

Helmut Deden

Ministerium für Arbeit,
Gesundheit und Soziales
des Landes Nordrhein-Westfalen



Ministerium für Arbeit, Gesundheit und Soziales Nordrhein-Westfalen, 40190 Düsseldorf

Mr. Mikael Sjöberg
Director General
The Swedish Work Environment Authority

SE - 171 84 Solna

Sweden

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Aktenzeichen II A
bei Antwort bitte angeben

LMR Dr. Helmut Deden
Telefon 0211 855-3574
Telefax 0211 855-3705
helmut.deden@mags.nrw.de

Evaluation of the Labour Inspectorate system in Sweden from 15th to 19th September 2008

Dear Mr. Sjöberg,

attached please find the draft version of our report on the evaluation of the Labour Inspectorate system in Sweden. The report is concerted by mutual consent with the colleagues of the evaluation team.

It would be grateful if you

- could give us remarks or annotations on our findings,
- let us know whether there are particular aspects missing in your opinion
or
- could declare your agreement to the delineated results of the evaluation visit.

As chair of the evaluation team I will discuss your remarks with my colleagues of the team to finalize the report.

On behalf of the evaluation team I would like to thank you and your staff again for arranging a very successful evaluation week and for your co-operation with the evaluation process. The help and the information to

Dienstgebäude und Lieferanschrift:

Fürstenwall 25,
40219 Düsseldorf
Telefon 0211 855-5
Telefax 0211 855-3683
poststelle@mags.nrw.de
www.mags.nrw.de

Öffentliche Verkehrsmittel:
Rheinbahn Linien 704, 709
Haltestelle: Stadttor
Rheinbahn Linien 719, 725
Haltestelle: Polizeipräsidium

all of us throughout our visit and the kind hospitality we received was very much appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helmut Deden', with a long, sweeping underline.

Dr. Helmut Deden

SENIOR LABOUR INSPECTORS COMMITTEE (SLIC)

EVALUATION OF THE Swedish LABOUR INSPECTION SYSTEM

in the context of the

"Common Principles of Inspection"

15th – 19th September 2008

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A PREFACE

The responsibility for enforcing EU laws with respect to occupational health and safety (OHS) 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 tested against the SLIC's "Common Principles for Labour Inspectorates (LIs) regarding Inspection of Health and Safety at the Workplace". These are reproduced at Annex F1.

This is the second evaluation of the second round of SLIC evaluations, so it provides an opportunity to assess the effect of the evaluations, promote further improvements, share good practice, exchange ideas and experiences, and bring about consistency.

This report on the Swedish LI system is represented diagrammatically at Annex F2. It is based on a review carried out by an Evaluation Team comprising experts from the Austrian, British, Danish, German, Greek, Dutch and Slovak inspectorates. The review was informed both by a formal response to the Common Principles coordinated and provided by the Health and Safety Authority (SWEA) in Sweden and by the Team's observations and findings during a visit to Sweden (Stockholm, districts of Malmö, Linköping and Härnösand) in September 2008. Section B of the report is a summary of the team's conclusions and their recommendations. Section C describes the legislation, organisation, resources, and planning systems. The Team's findings are set out in Sections D to E.

Acknowledgements

The team would like to record its grateful thanks to Mr Mikael Sjöberg, Director General, Mr Bertil Remaeus, Deputy Director General, Mr Bernt Nilsson, Ms Karin Sundh Nygard, Mr Rolf Perlman and Ms Isabel Blomqvist.

In addition, the team would also like to thank those staff involved with the evaluation directly: Gunnel Crona, Elisabeth Frisk, Berndt Jonsson, Ingrid Andersson, Lief Sonderquist, Enver Berisha, Hakan Olsson, Minke Wersäll, Ulla Sernelius, Jennie Karlsson and Gunnel Gyllensvaan Erichs.

Apologies to any staff we have missed in this list, but we would like to extend our thanks to you all. Colleagues we met approached the evaluation in a frank, professional and helpful way, and without their support, this report could not have been written. We greatly appreciate their efforts in organising our visits and do not underestimate the strain on the individual inspectors involved, not only in carrying out their work under the scrutiny of observers but also in providing answers and information throughout the evaluation.

We would also like to thank Anna-Maria Luciano and Andrew Murray, of SLIC secretariat in Luxembourg, for their involvement in the preparation for the evaluation.

B SUMMARY AND RECOMMENDATIONS

B1 SUMMARY

The SLIC team was impressed by the Swedish LI.

The Common Principles (see F1) are well embedded though there are some indications that this may not be the same in the future. The reason for this development may be found in the recent reduction of staff and money.

	2006	2010	Reduction 2006-2010	Reduction per cent
Directors	44,0	29,0	15,0	34%
Inspectors	390,8	281,4	109,4	28%
Lawyers	17,0	16,0	1,0	6%
Assistants	88,2	45,1	42,1	48%
Sum	539,0	371,5	167,5	31%

We found several examples of good practice, which we believe, are worth bringing to the attention of other member states for their consideration:

- Inspectors – see D2 and E2
All team members were impressed by the commitment, and professionalism of the highly qualified inspectors they met. All approached their work with a positive attitude. In particular they demonstrated
 - A sound understanding of inspection techniques
 - Excellent communication skills
 - Independence
- Support – see D3
The Swedish inspectors have a good support. including
 - Mobil computer and computing system
 - Car
 - Mobil phone
 - IT-Support (SARA)
- Written advice
Inspectors prepare well for inspections.
For example
 - Before an inspection they send a letter to employers and employees outlining the aims of the inspection
 - Answer of employers and employees to the letter (this means the inspectors receive a reply to their requirements, request for info etc. before they go to the enterprise- they do it sometimes)

- Relevant information leaflets in different languages are provided during the visit
 - Official inspection notices are open to public on demand
- Planning of inspections – see D5
The surveillance index supported by the IT system SARA is a useful tool for finding the “right” enterprises to inspect. The inspectors aim to spend 40 % of their time out of the office to enable them to visit a large number of companies.
- Enforcement – see D4
Inspectors have a range of enforcement tools available (inspection notices, demands, fines) and use them in practice. This is enhanced by the system of safety delegates and the fact that inspection notices are open to the public.
- Organisation – see C3
Since the last evaluation in 1996 a single national organisation has been formed (SWEA) for OSH. The structure of each of the 10 districts is adapted to the needs of the district. At the time of the evaluation, a further management reorganisation was underway which involves bringing the districts together into 3 regions.
- Efficiency
The number of inspection notices has been maintained despite the reduction of the number of inspectors. Furthermore, the time accounting system and the surveillance index are important tools to aid high productivity.
- Strategy – see C4
The team found a high commitment from individual inspectors towards regional plans and a good balance between central and regional plans. In their former strategy, Sweden has acted consistent and with high conformity with objectives set out in the Community strategy on Health and Safety at Work 2002-2006.
Moreover planning is evidence based.
- Questionnaire survey - see annex F8
Last but not least the questionnaire survey is seen as a good practice for member states.
Together with internal audit, it is an excellent way to examine effectiveness of the LI. People taking part in the inspections leading to inspection notices with stipulations were asked to complete an electronic questionnaire containing about ten questions and were given the opportunity of communicating freely worded viewpoints. The response rate of 86 % was very high.
Questions dealt with:
 - The adequacy of communication with the inspector in the course of the inspection.
 - Whether inspection notices are sufficiently intelligible and clear.

- Whether stipulations in inspection notices touch on important work environment problems.
- Whether the work environment improves when stipulations from the Swedish Work Environment Authority have been complied with.

B2 - RECOMMENDATIONS

1. The team found some indications that the recent cuts have resulted in a reduction in
 - a. Continuing professional development
 - b. Communication between specialists
 - c. Training of established inspectors

Therefore, arrangements for ensuring that inspectors are all competent and confident to deal with the appropriate range of issues in the future should be reviewed. This includes a review of inspector training and the support from headquarter experts.

2. The team found limited evidence that the reduction in administrative assistance has an adverse effect on inspectors' productivity. The reduction in staff especially in assistants causes a higher amount of assistant tasks done by inspectors. This is resulting in a lower work outside the office. The team found in one district only 26 % work outside although the aim is 40 %. If the highly developed level of LI is to be retained then the reduction of staff, especially assistants, must be stopped.
3. On the one hand, the surveillance index is a useful tool to increase effectiveness of the inspectors work. On the other hand, the surveillance index needs to be developed because the team found some examples in SARA where the surveillance index did not lead to correct results.
4. Consider extending the use of standard clauses in order to increase the productivity of inspectors work.
5. The team found a reduction of inspections since 1996 (this is disappointing in view of the 1996 report). The reduction of inspectors may be the reason for that. The number of inspections should increase in the future. (ILO recommendation: 1 Labour inspector/10 000 employees)
6. Link the time accounting system with SARA.
7. Finalise national strategy for 2007-2012.
8. Elaborate indicators for measuring and monitoring the success of the strategy.

9. An evaluation of the plan of activity should be undertaken.
10. There is a monitoring system for checking progress against the annual plan, however in common with many member states, the system is performance driven and the targets are quantitative e.g. number of notices served, number of inspections. Inspectors also record the level of compliance on priority topics, which is somewhat of a qualitative check, but an enhancement would be to develop some more qualitative measures of the outcomes achieved, as a result of the inspections and enforcement activity carried out.

C INTRODUCTION

C1 OVERVIEW OF OPERATING ENVIRONMENT

Sweden has a population of approximately 9,2 million and after a period of robust growth, the business cycle is entering a more mature phase. The Swedish workforce is about 4,8 million. There are about 320 000 worksites in the SWEA's register and there are also 680 000 self-employed in the register most of whom work in agriculture and forestry.

There are 174 worksites with more than 1 000 employees and 256 434 (80%) with 1 to 9 employees. The Swedish economy is characterized by a high degree of internationalization, a very broad business sector and a large element of public sector activity, especially in the service sector. The labour force by sector in 2007 was agriculture (2 %), manufacturing (24%) and services (74 %). The focus in manufacturing is: iron and steel, precision equipment, wood pulp and paper products, processed foods and motor vehicles.

Traditionally Sweden has had a very high labour force participation. In 2005 it was 77 %. One of the government's economic policy targets is to achieve an employment level of 80 %. The unemployment rate is 6,1 %.

Government Structure

National Government

The statutory foundations are laid in the Work Environment Act (AML), passed by the Riksdag (Sweden's parliament). The Work Environment Act defines the framework of work environment regulation.

The Work Environment Authority has been tasked by the Government with issuing more detailed regulations on the subject. This is done by issuing, an own statute book, AFS, Provisions and General recommendations specifying the requirements to be met by the work environment.

Provisions can, for example, refer to hazards, mental and physical strain, dangerous substances or machinery. They are drawn up in consultation with the social partners.

Framing of Provisions by the Work Environment Authority

The Government has described the objectives which the Work Environment Authority is to pursue where Provisions for the work environment are concerned. These Provisions are to create healthy, safe and developmental work environments. They are to be made clear, accessible and are to concentrate on fields where Provisions are the best way of improving the work environment. Special consideration is to be given to the situation for SMEs.

Renewal, amendment and amalgamation of Provisions

Developing knowledge about risks and changes in working life, as well as new EU Directives, make the development of Provisions an ongoing task. Above all this is a matter of amalgamating and amending existing Provisions, especially through the creation of overarching Provisions. The overarching Provisions state in general terms what the work environment is to be like, and they facilitate the repeal of a number of Provisions on points of detail.

The Provisions are written by specialists

Centrally within the Work Environment Authority, a fifty or more handling officers specializing, for example, in chemical, psychosocial, ergonomic and technical issues are mainly tasked with drafting Provisions. They also participate, on Sweden's behalf, in the framing of EC Directives and standards. To maintain their specialist competence, they have to keep abreast of research and development in their respective fields, as well as keeping in close touch with the Authority's workplace inspectors.

The Provisions are rooted in working life

Regulatory work is generally very time-consuming, concerned as it is with formulating texts which are relevant and technically, scientifically and legally correct. In order to canvass viewpoints and discuss and establish new ideas at an early stage, SWEA co-operates closely with the labour market parties, industrial organisations and the appropriate national authorities. The specialists are joined in this work by lawyers, inspectors and information officers. We attach great importance to ensuring that the Provisions are as lucid as possible. The texts are examined by a language expert.

Proposals are circulated for comment

When Provisions have been drafted, the draft version is circulated for comment to the labour market parties, industrial organisations, certain national authorities and others concerned. In addition they are published on the Authority's website. The circulation (consultation) period lasts for about three months, to give the different organisations time to discuss things with their affiliated unions and member enterprises. Generally a number of alterations are made to the draft version after this circulation process. New Provisions are adopted by the Directorate of the Work Environment Authority. Provisions are printed but are also published on the Authority's website. They generally enter into force six months after adoption.

Provisions getting less numerous

The Riksdag and Government are calling on national authorities to simplify their regulations and to carefully consider whether a Provision is needed or whether the problems can be solved by other means, e.g. information. Since 1996, therefore, the Work Environment Authority has been steadily working to reduce the number of its Provisions. This endeavour has been successful, reducing the number of sections by 40 %. A plan has been drawn up for continuing the process of regulatory simplification. Several Provisions will be

amalgamated and many rules will be repealed. The process will also result in a clearer regulatory structure.

The Swedish Work Environment Authority (SWEA) is accountable to the Government of Sweden and is under the Ministry of Labour. The Government and Parliament task the national authority with implementing policy decisions.

SWEA work on their own responsibility, in accordance with the goals, guidelines and budget, which the Government issues in its annual appropriation warrant. The appropriation warrant also states what the Government requires the authority to report back in an annual report.

The Social Partners

There is a long Swedish tradition in the field of OSH whereby activities promoting acceptable working conditions are based on tripartism. There is regular consultation of the social partners in both strategic OSH matters as well as priorities for the general work of the Inspection Department.

The Government is drafting a Bill addressing the ILO Convention (187) and Recommendation on a Promotional framework. Based on this ratification, a new national strategy will be developed, also incorporating the activities required for considering the community strategy. SWEA discusses it at the regular meetings with the social partners.

For many years now, SWEA has had an established consultation procedure together with the social parties.

These are on the employee side:

- LO
- TCO
- SACO

On the employers' side are:

- the Confederation of Swedish Enterprise
- the Swedish Agency for Government Employers
- the Swedish Association of Local Authorities and Regions

The main emphasis of these consultations has been on decisions concerning new Provisions and on statements to the Government in connection with appeal cases. Due to a number of changes, which have been made in the structure of national authorities and to an impending reorganisation of appeal tribunals, SWEA now needs to devise new procedures for these consultations. Accordingly, from 2008 onwards the main emphasis will be on future activities and priorities.

Industrial consultative meetings take place at district level. At these meetings, operational planning is presented and current work environment issues made a topic of information or discussion.

Both centrally within SWEA and at district level, a number of conferences are held annually, for safety delegates of various kinds. In this was SWEA

disseminates information to this key group, at the same time as the safety delegates have an opportunity of broaching work environment problems in their various fields of employment.

There are, on a regular base, 5 – 7 times a year, formal meetings with the social partners to inform and discuss strategic activities of SWEA.

Safety delegates

The Work Environment Act enables employees to change the working environment through two institutions: safety delegates (sometimes called safety representatives) and safety committees. At all workplaces in Sweden with at least five employees, safety delegates are selected for three-year terms by the trade union with the most members in each particular industry. Today there are more than 90 000 safety delegates, and about one fourth of them are replaced each year. Large workplaces have several, and one of them serves as senior safety delegate. The Act entitles safety delegates to perform their tasks on working time. Safety delegates are entitled to order the suspension of work that involves “immediate and serious danger to the life or health of an employee and if no immediate remedy can be obtained through representations to the employer.” In such cases, the Work Environment Inspectorate must be summoned to make a final decision on what should be done.

The local trade union organisation may appoint a “regional safety delegate” whose work is sponsored by government funds distributed through SWEA. The main duty of the regional safety delegate is to stimulate safe work practices in small companies without safety committees. That day there has about 1 500 such “regional safety delegates” registered.

The effectiveness of safety delegates is based not only on their legal rights but also on education and training.

In the private sector, Prevent, a national labour-management collaborative body for the working environment, provides training and information materials in this field. Prevent (formerly the Joint Industrial Safety Council) has put together study packages for safety delegates and foremen. That day one million safety delegates and foremen have taken the 40-hour course “Better Working Environment” on paid working time.

The Development Council-Government Sector (Utvecklingsrådet för den statliga sektorn) formulates training and information policies and supplies training materials on work environment issues for the public sector.

The magazine “Du och Jobbet”, produced by the Swedish Work Environment Association (Arbetsmiljöforum), a non-government association, is sent free of charge to all safety delegates in Sweden. Every year the Association also publishes an English-language issue, Working Environment, which is distributed worldwide. The task of the Association is to promote good working environment through informational, publishing and service activities.

Over the past two decades, co-operation between employer and employee organisations at both the national and local levels has ensured the success of work environment programs. Work environment is one field in which the Swedish model has been successful. In addition, instrumental in creating good working environments has been co-operation between labour market organisations and public agencies.

SWEA always aims to have a safety delegate or other employee representative present at its inspections. In SWEAs experience, alternately addressing questions to employers and safety delegates augments the certainty of the inspector obtaining as comprehensive a picture as possible of the work environment conditions at the workplace.

If the safety delegate or employer or any other person at the workplace wishes to talk to the inspector in private, this request is normally acceded to. If, in the course of such a conversation, particulars emerge which form the basis of stipulations by SWEA, those particulars must be communicated to the other party.

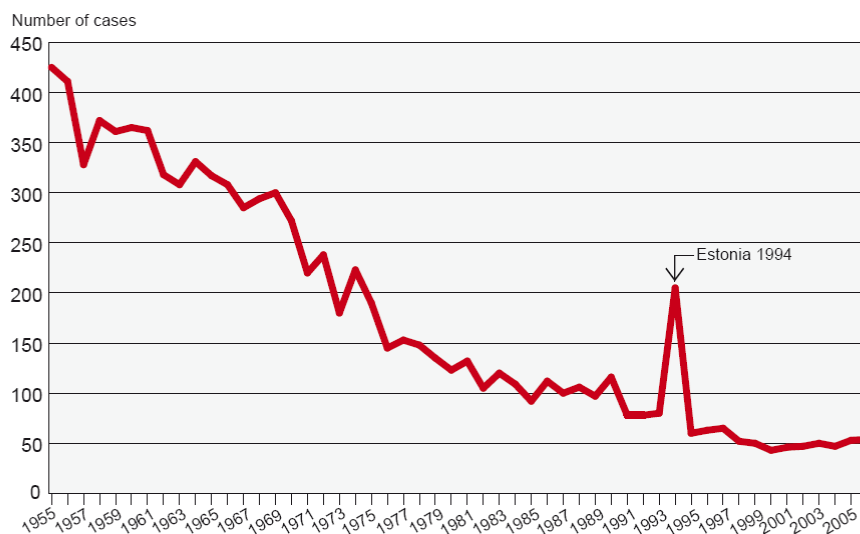
Occupational Health and Safety Statistics

Approximately 4,2 million people are employed in the Swedish labour market.

For 2006 the Social Insurance Agency has reported upwards of 30 000 work accidents resulting in at least one-day's sickness absence. This is 7 cases per 1 000 employed (or 700 per 100 000 employed). 60 % of the work accidents reported involved men. Reported work accidents entailing absence declined by about 13 % between 2003 and 2007.

In 2006 there were 67 fatal accidents, making 1,6 work-accident fatalities per 100 000 employees. In the long term, the number of fatal accidents at work in Sweden has declined steeply. The following diagram shows a rapid reduction until the end of the 1970s, followed by a slower decline until 2000. There has been no further reduction in the number of fatalities since then.

Fatal accidents at work in Sweden 1955-2006. Employees



A total of more than 14 000 work-related illnesses, i.e. illnesses due to some form of exposure at work, were reported in 2006. This makes 3 cases per 1 000 employees (or 300 cases per 100 000 employed). 55 % of the illnesses reported affected women. Compared with 2003, the number of work-related illnesses has diminished by half. Disorders reported are dominated by musculoskeletal complaints, followed by psychosocial disorders, hearing impairment/tinnitus, diseases of the respiratory organs and skin disorders.

For both sexes, taking the period (1995-2005) as a whole, there is a statistically significant rise in exposure to violence and threats.

Between 1993 and 2005, there is a statistically reliable increase, for both sexes, in sleep disorders caused by thoughts of their work. The main increase comes between 1995 and 1999. For men, the proportion with sleep disorders increases between 2003 and 2005.

The proportion with varied work shows a statistically reliable decline, for both sexes, during the period 1989-2005.

C2 LEGISLATION

Work environment legislation

The main enactment relating to the work environment is the *Work Environment Act* (1977:1160), which entered into force on 1st July 1978.

Numerous additions and amendments have been made to it since then. The Act contains basic provisions for the achievement of targets in the work environment sector. The statutory requirements are couched in fairly general terms, the reason being that the Act applies to practically the whole range of working life, with all its various branches of activity and forms of employment. Scope is thus left for adapting implementation of the Act to social and

technical developments. The Work Environment Act, thus constructed, is a typical framework enactment. Due to its general nature, it is often impossible to deduce directly from the Act itself what measures a party responsible for safety must take in order to achieve a satisfactory work environment, and so the Swedish system requires the framework to be filled out by means of more prescriptions that are detailed.

In Chap. 4 of the Work Environment Act, the Parliament has granted the Government extensive powers to issue prescriptions on the work environment. Subsequently, through the Work Environment Ordinance (1977:1166), the Government has relayed those powers to SWEA. There are at present upwards of a hundred SWEA Provisions in force, and they are binding. About 40 of them contain provisions, which carry direct penal sanctions. Infringements are punishable by fines. There are also three Provisions, which carry sanction charges.

As regards the content of the provisions, the earlier ones often contain detailed requirements, while those issued in recent years tend to contain requirements of a more functional nature. Another tendency is that provisions drafted nowadays are normally for general application, whereas earlier Provisions were often addressed to a particular industry.

SWEA is distinguished by their being tasked both with issuing implementing provisions to accompany legislation and with checking to see that employers and other parties in Sweden with safety responsibilities conduct their activities in accordance with the legislation and Provisions.

The European health and safety directives, the ones relating to social policy as well as the ones relating to internal market policy, started being transposed into Swedish legislation when Sweden became part of the European Economic Area, thus before the country's EU membership.

Rules fulfilling the requirements inherent in each directive have been published in the Statute Book of the Swedish Work Environment Authority (AFS). Often, a separate publication with provisions covering the directive in question has been elaborated. Sometimes, the requirements of a directive have been incorporated into a publication with provisions covering a wider scope than that of the EU directive.

The framework directive was transposed through the Work Environment Act and the Work Environment Ordinance, enacted by the Parliament, (Swedish Statute Book 1977:1160 and 1977:1166, with later amendments), complemented by provisions issued by SWEA (overview see annex F6). The most important of those are the Provisions on Systematic Work Environment Management (AFS 2001:1 and 2003:4).

In the last years, the number of provisions was reduced from 5 768 to 1 926 and updated. The provisions should be easy in aspects of access, structure and language.

C3 ORGANISATION AND RESOURCES

Labour Inspectorate

The Labour Inspectorate of Sweden is called the Swedish Work Environment Authority (SWEA). The organization changed a lot since the latest SLIC-audit in 1996. Since 1-1-2001 SWEA is the emulation of the former National Board of Occupational Safety and Health and 10 independent Labour Inspectorate Districts. The main purposes of this reorganization is to strengthen workplace supervision and to deploy the available resources to greater effect; efficient management of objectives and results in uniformity of assessment.

SWEA is headed by a Director-General appointed by the Government on a six years term. On October 1st 2008 SWEA started a new organization (see organogram annex F2). The 10 districts are divided in 3 inspection units: North, Mid and South.

During the audit in 1996 the number of inspectors was 416. In the years 2006-2010 the number of inspectors will be reduced from 391 down to 281. After the reduction this equates to approximately 1 inspector for every 17 000 in the working population which is notably above the ILO recommendation 1 inspector for every 10 000 in the working population.

SWEA's duties are set forth in the SWEA (Standing Instructions) Ordinance, (2007:913), issued by the Government. The Ordinance designates SWEA the administrative authority responsible for work environment and working hours issues except as regards employment on board ship.

The inspectors should be 40 % of their working time outside the office. In the office there is some additional contact time to employers and employees by phone. Reality is that in one district the inspectors work near 26 % of their working time outside. The main reason is the high amount of administrative load because the inspectors all have to do their own administration.

Finances

SWEA derives all it's funding from the Swedish Government and is now going through a process of scaling down of the nations administration. The SWEA budget will be reduced by a total of 160 MSEK (= 35 %) or € 17 M in 2007, 2008 and 2009. This reduction in the funding is impacting on the operations. As a consequence, each Office, will be reduced with 43 % and the experts department by 57 %. The inspection department will be reduced with 31 % in relation to the number in 2006. The reduction of management is 35 %; of inspectors is 27 % and of administrative staff 54 %. In 2010 the budget will be at the level of € 31,5 M.

C4 PLANNING

The Strategy

Sweden is preparing a new strategy for the years until 2012. The strategy is based on a ministers notice focusing on jobs:

“It is our task to reassert the work-first principle with full employment as our goal. Everyone who wants to and can work must have an opportunity to do so based on their own individual circumstances. The work environment is a very important factor in making this possible. Work environment measures must prevent ill health and accidents, but they can also contribute to the development of operations and individuals. The work environment can thus promote a long-term sustainable working life which enables as many people as possible to enter the labour market, develop and remain in work.”

The objectives of working environment are set in a new position:

“Working conditions must promote a long-term sustainable working life which enables as many people as possible to enter the labour market, develop and remain in work. Working conditions must therefore be such that they do not exclude certain groups or persons from work. It is also important that the work environment is such that it prevents ill health and accidents. Good working conditions can also help to increase productivity and thus increase growth and employment. Labour legislation must guarantee fundamental security for employees and provide flexibility and the opportunity to influence matters.”

In their former strategy, Sweden acts consistent and with high conformity with objectives set out in the Community strategy on Health and Safety at Work 2002-2006. The new Community strategy on Health and Safety at Work 2007-2012 and ratified in May 2007 should be a base for the new Swedish strategy, which is in preparation.

Until the new strategy is implemented the current Plan of Activity 2004-2006 is continued (see further section D).

The audit team is highly impressed by the development of the surveillance index created automatically from several sources of information. Though the team noticed the index is still in a process of calibration the system and its evaluation will be of great importance for other member states for selection objects for inspection as an aid for inspectors.

The audit team have noticed a high level of commitment from the individual inspectors towards annual plans. The different demands of the districts are in balance with the organisation of the district. Moreover, they are also in balance with central and regional plans. These plans are mainly evidence based.

The audit team thinks it is necessary for SWEA to elaborate indicators for measuring and monitoring the success of the new strategy. The impact of the current plan is not clear. For the future, it is important to evaluate the impact of the plans and projects.

D ORGANISATION

D1. PLANNING AND MONITORING

Planning

The overall planning of SWEA activities at national level comes out of SWEA long-term objectives as decided by the Director General and each SWEA department targets and priorities set on the basis of the annual targets, taking into account the annual Budget Bill which contains the Government's proposals on SWEA funding for the coming year.

A drafting group consisting of representatives of the districts and the management staff of the Head of Supervision prepares a draft after analysing surveillance needs. The drafting group's proposals are presented a number of times to the Inspection Department (AI) management group (Head of Supervision/Assistant Head of Supervision/Directors of Supervision for the ten AI districts), whereupon planning is finalised by the AI Head of Supervision. The Government's Appropriation Warrant, which also indicates matters on which SWEA is to report back to the Government after year end, is taken into account during the preparation of the draft.

After planning is concluded, an achievement contract is drawn up between the Director-General and the heads of the SWEA departments as well as between the head of AI and the heads of the 10 AI districts.

For 2008 objectives requested by the Government in the Appropriation Warrant focus on:

- "creating" work environment which prevents ill-health and accidents, is adapted to people's differing physical and mental capabilities and is developmental for the individual.

- uniform surveillance targeting the workplaces with the greatest risks of ill-health and accidents and products/substances entailing the greatest hazards to health

- clear, readily accessible and effective rules and standards.

In conjunction with these targets, SWEA is required to report to the Government at the end of 2008 on a number of specified topics e.g. market surveillance and simplification of rules for business enterprise.

The fact that SWEA is undergoing a process of adjustment to the spending cuts has an impact on its planning its activities. As part of this readjustment, the AI Department will have to define its operational priorities more clearly and use effective methods of inspection so as to improve the work environment for large numbers of employees. A new vision is currently being drafted in widespread collaboration with SWEA employees.

Contact time, focus of inspections on hazardous work environments with the use of the SARA surveillance index, special attention on systematic work environment management (SAM), uniformity and prosecution of surveillance transactions in accordance with SWEA Rules of inspection (RFI) remain a considered departmental strategy.

There are 23 national tasks for 2008, i.e

- Surveillance in the electrical/telecommunications equipment and automotive industries concerning assembly and monotonously repetitive work
- Surveillance in the engineering industry of companies' processing of accidents and incidents in order to identify direct and underlying causes
- Surveillance of the risks of threats and violence in public transport
- Surveillance of truck use (risk assessments, musculoskeletal ergonomics for truck drivers and truck drivers' knowledge)
- Surveillance of window installation in connection with the renovation of old properties
- Surveillance of care in regular housing (persons receiving domiciliary care) in terms of musculoskeletal ergonomics, violence/threats and traffic safety in connection with transport operations in the course of duty
- Surveillance of food stores with reference to musculoskeletal ergonomics
- Surveillance of fall hazards connected with the construction of single-family dwellings
- Surveillance of quartz and inhalable dust in connection with building, foundry work, quarrying and concrete
- Surveillance of privately operated preschools/schools
- SLIC campaign concerning handling of heavy metals in the construction industry and retail trade
- *Risk assessment* campaign during European Week for Safety and Health (>1 000 inspections were planned)

Regional tasks are determined by each district according to regional conditions and its own priorities. Furthermore, special consideration in each district is to be paid to the need for surveillance focusing on musculoskeletal ergonomics and on organisational and psychosocial conditions.

A further part of the districts' activities, which are obligatory and handled entirely by demand concern:

- handling of work suspensions by safety delegates
- handling of intervention requests from safety delegates
- handling of accidents, harmful effects and serious incidents
- handling of permit transactions
- surveillance under the SEVESO directive

Within SWEA regulatory activities, continues the process of simplification of legislation with the aim of facilitating employers' work environment

management and reducing the administrative overheads of business undertakings. At present, the following Provisions are being revised:

- on Chemical Hazards in the Working Environment,
- on Occupational Exposure Limit Values,
- on Laboratory Work with Chemicals,
- on Oils,
- on the rules on Restaurants,
- on Fusion Welding and Thermal Cutting,
- on Shunting Yard Work,
- on Sewerage and Lead,
- on Safety Signs and Warning Signals at Workplaces,
- on Diving Work
- on Workplace Design,
- on Building and Civil Engineering Work,
- on amalgamation and
- on Hazardous Atmosphere and Process Safety.

By reason of the new EC directive on machinery, new machinery Provisions will be adopted and certain other Provisions in the mechanical engineering sector amended. The appurtenant harmonised standards will be amended at the same time.

In the field of information activities, SWEA is building up its answering service, which will take care of all incoming questions not relating to transactions in progress. It also works on the maintenance and development of its website. The Information Division continues adding to the range of questions and answers and the commonest stipulations for the most hazardous industries and specialised fields.

Monitoring

Progress against plans is monitored regularly at all levels, i.e. monthly at the district management and the AI management levels, and monthly, three-monthly and annually at the Director-General's management level.

SWEA submits an annual report to the Government, presenting its activities in concentrated form with reference to a number of branches of activity, and also giving an account of the outcome of remits from the appropriation warrant for the preceding year. A financial section describes the employment of funding resources.

SWEA information system and annual report structure is well adapted to the needs of the SLIC annual report.

D2. INSPECTORS COMPETENCIES AND INDEPENDENCE

Recruitment

Recruitment is conducted by the district in which the inspector is to serve. SWEA central human resources division can provide any assistance needed. The union organisations also participate in the recruitment process but the district manager makes final decisions. The selection process is fair in terms of gender and race. At present, there are 164 women and 199 men inspectors.

Inspectors are not graded. All of them are appointed as Work Environment Inspectors. Most of the inspectors recruited nowadays have post-secondary (university or college) qualifications.

Training

All staff with supervisory duties, whether recruited by head office or the districts, undergoes a common foundation training programme which lasts for six months. This basic training is followed by individualised development measures over a three-year period.

In the Swedish LI are many offers for the training of established inspectors. However, there also were some indications that the necessary training of established inspectors is declining due to the cuts in financial resources.

Specialist support

On particular topics, depending on the size of the district, there are often inspectors with an advanced knowledge primarily of one specific safety field. If the competence required is lacking within the district concerned, the district possessing the competence can be contacted. In addition, the Regulation and Expert Support Department at SWEA head office includes specialists in certain fields who can be consulted when needed. Unfortunately, the number of specialists stationed centrally has declined considerably over the past year and will be further reduced by reason of the funding cutbacks.

As for Law consultancy, there are six lawyers available at the Legal Affairs Department of the head office, and at least one lawyer in every district, to ensure that inspections are conducted in accordance with work environment and administrative procedure legislation.

The various branches of working life have been grouped into 18 different industries, allotted between the 10 AI districts. The district responsible for an industry observes developments within the industry, proposes joint surveillance initiatives, judges the need for regulatory changes, new information and promotion activities and initiates cooperation within the industry's social partners at central level.

Independence

Chap. 1, Section 9 of the Constitution Act requires courts, administrative authorities and other bodies in the public service to respect universal equality before the law and to observe objectivity and impartiality. Further to this provision, The Public Employment Act forbids national government employees

to have sideline occupations, which are liable to impair public confidence in the employee concerned. Sweden takes a restrictive line on the permissibility of sideline occupations.

D3. PREVENTION, PROTECTION AND ASSISTANCE FOR INSPECTORS

Cars/ travel

Journeys are undertaken using the inspector's own car, a SWEA vehicle or a rental car. Public transport can also be used in big cities.

Use of the inspector's own car qualifies for SEK 32 reimbursement per 10 km. To be used for official travel, the inspector's car must have

- an air bag for the driving position,
- three-point seat belts for the seats in use,
- a head rest/neck rest for the seats in use,
- a service weight exceeding 1 000 kg,
- a catalytic converter.

It must also meet the 1993 EU requirements concerning exhaust fumes.

If an inspector travels at least 7 000 km annually in the course of duty or has at least 66 days' executive proceedings and an annual mileage of not less than 4 000 km, he is entitled to an *official car* which is owned by a leasing company. SWEA has about 200 official cars at present. The inspector may also use the car for private purposes, in which case there is a gross salary deduction of between SEK 1 500 and 3 000 monthly, depending on the purchase price of the car. All car maintenance, fuel costs for travel in the course of duty, as well as parking charges are fully reimbursed by SWEA.

Where necessary, SWEA has provided inspectors with a charge card.

The inspector receives compensation for the actual cost of accommodation for overnight stays. Agreements have been signed with selected hotels.

Violence/ safety

Although threats and violence are extremely uncommon in the context of labour inspection activity, routines and rules for measures of prevention and subsequent assistance are in place.

D4. INSPECTORS POWERS

Inspectors' powers are in full compliance with the common principles. Although inspectors are allowed to enter workplaces without notice, most of the inspections are pre-announced. This enables labour inspectors to meet both employers' representatives and safety delegates during the inspection. Most construction site inspections are unannounced.

Sanctions the labour inspectors are empowered to use, are

- Inspection Notices
- Injunctions
- Prohibitions

Inspection Notice

An inspection notice states the deficiencies and hazards revealed by the inspection and a deadline for the measures to be implemented by the employer. Although the notice does not have any direct legal consequences, and therefore cannot be appealed, it seems to be taken seriously by the employers, and thus represents the most efficient and frequent tool for inspectors to use.

Injunction

A binding injunction is issued by SWEA in case no statement has been received from the employer in response to the notice or if SWEA is not fully convinced that the employer will have taken the measures concerned within the allotted time. The decision is made by the head of the district. It can since the 1st of July 2008 be appealed to an administrative court.

Most injunctions/prohibitions are issued subpoena, i.e. carry a contingent fine which the employer can be made to pay if the injunction/prohibition is not complied with. This decision is made by an administrative court on application being made by SWEA. The court has only to decide whether the injunction/prohibition is formally correct and must not undertake any assessment of the case on the merits.

If SWEA does not issue the injunction/prohibition subpoena, a party representing the employer (manager, supervisor) can be fined or sentenced to up to one year's imprisonment by a common court. In this case a prosecutor must file proceedings against the right person within the undertaking and prove that person to have infringed the injunction/prohibition either wilfully or by negligence. Because litigation of this kind is often expensive and not always successful, SWEA has normally found the issue of injunctions/prohibitions subpoena to be the most effective course.

Prohibition

Prohibition is applied when the inspector judges there to be an immediate and serious risk of accidents or ill health. It can only be issued after the inspector contacts his superior on the phone. In case this is not possible, or the danger is so immediate and serious that there is not even time to make a phone call, the inspector can issue an immediate prohibition on his own authority. Such a decision of this kind is temporary and the inspector must notify the decision-making officer of the temporary prohibition on the following day at the latest.

D5. GUIDANCE FOR INSPECTORS

Inspectors have various types of guidance at hand: Provisions, Guidance Memoranda, official regulations, templates, checklists, questionnaires, etc.

Provisions of the Work Environment Authority give effect to work environment legislation. The number of Provisions and rules is continuously being reduced by the regulation and expert support (RE) Department for the sake of simplification. Further guidance is obtainable from Government appeal case law. The principal Government decisions are collected on the SWEA intranet. The inspectors often refer to experienced colleagues and to the specialists of the RE Department.

There are 30 Guidance Memoranda, which have been produced to ensure greater uniformity in the assessment of risks and the issue of stipulations. A Guidance Memorandum is not a binding official regulation to be automatically complied with in every situation but it is based on previous experience from surveillance activities, and it is to be followed in the majority of situations.

Official regulations govern the actions and conduct of the inspector in various situations. A person in breach of a binding official regulation can formally be held liable for dereliction of duty. However, an official regulation often includes parts, which are not binding but are to be regarded as recommendations, which often express one suitable way of meeting the regulation's requirements. It enables the inspector to have a certain scope for discretion so long as he keeps within the framework of the regulation.

One of the criteria for the selection of objects for inspection is a "surveillance index". All workplaces in the SARA register have an individual index rating (1, 2 or 3) which is computed automatically on the basis of adverse points scored for the following ten variables:

- work injuries occurring at the workplace
- work injuries for the industry
- sickness allowance paid
- No. employees at the workplace
- occurrence of certain types of document suggesting work environment problems
- SAM status at the workplace
- last inspection of the workplace
- No. complaints laid under Section 2 of The Work Environment Ordinance (AMF)
- demands of the work and degree of direct control/influence
- fatal accidents in the industry to which the workplace belongs

10 % of all workplaces, i.e. the 10 % of the workplaces with the highest adverse scores, receive an index rating of 1, the next 20% are rated 2 and the remaining 70 % are rated 3.

The inspector has a discretionary power of inspecting workplaces other than those belonging to index group 1, great importance being attached to the inspector's knowledge of the individual workplaces.

There are various inspection methods designed to make the inspections more focused, specific and effective and at the same time to ensure uniformity across the various districts:

- *Normal inspection* is the most common type when the inspector taking a holistic view of the work environment, with technical, chemical, ergonomic and psycho-social hazards all made visible. The risks and deficiencies identified are linked to the quality of the employer's systematic work environment management and the routines applied. Stipulations are made with reference, not only to concrete deficiencies but also to systematic deficiencies.
- *Targeted surveillance* is used for inspections of a limited risk zone and is planned and conducted in a project form. Modified guides and checklists are produced for these inspections. This method is usually supplemented by information measures addressed to stakeholders and the media (e.g., European campaigns). Focus inspection is an example of targeted surveillance focusing on organisational and psychosocial problems of the work environment. This type of inspection proceeds through structured group interviews, focusing on the employees' perception of the work environment. The procedure is for a sample population of employees to gather for discussions in small homogeneous groups to provide for a comprehensive and reliable picture of reality. It ends with feedback reporting to the management and safety delegates of the undertaking inspected. The final assessments are then presented in an inspection notice, and a follow-up inspection takes place about a year later.
- At *two-stage inspection*, the employer is asked to inform the inspector on his view of the hazards of the workplace and the ways they are being addressed. This information is analysed and forms the basis of the inspector's design of the agenda for the inspection, which then follows. So far, this method has been used for inspection of psychosocial or ergonomic hazards.
- *Macro inspection* is used for inspecting employers carrying on business in many units or at a large number of geographically widespread workplaces. A number of inspections are made of a selection of workplaces sufficient to furnish an adequate body of data. The results of these inspections are assessed with reference to the risk factors identified in many workplaces and with reference to rules and routines concerning SAM. Finally an inspection is carried out at management level and the overall assessment of the outcome presented, e.g. advice that the stipulations which are going to be made apply both to source of risk in the operation and to SAM routines. A particular methodology has been developed for inspection of big companies with activity all over the country. Among others multiple chain stores as IKEA have been inspected in this way.

- *Targeted remedial stipulations (RÅK)* is used for reaching many inspection objects simultaneously, e.g. in the same industry. Well-known and identified risks are chosen and the employers are then asked to inform SWEA whether they have these risks and, if so, what preventive measures have been taken. Employers not furnishing satisfactory information or not replying become a subject of inspection.

Inspectors have various tools at hand to collect data which they need, e.g. checklists, questionnaires and group interviews, accompanied by an assessment support which the evaluation team finds very helpful and effective.

Internal communication

Internal communication arrangements are at a high level. All personnel have access to SWEA intranet, the Internet as a source of information is open to all associates, e-mail is very extensively used for communication. Every inspector is issued with a mobile phone. Video conferences are being held more and more frequently for communication among districts, proving to be a really effective tool that saves time and money .

E METHOD OF INSPECTION

E1 ENSURING COMPLIANCE WITH EU LAW

Objectives of inspection

The Rules for Inspection (RFI) adopted in April 2008 and in force from 1 July 2008 describe the approach to workplace inspection, which is defined as

“A supervisory input carried out in the form of visits to a workplace to check for the existence of work environment deficiencies which can entail a risk or ill-health or accidents or which mean that the work environment is bad in some other respect. The purpose of the inspection is to induce the employer to take action in cases where shortcomings are found with respect to the work environment or SAM. In exceptional cases, an inspection may be carried out away from the employer’s premises. Visits to other parties with safety responsibilities, e.g. developers (clients), planners and manufacturers, for the purpose of inspecting their discharge of those responsibilities, also count as inspection.”

The RFI supercedes a number of earlier documents and provides a clear link between national strategies and plans and the focus of inspection. It states that

“SWEA supervision focuses mainly on activities where the risks of ill-health and accidents are greatest”

The SWEA plan of Activity 2004-2006 identified 6 priority employment sectors based on statistical and survey evidence of the incidence of occupational disease and accidents. These are

- Health care
- Social services
- Schools
- Construction and civil engineering
- Transport
- Timber goods

This plan was extended into 2007-2008 to allow SWEA to cope with organisational and financial change but the updated plan until 2012 is nearing publication. The evaluation team were informed this would also be risk based.

Inspection in practice

The evaluation team divided into 3 groups and spent 3 days visiting with inspectors in Malmö, Linköping and Härnösand. This enabled the team to observe inspections in a variety of workplaces covering a broad range of size, complexity, and compliance.

We observed a high level of commitment from individual inspectors towards annual plans and felt there was a good balance between centrally prescribed and regional projects. Inspectors demonstrated a sound understanding of national priorities.

In accordance with the RFI (3.1.2-Preparation) prior notice was given of each inspection. This included details of the purpose of the inspection, the matters, which would be examined, and the documents, which should be available.

The inspectors were well prepared for visits having checked out information held by SWEA about the workplace and employer (SARA) as well as relevant industry and topic standards.

The “surveillance index”, which is still under calibration, is a useful tool as an aid to the selection of sites for inspection and inspectors used it to inform though not prescribe their selection, while acknowledging that priority should be given to sites with index rating 1.

The rules for Systematic Work Environment Management (SAM) formed the basis for each inspection irrespective of the size of the enterprise. Each visit began with a discussion with the employer and safety delegate about the management arrangements to control risk. Where relevant this included examination of documents such as plant inspection reports and training records. Following this, an inspection of the workplace was carried out to test the arrangements.

The evaluation team was impressed by the holistic yet targeted approach taken by inspectors who considered safety, occupational health, and psychosocial issues in the context of the industry sector.

Employee safety delegates were actively involved during almost all inspections and have an extremely important role in the Swedish system. However the team notes that there are about 320 000 worksites in Sweden and around 90 000 safety delegates a third of whom have, according to Trade Unions, received no training for their role.

All the inspections observed were of the “Normal” type and the team had a limited opportunity to consider the impact of organisational audits of multi-site employers. These may become more important if resources remain constrained. We do however recognise that SWEA has a coherent suite of inspection methodologies.

E2 Obligatory Surveillance

Obligatory Surveillance is governed entirely by demand and accounts about 15 % of the resources of the labour inspectors. Obligatory surveillance includes

- handling of work suspensions by safety delegates,

- handling of intervention requests from safety delegates under Chap. 6, Section 6a of the Work Environment Act,
- handling of accidents, harmful effects and serious incidents,
- handling of permit transactions and
- surveillance under the SEVESO directive.

Safety delegates as the representatives of the employees have a strong position in the Swedish OSH system. A Safety delegate is allowed to suspend work if a particular job involves immediate and serious danger to the life or health. In these cases, SWEA has to carry out an inspection visit without delay and has to decide whether or under which conditions work can continue. The inspectors must ascertain whether the parties have attempted to resolve the issue in joint consultations (RFI 4.1). We heard that this is possible in many of the cases (annually about 100 in Sweden).

A safety delegate who believes that measures need to be taken to achieve a satisfactory working environment can approach the employer and request such measures (Chap.6, Section 6a of AML). If the employer fails to, the safety delegate may contact SWEA. In some cases, the safety delegates seek advice from SWEA on the best approach. It is the duty of the inspectors to handle these cases with care. Unlike suspension of work by a safety delegate these "6 6a" representations do not require an immediate decision and usual rules of inspection come into play.

The inspectors are well trained to communicate with safety delegates as well as with employers. We observed high social and method competence in this field.

Accidents have to be reported to the district by the employer. In the case of fatalities, severe injuries or those affecting several employees the notification is reported immediately by telephone. Since 2007 the accident notification can be entered directly onto the SWEA website. On receipt of a notification, SWEA can decide to take no further action, request the investigation report from the employer, or carry out an inspection

The head of AI in the district decides what supervisory measures are taken. On the other hand, the inspectors contact the superior if they feel that an investigation needs to be broadened.

We noticed that accident investigations were carried out with accuracy and based on systematic observations of the workplace coupled with interviews of the involved persons. The risk assessment and the employers own investigations are also an important source of information to the inspectors.

The surveillance of the companies falling under the **SEVESO directive** is conducted by specially trained inspectors. They have a specific occupational background for this task - most of them are chemists. The number of these inspectors depends on the number of sites in the region. In the northern districts are less than in the central and southern parts of Sweden. A close exchange with the inspectors in the other districts who also handle the

SEVESO directive is provided by video conferences between the inspectors and partly with other authorities. Special training is also provided at the head office in Stockholm and there is an annual meeting of all inspectors who are concerned with the SEVESO directive. The inspections are carried out as structured group interviews regarding the organizational and procedural structure in connection with purchasing, transport, storage and handling of chemicals. The surveillance includes both checking of important documentation and on-site visiting. The inspectors use special interview guidelines and checklists drawn up by the SEVESO group.

We found that these inspectors are well trained in the inspection of safety management systems and to deal with directors and chief executives in the plants. However, we suspect that the recent cuts can cause a reduction in continuing professional development and communication between the specialists.

E3 Action taken as a result of an inspection

With employers

After the visit and within 3 weeks an inspection notice is sent to the employer and a copy to the safety delegate. The inspection notice is not a legally binding document but a description of findings, an indication of which measures should be taken, a time limit for improvements and a time limit for response from the employer. Recommendations and further information are often added.

Subsequently a written or verbal report to SWEA is expected from the employer.

More than 45 % of the inspectors` visits result in these written orders for improvements of the working environment. Only 450 of these 22 500 orders go on to the stage of injunctions or prohibitions. Some 20 cases per year lead to proceedings in a court of law.

In case of an accepted written order the employer has to make a verbal or written report to SWEA explaining the measures taken in response to SWEA`s stipulations. The reports are evaluated and in some cases, a follow-up visit is made. The number of follow-up visits has grown in recent years.

We observed that the inspections took place in an open and easy manner. At all visits, the inspectors carefully explained to both employer and safety delegates the reason for the visit and possible outcomes.

At the end of the visit, a summary and an explanation of actions to be expected from SWEA were given to both employers and safety delegates in an understandable and very helpful way.

With employees

Where relevant the inspectors had contacts with employees during the visits and were able to ask and answer questions and explain the reason for the visits. The overall approach by inspectors was positive and helpful.

With safety representatives

The role of the safety delegates is central to the Swedish system and during the visits safety delegates were paid great attention by inspectors. They appeared qualified and at the visits, it was common for them to take part in discussions and explanation of how work was done.

Safety delegates were contacted at the very beginning of the visits and information from them was used as part of the basis for the inspectors' conclusions. They also play an important role in the communication between the inspector and the enterprise when the inspection notice is served and later on when information is given to SWEA confirming that measures have been taken.

Recording of information

Results and findings of the inspections are used for updating the information on the enterprise in the SARA and possibly influence the 3-part categorisation of the enterprises in the system.

Public knowledge of stipulations at specific enterprises is available via a brief summary of the inspection on the SWEA website.

F ANNEXES

F1 The Common Principles

The common principles, whose application is vital in all states, concentrate on the implementation and enforcement of EU legislation. They address the Council and Commission view that “the effective enforcement of Community law is a precondition for improving the quality of the working environment”. To ensure that effective implementation and enforcement is delivered at operational level, LIs must:

Planning and monitoring

- (i) prepare annual plans of work setting out the priority areas for action for the year and detailing the inspection and other programmes that will be necessary to deliver the plans¹;
- (ii) set up systems for monitoring progress against the annual plan, and for establishing the data needed for the SLIC Annual Report;

Inspectors' competencies and independence

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

Prevention, protection and assistance for inspectors

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

¹ The plans should also reflect the needs of the SLIC Annual Report, which will be one of the tools used in the evaluation of the application of these Common Principles.

psychological care.

Inspectors' powers

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

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

Guidance for inspectors

- (viii) set out in writing the approach to be taken by inspectors at visits to workplaces and indicate the action which should be taken in particular circumstances (see paragraph 11 below);

Internal communications

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

11 The approach to be taken during an inspection must include a physical examination in the workplace of working practices, standards and conditions, and discussion with representatives of the employer and with workers' representatives. It is important when investigating work-related accidents or cases of ill-health that whenever necessary and possible, the person affected is interviewed. Within the core principles, examination and discussion should be focussed on ensuring compliance with applicable national legislation, including that resulting from the transposition of EU law. Following an inspection, the inspector must be in a position to take appropriate action,

based on the legal powers of the inspector within the MS. Such action may include the use of sanctions which the inspector is empowered to use.

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

Ensuring compliance with EU law

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

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

With respect to the employer

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

With respect to the employees

- (v) to ensure that workers representatives are informed about the inspector's conclusions, and that any written reports given to the

employer, are made available to the workers representatives, who should also be informed of the responses given by the employer. Such reports should not include information confidential either to the employer or employees (see section 10(vii) above).

With respect to other organisations

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

With respect to records kept for internal LI use only

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

The developmental principles

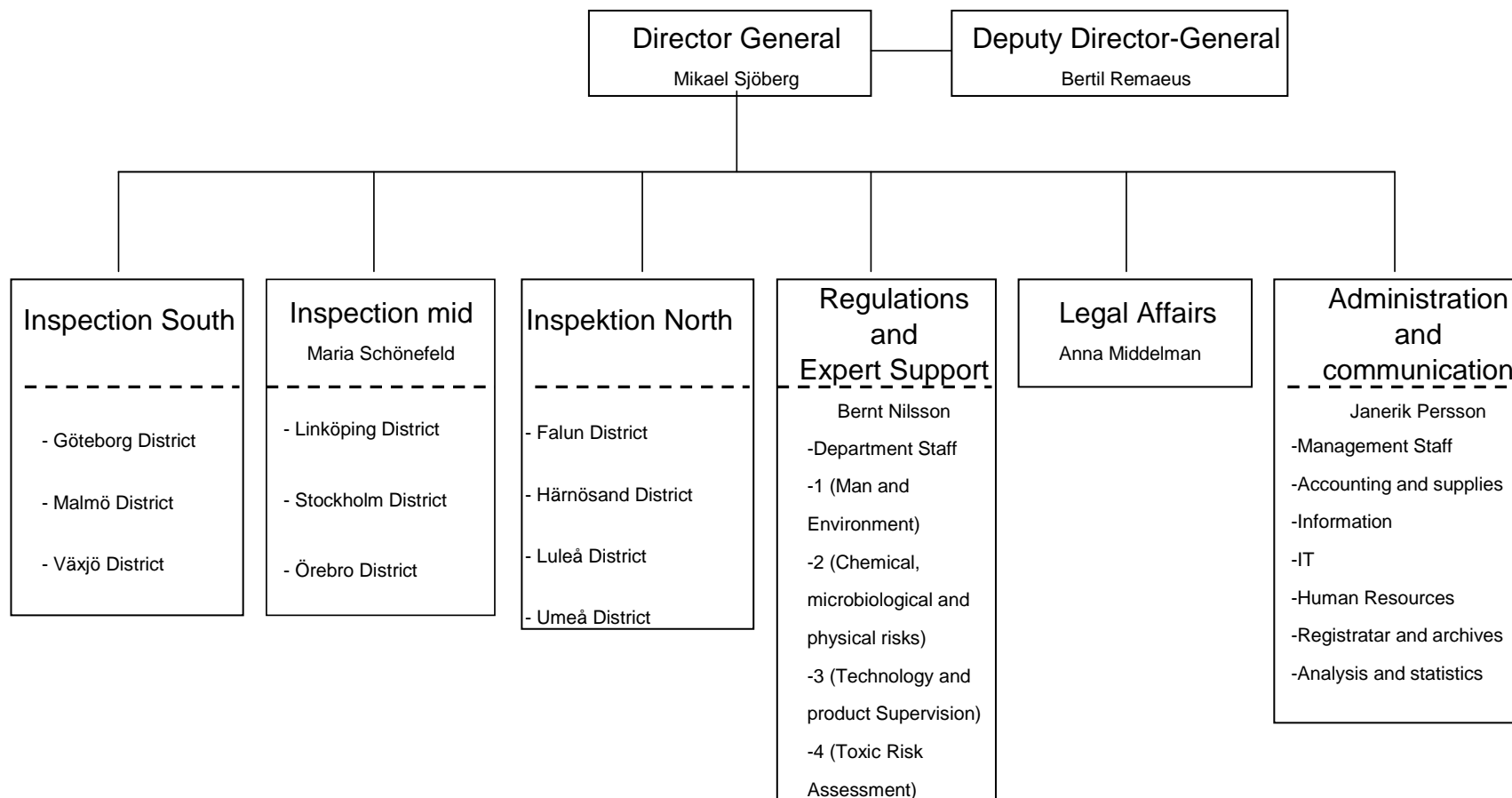
12 The developmental principles address the broader aims of the Community Strategy. Some will already be a reality in several LIs; some will be aspirational in most LIs. While it is important to maintain the priority for those functions concerned with enforcement of the law, which only labour inspectors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

- (i) develop better understanding of the integrated, holistic approach, to encourage an open-minded culture in the LI and make inspectors more aware of the role they can play in the promotion of well-being at work;
- (ii) encourage the development of partnership working between the LI and other stakeholders who can influence the well-being at work approach;

- (iii) ensure that work plans and priorities take into account the changing economy, changing patterns of employment and their influence upon health and safety issues and priorities;
- (iv) ensure that inspectors are suitably trained in the emerging issues, and that specialist support is aligned with the changing priorities and perspectives;
- (v) develop systems for monitoring inspection processes, techniques and activities, which take into account international approaches to quality management

F2 Organisational Chart

Swedish Work Environment Authority new organisation starting October 1, 2008



F3

Districts of SWEA



Annex F4

SWEAs duties

1. supervising compliance with work environment and working hours legislation and environmental legislation, to the extent indicated by the Surveillance (Environmental Code) Ordinance (1998:900),
2. work environment surveillance under the Tobacco Act
3. issuing Provisions and General Recommendations by authority of work environment and working hours legislation,
4. issuing Provisions and General Recommendations to the extent indicated by the Provisions on Contained Use of Genetically Modified Organisms, the Plant Protection Ordinance and the Biocidal Products Ordinance,
5. having charge of Sweden's official work injury statistics,
6. having charge of the Work Injuries Information System (ISA),
7. observing developments in the work environment sector and taking the initiatives needed,
8. producing and distributing information in the work environment sector,
9. observing and promoting, in collaboration with the authorities and NGOs concerned, the development of occupational health services,
10. promoting co-operation between employers and employees in the work environment context,
11. assuming sectoral responsibility for disability issues in the work environment sector.

Annex F5

Relationships with other Inspection Bodies

SWEA is one of 14 Swedish sectoral authorities responsible for the realisation disability policy. That responsibility is defined in the Government's appropriation warrant.

Apart from SWEA, there are other supervisory authorities with partly overlapping areas of surveillance, which can sometimes result in certain activities being visited/inspected by more than one supervisory authority. The authorities in question include:

- Järnvägsstyrelsen (the Swedish Rail Agency) The Agency supervises safety on the rail-way, tramway and metro systems. A co-operation agreement exists with the Swedish Rail Agency. An English translation of the agreement (Co-operation between SWEA and the Swedish Rail Agency)
- Elsäkerhetsverket (the Swedish National Electrical Safety Board). Official regulations exist concerning the interface with this authority. SWEA is represented on the Board's governing body.
- Försäkringskassan (the Swedish Social Insurance Agency). A co-operation agreement exists with the Social Insurance Agency.
- Statens Strålskyddsinstitut (the Swedish Radiation Protection Authority). Official regulations exist concerning the interface with this authority. SWEA is represented on SSI's governing body.
- Statens Kärnkraftsinspektion (the Swedish Nuclear Power Inspectorate)
- Sjöfartsverket/Sjöfartsinspektionen (Swedish Maritime Safety Inspectorate). A co-operation agreement exists. Work environment surveillance of ships under AML is carried out by the Inspectorate with some assistance from SWEA.
- The Swedish Board for Accreditation and Conformity Assessment, SWEDAC
- Police and prosecution authorities. SWEA has established advanced co-operation with these authorities for the investigation of work environment offences under the Penal Code and infringements of SWEA Provisions carrying direct penal sanctions. Routines for this purpose are defined in official regulations. Meetings together with representatives of police and prosecution authorities take place at both central and district levels.
- Statens Haverikommission (the Swedish Accident Investigation Board) is tasked with investigating severe accidents of every kind, whether on shore, at sea or in the air. SWEA co-operates with the Board on occasion.
- Socialstyrelsen (The National Board of Health and Welfare). A co-operation agreement is in the process of being drafted.
- Skolverket (The Swedish National Agency for Education). A co-operation agreement is in the process of being drafted.

Annex F6

Overview of provisions

- Anaesthetic gases
- Asbestos
- Building and civil engineering work
- Chemical hazards in the working environment
- Contained use of genetically modified micro organisms
- Diving work
- Dock work
- Ergonomics for the prevention of musculoskeletal disorders
- Laboratory work with chemicals
- Ladders and trestles
- Laser
- Manufacture of certain vessels, piping and installations
- Mast and pole work
- Microbiological work environment risks
- Motor fuels
- Occupational exposure limit values and measures against air contaminants
- Pesticides
- Rock work
- Synthetic inorganic fibres
- Systematic work environment management
- Temporary lifting of persons using cranes or trucks
- Testing at over or under pressure
- Thermosetting plastics
- Use of chainsaws and brush saws
- Use of lifting devices and lifting accessories
- Use of personal protective equipment
- Use of pressure retaining devices
- Use of work equipment
- Victimization at work
- Violence and menaces in the working environment
- Work in checkouts
- Work in confined spaces
- Work with display screen equipment
- Work with laboratory animals
- Workplace design

Annex F7

SWEA Statistics

	Result		Change	
	Jan - Dec 2007	Jan - Dec 2006	Numbers	%
Workdays inspecting/informing etc	26 686	28 285	-1 599	-6
Visit to workplaces	36 302	39 984	-3 682	-9
Inspection	22 978	25 784	-2 806	-11
Visit together with college	11 931	14 202	-2 271	-16
Workplaces visited	20 415	22 460	-2 045	-9
Inspection notices (IN)	14 192	14 882	-690	-5
Demands in IN	54 594	61 722	-7 128	-12
IN without demand	222	270	-48	-18
Targeted Remedial Stipulations	1 758	2 048	-290	-14
Intended injunctions and prohibitions	1 184	1 333	-149	-11
Injunctions and prohibitions	761	865	-104	-12
- with fine	648	760	-112	-15
Prosecution notice	237	222	15	7
Stopped work by safety delegate	98	121	-23	-19
Reports, accident investigations	274	369	-95	-26
Reports, chemical agents etc	112	163	-51	-31
§2 reported work related accidents	10 499	9 168	1 331	15

Annex F8

Questionnaire survey

Questionnaire survey

Inspections carried out between January and March 2007 leading to inspection notices with stipulations. Persons taking part in the inspections were asked to complete an electronic questionnaire containing about ten questions and were given the opportunity of communicating freely worded viewpoints.

999 invitations to employer and employee representatives resulted in 855 replies, giving a response rate of 86%.



Questionnaire survey

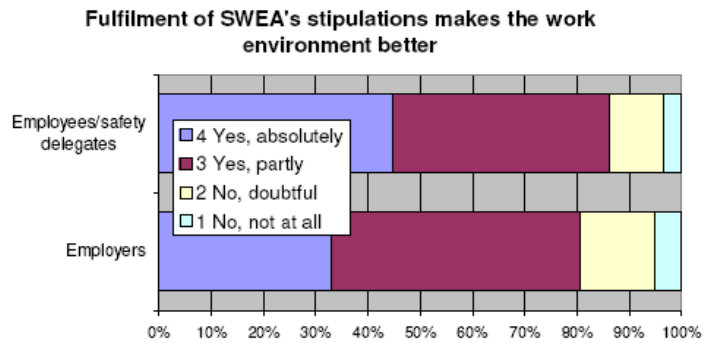
Questions:

- The adequacy of communication with the inspector in the course of the inspection.
- Whether inspection notices are sufficiently intelligible and clear.
- Whether stipulations in inspection notices touch on important work environment problems.
- Whether the work environment improves when stipulations from the Swedish Work Environment Authority have been complied with.



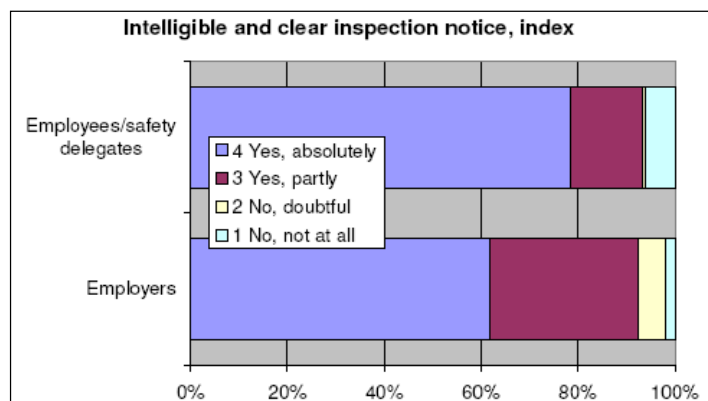
Questionnaire survey

SWEA's stipulations lead to a better work environment
– employers/employees Stipulations



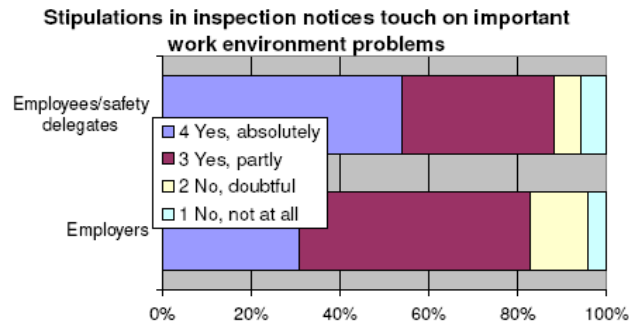
Questionnaire survey

Intelligible and clear inspection notice – employers/employees



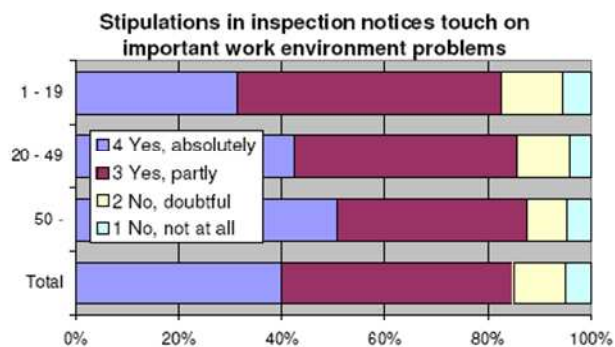
Questionnaire survey

Stipulations in inspection notices touch on important work environment problems – employers/employees



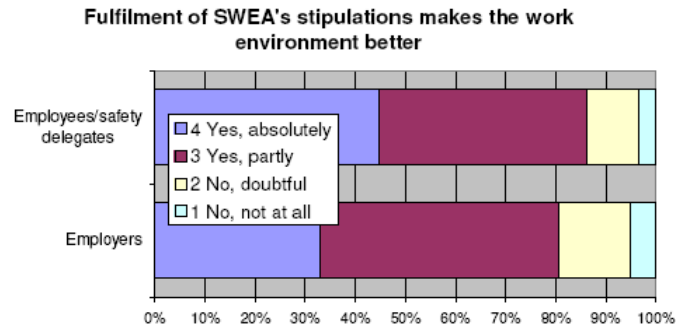
Questionnaire survey

Stipulations in inspection notices touch on important work environment problems – no. employees



Questionnaire survey

SWEA's stipulations lead to a better work environment
– employers/employees Stipulations



Annex F9

Glossary

AFS	Provisions of the Work Environment Authority
AI	Inspection Department
AMF	The Work Environment Ordinance
AML	The Work Environment Act
Arbetsmiljöverket	LI of Sweden
CE	Chief Executive
ILO	International Labour Organisation
LI	Labour Inspectorate
LO	Swedish Trade Union Confederation
OH(&)S	Occupational Health and Safety
RE	Regulation and Expert Support Department
RÅK	Targeted stipulations
RFI	Rules for Inspection
Riksdag	Sweden's parliament
SACO	Swedish Confederation of Professional Associations
SAM	Systematic work environment management
SARA	Co-ordinated workplace register of SWEA
SME	Small and medium sized enterprises
SWEA	Health and Safety Authority – Sweden (<u>S</u> wedish <u>W</u> ork <u>E</u> nvironment <u>A</u> uthority)
TCO	Swedish Confederation of Professional Employees