates the tasks of informing foreign employers and employees about the regulations for working in Denmark.

DWEA is also responsible for providing advice to enterprises, sectoral working environment councils, workers' and employers' organisations and the public in all matters concerning the working environment. It distributes guidance material during inspections and provides comprehensive information on its website in several languages.

### **Inspection of foreign companies**

DWEA has the responsibility of ensuring that foreign companies comply with Danish working environment legislation. This applies in particular to the provision of foreign services, which must be notified to the Register of Foreign Service providers (RUT). DWEA inspects whether foreign companies have notified the RUT about their service and that the notification is accurate and complete.

The effort is also directed at Danish employers' compliance with Danish legislation in connection with the employment of foreign employees. These inspections are carried out in the same way as in Danish companies and the same enforcement measures apply.

During their work, especially in the verification of social dumping, Inspectors can use tools that work both on tablets and on mobile phones, in particular the Virk app which provides access to the Foreign Service. In addition, during the inspection, external translators are available by telephone to help Inspectors communicate in a foreign language with workers and employers.

### **Call Centre**

DWEA has a special call centre service for companies that answers to any questions about working environment in general and gives advice about Danish working environment regulations.

### **Market surveillance**

The Working Environment Act includes a number of obligations on the suppliers of products. DWEA therefore inspects that producers and suppliers comply with the requirements applicable to the marketed products.

### **Coordination meetings of the authorities**

DWEA arranges annual coordinating meetings with the other working environment authorities (The Transport-, Housing- and Construction Authority's Centre for Civil Aviation and the Danish Maritime Authority). These meetings are a venue for discussion about negotiation and implementation of working environment directives, evaluation reports for the EU, new national initiatives in the form of rules, guidelines, measures and enforcement. Moreover, co-operation occurs in specific cases in which there are coinciding interests between DWEA and one of the other working environment authorities.

DWEA also attends annual meetings with the occupational medicine clinics which is a part of the public hospital system. The purpose of the meetings is to exchange experiences between the parties on the development and causes of occupational diseases.

DWEA also conducts the following inspections due to other directives/regulations:

### **Risk Inspections - Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances**

Risk Inspections are based on the "Seveso" Directive which aims to prevent major accidents involving hazardous chemicals and to limit their consequences to humans (major accidents in the working environment, death or permanent damage) and the environment.

Risk inspection is carried out by DWEA in cooperation among the environmental authority, local emergency & fire authorities and the police.

### **The Offshore Safety Act**

DWEA inspects safety and health of work carried out on offshore installations under the Offshore Safety Act.

Inspections are related to directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC.

### **Smoke-free environments Act and Act on Electronic Cigarettes**

DWEA, during all inspections, will inspect the companies' compliance with the Act on Smoke-free environments. The Act secures that no employees are exposed to passive smoking in the workplace.

### **Act on posting of employees**

DWEA inspects compliance with safety and health regulation of work carried out by foreign enterprises. Inspections of foreign enterprises also include if the enterprises comply with the Act on Posting of Employees. According to this Act, foreign enterprises carrying out temporary assignments in Denmark must notify RUT.

### **The REACH-regulation**

The Environmental Protection Agency is the competent authority in Denmark on the enforcement of Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). However the enforcement of certain articles has been delegated to DWEA.

### **Covid-19**

DWEA has been used as an important institution in the combat of Covid-19. Two new laws addressing COVID-19 entered into force during the pandemic: Requirements for residential conditions plan and testing and PCR-test requirements. DWEA had an enforcement role according to both laws. From 8 June 2020, the Inspectors have performed (physical) inspections full time that have had a focus on Covid-19. Furthermore a lot of inspections have been performed with Covid-19 being the main focus.

The Inspectors received relevant instructions regarding inspections in pandemic conditions to protect themselves from the disease.

The Covid-19 focus on inspections were scaled down over summer 2021 and guidance was only given when relevant.

### **Telework/Working from home**

During the pandemic, there has been a particular focus on the working environment in relation to telework, which today is the most widespread type of work from home in Denmark.

Danish work environment legislation also applies to work done from home and violation of the working environment rules of home work can result in sanctions to the employer.

DWEA Inspectors have the legal right to enter private homes to verify that tasks are performed in accordance with the requirements of environmental labour legislation. However, DWEA generally does not conduct private home inspections other than to investigate employee complaints or to verify compliance with a previously provided improvement notice.



## **C2 Legislation on OSH**

The Framework Directive has been transposed into Danish law mainly by the Danish Working Environment Act, Consolidated Act no. 1084 of 19 September 2017 that is a framework Act consisting of a large number of statutory orders. The aim of the Act is to create a safe and healthy working environment in accordance with society's technological and social developments. Furthermore, the act is intended to create the basis for enterprises themselves to solve problems related to safety and health issues with guidance from the social partners and DWEA inspections. The main areas covered by the legislation include: performing the work, workplace design, technical equipment, substances and materials, rest periods and young persons under the age of 18. The act is supplemented by Executive Orders which further describe how the purpose of the act can be achieved.

The provisions of the Working Environment Act apply to all industrial sectors except for work in the employer's private household, work carried out exclusively by members of the employer's family and work which is carried out by military personnel.

Violation of the Working Environment Act can be penalised with a fine or imprisonment. Legal Department assists Inspectors before, during and after the inspections, dealing with sanctioning procedures and contacts with police.

The Act sets out the role and responsibilities of everyone concerned with the working environment and both employer and employee can be penalised for violation of working environment legislation.

Furthermore the Act promotes dialogue between the social partners:

- at workplace level through safety representatives, safety groups and safety committees
- at industry level through the Sector Working Environment Committees
- at national level through the bipartite Working Environment Council.

## **C3 National strategy and planning on OSH**

The main strategic activities, i.e. inspection, communication and regulation, focus on motivating and supporting companies in their health and safety efforts, prompting social partners to take greater responsibility for safety and health initiatives in Denmark, involving them in the definition and follow-up on safety and health objectives.

The main objectives of the DWEA for the period 2020-2022 focus on creating a safe working environment that fosters communication and cooperation and aim to create an attractive work environment in which digital solutions evolve for the purpose of simplifying work activities and making work more efficient.

In April 2019, a political agreement for 2020-2022 on improving working environment efforts and strengthening the DWEA was made. This political agreement contains 26 initiatives within the following seven main areas:

1. Working environment goals must be closer to workplaces
2. DWEA's efforts must be targeted and improved
3. New tools must support the efforts within the psycho-social working environment
4. Working environment regulation must be easier to understand
5. There must be more severe penalties for serious offenses
6. There must be a better connection between research and efforts
7. Efforts for orderly conditions in the labour market must be strengthened

The agreement is based on recommendations submitted in September 2018 from an Expert Committee tasked to identify appropriate occupational safety and health initiatives.

The parties agree on initiatives in the following areas:

1. Common national goals should be agreed between the government and the social partners
2. Specific targets at sector level
3. Realization of goals at workplaces
4. Targeted selection of workplaces for inspection
5. Improvement notices can be supplemented with dialogue and guidance
6. Option for agreements to improve occupational safety and health
7. Consultancy notice adjusted so that it takes into account the different needs of the workplace
8. More sector-oriented inspection with focus on burnout and fatigue
9. Coordinated efforts
10. Communication and digital support
11. Executive order on the psychological working environment
12. Training in the psychological working environment
13. Clear regulations on occupational safety and health
14. Orderly regulations for children and young people
15. Survey of inspections at ports
16. Consolidated executive order on systematic safety and health work
17. Easier access to occupational safety and health regulations
18. Payment for inspections in the event of repeated infringements putting employees at serious risk
19. Higher fines for serious infringements of the Working Environment Act
20. National occupational safety and health research strategy
21. Stronger focus on chemicals
22. Improved knowledge about developments in safety and health at work and the impact of initiatives
23. Clear segregation of roles in communication activities
24. Joint authority work to ensure orderly conditions
25. Stricter inspection of large infrastructure projects
26. Strengthening the DWEA's work to ensure orderly conditions

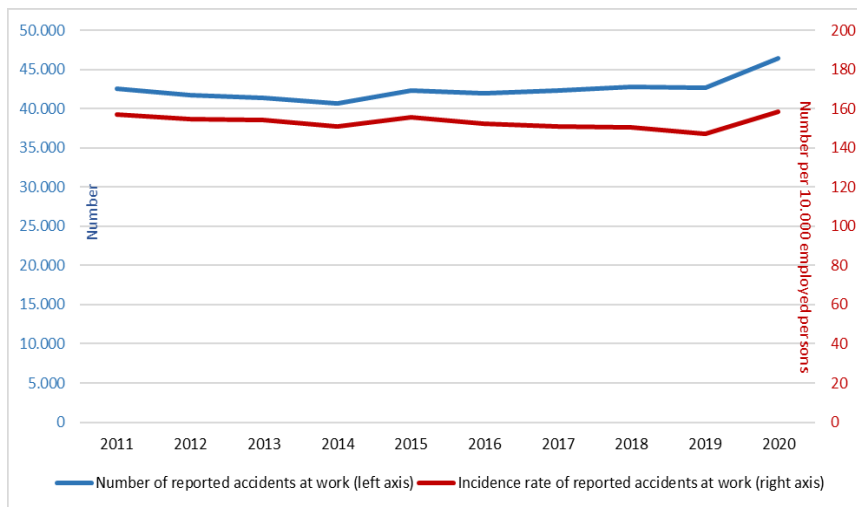
These initiatives are now largely part of the work of the DWEA and support the achievement of the strategic goals.

## **Trends**

### Occupational accidents

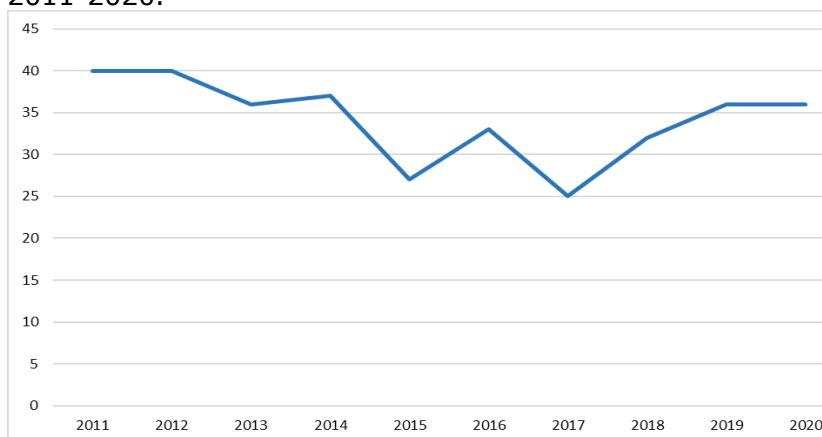
Reportable accidents at work are accidents with one day or more of expected incapacity after the day of the injury. The number of reported accidents at work as well as the incidence rate have been rather constant during the period 2011-2019 with an average of approximately 42.000 reported accidents at work per year corresponding to an average incidence rate of 153 accidents per 10.000 employed persons.

**Diagram 1:** Number and incidence rate of reported accidents at work 2011-2020 (Incidence rate is calculated per 10.000 employed persons).



There is a clearly visible increase from 2019 to 2020. The increase in the number of reported accidents at work is 9 percent rising from 42.659 to 46.391, and the increase in incidence rate is 8 percent rising from 147 per 10.000 employed persons to 159. This increase is mainly due to Covid-19 cases reported as accidents at work. Covid-19 or coronavirus infection is not a selectable category in the notification scheme. For these cases the *type of injury* most often is Poisoning and Infection although some cases are reported with Unknown *type of injury*. The number of reported cases of Poisoning and Infection have increased from 300 in 2019 to 3.896 cases in 2020.

**Diagram 2:** Number of reported fatal accidents at work 2011-2020.



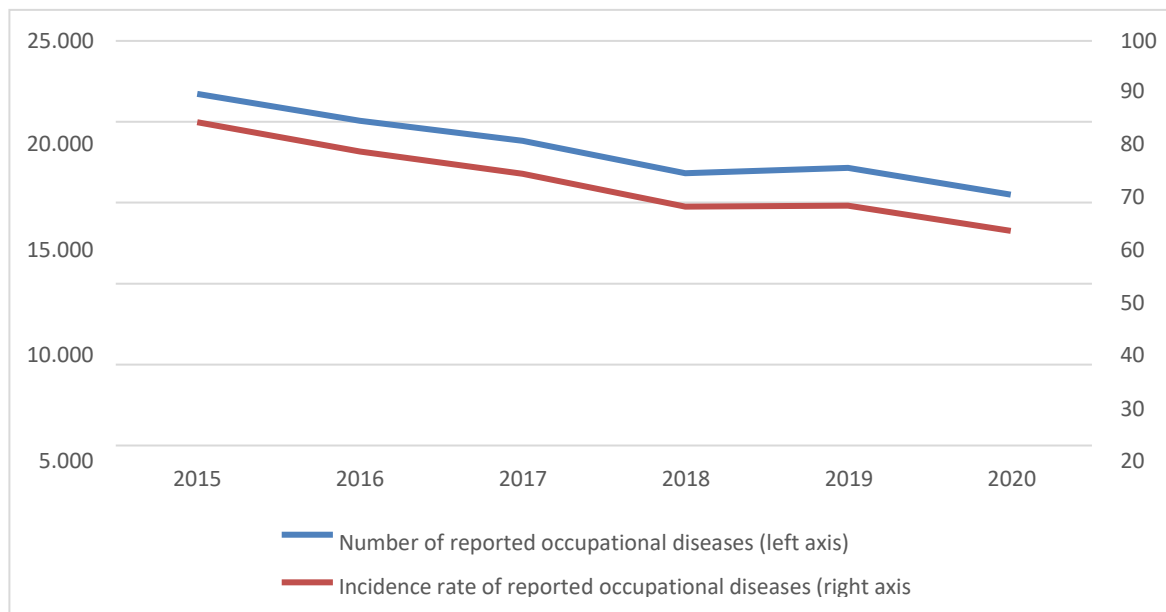
The number of fatal accidents at work has decreased from approximately 40 per year in the start of the period to 25 in 2017 but has since increased to 36 in 2019 and 2020.

NACE (Nomenclature statistique des Activités Economiques), Rev. 2, is the European standard classification of economic activities of companies (industrial sectors). In 2020 the NACE sector E (Water supply, sewerage, waste management and remediation activities) had the highest incidence rate of accidents at work among all groups of economic sectors for the sixth year in

a row due to the high occurrence of accidents within the waste collection sector. Based on data from 2019 this gave rise to the planning of an enforcement campaign focused on the risk of work accidents and their prevention. Other focus areas are ergonomics and biohazards. The campaign includes inspections on site and in the company, it is launched in September 2021 and runs for the rest of the year.

### Occupational diseases

**Diagram 3:** Number of reported occupational diseases 2015-2020 (Incidence rate is calculated per 10.000 employed persons).



The number of reported occupational diseases has been declining during the period 2015-2021, after rising during the period 2011-2015.

The two biggest groups of occupational diseases are musculoskeletal diseases and mental illnesses. The two groups constitute more than half of the reported illnesses.

Skin diseases and loss of hearing are also often reported.

Covid-19 constitutes less than 3 percent of the reported illnesses in 2020. Most of the reported cases reports corona virus infection as the diagnosis, some reports corona virus.

## **C4 Compliance with the EU Strategic Framework**

The new EU strategic framework on health and safety 2021-2027 "occupational safety and health in a changing world of work", focuses on three crosscutting key objectives for the coming years:

- Anticipating and managing change in the new world of work
- Improving prevention of workplace accidents and illnesses
- Increasing preparedness for any potential future health crises.

DWEA has reviewed the strategy framework and found that Denmark already covers the strategy's themes with their existing regulation and work.

## D ORGANISATION

### D1 Organisation of the Labour inspectorate and resources

#### 1. Structure

DWEA is present throughout Denmark through three regional offices, called Inspection Centres (ICs): Inspection Centre East (Zealand), Inspection Centre South (Funen and South Jutland) and Inspection Centre North (North Jutland).



*The geographical districts covered by the Inspection Centres*

The headquarters of the DWEA are located in Copenhagen.

Inspection Centre East and Working Environment Advisory Centre are located in Copenhagen. IC East is also managing a local IC in Greenland.

The Working Environment Advisory Centre is responsible for maintaining, developing and sharing a high level of knowledge on core issues of the work environment and it is in charge to document the effectiveness of the DWEA's work, monitoring the work environment progress over time. The Working Environment Advisory Centre is organised with 10 offices, each contributing in different ways to conduct the Centre's tasks:

1. Office of chemistry and technical equipment
2. Office of Social dumping, ergonomics and sector initiatives
3. Office of analysis and method
4. Office of offshore, oil and gas
5. Office of law and simplification
6. Office of communication and behaviour

7. Office of economics and management
8. Office of digitalisation and data
9. Office of psychosocial working environment and work-related absenteeism
10. Office of accidents and occupational diseases

DWEA is managed by an Administrative Board comprising a Director General, two Deputy Directors and three Directors of inspection (1 for each centre of inspection).

The Administrative Board is responsible for making decisions related to the strategic management of DWEA, including the overall financial management, and for managing the activity and output of DWEA and the outcome of its work.

The Director of inspection, in cooperation with a different number of Inspection managers, is in charge of one IC, supported by Inspectors and administrative staff.

The Regional ICs are organised on a matrix system consisting of sector based on inspection teams and thematic groups. Inspectors belong to well organized specialist groups according to their competences and skills (academic background, work experience etc.).

Each IC has 4 inspection groups plus an SD group. In the IC East, there is also the SDI group that deals with the inspection of large construction projects. In the IC North and South, the SD group is a part of Inspection group 1.

The primary sectors covered under each inspection group are:

Inspection group 1:

Construction work, Energy and raw materials.

Inspection group 2:

Electronics, Installation and repair of machinery and equipment, Chemistry and medicine, Metal and machinery, Plastic, glass ware and concrete, Textile and paper ware, Transportation, Wood and furniture, Film, press and books, Agriculture, forestry and fishing, Abattoirs, Food and beverages, Hotel and camping, Restaurants and bars.

Inspection group 3:

Shops, IT and tele communication, Office (public and private), Hairdressers and other personal care, Culture and sports, Residential institutions, Hospitals, Doctors, dentists and veterinarians.

Inspection group 4:

Wholesale, Police, emergency services and prisons, Religious institutions and burial services, Water, sewer and waste, Transport of goods, Transport of passengers, Daycare, Teaching, Universities and research.

Inspection group 5:

Social Dumping in relevant sectors, e.g. construction/industry, service industry & restaurants, agriculture / forestry and horticulture.

Every inspector belongs to one inspection team and to one thematic group. The inspection groups have frequent meetings where they can discuss specific inspection-related themes, exchange inspection experiences and knowledge, with the purpose of achieving a high level of uniformity in the conduct of inspections. The thematic groups are based around specific themes, for example the prevention of accidents, machine technology, chemistry and biology, ergonomics and the psychosocial work environment, social dumping.

There is no dedicated unit/team that deals with investigation of accidents. But in each local inspectorate there are specialist Inspectors with further education and/or experience in investigating the causes and circumstances of accidents at work. They do conduct general (basic) inspections too within the annual program of work.

The primary tasks of the ICs are inspection visits that could be basic or specialized such as specialized building site inspection (HOT), Social dumping inspections, High risk inspections (Seveso) and the Market surveillance (MO).

Another important service connected to the ICs is the "call centre", that is placed in both IC South and IC North and it is made up of highly qualified personnel, who are available to both the public and the Inspectors in order to answer questions and to resolve any concerns about health and safety at work by telephone.

## 2. Human and financial resources

DWEA had in 2021 714 employees, 337 of these employees are OSH Inspectors. The number of employees of the DWEA has increased over the past three years as shown in Table 1. The gender distribution is quite equal, as shown in Table 2.

Table 1: Staff assigned in the DWEA

|                             | 2019                | 2020 | 2021 |
|-----------------------------|---------------------|------|------|
|                             | Number of man-years |      |      |
| Staff assigned to OSH tasks | 592                 | 670  | 714  |
| - of which Inspectors       | 245                 | 308  | 337  |

Table 2: Gender distribution of the staff assigned in the DWEA

|                            | 2019       | 2020 | 2021 |
|----------------------------|------------|------|------|
|                            | Percentage |      |      |
| Staff assigned in the DWEA | 100        | 100  | 100  |
| - men                      | 39         | 40   | 40   |
| - women                    | 61         | 60   | 60   |
| Inspectors                 | 100        | 100  | 100  |
| - men                      | 52         | 52   | 51   |
| - women                    | 48         | 48   | 49   |

DWEA fulfills the benchmark/recommendation from the ILO on the number of Inspectors per worker. The past few years have been marked by an increase of the number of employees at DWEA and not cuts. The procedure for hiring Inspectors and other collaborators is very flexible and requires contact with the Finance Department. This must be seen in context of the The Danish model, which is characterized by a special combination of flexibility (easy to hire and fire) and security.

For staff assigned in the DWEA, the staff category is shown in Table 3.

Table 3: Staff category for staff assigned in the DWEA

|  | Percentage |
|--|------------|
|  |            |

| Staff category                  | dec-19 | dec-20 | dec-21 |
|---------------------------------|--------|--------|--------|
| Architects                      | 0,2%   | 0,1%   | 0,1%   |
| Librarians                      | 0,5%   | 0,4%   | 0,5%   |
| Building constructor            | 1,7%   | 2,2%   | 1,9%   |
| MSc in Economics                | 0,2%   | 0,4%   | 0,3%   |
| Veterinarians                   | 0,2%   | 0,1%   | 0,1%   |
| Occupational / physiotherapists | 1,4%   | 0,3%   | 0,0%   |
| Occupational therapists         | 5,2%   | 5,6%   | 5,5%   |
| Skilled Workers                 | 0,2%   | 0,1%   | 0,1%   |
| Physiotherapists                | 5,0%   | 6,1%   | 6,2%   |
| Craftsmen and Technicians       | 0,0%   | 0,1%   | 0,1%   |
| IGU trainees                    | 0,5%   | 0,3%   | 0,3%   |
| Individually paid               | 0,5%   | 0,7%   | 0,5%   |
| Engineering assistants          | 6,8%   | 6,5%   | 6,6%   |
| Engineers                       | 9,6%   | 10,3%  | 9,5%   |
| IT staff                        | 1,1%   | 0,9%   | 1,0%   |
| Agricultural academics          | 0,3%   | 0,3%   | 0,3%   |

| Staff category             | Percentage |        |        |
|----------------------------|------------|--------|--------|
|                            | dec-19     | dec-20 | dec-21 |
| Journalists                | 0,2%       | 0,1%   | 0,1%   |
| Lawyers / economists       | 26,4%      | 25,3%  | 24,3%  |
| Office clerks              | 16,7%      | 16,0%  | 17,0%  |
| Laboratory staff           | 0,2%       | 0,0%   | 0,0%   |
| Doctors in the State       | 0,2%       | 0,0%   | 0,0%   |
| Apprentices and students   | 0,0%       | 0,0%   | 0,1%   |
| Master                     | 15,0%      | 15,9%  | 17,0%  |
| Machinists                 | 3,8%       | 4,5%   | 4,4%   |
| Cleaning assistants        | 0,5%       | 0,4%   | 0,4%   |
| Social workers             | 0,0%       | 0,0%   | 0,1%   |
| Nurses                     | 0,6%       | 0,5%   | 0,4%   |
| Specially paid             | 1,2%       | 1,1%   | 1,2%   |
| Civil servants             | 1,4%       | 0,8%   | 0,8%   |
| Officials (term of office) | 0,2%       | 0,1%   | 0,1%   |
| Guard officers             | 0,9%       | 0,8%   | 0,8%   |
| Trainee                    | 0,0%       | 0,0%   | 0,3%   |
| Total                      | 100,0%     | 100,0% | 100,0% |

Inspectors are drawn from a diversity of backgrounds (see Table 4), including a range of university graduates (e.g. engineers and psychologists) as well as those with technical training. They are selected not only on the basis of their educational background but also for their competency and skills.

Table 4: Staff category for DWEA Inspectors

| Staff category for Inspectors | Percentage |        |        |
|-------------------------------|------------|--------|--------|
|                               | Dec-19     | Dec-20 | Dec-21 |
|                               |            |        |        |



|                                 |        |        |        |
|---------------------------------|--------|--------|--------|
| Architects                      | 0,4%   | 0,3%   | 0,3%   |
| Building constructor            | 4,2%   | 4,9%   | 4,4%   |
| Veterinarians                   | 0,4%   | 0,3%   | 0,3%   |
| Occupational / physiotherapists | 2,7%   | 0,6%   | 0,0%   |
| Occupational therapists         | 11,8%  | 11,7%  | 11,7%  |
| Physiotherapists                | 10,6%  | 12,3%  | 12,6%  |
| IGU trainees                    | 0,0%   | 0,0%   | 0,3%   |
| Engineering assistants          | 16,7%  | 14,5%  | 14,6%  |
| Engineers                       | 14,1%  | 13,9%  | 13,5%  |
| Agricultural academics          | 0,4%   | 0,3%   | 0,3%   |
| Lawyers / economists            | 5,3%   | 7,1%   | 6,7%   |
| Office clerks                   | 0,4%   | 0,3%   | 0,3%   |
| Laboratory staff                | 0,4%   | 0,0%   | 0,0%   |
| Master                          | 19,0%  | 20,4%  | 21,9%  |
| Machinists                      | 9,5%   | 10,2%  | 9,9%   |
| Social workers                  | 0,0%   | 0,0%   | 0,3%   |
| Nurses                          | 1,5%   | 1,2%   | 0,9%   |
| Specially paid                  | 0,8%   | 0,9%   | 1,2%   |
| Civil servants                  | 1,9%   | 0,9%   | 0,9%   |
| Total                           | 100,0% | 100,0% | 100,0% |

In relation to resources, the Danish Finance Act, which establishes the Danish Government 's budget for a given year, is adopted by the Danish Parliament, which is the permitting authority and exercises control over the use of the appropriations. The Finance Act lays down the amount and appropriations of total public expenditure.

The decision on how the framework amount appropriated to the DWEA in the Finance Act should be used, is taken by the management of the DWEA.

The data for the budget for the last 3 years (2019-2020-2021 inclusive) are shown in DKK in Table 5. As it is shown in Table 5, there is an increase in the budget of DWEA every year.

Table 5: Budget of DWEA in 2019, 2020 and 2021

|  | 2019                                     | 2020  | 2021  |
|--|--|-------|-------|
|  | Mio. kr. DKK (price and wage level 2021) |       |       |
| The Danish Working Environment Authority's costs | 485,9                                    | 544,8 | 568,6 |

## D2 Planning and monitoring

### 1. Annual plans

#### Plans and priorities

DWEA has 5 strategic goals for the period 2020- 2022. These goals cover the entire DWEA and are supplemented by annual priorities.

#### Strategic focus areas:

- Creating impact through differentiation and communication
- Implementation and cooperation
- Data and digital solutions
- Simplification and efficient operation
- Attractive Work Place

Main objectives from the strategy are incorporated in a performance contract between the Ministry of Employment and DWEA. The contract contains tasks and performance requirements for effects, users, productivity, and employer satisfaction. There is a bonus system for the directors, related to the performance contracts.

The strategy and DWEA performance contract are available to the public on the DWEA website. At the end of the year, DWEA draws up an annual report in which all of the performance requirements listed in the performance contract are accounted for.

The strategy and performance report are available on the website in Danish: <https://at.dk/om-os/formaal-strategi-organisation/>

## **2. Planning**

Regarding the planning of the inspections, DWEA uses a risk based model with established specific criteria using the machine learning for selection of Danish enterprises for basic inspection. The planning of the inspection is preceded by a selection process consisting of filtration, scoring and selection. Selection process of inspected enterprises can be made several ways like automatically, manually or spontaneously.

For basic inspection a sample of app. 20 percent is selected automatically. In case of special inspections enterprises are selected manually due to certain reporting on e.g. reported accidents, complaints, occupational diseases. Inspections in these cases are planned by experts/Inspectors in their local offices.

IT system ATIS for gathering the information and relevant data from the inspections seems to be very inclusive. This complex IT system provides an assistance with collecting data for statistics purpose used for planning and reviewing of results and filling the objectives.

Even though the IT system is maintained and developed there is evidence that it has lost its flexibility in related issues e.g. time taken for recording data or unstable connection. It seems that it is not able to meet the future requirements and it calls for the review and improvement of its interoperability and reliability.

For planning the inspection visits, Inspectors use the IT application Fleet planner which will auto plan inspections for the labour inspector. In addition, while planning, it considers the combination of inspections, labour Inspectors, driving optimization and it also takes into account the individual prerequisites of Inspectors like their qualifications and their plans in calendars. The planning of the route for inspection is done by the Supporters. Information between ATIS and Fleet planner is sent through a system Kplan.

With reference to the planning of the inspection activities, the evaluation team noticed the exemplary way of inspections daily planning. Inspectors are provided with their weekly plans in advance by the IT system.

Additionally, it is very positive that in planning the inspections in large scale infrastructure projects (SDI) designated Inspectors are assigned for each project duration because this task allocation provides the inspector with a deeper insight into the project.

## **3. Monitoring**

At the end of the year, DWEA draws up an annual report, in which all the performance requirements listed in the contract are accounted for. This annual report is sent to the Minister's Department, the Minister and the Finance Committee, and is published on the DWEA website.

Biannually, a status audit is carried out for all the contracts in order to provide the management of DWEA with an overall view as to whether the individual contracts can be fulfilled, thereby ensuring full compliance with the requirements of the performance contract.

On-going monitoring of the inspection results from the regional ICs is carried out, which is supported by a comprehensive registration system. It is possible to establish, e.g.:

- the number of inspections conducted
- the number of inspection hours
- the number of hours spent on preparation and administration related to inspection

This registration system makes it possible for the individual bodies to monitor continuously the fulfilment of their own objectives and to conduct the necessary en-route corrections, as well as making it possible to follow developments at the national level. The possibility for individuals to monitor their objectives fulfilment is a welcome tool in terms of personal self-improvement. The group and individual management deals with current key figures and benchmarks, and thus ensures focus on meeting goals.

The goal and result plan that DWEA enters into each year with the Ministry of Employment determines, among other things, goals for the supervision of the working environment at companies, e.g. in the form of goals for productivity or goals for how long the DWEA must supervise the working environment at companies. Every year, DWEA implements these goals in relation to three regional ICs (East, North and South). The Executive board of DWEA discusses monthly developments in the realization of the goals for the supervisory efforts in the three regional ICs and decides on any follow-up and adjustment of efforts.

The objectives for the scope of the supervision efforts in the three regional ICs are weighted in relation to an assessment of the need for supervision of the working environment in these ICs. Measures for the quality e.g. case processing in the regional ICs are the same in the three regional ICs, just as there are similar goals for productivity.

#### 4. Proactive and reactive activities

DWEA understands 'proactive inspections' as inspections that are carried out where DWEA has a presumption that there are work environment problems. For example, basic inspection, where companies are selected for inspection because of a risk model.

DWEA understands 'reactive inspections' are those as inspections that are carried out on the basis of a specific reason, e.g. a complaint about the working environment or a notification of an accident at work or an occupational disease.

Table 6: Number of proactive and reactive inspections of DWEA for the last 3 years (2019-2020-2021 inclusive)

|                        | 2019  | 2020  | 2021  |
|------------------------|-------|-------|-------|
| Proactive inspections* | 32250 | 34418 | 40958 |
| Reactive inspections** | 2531  | 2115  | 2368  |
| Total                  | 31781 | 36533 | 43326 |

\* It is noted that the number of proactive inspections includes approximately 2400 annual inspections carried out for basic inspections based on a sample, although these inspections are not considered proactive.

\*\* DWEA investigates approximately 3500 complaints about the working environment annually on inspection. Some complaints about the working environment are investigated in connection

with an already planned inspection, e.g. a basic inspection, which is a proactive inspection. It is therefore not possible to calculate an actual number of inspections carried out based on complaints about the working environment, and this number is therefore not included in the number of reactive inspections in the Table 6.

## **D3 Inspectors competencies and independence**

### **1. Recruitment and selection of labour inspectors**

Inspection staff is recruited in accordance with the qualifications and experience required by the DWEA. In contact with the Finance Department, the recruitment process is relatively quick once the necessary budget is available. Recruitment is carried out on a national basis and selection is done by interview in the three ICs (east, north and south).

When DWEA is looking for new Inspectors, it is typically done with a job posting on DWEA's website. Based on the applications received, DWEA selects candidates for a job interview. The candidates may have different educational backgrounds.

DWEA makes high demands on the professional and human qualifications of its Inspectors.

#### **Recruitment of employees**

In the recruitment process, DWEA is keen to take into account new skills that are necessary in view of new developments in the working environment.

During the inspector's recruitment interview candidates are watching a video clip and noting at the same time their findings. This exercise regards testing the candidates' writing skills, which are important for clear communication towards the enterprises.

During the inspector's recruitment interview, importance is given to personal attributes of candidates such as integrity of character, ability to take initiatives, good judgment, sense of responsibility and pleasant personality.

Inspectors have highly diverse educational backgrounds. As a rule, Inspectors have a technical or higher academic education, e.g. occupational therapists, psychologists, construction engineers or engineers but Inspectors with experience in other fields of activity such as builders, chemists etc.

DWEA makes great demands in terms of the professional qualifications of their Inspectors, as they serve as the foundation for their authority and credibility when they are conducting inspections.

DWEA also makes particular demands in terms of the human qualifications of their Inspectors to ensure that they can perform their role as authority figures.

Furthermore, the emphasis is on Inspectors who:

- can operate independently, e.g. make crucial decisions in connection with an inspection
- are proficient at communicating both in writing and verbally
- can work in teams, e.g. share information with colleagues
- are open and flexible, e.g. can conduct an inspection within a technical area other than that which they have been educated in
- are IT-proficient.

Applicants are thus selected on the basis of both professional and human qualifications. Selection is carried out in cooperation between the individual sites of service and the Corporate Centre (office for HR) in the Ministry Department.

The current inspection staff represents a broad spectrum of experience and qualifications, including chemists, biologists, economists, law graduates, nurses, therapists, psychologists, engineers and others with technical qualifications and experience.

#### *Fairness in age, gender and race*

All candidates with the required qualifications can be considered as Inspectors in DWEA in spite of age, gender or race. For a public authority in Denmark, the requirement is high, because there is a special obligation, to ensure a high level of staff member, no matter, age, gender or race.

As a special initiative, DWEA in 2018 employed 4 refugees who perform tasks of practical and administrative nature (two of them in the IC East, one in the IC North and one in the IC South). The refugees are employed in an education programme called IGU, where the ambition is for more refugees to become part of the Danish labour market.

## **2. Training procedure**

Immediately after employment, the inspector must undergo a compulsory basic training course. DWEA's basic training is a recurring training opportunity for both new, but also experienced supervisors.

Basic training program consists of a number of compulsory introductory modules and a number of subject modules, which all Inspectors must be familiar with (either at a basic or extended level), in order to receive a full training.

The basic training includes:

1. Compulsory introductory modules
2. Subject modules included in DWEA's basic training (offered in spring)
3. Subject modules included in DWEA's basic training (offered in autumn)

The basic training of the Inspectors includes instruction in the rules of the Public Administration Act and the supervisor and other colleagues contribute to the honouring of good practices for new Inspectors in the course of daily training.

Participation in introductory modules and subject modules is thus distributed over a year from the time of employment with approximate three months between modules.

#### *1. Introduction Modules:*

New Inspectors start by receiving training in "introductory modules", which are mandatory for all new employees. Introduction modules are covered in 2-3 consecutive days. Each introductory module has a length of half to one day.

During these modules Inspectors are being informed about the content of the following specific guidelines prepared by DWEA:

- Construction sector
- Shops and wholesale
- Industry and energy
- Office, IT and media
- Agriculture, slaughterhouses and food industry
- Doctors, hospitals and institutions
- Police, waste collection and other public service
- Cleaning, restaurants and other private service
- Transport of goods and passengers
- Education and research

## 2. *Subject modules - spring or autumn:*

The subject modules are offered twice a year and the supervisor must, in collaboration with his/her manager, select which modules to participate. There are 7 different subject modules, e.g. chemistry, accidents and psychosocial working environment that the supervisor can choose from. Within each subject module, a "basic level" or an "extended level" is offered.

"Basic Level" is typically one-day training and "Extended Level" is typically two-day training. All 7 subject modules are offered again six months later with the opportunity to re-select relevant subject modules in relation to the individual inspection tasks.

In the time between introductory modules and subject modules, the newly appointed supervisor discusses his/her competence development needs with his/her boss and it is decided which specific subject modules that the new employee must enroll.

In the time between the subject modules, similar considerations are made regarding the selection of subject modules to which the inspector must attend. At this point, the inspector has been employed for a longer period and it is therefore expected that more supervisors choose modules at 'extended level'.

The principles of the introductory course are that the learning largely takes place between the subject modules, where the new employees relate their new knowledge to work in practice.

A suggestion made by the evaluation team is the creation by DWEA of an Occupational Safety and Health Training Centre that will take care of the training of newly recruited personnel and continuing professional development of existing Inspectors.

### *The mentoring system for training new Inspectors*

Each new inspector is allocated to an experienced inspector "mentor" for the first year of service. The mentor undertakes joint inspections and generally supports the new inspector during that period. The mentoring system therefore complements and supports the above-mentioned training program.

### **3. Independence**

DWEA also makes particular demands in terms of the human qualifications of their Inspectors to ensure that they can perform their role as authority figures.

All Inspectors are provided with appropriate PPE and other useful tools like tape-meter in order to perform their jobs adequately.

Inspectors are also provided with tablets or mobile phones with the ViVi app installed, drive app as well as VIRK app. The ViVi app helps Inspectors to enter data during the inspection on site but in

practice, as it was noticed by the evaluation team, not all Inspectors do it because of connection problems.

The rules of the Public Administration Act and the common practice of the regions in the allocation and management of cases thus ensure that the Inspectors are independent of the enterprises and organisations they are inspecting. This includes that Inspectors and other staff of WEA who are in contact with representatives from enterprises and organisations, are not allowed to receive gifts of all kind, e.g. money, lunch etc.

Furthermore, according to the Public Administration Act, about legal incapacity, Inspectors are prohibited from dealing with a case in which they have a particular personal or financial interest in the outcome of the case. They must also refrain from handling cases in which they are somehow related to the owner of the enterprise being inspected. Moreover, it is common practice that an inspector can have a case reallocated to a colleague in the event that the concerned "merely feels himself/herself to be incapable" in relation to a specific enterprise or organisation.

#### **4. Transparency and consistency between inspectors**

DWEA uses a set of instructions that the Inspectors must observe when performing inspections at enterprises.

All the instructions, quality procedures etc. are available online for the Inspectors as well as for the enterprises. It is important that the Inspectors follow the instructions to ensure equal treatment of the enterprises and transparency.

The instructions are laid down in the quality procedures for inspections in the internal instructions as well as the sector oriented working environment guidelines. The quality procedures describe the methods which the Inspectors must observe when carrying out inspections at enterprises. The internal instructions and the sector-oriented working environment guidelines describe those working environment problems to which the Inspectors must respond. If the Inspectors encounter problems when conducting inspections at enterprises, they can report the problems at central level (the Working Environment Advisory Centre). A decision will then be made regarding the problems, and also regarding whether an adjustment of the instructions must be made. This means that the instructions for the Inspectors are developed and adjusted on an on-going basis in order to match the requirements of the Inspectors when they perform inspections at enterprises.

Instructions are specifically issued when new rules are introduced. All these instructions are also published on the Internet. The training of Inspectors concerning new or heavily revised instructions is continuously in process and often organised through e.g. information seminars for experienced Inspectors, who will in turn have to train their colleagues.

The local inspection centres will hold a meeting when new instructions are issued. At these meetings, the Inspectors are briefed on the content of the instructions and on their practical application. Furthermore, the regular inspection group meetings address all kind of subject, and should there be addressed any ambiguities concerning internal or external instructions etc. at a group meeting, the Head of inspection will be able to report the problems at central level.

In the past 3-4 years, DWEA has been focusing on quality issues, especially the legal decisions. The focus on quality has been intensified and a system for assessment has been developed and implemented. The aim with this initiative is to maintain and develop the quality of the legal decisions.

Additional, the new ViVi digital support system helps Inspectors to have access and knowledge about the specific company, sector etc. they are inspecting or they are going to inspect. The ViVi system also includes information concerning the most common issues in the specific sector, the legal basis concerning these issues and the typical level of enforcement on these issues.

## **D4 Prevention, protection and assistance for inspectors**

### **1. Inspector's facilities and equipment**

DWEA Inspectors should at any time be able to perform their tasks in the safest possible conditions and the possible precaution methods.

As a part of this, all Inspectors receive all necessary personal protective equipment (PPE) before they start conducting inspection. All PPE are paid by the DWEA.

Inspectors have no personal equipped office space, but they can use the facilities (computer, printer, small meeting rooms, telephone booth, toilets, kitchen) available in the offices any time they wish.

Due to the new ViVi system, the correspondence with employers can be prepared and sent from home, through the tablets provided by DWEA, without the inspector having to come to the office.

In most cases the Inspectors use the cars provided by the DWEA in all regions during inspections. Inspectors can also use their own car if desired. All expenses (petrol, accommodation, meals) are reimbursed according to the general tariffs of the state.

The new DWEA cars are hybrid and are equipped with drive app to help Inspectors drive safely and reach their destination more easily.

The number of cars available for each region (east, north and south) to be used by the Inspectors is shown in Table 7.

Table 7: Number of cars available for each region (east, north and south) to be used by the Inspectors

|              | 2019         | 2020 | 2021 |
|--------------|--------------|------|------|
|              | Company cars |      |      |
| Region east  | 27           | 25   | 30   |
| Region north | 21           | 20   | 20   |
| Region south | 3            | 3    | 2    |
| Total        | 51           | 48   | 52   |

### **2. Carrying out inspections safely**

DWEA Inspectors receive training and are being instructed in, not to enter work areas during inspections which can lead to a potential danger for health and/or safety.

In cases where DWEA Inspectors are directly exposed to psychological or physical violence or threats, Inspectors are urged to immediately stop the inspection and leave the premises of the enterprise.

Inspectors would in these cases consult the head of inspection to receive support and the head of inspection would provide an action plan for future inspection visits.



As government officials, DWEA Inspectors are also able to contact the police or conduct inspections supported by the police.

In all the above cases, DWEA is operating with a zero tolerance and will always report the offender to the police. In these extraordinary situations, follow-up consultation with a psychologist are always offered and sometimes required.

For some inspections, where the risk is increased, for example in social dumping, two or more Inspectors participate.

In case of nearby accidents, accidents (including exposure to psychological or physical violence) or exposure to processes or materials that may pose a health hazard, the internal health and safety organisation of DWEA will take action to prevent similar situations in the future and the details of the case are being filed and evaluated.

The cooperative organisation of DWEA has also developed a thorough written procedure on how to provide support, follow-up and care when encountered with these situations and fatalities as well.

DWEA has an agreement with a Danish company: Prescriba and all employees can contact Prescriba with all kinds of psychological issues.

In addition, all employees of the DWEA are also provided with a Labour Market Insurance paid by the employer.

### **3. Specialist support**

#### *Support available from within the organisation*

The Inspectors of DWEA are from the beginning of their employment trained in having a multi-professional approach when conducting inspections.

However, Inspectors in the field may, if necessary, obtain support and assistance in a number of ways:

- a. from colleagues in their own office/IC who have developed expertise in a certain area through specialization
- b. from colleagues in other ICs
- c. from specialists at headquarters

Joint visits to an enterprise or workplace may also be performed where this is thought to be appropriate. This is carried out with 2 different educational profiles, for example a chemist and an occupational therapist.

DWEA has established a hotline, where Inspectors can call a legal officer for advice. Furthermore, the Inspectors can call the DWEA Call Centre, where different issues are answered by experienced Inspectors. Enterprises can also use the DWEA Call Centre.

#### *Support available from bodies outside the Inspectorate*

There is no formal procedure for securing assistance from bodies outside DWEA such as independent research establishments, laboratories or universities.

However, Inspectors are aware of other professionals working in the field of health and safety, particularly those employed in the local occupational health clinics and will consult informally within this network of expertise as required.

## D5 Inspectors powers

The following extensive powers are given to the Inspectors appointed under the Working Environment Act.

Inspectors have the power to:

- gain access to enterprises and workplaces at any time without a court order. This includes access to private homes if work is carried out by an enterprise at the premises.
- supervise and investigate any or all parts of production or the enterprise.
- take samples from the enterprise for analysis, as well as take photographs.
- gain access to reports or other documentation with significance for safety and health, including minutes of safety committee meetings.
- collect the necessary information from employers and employees.
- talk to employees without the employer's presence.
- hold group conversations with employers.
- impose necessary sanctions, including, if there are grounds for suspicion, requiring the employer to carry out investigations, tests and inspections, possibly with experts, to ascertain whether the working conditions are adequate in terms of safety and health.
- demand that work ceases immediately in the event of significant immediate danger for safety and health.

Difficulties that Inspectors face in using their powers may include violence or aggression towards Inspectors; non-cooperation by duty-holders; a lack of awareness and understanding of DWEA's role and powers by duty-holders. The issue of violence and aggression could be assisted by the implementation of personal alarms for Inspectors which could be used if they come into difficulty whilst carrying out inspections or investigations.

When accompanying the Inspectors at inspection visits as part of the Labour Inspection system evaluation activities, the evaluation team found that DWEA Inspectors have sufficient and appropriate powers as to ensure effective inspection and enforcement activities. To that end, DWEA Inspectors have various different type of enforcement tools at hand varying from;

- Prohibition notice
- Immediate improvement notice
- Consultancy notice
- Improvement notice with deadline
- Investigation notice

Both Improvement Notices and Prohibition Notices are served based on an Inspector's considered opinion of the situation and can be subject to an appeal. The initiation of a prosecution requires the approval of a line manager or above within the DWEA.

During the evaluation, the evaluation team considered the DWEA Inspectors used their regulatory powers professionally. They showed excellent communication skills and knowledge of the protocols set out by DWEA. The inspections were very well focused on the onsite working place risks.

On the other hand, with so many enforcement options available to Inspectors with their extensive powers, the issue of leniency and lack of consistency regarding enforcement was discussed by the evaluation team. The introduction of an Enforcement Management Model (EMM) may be worth investigating. Fundamental to this is the principle that enforcement action should be proportionate to the health and safety risks present and the seriousness of the breach or contravention. This model could potentially:

- Provide Inspectors with a framework for making appropriate and consistent enforcement decisions
- Help managers monitor the fairness and consistency of Inspectors' enforcement decisions in line with DWEA policies and
- Assist less experienced Inspectors in making enforcement decisions.

## **D6 Information and guidance for inspectors**

### **1. General guidelines on inspection actions**

From liaising with the DWEA Inspectors during the evaluation, it is evident that DWEA has a wide range of guidance targeted towards front-line staff, including Inspectors, and towards duty-holders and other interested parties. During the inspection process it was obvious that DWEA guidance for duty-holders is well respected. Guidance addressing technical standards is mainly contained in a wide range of external publications, all of which are downloadable from DWEA website.

In order to ensure effective internal communication, DWEA uses several communication channels such as website and intranet with guides, quality procedures, etc., direct mail, apps (digital solutions) and help desk. The DWEA uses a range of corporate channels to communicate with its staff. There is mobile access to the intranet for all employees. Inspectors are equipped with tablets that support workflows before, during and after inspection visits. Inspectors had Intranet access available during the inspections. It is also very positive that there are sector-specific priority issues in every Thematic Group with relevant guidance. Inspectors use the ViVi application which provides updated information about the duty holder prior to inspection and there is also a database (Virk) which helps them to identify and plan inspections related to social dumping.

All of DWEA's Inspectors have access to email, the intranet, and the internet through a range of equipment, including portable computers, smartphones and other devices to improve connectivity with DWEA systems and the internet when working remotely. It became obvious during the evaluation that DWEA Inspectors have a wide range of tools available for their inspection and enforcement activities.

DWEA has guidelines setting out the underlying principles and standards that apply to all of its guidance. DWEA continues to review its guidance and rationalize it, where appropriate. This includes guidance on inspection procedures.

DWEA website is used extensively by Inspectors to get information on workplace health and safety and Inspectors pointed relevant parts of the website out to duty-holders during the evaluation inspections. The site provides users with coherent access to legal regulations and research-based knowledge and tools, including a new and improved solution for disseminating and displaying data on working environment and the DWEA's inspections and reactions/notices. The evaluation team found that the DWEA website is user friendly, very well set out and contains extensive and relevant information for employers, employees and members of the public. Thus, the DWEA policies and approach on workplace risks are very transparent to the public on this website.

### **2. Legal advice/assistance**

The office-based staff operate an extensive call-centre service, which assists Inspectors (technical, translation services and legal advice) in preparation for each inspection. Information and guidance is available to Inspectors as they operate in the field.

DWEA continuously maintains and develops functionalities and usability of the ATIS case system, so that it effectively supports the staff's handling of cases and documents.

The evaluation team would recommend and encourage the DWEA:

- To speed up with the ongoing development of the IT infrastructure to ensure that DWEA Inspectors have sophisticated applications for their day-to-day work when they are out on inspection and to continue with the ongoing improvement and integration of the existing IT systems.(ATIS,ViVi,VIRK,RUT register)
- Regarding guidance and information for Inspectors, the introduction of a training academy for Inspectors will assist with the ongoing continued professional development of the inspectorate. The provision of the academy would greatly assist new and inexperienced Inspectors. The technical expertise of Inspectors demonstrated during the evaluation was of an extremely high standard and the academy would provide a forum to share knowledge and experiences amongst the inspectorate.

## **D7 Internal communication**

ATIS, the IT system with open access for all DWEA staff used for the recording of relevant data effectively supports the DWEA employees handling of cases and documents for information gathering. Each IC Centre has IT supporters who provide the help for Inspectors.

Databank is established in order to store and process data and use them in internal and external systems. It is divided into different zones like landing zone for accepting data from external sources, processing zone which transforms data from source data to data that can be shown and distributed, distribution zone for distribution of knowledge and insights, register zone where different registers can be placed and analysis zone for internal data analyses in order to create new knowledge.

To ensure effective internal communication, DWEA uses several communication channels such as website and intranet with guides, quality procedures, etc., direct mail, apps (digital solutions) and help desk.

Permanent forums and project organization are used for decision making, knowledge sharing and involvement of the organization – e.g. inspection group meetings among all inspections centres and among directors of these centres, supporters' meetings.

Inspection groups provide Inspectors meetings where they can exchange inspection experiences and knowledge, discuss specific inspection-related themes and hence achieve a high level of uniformity in performing inspections. Meetings are organized on a regular basis.

The content of the intranet is targeted at users' roles and organization, for example, team sites targeted to specific inspection groups. Inspectors can find there guides and also have a possibility to add there their findings which they find relevant and not considered before.

There is a mobile access to the intranet for all employees. Inspectors are equipped with a tablet containing custom-developed applications that support workflows before, during and after inspection visits. Inspectors have also the suitable IT means for performing their tasks and duties.

IT support application ViVi ensures for the Inspectors easy access to relevant knowledge and necessary information on planned inspections. This tool helps Inspectors to focus on the most important work environment problems during the inspections performance. The Inspectors can see their daily plan with the visits and information about each visit enterprise like information about the company, previous visits, accidents. It is possible to enter the inspection findings here and create a visit report after the inspections and fill in the time duration of the visit. ViVi provides comprehensive IT support for inspection supervisory actions.

Other example of the IT application is ADVI, the self-service tool where enterprises can see the documents that the DWEA has sent to them and respond to written hearings and decisions.

Inspectors have also the possibility to contact the Call Centre service for the assistance and communication with other colleagues specialized in the area of the ongoing inspection. The support from the Call centre for the Inspectors who are on site was enormous.

DWEA has established the internal helpdesk for solving individual problems and related issues connected with the IT, as well as dealing the development needs from each inspection centre.

## **D8 External communication**

### **1. To the public/employers/employees**

#### *DWEA User Satisfaction Survey*

DWEA hires external consultants to do User Satisfaction Surveys. DWEA is working for contribution to a proactive and motivated attitude to OSH prevention in the companies, and the surveys are used for adjusting the strategy and use of resources. The last User Satisfaction Survey has been performed in 2019.

#### *Launch of a new newsletter*

DWEA is continuously working to strengthen its communication to reach the wider range of enterprises. In 2016, DWEA managed to increase the number of subscribers and followers on the current DWEA communication channels (newsletter and social media). A new newsletter targeted to the specific recipients has also been prepared for launch. A nationwide campaign has also been implemented to give enterprises good advice on how to prevent tripping accidents.

#### *Promotion activities*

DWEA regularly issues press releases concerning new initiatives, measures, etc. regarding the working environment. Similarly, an electronic newsletter provides notification of new working environment relevant issues and information about DWEA's activities. All interested parties can receive the newsletter. The press releases and newsletters can be found on DWEA website.

The responsibility of DWEA, inter alia, is to maintain, develop and accumulate knowledge about working environment conditions, and disseminate information in an appropriate manner to the users (enterprises). Of the total resources in terms of time, approx. half of the resources are invested in contact with enterprises, i.e. direct contact to users in the form of e.g. inspections, meetings, teaching, written and telephonic guidance, as well as information and concrete casework in relation to citizens, enterprises and their cooperative partners.

DWEA manages the sector-oriented inspection campaigns targeting specific industries and work environment problems in priority topics. These campaigns organised at the national level are developed in close collaboration with the social partners, industries and sectors.

#### *Information sources*

Prior to a risk-based inspection, the enterprise is notified in a letter that also guides them to relevant material that helps them prepare for the visit. The inspector typically also guides them to other digital guideline materials of relevance to the enterprise during inspections.

DWEA has drafted various information material also found on the DWEA website [www.at.dk](http://www.at.dk) including:

- Almost 200 guidelines describing how the working environment rules should be understood. The guidelines are non-binding documents for the enterprises.
- 36 sector-oriented working environment guides describing the most important working environment problems in the individual sectors and the working processes in which the problems typically occur.
- 57 sector-oriented digital checklists for workplace assessment, which particularly address enterprises with fewer than ten employees.

- Other working environment information materials concerning e.g. the psychosocial working environment and safety organisation, as well as information materials about the activities of DWEA.
- General information about the working environment, including working environment statistics, legislation (working environment act), rules and instruction materials, etc.

DWEA website is well-arranged and based on users' primary needs. In addition, it provides widespread information in Danish and also in English. The public can find there a self-service regarding the working environment in Denmark and relevant contact data.

Among other things, DWEA website [workplacedenmark.dk](http://workplacedenmark.dk) informs foreign companies and workers about the Danish legislation. The website is available in Danish, English, Polish and also German.

#### *Call Centre*

One of the DWEA primary tasks is the Call Centre, which serves for the whole Denmark. Its role is weekly taken over by the Inspection centres North and South and it facilitates internal and external communication. The Call Centre deals with the enquiries regarding working environment, the working environment rules and notified inspection visits.

It was noted that employers, workers safety representatives and employees find all these ways of external communication very useful for their work tasks using the relevant suitable materials. Moreover, they have noticed an increase in the communication level with the authority in recent years.

DWEA pays attention to the campaigns and activities promoted by the SLIC and the European Agency for Safety and Health and Work (EU-OSHA) and coordinates cooperation with the EU-OSHA as the National Focal Point.

## **2. Coordination with other authorities**

DWEA puts an effort on closer cooperation with authorities that face the same challenges and are affected by some of the same development trends.

It is in close contact with the police authorities in connection with inspections. This is particularly relevant in the case of serious occupational accidents where the police have been notified. The police must contact DWEA which will then carry out an inspection immediately. DWEA has an emergency response plan (an emergency guard), who is ready to move immediately in connection with serious accidents.

During the social dumping inspections, DWEA Inspectors perform control of the notifications of foreign enterprises to the Register of Foreign Service Providers (RUT) and carry out joint actions in cooperation with the Danish Tax authority and Police (national action days and regional action days).

Cooperation of Inspectors with other agencies and authorities is facilitated by the inspection supporters from the inspection centres.

## **3. Use of social media**

DWEA communicates and promotes their actions to the public through different social media like Facebook, LinkedIn etc..

According to the active participation and the amount of followers and subscribers on their communication tools, this type of external communication is demonstrably an important channel in order to reach a wider audience to disseminate the work and the image of the Authority, raising awareness of safety importance as well as giving examples of good practices and prevention measures.

## **E METHOD OF INSPECTION**

### **E1 Ensuring Compliance with EU Law**

The framework Directive is transposed into the Danish law by the Danish Working Environment Act consisting of a large number of order and rules. The Working environment act had been complemented with some specific regulations to cover all parts of the work life. The aim of the working environment act is to create safe and healthy working environment, which always is in accordance with the technical and social developments in society.

Regarding worker representation in Denmark, all enterprises with ten or more employees (special rules applies to work on construction sites, where the number is five or more and if the work is over a specific time-scale) have a statutory duty to establish an internal safety organisation.

The core of the internal safety organisation is the safety group, which consists of the foreman/supervisor and the workers' safety representatives. A safety group is set up for each department as a general rule, but several departments may also choose to have a joint safety group. Furthermore, the enterprise can decide to conclude an agreement between the employer and employees on how to organise the safety and health at work. The safety groups can be merged with the enterprise's Cooperation Committee (labour law). A condition for this approach is the existence of an agreement between the relevant social partners at national level. This option is often chosen in the administrative sector, the education sector and the social and health sector because of the close relationship between safety and health and psychosocial working conditions in these sectors.

The tasks of the internal safety organisation are to monitor the working environment, the core task being the work with workplace assessments. The internal safety organisation must also check compliance with safety regulations and investigate and report on accidents. Safety groups have a part to play in planning and must be consulted before any final decisions are made by the enterprise concerning health and safety in the department where the group is in operation. In workplaces where more than 34 people are employed, a safety committee must also be appointed to coordinate the activities of the safety groups.

Furthermore all enterprises are obliged to hold an annual work environment discussion, where next year's cooperation on working environment will be organized and where the work in safety organisation during the past year, will be addressed. The discussion relates to how the work environment is situated in the enterprise, including which challenges the enterprise faces.

In connection with inspections, the Inspectors are obliged to contact the safety representative in the enterprise. For announced inspections, the safety organisation is requested to be present during the inspection. In detailed inspections, which are typically unannounced, the safety representative is contacted and participates in the inspection. Should there not be any safety representative in the enterprise, the inspection is conducted with a representative from management and, where possible, an employee representative. For inspecting larger construction sites, the co-ordinator of the construction site is also contacted. Other relevant employees of the enterprise are also contacted in the course of the inspection.

The evaluation team noticed that the safety representative did not participate to inspections very often, probably because the majority of the inspections was unannounced. We strongly believe that the safety representative who is not able to participate to the inspection should be contacted during or after the inspection.

The evaluation team strongly recommends that DWEA should give guidance to the LIs that they should contact safety representative and get also the view of the employees, a recommendation which was also outlined in the previous SLIC audit in 2008.

## **E2 Reporting, Accident Investigations, Prosecutions, Complaints and Advice**

### **1. Reporting and data exchange**

Employer records are structured by company group, company name as well as by address which makes it possible to track the employer by all three parameters.

All data is stored in DWEA's own data processing system. All Inspectors have access to the internet both from work in the field (via tablet and smartphone) as well from their private homes (via tablet, smartphone and laptop). Thus, the employer data is accessible via the internet access that all Inspectors have at their disposal.

According to Danish legislation each Contractor, who operates on a temporary site, e.g. construction site, is obliged to register the temporary site in question with an expected expire date. This information is automatically transferred to the central data system used by the Inspectors and the administrative employees, which makes the data available for scheduling inspections.

The evaluation team noticed during most of the visits that the labour inspector hands over two leaflets to the employer. One with information related to the purpose and legal basis of the visit but also mentioning the mandatory use of OnlineAt to communicate with the DWEA (read more at [at.dk/onlineat](http://at.dk/onlineat)). From 1 January 2018, it is mandatory for Danish companies to report back digitally to the WEA via OnlineAt, if an inspection visit results in a consultation or a decision to which the company can or must respond.

The second document provides information to the employer about the GDPR (what personal information was registered, how it is stored, in what situations personal information is shared with other public authorities etc.)

### **2. Inspections**

We observed that the LIs ask for the presence of the safety representative and the representative of the enterprise during the entire inspection. Inspections are in general based on dialogue with the enterprise's management and safety organization about what the enterprise can do to improve its own working environment and prevent problems. The establishment of a safety organization is examined, just as enquiry is made as to whether its members have completed the obligatory working environment training, as well as whether employees have undergone any other compulsory training. Furthermore, during inspection, the Inspectors ask for the enterprise's Workplace Assessment (risk assessment) if there are actual problems with the working environment.

DWEA performs two kinds of inspections: Basic Inspections and Special Inspections.

#### **2.1 Basic inspections**

DWEA selects enterprises for Basic Inspection based on a prediction of their risk of problems with the working environment. The prediction is based on a machine learning model which contains relevant features, and enterprises with the highest risk will be selected. The actual



features are master information on the specific enterprise (from the Central Business Register), activity code, group and category, number of employees and man-years, number of reported occupational diseases and work accidents within the last 3 years, number of complaints within the last year, age of the enterprise, location. The basic risk model will be developed on an ongoing basis with new relevant features. Twenty per cent of the companies that are selected for basic supervision are selected as a sample.

DWEA also takes out enterprises based on a random picked sample. The results of these inspections serve as training data for the machine learning model to continuously improve the accuracy of the model.

Selection of enterprises for Basic Inspection is carried out continuously throughout the year and enterprises are notified at least one month before the inspection visit via e-box, but do not know the specific date of the Labour Inspectorate visit.

Basic inspection takes place on a production unit and a legal entity consists of several production units. The enterprises' working environment is reviewed with a focus on the major working environment problems that are relevant for the specific sector and prioritized areas. We noticed that some LIs use their tablets during the inspections to have access to checklists that help them identify the priority areas.

DWEA also inspects areas where a prohibition notice has been issued to the enterprise, to check whether the enterprise has solved their working environment problem in a satisfactory manner. At the same time, DWEA may respond to any new and important working environment problems.

## **2.2 Industry oriented efforts**

In the period 2020-2022 the DWEA is testing new sector-oriented and coordinated inspection efforts with the aim of strengthening inspections in selected industries. The efforts are aimed at the working environment problems that characterize "vulnerable industries" – to reduce physical and psycho-social attrition as well as chemical impacts in these industries. However, the inspections also include other working environment problems that the DWEA becomes aware of.

In 2022, DWEA will implement various types of industry efforts:

1. DWEA tests a **new method of inspection for psycho-social working environment in large public entities**. The purpose of this new approach is to support the prevention of and solutions to psycho-social working environment problems that are spread across. The efforts are adapted to the organization of large units and consists of inspection processes where there is a built-in dialogue with the relevant management level (e.g. the municipal administration), inspection of selected units (e.g. kindergartens), gathering and supporting dialogue on what to work on across of units, as well as control inspection after a period of time during where it will be possible to initiate working environment activities. This new approach has been tested in municipalities with focus on schools and in the criminal justice service in 2020-2021 and is at present tested in relation to kindergartens.

2. DWEA carries out **sector-oriented inspections** in the industries of construction, supermarkets, cleaning services, day and home care and hospitals aimed at working environment problems related to physical attrition and exposure to chemicals. The purpose is to put the selected working environment problem on the agenda in these industries and support the prevention through dialogue and inspections.

3. DWEA, together with relevant parties in the industry, carry out efforts where **inspection and communication are moving in the same direction**. A new and significant part of the effort consists of the DWEA and relevant parties supporting the oversight of coordinated campaigns and communication via industry- specific channels by communicating clear and simple messages tailored to the industry. The communication can be used both before, during and after the inspection effort and can, for example, focus on widespread issues in the industry. This approach will be used in the field of Construction.

4. DWEA carries out a **targeted communication effort** towards industries where experience shows that there is a special need to influence the companies' working environment through channels other than inspections. This applies, for example to hairdressers, where physical attrition is a particular challenge. The proposal entails that DWEA and the industry partners collaborate on a coordinated communication effort aimed at focusing on the causes of selected working environment problems and on how they can be prevented. This approach will be applied to social workers.

5. DWEA continues its **road freight transport action days** with a focus on accident risks and physical attrition. The effort includes inspection actions where Inspectors meet the drivers where they load and unload – and not at the home address of business.

### 2.3 Special inspections

Furthermore, enterprises are selected manually for special inspection due to certain reporting on e.g. **complaints, work accidents, asbestos and occupational diseases**. In these cases, experts/inspectors within the local offices plan inspections, but the employers are not always notified in advance.

**Complaints** are registered via the call centre. The team was informed that it is forbidden by law to reveal the name of the complainant to the employer and to inform the employer that an investigation is done because of a complaint. We recognize and affirm the importance to deal with complaints anonymously! However, we find it necessary to give the complainant the possibility to authorise the removal/lifting of anonymity because in some cases this is necessary to allow an efficient handling of the complaint.

In 2020, more than 42.000 **work accidents** were reported to the DWEA (Diagram 1, p.19). Notification of accidents can be given digitally via EASY. EASY is a notification system for reporting accidents at work made by the DWEA and the Danish Labour Market Insurance. The system is available in Danish and English.

An algorithm makes a first selection of the notified accidents and archived about 30 000 accidents last year (e.g. accidents < 3 weeks of absence). A second selection is then done manually by assigned labour Inspectors.

The criteria for the selection of notifications for investigation are the following: severity, potential for improvement of the working environment at the enterprise and topics that have special attention at a given point of time (e.g. a campaign on ladders). The investigations are in principle carried out by all Inspectors (some more than others). The allocation of the accidents follow the general principles like knowledge, experience, resources and practical matters like distance and availability.

We were informed that there is underreporting of accidents (e.g. DWEA is aware of underreporting in the agricultural sector). When underreporting is discovered during inspections, the employer receives an improvement notice. Victims can also report their work accident directly to the DWEA, this is then registered as a complaint and thus has to be investigated anonymously

by the LI (who thus cannot mention to the employer during the investigation that he/she was informed that an accident has occurred).

In case of a serious accident that must be investigated immediately (e.g. informed via the police), the investigation is assigned to a team of 5 people: 2 LIs, a line manager, a lawyer and a support team member. This was found very positive by the team and the LIs themselves.

**Special inspection HOT** (Helhedsorienteret tilsyn med bygge- og anlægsbranchen) does not take place at a production unit, but at a building site that consists of several production units. DWEA arrives unannounced at the construction site, and the inspection focuses on the entire construction site and the companies involved. HOT takes into account the particular complexity of the sector of construction sites and the changes in workplaces and the complexity of many actors involved in the same construction site.

Depending on the established working environment problems, DWEA will follow up with dialogue meetings with the individual companies, participate in safety meetings, etc. on the construction site and dialogue meetings with the designer or the construction manager. The dialogue meetings can then be followed up by new inspections, depending on the outcome of the meetings.

**Special inspection SD** (Social dumping) can take place at a production unit and at a temporary workplace. The task of the DWEA is to inspect the compliance of foreign companies with the Danish health and safety legislation. The inspection is risk-based, so that foreign companies notified to RUT (the register of Foreign Service providers) which are judged to have a good working environment will be inspected less, while foreign companies judged to have a poor working environment will be inspected more. The working environment is controlled in the same way as the inspection of Danish companies.

In addition, DWEA has the task of verifying that foreign companies have made a notification to RUT, including whether the notification is adequate and correct in relation to the rules. As a part of the social dumping effort, Inspectors perform outreach driving and inspection when they meet workplaces not registered in the RUT.

The issue of social dumping is an important issue in Denmark but the evaluation team recommends that Inspectors allocate the same weight on OSH as well as on social dumping during inspections.

The evaluation team found out that inspections are conducted based on the strategic planning. Inspectors invest time in promoting the dialogue during inspections and provide inspected companies with guidance. During most of the inspections, the team noticed that the employer was handed a leaflet with information concerning GDPR and the legal basis of conducting unannounced visits. Inspectors use internet & intranet applications & information during inspections. We are very positive about the fact that a team of 5 people is appointed to deal with severe accident investigations.

On the other hand, the evaluation team noticed that in some cases time balance was not kept between OSH documentation review and on-site inspection. Besides, in some cases there was no OSH documentation reviewed and in other cases there was only a verbal discussion between Inspectors and the inspected company for the OSH documentation. In other words, an agreement could sometimes be based on verbal information and on limited site documentation review.

Finally, the team noticed that during inspections there was a narrow focus on occupational health of employees, a finding which was also outlined in the SLIC evaluation in 2008.

We therefore recommend DWEA to take appropriate measures to address occupational health issues during inspections.

We also recommend reviewing the complaints procedure relating to the anonymity of the complainant in case of his/her consent. Of course, this can only be adjusted after the relevant legislation has been amended accordingly.

## **E3 Action taken as a result of an inspection**

DWEA carried out approximately 37 000 inspections in 2018 (355 of those inspections lead to administrative fine, 124 were sent to police for judicial prosecution and 776 cases lead to sending a recommendation on prosecution to the police because of the severe violations).

LIs have a range of means of taking action for ensuring compliance with OSH legislation.

*Prohibition notice* can be given by the LI to employer for preventing continuing work in the situation of imminent and great danger. In 2019 DWEA issued 634 prohibition notices.

*Immediate improvement notice* can be given in situations with serious working environment problems which can be solved easily. The company must act immediately before continuing work, but act can also be temporarily till the permanent solution is made. In 2019, DWEA issued 8982 immediate improvement notices.

*Improvement notice with deadline* can be given in cases where employer needs time to solve and carry out a good and sustainable solution for the problem. The company can continue working despite the given improvement notice with deadline. In 2019, DWEA issued 4494 improvement notice with deadline.

*Consultancy notice* can be given when LI considers that enterprise should use authorized health and safety advisor to solve working environment problem. Evaluation Team does not have statistics how often this has been issued.

*Investigation notice* can be given in the situation when LI has a specific suspicion of working environment problem which is unable to provide. In this case, the enterprise must examine whether it has a working environment problem or not. In 2019, DWEA issued 99 investigation notices.

*Improvement notice with voluntary agreement* is a sort of contract between DWEA and enterprise which can made instead of improvement notice. By the voluntary agreement contract, employer promises to solve and fix one or more working environment problems in a specified deadline.

Guidelines can also be given by LIs in inspection. They are usually given in the situations where working environment needs or could be improved but when there is no basis to use stronger competence.

DWEA has quite many possibilities to enforce OSH legislation. The evaluation team noticed that it was not clear for Inspectors to decide which kind of action should be done based on the findings in the inspections. It is normal that new Inspectors feel uncertain but the evaluation team also noticed that also experienced Inspectors felt uncertain about which action to enforce.

The evaluation team noticed that there was a good co-operation among the Inspectors. Inspectors feel free to call a colleague or the call centre for sharing opinion or asking help. Nevertheless, the evaluation team thinks that LIs should be able to solve simple working environment problems by him/her self and also should be able to give guidance or use stronger competence in inspection. Of course it is possible that in some cases it may not be possible to solve the problem immediately during the inspection but that should be minority or even rare situation.

The evaluation team found little unclear the case of using an improvement notice with voluntary agreement. Enterprise has two alternatives: to make a contract with DWEA and promise to solve

working environment problem in deadline or have improvement notice which leads finally to the same result. The evaluation team wonders if these are fair options because both options end up with the same result.

LIs had very good interaction in the inspections. Conversation was fluent and open. The evaluation team noticed that there was confidence between LIs and employer; even in situation that there were severe defects; LIs believed on employers' speech that problem will be soon resolved. In these cases, LIs did not make any notices or record the findings in the inspection report.

Another point noticed by the team was that during inspections in the construction sector, all involved parties in the project were not always informed about the inspection findings. In addition to that, lenient enforcement actions were taken in some cases.

Regarding Rulings, hearings and appeals, the DWEA website states the following: The company's view on all rulings against it will be heard. As a general rule the company is given the opportunity to present oral comments on the issues the DWEA (Arbejdstilsynet) observes during inspection. If no management representative is present during inspection the company's view will be accepted in writing. This is also the case concerning especially complex health and safety issues. The company may appeal the ruling to the Council of Appeal on Health and Safety at Work, which is an independent appeals body. The appeal must be sent to DWEA within 4 weeks of the company's receipt of the ruling. DWEA will forward the appeal to the Council of Appeal on Health and Safety at Work. If an appeal concerning a notice has been submitted on time it acts as a suspension. This means that the company is not required to respond to the notice while the appeal is being processed. This does not apply to appeals concerning immediate improvement and prohibition notices which must be acted upon even though the company has appealed.

The number of enforcement notices issued by the DWEA which have been appealed and of those appeals how many they have been successful are shown in Table 8.

Table 8: Number of enforcement notices issued by the DWEA for 2019, 2020, 2021 which have been appealed and of those appeals how many they have been successful.

| Year | Appealed against the decisions | Complaint percentage (complaints regarding total number of decisions) | Retained in the committee |
|------|--------------------------------|---|---------------------------|
| 2019 | 360                            | 2,1 pct.  | 89 pct.                   |
| 2020 | 264                            | 1,7 pct.  | 90 pct.                   |
| 2021 | 270                            | 1,4 pct.  | 87 pct.                   |

We also observed that the Employer was only informed verbally about immediate enforcement action relating to high-risk activities and the immediate enforcement action notice would be issued at a later stage.

Inspectors already have guidance documents in the "New Highway" that they use on their tablets during inspections.

The evaluation team recommends the use of such guidance documents so that every inspector knows what kind of actions should be made in the inspection alongwith the cooperation among colleagues which helps to strengthen and qualify their inspection efforts, since more disciplines/competences are available for the decisions.

Besides, every noticed working environment problem should be mentioned and some sort of notice given at inspection report whether they were under work or totally neglected. The given notice strengthens employer's will to carry out with the problem and also gives correct information to information based artificial intelligence for further focusing of the inspections.

## F ANNEXES

### F1 Pilot virtual SLIC evaluation

#### Pilot Virtual SLIC Evaluation

At the 79<sup>th</sup> plenary meeting of the Senior Labour Inspectors Committee (SLIC), which took place on 19<sup>th</sup> of May 2021, a proposal was put forward to have a virtual pilot phase of the SLIC evaluations. It was agreed that the Working Group (WG) Strategy should come up with a proposal on how to organize this pilot phase.

According to the Rota for evaluations, adopted at the above mentioned plenary, the pilot phase of the virtual SLIC evaluations should start in 2021 with the evaluation of Denmark. The pilot phase should continue in 2022 with two additional evaluations of Hungary and Lithuania (total of three evaluations). The pilot phase is then to be reviewed by the WG Strategy in the autumn of 2022.

After having discussed in its meeting of 14-06-2021, the WG Strategy agreed that the preparatory meeting(s), which normally take place in Luxembourg, between the Member State (MS) being evaluated and the evaluation team, could be conducted virtually. Additionally, the meeting(s) that normally take place in the MS being evaluated, between the evaluation team and the National Labour Inspectorate of that MS, the social partners and other stakeholders could also be conducted virtually. The WG Strategy also agreed that the inspections as such should not be conducted virtually – unless the MS already performs inspections virtually. The WG Strategy is of the opinion that, when a MS usually conducts physical inspections, virtually accompanying the inspection would not deliver the necessary, overall picture of the inspection to the evaluation team.

Based on this background, the WG Strategy suggests the following for the virtual pilot phase:

The evaluations should follow the *Evaluation Reference Manual – Carrying out a SLIC Evaluation, adopted 16<sup>th</sup> of May 2019*, with the following exemptions:

- The pre-meeting(s) in Luxembourg (p. 15 in the manual) should be done virtually
- The meeting(s) of day 1 (p 30 in the manual) should be done virtually
- If the LI evaluated already performs virtual inspections, these inspections could be followed by the evaluation team virtually
- If the LI evaluated only performs physical inspections, the joint visits (inspections) of days 2, 3 and 4 should take place physically as described in the manual p. 30 but possibly at a later stage (when the pandemic situation permits)
- The meeting(s) of day 5 (p. 32 in the manual) between the Director and the evaluation team could be done virtually, if considered appropriate

A SLIC evaluation in the pilot phase could thus consist of **two parts**:

- a **virtual part** (covering the pre-meeting and meetings of day 1, day 5 (if appropriate) and any virtual inspections if these are already taking place, i.e. days 2, 3 and 4)
- a **physical part** where the evaluation teams carry out joint visits with Inspectors in the evaluated MS (not required if inspections are already taking place virtually).

There could be a time gap – if necessary – between the virtual part and the physical joint inspections of day 2, 3 and 4 due to restrictions of travel/face-to face meetings under the current pandemic. However, the time gap should avoid exceeding a duration of more than 6 months.

If the pandemic situation persists for a long time, consideration should be given to reassess the way to carry out the inspection parts of day 2, 3 and 4.

## **F2 Update on progress since the SLIC evaluation in 2008**

Some recommendations from the previous evaluation in 2008 are still relevant such as (The italic text repeats the recommendations of the previous evaluation report):

### Social partners

*While the social partners appear to be very active nationally the evaluation team formed the impression that there was less engagement at workplace level. There were also concerns over the arrangements for training worker health and health representatives, in that some of the health and safety representatives encountered during the evaluation appeared to lack appropriate technical knowledge.*

During our virtual meetings with the social partners on December 2nd 2021, we were informed that there is a good collaboration with the social partners.

However, during the inspections, in most of the cases that Inspectors requested the presence of a Workers' Safety Representative (WSR), the evaluation team noticed that: many of them were not trained, the ones who were trained had received a 3-day training, which is considered too short and other WSRs could not be present during the inspections because of other duties. The active role of WSR in the improvement of the working conditions should be strengthened after the WSR acquires the appropriate training.

### Inspectors

*A training programme for trainee Inspectors is in place, but there were some doubts as to depth of the subject matter covered by the formal classroom-based training, given the limited time allocated to the extensive range of modules. However, the evaluation team noted that this training is supplemented by a programme of accompanied inspections with experienced Inspectors (the mentoring scheme). There are also opportunities for continued professional development training.*

DWEA applies a training program for trainee Inspectors but the evaluation team noticed that there is not any specified department dealing with the training of newly recruited personnel and continuing professional development of existing Inspectors. New Inspectors' training is based on the availability of the experienced Inspectors whereas for existing Inspectors, we have not noticed available provisions for their continuing professional development. The introduction of a permanent training structure such as a training Academy in DWEA is necessary for the Inspectors to be fully informed in an era of constant technological evolution followed by a constantly changing working environment with new risks.



### Specialist support

*There are no formal specialist inspector groups as such (apart from those dealing with the psychosocial issues) and this may be regarded as a disadvantage.*

The evaluation team noticed that Inspectors belong to well organized formal specialist groups according to their competences (academic background, working experience etc.) and there is a variety in their background and education.

Besides, Inspectors can call the call centre for assistance and they can use the online application and have direct access to both company data and other supporting data such as checklists and legislation that will help them to accomplish an efficient inspection.

### Review of documents

*The evaluation team considered that the review of documents needed to be followed up so as to ensure consistency of approach.*

The evaluation team noticed that in some cases time balance was not kept between OSH documentation review and on site inspection. Besides, in some cases there was no OSH documentation reviewed and in other cases there was only a verbal discussion between Inspectors and the inspected company for the OSH documentation. In other words, an agreement could sometimes be based on verbal information and on limited documentation review on site.

The inspection procedure is recommended to be clearly stated in order that all Inspectors follow the same practice.

### Data entry

*The data entry ATIS IT system appears very comprehensive, but there was conflicting evidence as to its ease of use.*

Inspectors are familiar with the data entry but the evaluation team observed the existence of some ongoing issues related to the existing IT infrastructure, also highlighted by the participating DWEA Inspectors such as delays in entering the audit on line into the application on the tablet and in the interoperability of the old and the new applications which are both necessary for the completion of data entry.

Although the real commitment to modernize and improve IT applications was identified, the evaluation team would recommend and encourage DWEA to speed up with the ongoing development of the IT infrastructure to ensure that DWEA Inspectors have sophisticated applications for their day-to-day work when they are out on inspection and to continue with the ongoing improvement and integration of the existing IT systems (ATIS, ViVi, VIRK, RUT register).

### Screening inspections

*While recognising that the programme is a political imperative, the evaluation team had doubts as to whether the blanket screening of all enterprises, regardless of relative risk, is a good use of WEA inspection resources.*

### Follow-up inspections

*The evaluation team considered that the gap between the acceptance of a satisfactory report and the next inspection may in some cases be too long if serious issues are involved.*

For both screening and follow-up inspections, DWEA uses a risk-based model with established specific criteria using the machine learning for the selection of enterprises to be inspected and followed up.

### Smiley scheme

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

We also noted that the Smiley scheme does not always provide the current information about the safety level in the company and we have been informed during the evaluation week that a decision was taken to pause its application.

### Safety management systems and occupational health support

#### Other occupational health matters

*It was found that many enterprises do not have adequate provision for occupational health support and there was also evidence that occupational health matters were less comprehensively handled.*

There has been a major development in addressing occupational health issues during inspections since the previous evaluation in 2008. More recently there has been a Tripartite agreement on priority national targets for occupational health and safety (2020) and occupational health targets have been agreed between the Government and the social partners.

However, the team noticed that during inspections there was an imbalance between occupational safety and occupational health inspection.

### Certificate scheme

*An enterprise that has been qualified for a recognised certificate is not subject to inspection other than for reactive purposes and there seemed to be across the board.*

The evaluation team was informed that DWEA performs random inspections to enterprises qualified with a certificate.

### Approved consultant

*It is doubtful that the inspector would have the time to fully review the report produced by the consultant.*

The evaluation team got informed that the inspector decides to make random inspections to enterprises having employed an approved consultant to check in practice what is written in the report produced. Besides, an approved consultant is an obligation for an enterprise having received five or more recommendations from the DWEA.

### Enforcement notices

*A large number of enforcement notices appear to be served, but there was some doubt as to whether they are adequately followed up.*

For following up the enforcement notices, DWEA uses the risk model with specific criteria as for screening and follow-up inspections. Inspectors demonstrated their powers during the inspection activity and they used a range of means to enforce the OSH law depending on the findings. However, the concern of the evaluation team was that Inspectors might have too wide range of available enforcement actions which may create some confusion for Inspectors as to which of them to use and which makes it difficult to follow up as a result.

### Prosecutions

*Enforcement action rarely results in a hearing in open court. This may have the effect of downplaying the seriousness of the contravention.*

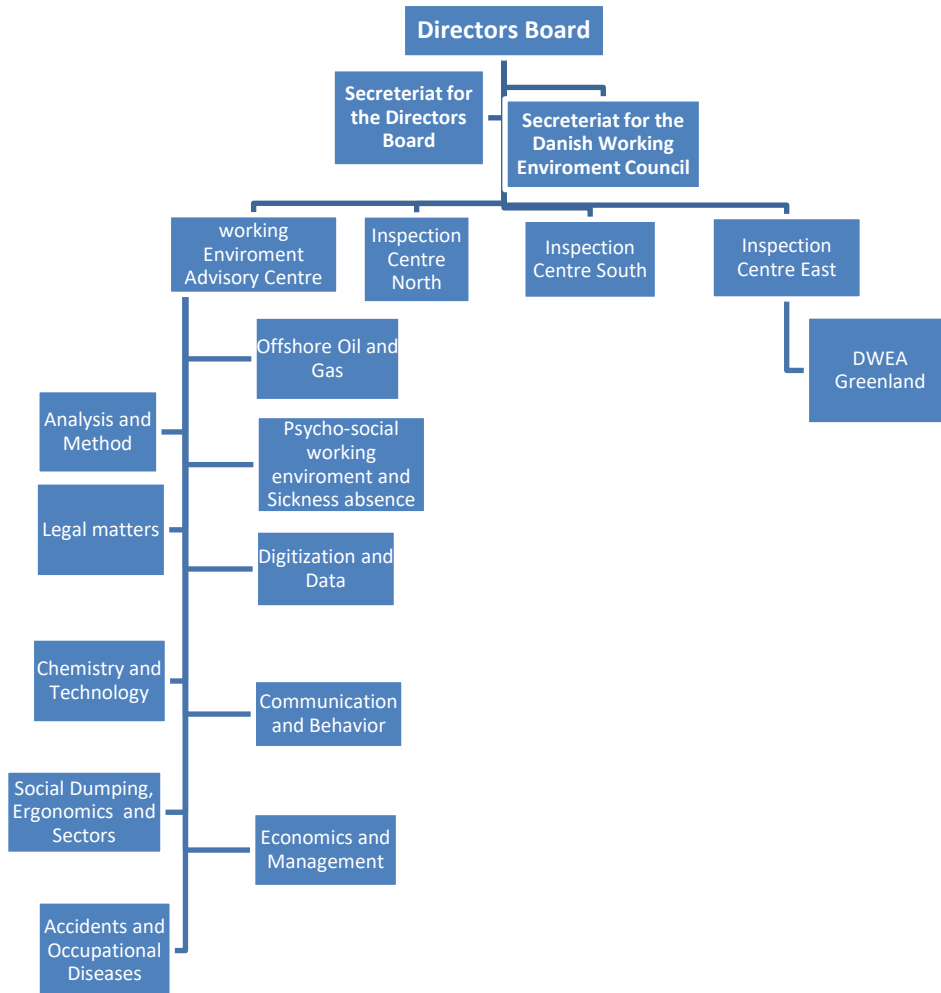
Concerns still remain in the evaluation team about the few cases that end up in court. This practice which may apply even in very serious cases (e.g. fatal accidents at work) may not bring about the expected compliance as the employer, by paying a sum of money, avoids any further legal proceedings and a possible serious legal penalty.

### Cooperation with other appropriate agencies

*Cooperation with other appropriate agencies on health and safety related matters (for example on fire precautions) is poorly developed and is of some concern.*

The evaluation team observed efficient cooperation with the Police and the Tax office especially in handling social dumping.

## F3 Organisation chart of DWEA



## **F4 Response from the DWEA to the recommendations made by the evaluation team**

First of all the DWEA would like to thank the evaluation team for their great effort and enthusiasm when evaluating the Danish Working Environment Authority. It seems that the team – in very short time - has succeeded in getting a very good and clear picture of the structure and work of DWEA. The recommendations are very valuable and provide input for our further work to develop efforts for a safe and healthy working environment.

- **R1: Even though the IT system is maintained and developed, there is evidence that it has lost its flexibility in related issues e.g. time taken for recording data or unstable connection. It seemed to the evaluation team that the IT system has a delay in meeting the future requirements and we therefore suggest speeding up to develop the interoperability and reliability of the IT tools.**

Regarding recommendation R1 on the IT-system, DWEA remarks, that they are in the process of developing a new IT-System. In September, the Danish parliament approved the economic basis – approximately 100 million danish kroner for an IT-modernization programme. The analysis for the necessary modernisation has been carried out from February to September 2022 and the actual IT development started on October 1<sup>st</sup>. During the modernization process there will also be a clear focus on IT operations of the existing IT system to ensure the work of the inspectors.

- **R2: Since there is not a specified department dealing with training, we strongly recommend the introduction of a training Academy for Inspectors which would support the induction of the newly recruited personnel and the ongoing continued professional development of DWEA.**

Regarding recommendation R2 on training of inspectors, DWEA remarks that they have training programs and education for new inspectors. The onboarding and competence development of new inspectors involves a combination of action learning, basic training and education. The purpose of the mentoring, the basic training programmes and education is to give the newly hired the basic competencies, so they can conduct inspections on a general level.

At the moment each inspections center is for a period of 2 years each responsible for organizing the internal basic education related to the training modules (courses) for the new inspectors. The preparation is co-ordinated with key persons in the other 2 centers.

The educational possibilities related to the internal basic education is well known knowledge in the organization. Even though DWEA does not have a physical OSH training center, the co-ordinated preparation and execution of education and learning fully secures the quality and effect.

Any new employee have to sign up for specific courses by preceding agreement with her/his boss. The goal is to ensure the most relevant courses for the individual inspector. A fully completed basic course including introduction and all the specific professional courses sums up to a total of 28 days.

DWEA has very good experiences with the interaction between participating in training modules (courses) and obtaining 'learning in practice' in between the courses of training. The value concerns the 'translation' from theory to the practical world.

Referring to SLIC questionnaire 2022 for further details concerning exactly which modules are offered.

The more experienced inspectors can train their competences on an individual level in the different occupational health and safety issues or in other areas relevant to their work as inspectors, e.g. strengthening their legal, organizational and communicative capabilities.

Furthermore, DWEA has established an organizational structure with permanent professional forums concerning different industry areas to ensure that new and targeted professional knowledge is shared in the organization and the inspection groups. This is a vital part of the ongoing strategic competence development in the inspection groups and targets every member regardless of seniority.

To ensure the ongoing focus on strategic individual and organizational competence development, the DWEA has decided to establish a competency academy. The academy will be established at the beginning of 2023 and placed as part of the executive secretariat to ensure broad involvement and implementation. In the startup phase, the main focus will be on developing and professionalizing the basic training programmes, education and onboarding of all new employees across the centres in DWEA.

- **R3: We strongly encourage a review of the consistency of enforcement action taken as the result of the inspection process. With so many enforcement options available to Inspectors, the issue of leniency and lack of consistency especially related to the same sector regarding enforcement was discussed by the evaluation team. The introduction of an Enforcement Management Model may be worth investigating. It can also help towards avoiding the risk of infringing the principle of equality in similar inspection cases. Fundamental to this is the principle that enforcement action should be proportionate to the health and safety risks present and the seriousness of the breach or contravention. Another suggestion would be the use of a guidance document of using competence so that every inspector knows what kind of actions should be made in the inspection.**

With regard to recommendation R3, DWEA takes note of the part of the recommendation, which relates to a review of the complexity of the enforcement options.

At the same time, however DWEA draws attention to the fact that DWEA continuously and actively works to support a uniform practice in the enforcement of the working environment legislation and the supervisors in navigating between the different reaction types. The level of when DWEA reacts to violations is coordinated across the three inspection centers via professional forums, and locally through the formal specialist groups in each inspection center. In addition, several guidelines have been drawn up for the correct choice of reaction type via supervisory procedures etc.

- **R4: The Complaints procedure relating to the anonymity of the complainant should be reviewed in case of his/her consent. We recognize and affirm the importance to deal with complaints anonymously but we find it necessary to give the complainant the possibility to authorise the removal/lifting of anonymity because in some cases this is necessary to allow an efficient handling of the complaint.**

Regarding R4 on the anonymity of the complaint, the policy of DWEA is a protection of the worker and must be seen in connection with DWEA's confidentiality stated in the Act. It follows from the preamble to the Act that the provision on confidentiality was inserted in the Act to bring it into line with ILO Convention No. 81 of 1947 concerning Labour Inspection in Industry and Commerce (art. 15).

The purpose of confidentiality is, inter alia, to ensure the anonymity of the employee and to protect the employee from any employment law or other reprisals that might result from the complaint.

Introducing the possibility to waive confidentiality by consent may create uncertainty about the scope of confidentiality and may discourage some from approaching the DWEA.

- **R5: We understand that social dumping is a vital issue in Denmark but we recommend that Inspectors allocate the same weight on OSH as well as on social dumping during inspections.**

Regarding R5 on allocating the same weight on OSH as well as on social dumping during inspections DWEA remarks, that certain inspections are dedicated to social dumping. However, OSH issues can also be brought up if necessary. Similarly, there will be inspections dedicated to OSH where social dumping will only be brought up if necessary.

- **R6: Inspectors may face difficulties in using their powers such as violence or aggression by duty-holders. The issue of violence and aggression could be assisted by the implementation of personal alarms for Inspectors which could be used if they come into difficulty whilst carrying out inspections or investigations.**

Regarding R6 on implementation of personal alarms for Inspectors, DWEA will take these recommendations ad notam.

**Some of the recommendations from the previous evaluation are still relevant:**

- **R7: The role of workers' safety representation in the companies should be strengthened.**

Regarding R7 on the role of workers' safety representation, DWEA remarks, that the evaluation team considers a 3 day-training too short in certain circumstances. In Denmark the Act requires a basic training of 3 days supplemented by additional training (1,5 -2days).

- **R8: Emphasis should be given to address occupational health issues during inspections.**

Regarding R8 from the previous evaluation on emphasis should be given to address occupational health issues during inspection, the evaluation team has remarked on page 11, that the team noticed, that during inspections there was a narrow focus on occupational health of employees, a finding which was also outlined in SLIC evaluation in 2008.

The DWEA remarks, that they find wording of the R8 a bit in contradiction to the remarks on page 12. It is not quite clear whether it is only a part of occupational health issues, that they do not address, or it is occupational health issues as such, they do not address.

But DWEA remarks, that they do focus on all relevant aspects of occupational health during inspections and that there has been a major development in addressing occupational health issues during inspections since the previous evaluation in 2008.

More recently there has been a Tripartite agreement on priority national targets for occupational health and safety (2020). The national targets focus on both strengthening prevention efforts and reducing health and safety problems. The following targets have been agreed between the Government and the Social Partners:

- Accidents at work: Strong safety culture at workplaces - fewer exposed to accidents at work
- Chemical working environment: safe and healthy work with chemicals - fewer exposures to dangerous chemicals at work
- Ergonomic work environment: safe and healthy ergonomic work environment - fewer people have to exposed to significant physical stress
- Mental health: safe and healthy mental health - fewer exposures to significant mental stress

During inspections DWEA has focus on these areas.

- Comment from the evaluation team on R8:The R8 has been amended to: "Improvement of balance between occupational health and occupational safety inspection".
- **R9: The use of Smiley scheme should be monitored but we were informed during the evaluation week that this scheme will no longer be in use.**

Regarding R9 on the use of Smiley scheme DWEA remarks, that they do not find this recommendation relevant, since it has already been politically decided, that the Smiley scheme will be replaced by a new way of showing the result of previous inspections.

DWEA will bear in mind the recommendations of the evaluation in its future work.

Best regards

Sine Frederiksen



## LIST OF TABLES

**Table 1: Staff assigned in the DWEA**

|                             | 2019                | 2020 | 2021 |
|-----------------------------|---------------------|------|------|
|                             | Number of man-years |      |      |
| Staff assigned to OSH tasks | 592                 | 670  | 714  |
| - of which Inspectors       | 245                 | 308  | 337  |

**Table 2: Gender distribution of the staff assigned in the DWEA**

|                            | 2019       | 2020 | 2021 |
|----------------------------|------------|------|------|
|                            | Percentage |      |      |
| Staff assigned in the DWEA | 100        | 100  | 100  |
| - men                      | 39         | 40   | 40   |
| - women                    | 61         | 60   | 60   |
| Inspectors                 | 100        | 100  | 100  |
| - men                      | 52         | 52   | 51   |
| - women                    | 48         | 48   | 49   |

**Table 3: Staff category for staff assigned in the DWEA**

| Staff category                  | Percentage |        |        |
|---------------------------------|------------|--------|--------|
|                                 | dec-19     | dec-20 | dec-21 |
| Architects                      | 0,2%       | 0,1%   | 0,1%   |
| Librarians                      | 0,5%       | 0,4%   | 0,5%   |
| Building constructor            | 1,7%       | 2,2%   | 1,9%   |
| MSc in Economics                | 0,2%       | 0,4%   | 0,3%   |
| Veterinarians                   | 0,2%       | 0,1%   | 0,1%   |
| Occupational / physiotherapists | 1,4%       | 0,3%   | 0,0%   |
| Occupational therapists         | 5,2%       | 5,6%   | 5,5%   |
| Skilled Workers                 | 0,2%       | 0,1%   | 0,1%   |
| Physiotherapists                | 5,0%       | 6,1%   | 6,2%   |
| Craftsmen and Technicians       | 0,0%       | 0,1%   | 0,1%   |
| IGU trainees                    | 0,5%       | 0,3%   | 0,3%   |
| Individually paid               | 0,5%       | 0,7%   | 0,5%   |
| Engineering assistants          | 6,8%       | 6,5%   | 6,6%   |
| Engineers                       | 9,6%       | 10,3%  | 9,5%   |
| IT staff                        | 1,1%       | 0,9%   | 1,0%   |
| Agricultural academics          | 0,3%       | 0,3%   | 0,3%   |

| Staff category             | Percentage    |               |               |
|----------------------------|---------------|---------------|---------------|
|                            | dec-19        | dec-20        | dec-21        |
| Journalists                | 0,2%          | 0,1%          | 0,1%          |
| Lawyers / economists       | 26,4%         | 25,3%         | 24,3%         |
| Office clerks              | 16,7%         | 16,0%         | 17,0%         |
| Laboratory staff           | 0,2%          | 0,0%          | 0,0%          |
| Doctors in the State       | 0,2%          | 0,0%          | 0,0%          |
| Apprentices and students   | 0,0%          | 0,0%          | 0,1%          |
| Master                     | 15,0%         | 15,9%         | 17,0%         |
| Machinists                 | 3,8%          | 4,5%          | 4,4%          |
| Cleaning assistants        | 0,5%          | 0,4%          | 0,4%          |
| Social workers             | 0,0%          | 0,0%          | 0,1%          |
| Nurses                     | 0,6%          | 0,5%          | 0,4%          |
| Specially paid             | 1,2%          | 1,1%          | 1,2%          |
| Civil servants             | 1,4%          | 0,8%          | 0,8%          |
| Officials (term of office) | 0,2%          | 0,1%          | 0,1%          |
| Guard officers             | 0,9%          | 0,8%          | 0,8%          |
| Trainee                    | 0,0%          | 0,0%          | 0,3%          |
| <b>Total</b>               | <b>100,0%</b> | <b>100,0%</b> | <b>100,0%</b> |

**Table 4: Staff category for DWEA Inspectors**

| Staff category for Inspectors   | Percentage |        |        |
|---------------------------------|------------|--------|--------|
|                                 | Dec-19     | Dec-20 | Dec-21 |
| Architects                      | 0,4%       | 0,3%   | 0,3%   |
| Building constructor            | 4,2%       | 4,9%   | 4,4%   |
| Veterinarians                   | 0,4%       | 0,3%   | 0,3%   |
| Occupational / physiotherapists | 2,7%       | 0,6%   | 0,0%   |
| Occupational therapists         | 11,8%      | 11,7%  | 11,7%  |
| Physiotherapists                | 10,6%      | 12,3%  | 12,6%  |
| IGU trainees                    | 0,0%       | 0,0%   | 0,3%   |
| Engineering assistants          | 16,7%      | 14,5%  | 14,6%  |
| Engineers                       | 14,1%      | 13,9%  | 13,5%  |
| Agricultural academics          | 0,4%       | 0,3%   | 0,3%   |
| Lawyers / economists            | 5,3%       | 7,1%   | 6,7%   |
| Office clerks                   | 0,4%       | 0,3%   | 0,3%   |
| Laboratory staff                | 0,4%       | 0,0%   | 0,0%   |
| Master                          | 19,0%      | 20,4%  | 21,9%  |
| Machinists                      | 9,5%       | 10,2%  | 9,9%   |
| Social workers                  | 0,0%       | 0,0%   | 0,3%   |
| Nurses                          | 1,5%       | 1,2%   | 0,9%   |
| Specially paid                  | 0,8%       | 0,9%   | 1,2%   |
| Civil servants                  | 1,9%       | 0,9%   | 0,9%   |

|              |               |               |               |
|--------------|---------------|---------------|---------------|
| <b>Total</b> | <b>100,0%</b> | <b>100,0%</b> | <b>100,0%</b> |
|--------------|---------------|---------------|---------------|

**Table 5: Budget of DWEA in 2019, 2020 and 2021**

|                  | 2019                                     | 2020  | 2021  |
|------------------|--|-------|-------|
|                  | Mio. kr. DKK (price and wage level 2021) |       |       |
| The DWEA's costs | 485,9                                    | 544,8 | 568,6 |

**Table 6: Number of proactive and reactive inspections for the last 3 years (2019-2020-2021 inclusive)**

|                       | 2019  | 2020  | 2021  |
|-----------------------|-------|-------|-------|
| Proactive inspections | 32250 | 34418 | 40958 |
| Reactive inspections  | 2531  | 2115  | 2368  |
| Total                 | 31781 | 36533 | 43326 |

**Table 7: Number of cars available for each region (east, north and south) to be used by the Inspectors**

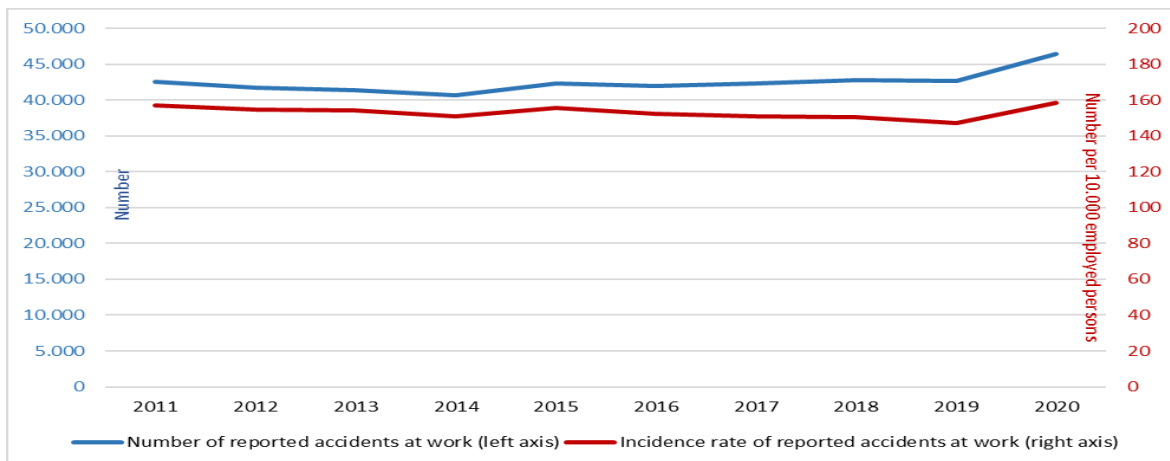
|              | 2019         | 2020 | 2021 |
|--------------|--------------|------|------|
|              | 9            | 0    | 1    |
|              | Company cars |      |      |
| Region east  | 27           | 25   | 30   |
| Region north | 21           | 20   | 20   |
| Region south | 3            | 3    | 2    |
| Total        | 51           | 48   | 52   |

**Table 8: Number of enforcement notices issued by the DWEA for 2019, 2020, 2021 which have been appealed and of those appeals how many they have been successful.**

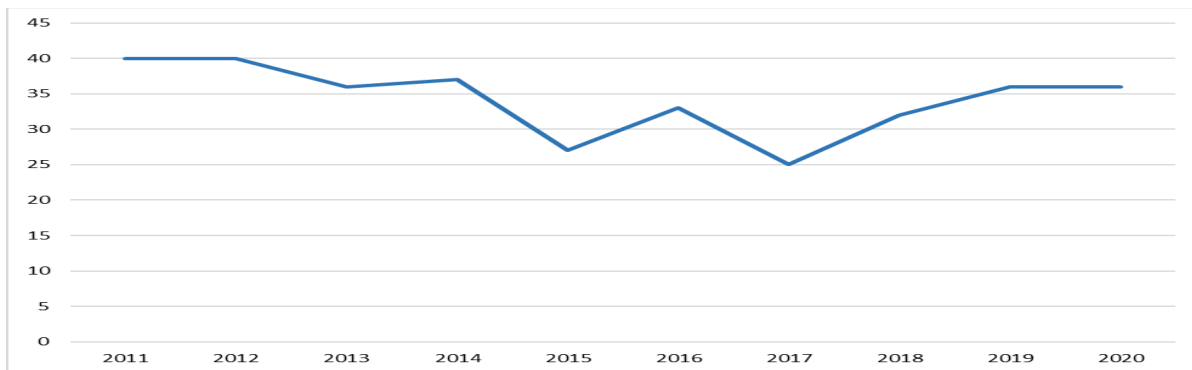
| Year | Appealed against the decisions | Complaint percentage (complaints regarding total number of decisions) | Retained in the committee |
|------|--------------------------------|---|---------------------------|
| 2019 | 360                            | 2,1 pct.  | 89 pct.                   |
| 2020 | 264                            | 1,7 pct.  | 90 pct.                   |
| 2021 | 270                            | 1,4 pct.  | 87 pct.                   |

## LIST OF DIAGRAMS

**Diagram 1:** Number and incidence rate of reported accidents at work 2011-2020 (Incidence rate is calculated per 10.000 employed persons).



**Diagram 2:** Number of reported fatal accidents at work 2011-2020.



**Diagram 3:** Number of reported occupational diseases 2015-2020 (Incidence rate is calculated per 10.000 employed persons).

