

Senior Labour Inspectors' Committee

**LABOUR INSPECTION
(HEALTH & SAFETY)
IN THE EUROPEAN UNION**

A SHORT GUIDE



FOREWORD

The European Community now has in place a significant body of modern legislation intended to improve safety and health at work, and to reduce the number of work accidents and occupational diseases which still remain high. Without exception, all Labour Inspectorates in the Community have responsibility for the enforcement of the legislation concerned with health and safety at work and this guide which supplements and updates an earlier publication, commissioned by DG V in 1988, deals primarily with the ways in which the Inspectorates carry out this responsibility. It is important to understand that in addition, the activities of the Labour Inspectorates vary from Member State to Member State, some being given responsibility for a range of matters connected with employment and working conditions such as wages, hours of work, holidays and social security payments while others are assigned a much more specialised role.

It is not the intention that the guide should give a detailed description and critique of the working methods and practices of the Labour Inspectorates but rather should define their respective areas of responsibility for health and safety and by outlining the way they go about their work, provide a better understanding of the inspection systems and practices in each Member State.

Additionally it is anticipated that the information contained in the guide will be instrumental in promoting further and more detailed discussion on inspection systems and working methods, not only within the forum of the Senior Labour Inspectors' Committee but also on a wider scale in the national inspection services themselves with the ultimate aim of achieving the efficient and consistent implementation and enforcement throughout all the Member States of the Community legislation on health and safety at work.

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BELGIUM

1 Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies.

Belgium is a federal state comprising three regions and three communities. Whilst the boundaries of the regions and communities overlap, their responsibilities, devolved from the centre, lie in different areas. Those of the communities will embrace the more cultural interests of the population such as education and the promotion of the language, whilst those of the regions are more concerned with the infrastructure including public works and transport and additionally the protection of the environment. Responsibility for health and safety at work, however, remains with the central or federal government.

The department responsible for safety at work, Administration de la Securite (IS) and the department responsible for occupational health, Administration de l'Hygiene et de la Medicine du Travail (IM) are independent parts of the Ministry of Labour and Employment. Each is headed by a Director General who reports to the Minister. IS is responsible for safety in most sections of industry except those covered by the Mines Inspectorate who are part of the Ministry of Economic Affairs. IM is responsible for health protection in every sector of employment including those covered by the Mines Inspectorate. Both departments have informal links with the regional authorities through their field offices.

In addition to IS and IM an important role in the Belgian health and safety system is played by the Conseil Superieur de Securite d'Hygiene et d'Embellissement des Lieux de Travail (Supreme Council for Safety and Health and Improvement at the Workplace) - a bipartite committee which advises the Minister on proposals for legislation relating to safety, occupational health and enhancement of the working environment. It may also put forward proposals for regulations and initiate studies on any issue within its competence. The Council has a number of working groups dealing with subjects such as the use of personal protective equipment and the management of health and safety at the workplace including the content of training necessary for health and safety experts who must by law be appointed in certain enterprises. Additionally it oversees the work of a number of professional committees representing the interests of different industrial sectors such as the construction, metal, timber and chemical industries.

The Council, headed by a president supported by two vice presidents, appointed by royal decree, comprises 12 employer representatives and 12 employee representatives together with 6 experts - 3 engineers and 3 doctors - and civil servants representing various federal government interests. Members are appointed for a period of six years. Only the employer and employee representatives have voting rights.

A further major part in the system is played by the officially approved inspection bodies. The general regulations for the protection of workers require inspections to be carried out on various items of plant and machinery and other installations (eg cranes, pressure vessels and electrical equipment) before they are taken into use at the workplace. The regulations also call for subsequent checks at prescribed intervals. The inspections are carried out by non-profit making associations or individuals approved in most cases by the Minister of Employment and Labour. The appointed bodies work under the supervision of the competent Ministry and are obliged to comply with the regulations and instructions given to them regarding inspections.

A feature of Belgian law is the requirement to obtain a licence for those premises where the processes carried on involve a potential risk to the environment. The regional authorities are responsible for issuing these licences since the responsibility for the protection of the environment has been devolved to them.

(b) Arrangements for different sectors of industry

Whilst there are no longer any deep mines in Belgium, the Mines Inspectorate who are part of the Ministry of Economic Affairs retain responsibility for other underground workings including quarries and are also the competent inspection body for the manufacture, storage and use of explosives and for other sectors of industry such as the cement and gas distribution industries. That apart responsibility for safety in all other sectors of industry and commerce falls to the Administration de la Securite (IS). This includes responsibility for agriculture though involvement in this sector is minimal since the law does not apply to the self-employed and much of the employment in this sector falls into this category. As indicated above Administration de l'Hygiene et de la Medicine du Travail (IM) have responsibility for health and welfare matters in all sectors of industry and commerce.

2.Responsibilities of Labour Inspectorate

(a) Health and Safety

Inspectors in IS have the responsibility to ensure compliance with the legislation in force and to ensure that all steps are taken to prevent or eliminate risks to safety not covered by the legislation in all sectors of industry and commerce where people are employed under a contract of employment except those covered by the Mines Inspectorate. An important part of their role is to ensure that employers and employees receive adequate information and training in matters of health and safety. In carrying out their responsibilities they will:

- *oversee the implementation of the laws and regulations concerning safety at work*
- *investigate accidents at work*
- *take a proactive role in preventing accidents at work*
- *encourage and support the activities of safety committees at the workplace*
- *bring to the notice of the competent authorities those cases where the law has been broken and appropriate action needs to be taken*
- *monitor general fire precautions at the workplace*
- *advise the Minister on matters of safety at work*

The staff of IM have similar responsibilities for occupational health but they cover all sectors of employment including those where the Mines Inspectorate have an interest for certain matters. With a view to protecting workers' health, the work of IM includes inspection at the workplace to ensure compliance with the laws and regulations concerning the health and hygiene of employees, involvement in the prevention of occupational ill-health and ensuring employers and employees are kept informed of the potential risks to their health whilst at work. Their activities will include:

- *general surveillance of the health of workers*
- *surveillance of the health of those involved with ionising radiations*
- *monitoring the standards of lighting, heating and general ventilation*

- *monitoring the standards of first aid, toilet and washing facilities, clothing accommodation and canteens*
- *ensuring that appropriate personal protective equipment is provided where necessary*
- *monitoring the standards of protective measures provided when toxic substances are used*

The Labour Law in Belgium does not apply currently to the self employed and thus IM and IS have no responsibility for their health and safety. Nor do they have responsibility for ensuring that the health and safety of the general public is not put at risk as a result of work activities. This falls to the Regional authorities. Whilst the labour law applies to employees in the service of the federal government, responsibility for ensuring compliance in the various departments will normally rest with the Minister for each department. IS and IM, however, as a general rule will have responsibility for employees in the health and education sectors and those in the employment of the Regions and Communities.

(b) Other matters

The staff of IS and IM are not responsible for overseeing other working conditions which cannot be classed as either technical or medical. This falls to a third inspectorate in the Ministry of Labour and Employment known as the Working Conditions Inspectorate. The responsibilities of this inspectorate embrace hours of work, holidays, salaries, contracts of employment, collective agreements and the employment of foreign workers.

3. Structure of the Labour Inspectorate

(a) Headquarters Structure

The headquarters of the Safety Inspectorate (IS) has a total staff of 53 made up of administrators and technical personnel and gives support both to the Director General and to the inspectors in the field. The headquarters comprises an administrative section, four technical sections and a specialised service responsible for the technical safety of nuclear installations. The administrative section deals with all administrative and personnel matters including statistics and the law and provides support to the Conseil Supérieur and its working groups

and committees. The technical sections, staffed by engineers, will deal with matters such as:

- *major hazards*
- *safety services at the workplace*
- *safety committees*
- *chemical hazards*
- *training*
- *pressure vessels*
- *lifting equipment*
- *transport of hazardous substances*
- *notification of new substances*
- *fire safety*
- *machinery safety*
- *electricity*
- *approval of inspection bodies*

The section dealing with the technical safety of nuclear installations is headed by an Inspector-General and its staff consists of engineers and administrators. (cf Annex 2)

The headquarters of the Administration de l'Hygiene et de la Medicine du Travail (IM) has four staff consisting of the Director General, the Inspector General who heads the field staff, and two other medically qualified people

(b) Structure of the Inspectorate in the field

The IS has a corps of technical inspectors operating in the field under the control of an Inspector-General. The field staff totalling 118 inspectors in three grades, Grades 1, 2 and 3, supported by fifty administrative staff, is divided among twelve districts each under the control of a district chief inspector. A district covers either a single province in its entirety or a number of communes in a province. An additional topic based district has recently been set up in Antwerp with the staff being responsible only for the oversight of major hazard sites. Inspectors normally take responsibility for all premises in a geographical area rather than for a sector or sectors of industry, though there are some Grade 3 inspectors who will specialise in the inspection of construction sites only within the districts. The location of the districts is shown at Annex 3.

IM have a staff of fifty one doctors and assistants in the field supported by ten administrative staff under the control of an Inspector General. They are organised into five districts each under a district chief inspector. The district offices are situated at Antwerp, Brussels, Gent,

Liege and Charleroi. In the first four districts the staff are co-located with the inspectors from IS and there is a proposal for future co-location at Charleroi.

Whilst there are no formal arrangements for liaison at field level between the staffs of IS and IM there is informal consultation and exchange of information where appropriate between the two inspection bodies. This is facilitated when they are co-located in the same premises.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

IS draws its support from the four technical sections at headquarters. The responsibilities of the four sections extend over a wide range of specialisms and fields of research (eg pressure vessels, lifting equipment, electrical equipment). Most of the environmental sampling and measurement at the workplace eg noise, temperature, lighting, fume and dust falls to the staff of IM. They are provided with the necessary instruments and equipment and training in their use. IM has a central laboratory in Brussels which carries out analysis work for the field staff and will also become involved in the more comprehensive or difficult surveys at the request of district staff.

(b) Support available from bodies outside the Inspectorates.

There are up to twelve independent laboratories which are approved by the Ministry of Labour and Employment for the testing and analysis of various substances. If the central laboratory is unable to meet a request for assistance from the districts it can delegate the work to one of the approved laboratories. Some research work is contracted out to universities which currently tends to be in the field of major hazards. Research is financed from a special tax levied on workplaces and based on the level of risk associated with the process carried on at the workplace.

5. Powers of Labour Inspectors

The following powers are given to Labour Inspectors:

- to visit and inspect a workplace at any time of day or night without giving prior notice

- to undertake any examination, inspection or interview and obtain any information necessary to ensure that the legislation is being properly implemented.
- to question employers or employees
- to demand production of relevant and appropriate documents
- to take photographs or samples which may be used in evidence
- to exchange any information pertinent to their inspection duties with Labour Inspectorates of other member countries of the ILO where Convention 81 concerning labour inspection in industry and commerce is in force
- to stop work and to demand evacuation of premises and plant closures.
- to issue an order, a formal legal instrument, to an employer requiring him to remedy any hazards, defects or nuisances observed within a period of time nominated by the inspector. The employer may appeal to the Minister of Labour and Employment within a period of ten days.
- to issue an interdiction, again a formal legal instrument, which may be permanent or temporary and may apply to such things as:
 - occupation of a workplace
 - use of machines or equipment
 - use of hazardous substances
 - dangerous processes

The employer again has the right of appeal to the Minister.

Inspectors have no direct responsibility for the institution of proceedings against employers though it is the inspector's report to the public prosecutor which forms the basis for the start of such proceedings. If a decision is taken not to institute formal proceedings an alternative penalty in the form of an administrative fine may be imposed. The power to impose an administrative fine in matters of health and safety at work is delegated to the Director General of the Ministry of Labour and Employment's legal department. The amount of the fine is at the discretion of the Director General but there is an upper limit of 50,000Bfrs. In some cases the fine may be multiplied by the number of employees or the number of offences. In these cases the maximum sum that can be imposed is 800,000 Bfrs. An employer may appeal to

an industrial tribunal which has the power to confirm the fine, reject it as unjustified or reduce the amount.

6 Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

Separate plans are drawn up for IS and IM. The planning system for IS has recently been the subject of review and a number of significant changes have been proposed which are currently being introduced. The intention is that the national priorities will be drawn up and agreed in a forum comprising the heads of the districts together with the Inspector General and the Director General. The priorities will be expressed in terms of themes or topics. They will form the basis for the separate plans in each district though because of the differences that do exist between districts every district head will have the flexibility to include in his own plans topics which he has identified as priorities in his own geographical area. The targeting of individual premises for attention within the general framework will again be controlled at local level and will be based on a data collection system and priority rating scheme, essential features of the new system that is being introduced. The information that is collected by inspectors at their visits and the reports they are required to make, both stored electronically, will provide the basis for a more efficient monitoring system of achievement against plan and will inform the discussions at future planning meetings when senior management is making decisions on priorities for the forthcoming year. IM has not yet adopted this system and their planning remains basically topic or theme based.

(b) Proactive inspection for enforcement purposes

The Labour Inspectorate currently spends about 35% of its time on proactive inspection designed to ensure that the employer is complying with the various laws, regulations and standards applicable to his particular industry. It is the intention of senior management that more time will be devoted to this activity and they anticipate that the new planning and monitoring systems which are being introduced will help to bring this about.

An important feature of the Belgian system is the annual report which must be submitted both to the IS and IM by all firms employing more than one person. While many of the smaller firms do not complete the report at least those employing more than 50 do. Around 20000 reports are received annually. They are potentially a

useful motivator for firms and a valuable source of information for inspectors.

The organisation of the district staff is the responsibility of the district chief. Each district is divided into territories and the Grade 1 inspector, supported by the Grades 2 and 3 inspectors, is responsible for his territory. Each inspector has a computerised list of the premises for which he is responsible. The Grade 1 inspector tends to concentrate on the larger and more hazardous workplaces while the two lower grades inspect the remaining workplaces and carry out most of the accident investigation. A large number of routine visits are paid, about half of which are to construction sites. Emphasis is laid on monitoring firms' health and safety performance and on the quality of the expert health and safety advice, the safety service, that is available. Workplaces are divided into three categories based both on the degree of risk present and the number of employees. In those workplaces which fall into the highest category the safety service will have to be provided by a person in possession of a university diploma in health and safety whilst in the lowest category no formal qualification will be sought.

A priority rating scheme has been introduced to assist in selecting workplaces for inspection. The workplaces will be classified using as criteria the existing standards of health and safety found, the potential risk associated with the processes and the competence and ability of management to regulate their own health and safety affairs. The scheme will identify those places which will need to be visited on an annual basis, those on a biennial basis and those which can be left for three to four years or more.

Inspectors use campaigns from time to time as part of their proactive inspection programme. Safety on construction sites is an on-going campaign but others which have been initiated include seasonal employment in certain industries and inspection in schools designed not only to assess conditions in the premises but also to pass on information to the pupils and make them aware of health and safety considerations at work before they take up employment.

At the end of the visit an inspector will make a report on a standard form giving information including statistics on the enterprise including that required for the priority rating assessment and will detail the action taken or proposed following the visit. Each inspector is provided with a computer and the information is stored electronically. Inspectors aim to spend up to four days a week visiting.

Doctors and their assistants in IM also carry out proactive inspection at the workplace within their areas of competence.

(c) Reactive work

The investigation of accidents and complaints and answering requests for advice is given high priority.

Accidents at work or on the way to work resulting in more than one day's incapacity for work are reported to the labour inspectorate. About 10% of accidents reported are investigated. Reports are examined by the Grade 1 inspector who decides which incidents merit attention. These would normally be fatal accidents and those resulting in serious injury though if it is noted that a number of accidents similar in causation, are being reported from the same workplace, they may be thought worthy of investigation though the injuries sustained are of a minor nature. IS see as the objectives of accident investigation - to discover the cause, to prevent a recurrence and to decide whether penal action is required.

Cases of occupational ill-health are reported to IM who carry out investigations in appropriate cases.

There has been a downward trend in the number of complaints received concerning health and safety at work and the majority are investigated.

(d) Information gathering and advice

IS and IM produce and distribute information and guidance to industry in the form of posters, pamphlets and leaflets. Recent publications include those addressed specifically at pupils in schools designed to create an awareness of health and safety matters in industry and an information booklet aimed at employers, employees and the general public setting out the main responsibilities and powers of the different inspectorates connected with the enforcement of the labour laws.

With the introduction of the new data collection system, information and statistics on individual enterprises and on sectors of industry are collected and stored electronically in a more consistent fashion across the districts. This is processed and reproduced to give a national picture by a statistics section at headquarters.

(e) Links with social partners

There is an important and effective interface at national level between the labour inspectorate and the two sides of industry in the Conseil Supérieur and its working groups and professional committees.

At the workplace level joint health and safety committees have to be set up in enterprises employing more than 50. Workers' delegates are elected by secret ballot every four years while the employer's delegates are appointed by the employer himself. The main task of the safety committee is to review and make proposals for improving working conditions at the enterprise. They advise on amendments that may be necessary in the company's policy for the prevention of accidents and occupational ill-health and are consulted by senior management on the proposed action plan for health and safety for the forthcoming year.

At their visits inspectors make contact with representatives of the joint works health and safety committee and are accompanied on their tour of inspection by an employer's and an employees' representative.

7 Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

There are three main grades of inspector in IS. Graduate engineers are recruited into Grade 1, those in Grade 2 are drawn from the technical sector of the further education system while those in the third grade have generally acquired their technical experience after leaving school. Previous industrial experience is not an essential requirement. Recruitment is carried out on a national basis and takes the form of an interview for Grades 1 and 2 and a written and oral presentation for recruits to the third grade.

All recruits serve a period of probation with Grade 1 inspectors the longest at one year. At the end of the probationary stage both Grade 1 and Grade 2 inspectors are required to make a written and oral presentation on a selected subject to demonstrate their suitability for continuing in service.

The only formal qualification required by candidates for medical inspector posts in IM is a degree in medicine, surgery or obstetrics. An additional qualification in occupational medicine is seen as a distinct advantage.

(b) Possible career patterns for inspectors

Grade 1 inspectors may progress to the posts of District Director, Inspector General and Director General. Once they have achieved director status they also have the opportunity to move to administrative or technical posts at a similar level in other Ministries.

At Grades 2 and 3, each grade is divided into a number of bands and inspectors' progression is through these bands. They do not normally move from one grade to another.

In IM the route of progression is through District Director to Inspector General and then to Director General.

8 Training for Labour Inspectors

(a) Training for newly appointed inspectors

Inspectors to IS recruited at Grade 1 and 2 level receive general civil service training with recruits at a similar level in other government departments. This training is designed to inform the recruits on the responsibilities and functions of the various government departments and the workings of the civil service in general. It is also intended to improve their skills particularly in the field of oral and written communication. Additionally they are made familiar with the responsibilities and activities of IS and of the part they as individuals are expected to play within that system. To acquire professional knowledge they are expected to follow a university course, designed for the heads of safety services in the larger and more hazardous premises. This is a modular course, involving 400 hours instruction and taken over 1/2 years.

Shortly after taking up post, Grade 3 inspectors receive the following off-the-job theoretical training, normally delivered by existing Grade 1 and 2 inspectors:

- *introduction to general health and safety regulations and case law.*
- *introduction to the basic legislation on occupational safety and labour inspection*
- *introduction to administrative rules and procedures.*
- *familiarisation with the responsibilities and activities of the safety inspectorate.*

- responsibilities of individual inspectors.

- relations with the other inspection services and outside organisations.

Recruits at all levels are assigned to district offices and complement their theoretical training with practical on-the-job training involving joint inspection with more experienced colleagues.

Before starting work in the regions trainees with IM receive basic theoretical training lasting several weeks. The training covers:

- introduction to the legislation on occupational medicine and labour inspection

- administrative rules and procedures.

- familiarisation with the responsibilities and activities of the health inspectorate and of the industrial toxicology laboratory.

- responsibilities of medical inspectors and hygiene advisers.

- relations with the other inspection services and outside organisations.

(b) Training for established inspectors

Inspectors in IS are encouraged to continue training throughout their careers. This takes the form of:

- departmental meetings organised on a national basis at which legislative, technical and administrative matters are discussed.

- workshops and seminars organised by outside organisations, devoted to technical or legislative topics including European community law

- in-house training courses on health and safety.

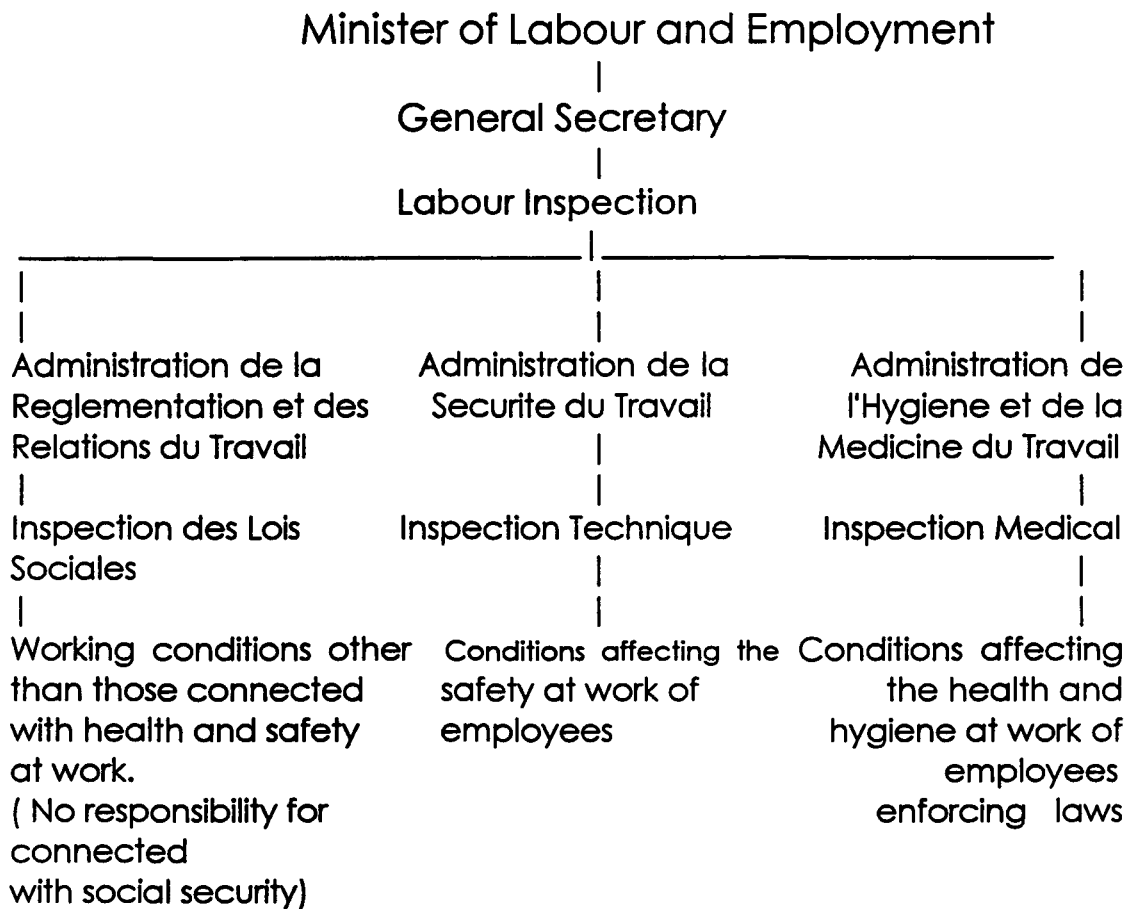
The regulations require occupational physicians to keep in contact with universities and specialist scientific institutions so that they can receive the further training, teaching and assistance required for carrying out their job. At the same time medical inspectors receive in-service training. This includes participation in:

- departmental meetings organised on a national basis at which technical and administrative matters are discussed.

- *workshops organised by the health inspectorate devoted to administrative, technical or medical topics.*
- *relevant workshops and seminars organised by outside organisations.*
- *special university and advanced study courses in occupational medicine.*

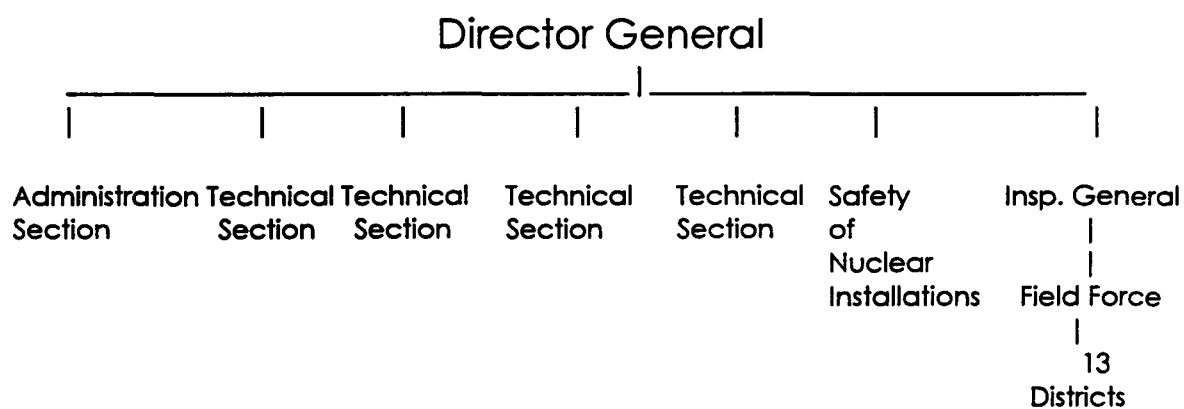
ANNEX 1

Government Organisation for Labour Inspection



ANNEX 2

Headquarters Organisation of Administration de la Securite du Travail - IS



ANNEX 3

Location of District Offices

District	Location
1. Antwerp North*	Antwerp
2. Antwerp South	Antwerp
3. Major Hazards	Antwerp
4. Brabant	Brussels
5. Brussels*	Brussels
6. East Flanders*	Gent
7. West Flanders	Brugge
8. Hainaut East	Charleroi
9. Hainaut West	Mons
10. Liege*	Liege
11. Luxembourg	Libramont
12. Limbourg	Hasselt
13. Namur	Jambes

* Indicates co-location of IS and IM

DENMARK

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies

The Labour Inspectorate in Denmark is known as the Working Environment Service (Arbejdstilsynet - At).

Whilst the Ministry of Labour is the supreme administrative authority in the field of health and safety at work in Denmark, at an executive level there are three major components in the national organisation:

- the Working Environment Service(At) with a Headquarters Directorate in Copenhagen and a field force whose Director General reports to the Ministry of Labour

- the Danish National Institute for Occupational Health, a separate part of the Working Environment Service and organised into different departments concerned with research into health problems at work, with teaching and with the provision of information and consultancy both to the Service and to industry.

- the Working Environment Council, a bipartite advisory council for the Ministry of Labour consisting of twelve representatives from the employers and twelve from the Trades Unions under a chairman appointed by the Minister of Labour. The Council also has two non voting members, experts in occupational health and safety, and receives administrative support from the staff of the Working Environment Service. The Council initiates discussion on matters of concern in occupational health and safety, participates in the development and drafting of new legislation, supervises the activities of the Trades Safety Councils [cf para 6(e)] and acts as the supreme authority for the Working Environment Fund which is financed by employers and which provides resources for information, training and research.

Annex 1 shows the national organisation and the relationships between the partners.

(b) Arrangements for different sectors of industry

The same law for health and safety at work, the Working Environment Act, applies to all sectors of industry but in certain sectors its implementation lies with other Government departments. Oversight of health and safety on sea going ships lies with the Department of Trade whilst aviation is the responsibility of the Department of Transport. Health and safety on off shore installations is monitored by inspectors from the Department of Energy, whilst the Ministry of Labour has an agreement with the The Institute of Radiation Hygiene, a part of the Department of Health, to monitor the use of ionising and non ionising radiations at work. The responsibility for general fire matters at workplaces falls to the local fire authorities. Apart from the above, the Working Environment Service has responsibility for overseeing matters of health and safety in all sectors of industry including the loading and off-loading of ships in dock.

2. Responsibilities of Labour Inspectorate

(a) Health and Safety

The Working Environment Service monitors compliance with the Working Environment Act 1975 in those sectors of industry for which it has responsibility. The aim of the Working Environment Act, is to create a safe and healthy working environment, free from any effects of work which may in the short or long term be physically or psychologically injurious to the health of the workforce. The Act is written in general terms providing a framework which is supported by detailed requirements where necessary set out in codes of regulations and orders. The Act sets out the role and responsibilities of everyone concerned with the working environment and promotes the need for dialogue between the social partners:

- at workplace level through safety representatives and safety committees

- at industry level through Trades Safety Councils [cf para 6(e)]

- at national level through the bipartite Working Environment Council.

The scope of the Act extends to all types of work carried out for an employer including that performed by civilian employees in the defence and disciplined services but excludes that which can be categorised as domestic. Certain sections of the Act such as those dealing with the design and use of machinery and the production and use of harmful substances also apply to the self employed. The Act

does not cover risk to the health and safety of the public arising from work activities and the Working Environment Service has thus no responsibilities in this area.

(b) Other matters

The law requires that all employees must have at least eleven hours rest within every period of twenty four and inspectors during their visits monitor compliance with this requirement. This apart the Working Environment Service has no responsibility for any other matters.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The Working Environment Service is headed by a Director General supported by two Deputy Directors and the head of the Institute of Occupational Health. One Deputy Director has responsibility for the Headquarters Directorate whilst the main function of the second is the oversight of the field force. The Headquarters Directorate is responsible for the management, planning and coordination of all the activities of the Service and is organised into three main departments, industry sector sections, project secretariats and service functions.

There are four industry sector sections each with a multidisciplinary staff including engineers and technicians, therapists, law graduates and administrative personnel. This blend ensures an effective collaboration with industry and a rapid response to those queries that are raised. The four sections deal with the industrial sectors as follows:-

1. Metal and graphic industries
2. Construction, transport and wholesale industries
3. Agriculture, horticulture and forestry, food, beverage and tobacco, and other general industries
4. Service industries including offices and the retail trade, health and social services and education

The project department comprises seven secretariats:-

- *legal affairs*

- *international affairs*
- *biotechnology*
- *economic analysis*
- *approvals*
- *campaigns*
- *risks*

Additionally special ad hoc project groups are set up whenever specific needs arise with resources drawn both from the Headquarters Directorate and from the field staff. This arrangement enables the Working Environment Service to offer an efficient and comprehensive service for the implementation of projects and development work.

The service department carries out a number of functions including the provision of information, training, library and documentation, data processing, registry of occupational industries, personnel matters and finance.

The Danish Institute of Occupational Health, which has a staff of about 125, is an integral and essential part of the headquarters structure and carries out research and studies in the field of health and safety at work. The work of the Institute includes analyses and studies for the Working Environment Service, occupational medicine clinics and enterprises. Additionally the Institute establishes techniques and protocols for measurements in the working environment and evaluates measurements performed externally. It has six research departments, occupational hygiene, chemistry and biochemistry, toxicology and biology, physiology, occupational medicine and one concerned with the product register.

Of the 265 staff employed at Headquarters 167 have various professional qualifications and backgrounds whilst the remainder are administrative and clerical support staff.

Annex 2 shows the Headquarters organisation.

(b) Structure of the inspectorate in the field

Field staff are divided among fourteen districts whose boundaries are based on those of the local authority regions. Each district has one office except district four which has an office in Roskilde and another on the island of Bornholm. A district is headed by a District Chief Inspector supported by up to twenty five inspecting staff. The inspecting staff represent a broad spectrum of experience and qualifications including physicians, pharmacists, economists, law graduates, nurses, therapists, psychologists, engineers and others with

technical qualifications and experience. The number and qualifications of the inspecting staff may vary considerably depending on each district's workload.

Staff in district offices inspect the health and safety conditions of employees in enterprises, give guidance on problems that they observe and issue improvement notices where necessary. They are responsible for direct contact with local authorities and the social partners and for the provision of information generally at local level.

Districts may vary in their internal organisation but generally use a matrix system to cover both topic specialism and industry inspection. Specialisms such as noise, machinery and flammable substances are allocated to individual inspectors and they then act as consultants to their colleagues. Workplaces in the district are divided into a number of sector categories generally mirroring those at headquarters and an inspector will be responsible for one or more categories. Inspectors in a district covering a particular category form a group which meets regularly to discuss enforcement policy and standards.

Annex 3 shows the districts and the location of the district offices.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Inspectors in the field may obtain support and assistance in a number of ways:

- *from colleagues in their own office who have developed expertise in a certain area through specialisation*
- *from inspectors in other districts who may have acquired particular expertise in a sector of industry because of the concentration of the industry in their district.*
- *from the appropriate industry sector at headquarters*
- *from the Institute of Occupational Health*

In all cases joint visits may be made to the workplace where this is thought to be appropriate.

(b) Support available from bodies outside the Inspectorate

There is no formal machinery for securing assistance from bodies outside the Working Environment Service such as independent research establishments, laboratories or universities. Inspectors, however, are aware of others working in the field of health and safety, particularly those employed in the occupational health clinics of which there is one in each district and will consult informally within this network of expertise as required.

5. Powers of Labour Inspectors

The organisation, responsibilities and powers of the Working Environment Service are set out in the Working Environment Act. Labour Inspectors are empowered:

- to obtain access to public and private places of work at all times and with the assistance of the police where this is necessary.
- to ask for and collect information from all persons with duties under the Working Environment Act
- to call for relevant documents including written manuals, risk assessments, lists of substances used at the workplace, details of staff turnover
- to carry out investigations, tests, analyses or studies and to take samples
- to speak to and question all persons at the workplace. There is, however, no power to take written statements.
- to take photographs
- to require the employer to have examinations or tests carried out by experts
- to issue notices when conditions in contravention of the Act or Regulations are noted.

The notice may have immediate effect and stop production or the use of a machine or substance or it may specify a time limit within which the employer must comply with the legal requirements. It is drawn up in writing on a standard form and is based on the observation and the assessment of the inspector. Four copies of the notice are prepared,

two going to the employer, one to the safety representative and the last being retained by the inspector. The notice:

i) describes the deficiencies noted and the standards that should be attained

ii) refers to the relevant section of the Act or the Regulation

iii) states a time period for complying with the notice

iv) states a deadline by which the employer must inform the inspector of the measures he has taken

v) gives information on the procedures for appeal against the notice
Prosecution Where the inspector's requirements are ignored or in the case of serious accidents involving breaches of the law, inspectors submit a prosecution report to the public prosecutor. The police may make an investigation and take statements, particularly in the case of serious accidents, but it is for the inspector to suggest where the law has been broken.

New machinery or substances for use at work

The Director of the Working Environment Service has the right to require that a person who puts on the market any device or substance which when used according to its purpose constitutes a risk to the health and safety of persons at work, takes the appropriate action to eliminate the risk.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

The work of the Working Environment Service is organised on the basis of objectives set annually by the Director and agreed with the Minister of Labour. The national plan which takes into account contributions from both sides of industry and the government, establishes both general policy objectives and specific annual or continuing priorities. The general policy objectives will in the main be concerned with the quality of service provided by the Service and will include matters such as the treatment of complaints or requests for advice, the level of attention that must be given to the smaller employer, the necessity for an identical approach to employers in the public and private sectors and the importance of the advisory role of the Service. From the general policy objectives will stem the annual

programme of work which will describe in more detail the selected priorities and the targets set for each. Priorities selected might include the use of carcinogenic substances, skin and allergic diseases, reproduction hazards and the management of health and safety at the workplace.

The Working Environment Service's planning procedure is based on the principle of determining objectives and general guidelines centrally and allowing districts to draw up their own plans to implement them. In drawing up their own plans the districts will make reference to their own workloads, the way in which they intend to organise their inspection to implement the national plan - they will be obliged to devote an agreed percentage of their time at the workplace to achieving the targets set in this plan their local priorities and policies and their proposals for monitoring their performance against the plan. Inspectors in the districts are consulted and involved in drawing up the district plans.

The district chief inspector is responsible for ensuring that the plan is met and he has to monitor the performance both of the district as a whole and of each individual inspector. Inspectors complete summaries of their work which account for time to the nearest thirty minutes. The summaries are stored electronically and district summaries are compiled and submitted to headquarters on a quarterly basis.

(b) Proactive inspection for enforcement purposes

District work falls into two main categories, general inspection of both transient and fixed work activities and the inspection and testing of lifts, lifting equipment and pressure vessels carried out by staff nominated for the purpose. The law requires that the above plant should be examined when first installed and then at periodic intervals. The examinations have to be carried out by the Working Environment Service though there is the facility for the Service to nominate independent competent bodies to carry out the work on their behalf.

By categorising industry into sectors, a group of inspectors can concentrate on one or a small range of industries and can agree which inspectors in the group will be responsible for which establishments. Between 25 and 35% of the time available in a week is spent on proactive inspection work.

Inspection activities are organised on the basis of district and national information on problems of health and safety at the workplace. Districts have the flexibility to decide on the aims and objectives of inspection campaigns and on which premises should be inspected but

they are also expected to participate in campaigns which are organised on a national basis. A number of surveys have been carried out with the aim of assessing the standards of health and safety in various industrial sectors. The results of these surveys are used in deciding the target areas for campaigns in any one year. Sector specific campaigns are typically directed at industries recording a high number of work accidents. The surveys may also be used as a basis for subsequent spot checks to indicate trends in the industry concerned. Some success has been achieved by the Working Environment Service in carrying out specifically directed campaigns against well known, well documented and serious problems of health and safety at work. The campaigns are well prepared and launched without notice. They are brief and take place at the same time throughout the country. The media is frequently used both locally and nationally during the campaign and special emphasis is placed on making public both the background and results of the campaign.

At the end of their visits inspectors make a point of seeing a senior member of management to discuss their findings. In cases where matters of significant concern have been noted the inspector may either send a letter listing the problems, suggesting solutions and specifying a time in which the matters must be rectified or he may serve a notice. The letters or notices and the responses to them from the employers form the main visit records which together with the establishment records are stored electronically.

c) Reactive work

All occupational accidents which result in an absence from work of more than one day following the day of the accident must be reported directly by the employer to the Working Environment Service. All occupational diseases - those which a medical practitioner suspects might be connected with a person's occupation - must be reported directly by the medical practitioner responsible for the diagnosis to the Working Environment Service. The Service carries out investigations with a view to introducing appropriate preventive measures. Information gained from the investigations e.g. details of occupation, sector of industry, type of work being performed, accident causation, injury, job experience of injured person, is stored electronically and is useful for setting future priorities for action and in deciding the need for additional legislation. About 6% of reported accidents and 8.5% of cases of occupational ill health are investigated. The district chief inspector makes the decision on when an investigation should take place. In selecting accidents for investigation the following criteria are normally used:

- *accidents which are fatal*

- accidents which might result in permanent disability or a lengthy period of absence
- accidents with a direct connection to a new regulation or code of practice
- accidents where the actual injury was slight but the potential for serious harm was high
- accidents involving a breach of the law where prosecution needs to be considered.

The Working Environment Service receives many complaints concerned with health and safety at work. The majority are investigated but great care is taken to preserve the anonymity of the complainant.

Inspectors spend about 30% of their time at the workplace. About half of this time is spent on reactive work.

(d) Information gathering and advice

A substantial part of the inspector's work is concerned with responding to requests for information from workplaces and in commenting on proposals and plans for new plant, equipment and buildings in major hazard premises.

Along with the Working Environment Fund, the Working Environment Service is the main producer of published guidance and publicity material on health and safety at work.

The Service is also involved in the collection, analysis and production of statistical information in connection with the fact finding studies it undertakes in order to obtain an increasingly accurate knowledge of the working environment and its effect on employees. Additionally it maintains a data base on the results of environmental measurements made at the workplace and in conjunction with the Danish Environmental Protection Agency is involved in the collection and analysis of data for the Danish Register of Products.

Of the time spent at the workplace about 27% is allocated to advisory work.

(e) Links with social partners

The bipartite Working Environment Council has as its objective to enable the social partners to contribute to the achievement of a safe and healthy environment at the workplace. It is the forum for the discussion of existing and proposed legislation, policy and preventive measures and its views and recommendations carry a good deal of weight and influence with the Government.

The forum for consultation at industry level is the Trades Safety Council. The Councils have equal representation from employers, supervisors and employees. Councils have been set up for the following sectors:

*iron and steel
construction
printing
transport
general industry
administration
retail trade
service industries
food, drink and tobacco
agriculture
social and health services
education*

The duties of the Trade Safety Councils are to:

- survey the problems associated with the special working conditions in their sector of industry*
- assist undertakings within the industry sector in resolving problems concerned with working conditions*
- participate in the drafting of industry specific regulations*
- draft guidelines for improving health and safety in the industry in cooperation with the Working Environment Service.*

Whereas the Working Environment Service has a presence in the meetings of the Working Environment Council, there is no such direct involvement in the business of the Trade Safety Councils which are seen very much as an employer/employee forum. The worker representative system is highly developed in Denmark. All enterprises with ten or more employees (20 in the case of offices) 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 employees' 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. The tasks of the internal safety organisation are to monitor the working environment and establish action plans for solving problems. 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 operating. In workplaces where more than twenty are employed a safety committee must also be appointed to coordinate the activities of the safety groups.

The internal safety organisation may call on the Occupational Health Service for help and advice. This is a service established and financed by employers but managed by both the social partners. Some enterprises - those with a high risk of occupational accidents and/or disease - are required by law to provide such a service but others may join a scheme on a voluntary basis. The compulsory system was introduced in 1977 and has gradually been extended to include additional sectors of industry. An Occupational Health Service may be set up on a regional or industry sector basis or by one or more enterprises joining together into a group scheme. The Service carries out surveys at the workplace and assists enterprises in implementing preventive measures for health and safety such as planning new production methods or upgrading existing systems based on ergonomic principles.

Inspectors in the field usually carry out their visit accompanied by a member of management and a workers' representative. The latter will be well trained and knowledgeable since all newly elected representatives take part in mandatory training sessions the cost of which falls to the employer. The training is usually a course of 32 hours duration and involves active participation by the course members. Its purpose is to teach the participants how they can promote a safe and healthy working environment at their place of work with the active cooperation of others.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria

Inspecting staff are recruited in accordance with the qualifications and experience required in any district. Recruitment is carried out on a

national basis and selection is by interview. The current staff of the field force is made up as follows:

- *graduate engineers, about 45 in post*
- *mechanical engineers with a technical school education, about 90 in post*
- *staff with a craft training in the use of machinery or in construction, about 60 in post*
- *therapists or nurses with four years training, 39 in post*

Additionally there are 4 medical doctors, 5 pharmacists and 38 graduates in economics, law or psychology.

(b) Possible career patterns for inspectors

The positions of District Chief Inspector and Deputy Director are open to all inspecting and legal staff and to outsiders with the appropriate qualifications and experience. Additionally staff may move from the Working Environment Service to take up posts for which they might be suited in the Ministry of Labour or in other Ministries.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

On recruitment new inspectors will usually spend some time in the district office to which they have been appointed working with experienced staff. This helps them to get to know their future colleagues and the way in which the Working Environment Service works. Following this short period they will spend up to five weeks working with experienced inspectors in another district office. During this time they are given:

- *an awareness of the organisational structure of the Labour Inspectorate*
- *training in carrying out workplace inspections and*
- *training in the use of the computer held data available centrally and in the local office*

This period is followed by a short introductory course designed not only for inspectors but also for all new recruits to the organisation. The course helps familiarise the inspectors with the position of the Service in the national network for occupational health and safety and with the sources of relevant information within the Working Environment Service itself.

After a further period in the district recruits embark on a number of off the job courses interspersed with periods of on the job training in the field. Certain of the courses, all varying in length, will deal with subjects such as the law and inspection methods while others will provide the specialist technical knowledge required to enable them to deal with the main subject areas affecting the working environment such as microbiology, chemistry, mechanical hazards, ergonomics and psychology. Recruits will also be introduced to the procedures for carrying out a health and safety audit at the workplace and will receive instruction in the assessment of training needs and human resource development.

The initial training for newly appointed inspectors will extend over a period of at least one year. Whilst they will all attend the formal training courses, they will each have an individual programme for the on the job element in the districts drawn up following an assessment of their training needs and bearing in mind their previous experience and background and the job they are to do in the Working Environment Service.

(b) Training for established inspectors

There are a number of training opportunities for established inspectors:

- *special activities. In conjunction with major national campaigns, specialised training courses of several days duration are organised. As an example in relation to the national campaign on skin and allergic diseases, courses were held for all inspectors taking part in the campaign. Special activity training can also include instruction in newly developed computer systems to be used within the organisation or in the participation in or managing of projects.*

- *one day meetings where topical sector problems are discussed. The initiative can be taken either by the inspectors themselves or by the head of district or the head of the sector office or legal department at headquarters. Both internal and external experts may be invited to attend.*

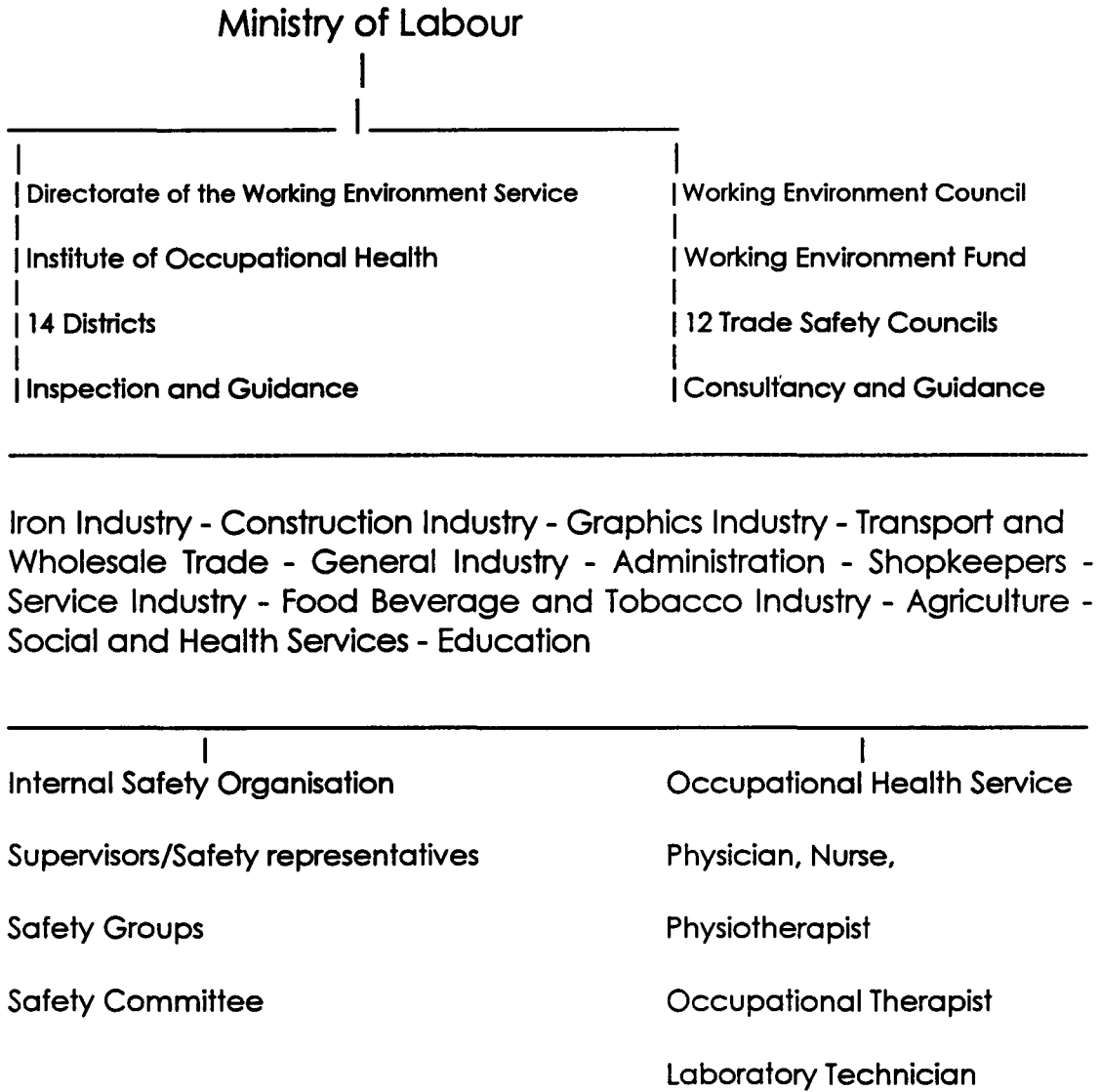
- *local training.* The Working Environment Service's training department plans and organises a certain number of local training activities either for all district staff or specific sector groups.

- *individual training.* Districts are provided with their own training budget for the training of individuals on the staff. The district chief inspector decides the priorities to be given to training requests by comparing the individual's qualifications and experience with the requirements of the specific tasks and functions to be performed.

- *one day meetings/courses,* especially in the fields of legal affairs and human resources, planned by the training department of the Working Environment Service in conjunction with other Directorates within the Ministry of Labour. This enables course members to gain an awareness of the organisational structure of the Ministry of Labour as well as training in special topics.

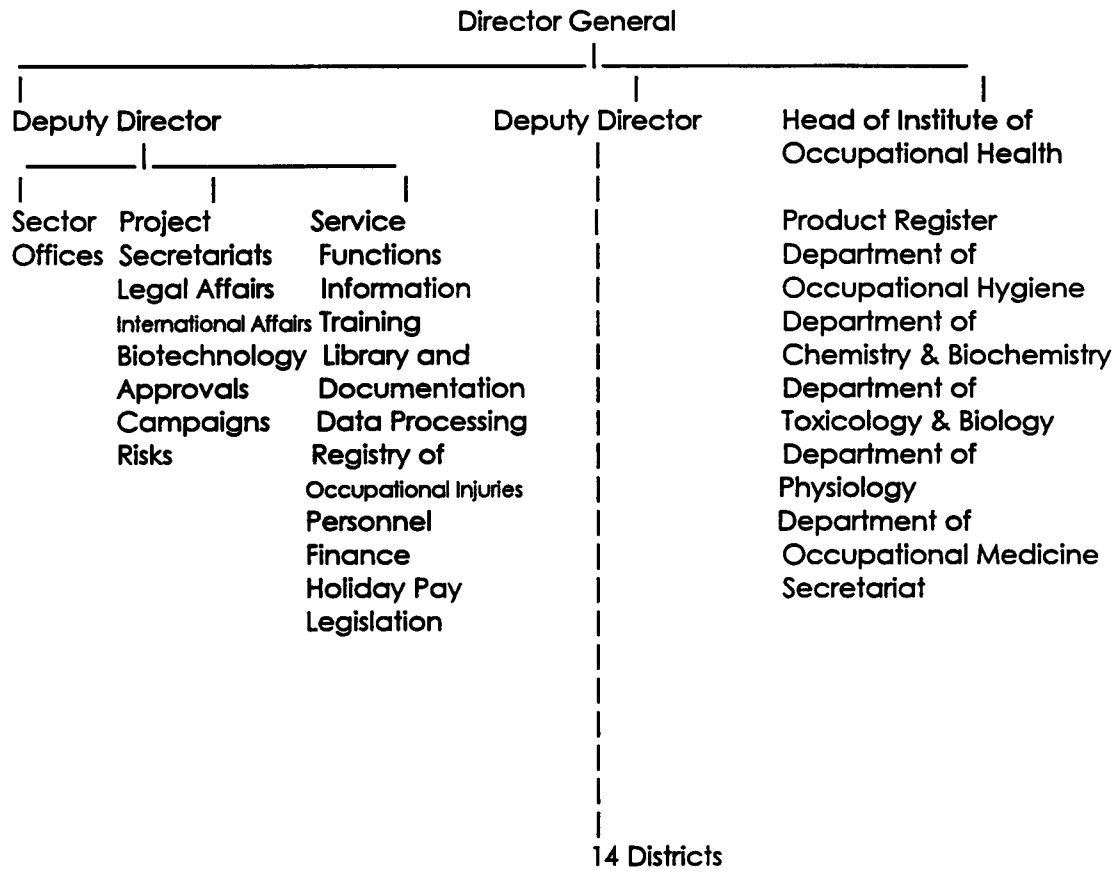
ANNEX 1

National Organisation for Health and Safety



ANNEX 2

Headquarters Organisation



ANNEX 3

Districts and District Office

Districts

1. Copenhagen and Frederiksberg
2. County of Copenhagen
3. Frederiksborg
4. Roskilde and Bornholm
5. West Zealand
6. Storstrom
7. Funen
8. South Jutland
9. Ribe
10. Vejle
11. Ringkobing
12. Arhus
13. Viborg
14. North Jutland

Offices

- Copenhagen
- Glostrup
- Hillerod
- a) Roskilde
- b) Ronne
- Slagelse
- Nykobing Falster
- Odense
- Abenra
- Esbjerg
- Vejle
- Herning
- Abyhoj
- Skive
- Alborg

GERMANY

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and Employers' Liability Insurance Associations

The Federal Republic of Germany consists of sixteen Lander, each with its own parliament and government machinery. Whilst legislation for the protection of workers is enacted by the Federal Parliament, the Bundestag, the Lander are responsible for its implementation in their own territories. The drafting of legislation and development of policy for health and safety are the responsibility of the Federal Ministry for Labour and Social Affairs, Bundesministerium für Arbeit und Sozialordnung (BMA), but compliance with the law is monitored by the Labour Inspectorates, Gewerbeaufsicht (GA), which are part of the Land administration and as a general rule report to the Land minister responsible for employment and social affairs. Although each Land is free to decide how its Labour Inspectorate is to be organised, the fundamental principles governing the activities of the Inspectorates are more or less the same throughout Germany.

In addition to the state system there is a further system for worker protection administered by the Employers' Liability Insurance Associations, in the case of industrial activity, the sector related and autonomous Berufsgenossenschaften (BGs). Every company is required by law to be a member of one of these Associations who are the providers of statutory accident insurance and have as their main aims the prevention of industrial accidents and occupational diseases and the compensation, rehabilitation and promotion of vocational re-training for persons injured at work. The BGs provide medical care, including clinics and hospitals, for the victims of industrial accidents and occupational diseases. They are funded by employers, managed jointly by representatives of both employers and employees and are required by the national insurance legislation to use all appropriate means to prevent accidents and occupational diseases at work and in particular to issue accident prevention regulations which are legally binding on their members. The regulations require employers to provide the necessary equipment and to take appropriate action to ensure the health and safety of their employees. Monitoring of compliance with the regulations, the investigation of accidents which occur and the provision of advice is carried out by technical inspectors, Technische Aufsichtsbeamte (TAB), employed by each Association.

(b) Arrangements for different sectors of industry

In addition to the Labour Inspectorate each Land has a separate Mines Inspectorate for those installations covered by the Federal Mining Law. The responsibility of the Mines Inspectorates extends to mine installations below and above ground, to quarries and open cast sites and also to plant and equipment for the extraction of crude oil and natural gas.

2. Responsibilities of the Labour Inspectorate and of the BGs

(a) Health and Safety

The Labour Inspectorates are responsible for monitoring compliance with labour protection legislation including the observance of technical, medical and social regulations intended to ensure acceptable standards of health and safety at work. At present, however, this responsibility, contained in different statutory instruments, does not extend in its entirety to all sectors of employment. The Industrial Code, *Gewerbeordnung*, for example, does not cover agriculture, forestry, the maritime sector and hospitals and educational establishments in the public sector except in the new Lander under the Unification Treaty.

However, under the National Social Insurance Code, *Reichsversicherungsordnung*, all employees must be provided with insurance cover in the event of industrial accident or ill-health. BGs were thus formed for all areas including forestry and agricultural workers and seamen and similar Insurance Associations were established to cover employees in the public sector. Labour Inspectorates have no power to enforce the accident prevention regulations issued by the accident insurance associations but follow them as good codes of practice.

The Labour Inspectorates also have responsibility to monitor that employers do not put the health and safety of the general public at risk as a result of the work activities they are undertaking.

They will apply the technical legislation to the self employed only in cases where their activities might affect the health and safety of others.

The amount of time spent by the Labour Inspectorates on work directly connected with health and safety varies from Land to Land

and depends on the extent of the other duties allocated to them. (cf para 2(b))

The technical inspectors of the BGs visit the premises of the member companies of their association. They are in the main safety specialists in particular sectors of industry and their duties involve monitoring the observance of the accident prevention regulations and advising on matters of health and safety at work. They are not empowered to enforce the federal legislation on health and safety but in specific cases may justify their decisions by reference to this legislation.

To prevent duplication of effort Labour Inspectorates and BGs work in close cooperation exchanging information, coordinating planned action and paying joint visits where appropriate in areas where their responsibilities overlap.

(b) Other matters

As well as health and safety the Labour Inspectorate is responsible in some of the Lander for monitoring compliance with the legislation for environmental protection. This work could account for more than 50% of the Inspectorate's time. Some Lander have therefore separated the worker protection and environmental protection authorities. In North - Rhine Westphalia, for example, since April 1994 the oversight of the protection of health and safety and the environment have been entrusted to separate authorities Staatliche Amter fur Arbeitsschutz and Staatliche Umweltamter respectively.

The BGs are involved in the rehabilitation and retraining of workpeople injured in accidents and for the initial and subsequent training of those in companies with responsibility for the protection of the workers.

3. Structure of the Labour Inspectorate and the BGs

(a) Organisational structure

At national level there is a department in the Federal Ministry of Labour and Social Affairs which has responsibility for the drafting of legislation for worker protection and for the development of policy in this field. Whilst there is machinery in place for communication and consultation between the Federal Ministry and the Lander, the former has no executive authority over the activities of the Labour Inspectorates in the Lander.

In the Lander, there are again departments in the Ministries of Labour and Social Affairs with responsibility for occupational health and safety. The field staff of the Labour Inspectorates, located in a number of regional offices in each Land, report through these departments to the Ministers. In some of the larger Lander, district offices have been established at an intermediate level between the headquarters and the regions and each district will have the responsibility of coordinating and supervising the work of a number of regional offices. The personnel in the headquarters departments and district offices are for the most part health and safety professionals who have been trained and have operated as labour inspectors.

The BGs are organised in three groups. One group is formed by the thirty five industrial insurance associations each of which covers a certain sector of industry. In the metal and construction sectors the associations also have a regional structure. A second group embraces the twenty one agricultural insurance associations which with the exception of that for horticulture, are also organised on a regional basis. The third group is composed of associations covering employees in public service.

The BGs for the industrial, agricultural and public service sectors are each grouped into confederations with the responsibility for coordinating the activities of and providing support for their members. The Central Federation of Industrial Employers' Liability Insurance Associations has a Central Office for Safety and Health - Berufsgenossenschaftliche Zentrale für Sicherheit und Gesundheit (BGZ) - at Sankt Augustin. At the BGZ specialist committees have been set up with membership drawn from technical inspectors, nominated representatives of the Federal Ministry of Labour, labour inspectors, manufacturers, representatives of employers and employees and, as the occasion demands, specialists and scientists with expert knowledge of and experience in the matter under discussion. Specialist committees deal with specific subject areas eg personal protective equipment. They prepare draft regulations for the prevention of accidents and also comment on the safety aspects of their areas of work. The accident prevention regulations are agreed by the various member associations and submitted to the Federal Ministry which is required to consult with the Lander before giving approval. The members of the specialist committees represent the BGs on bodies external to the associations e.g. standardisation bodies. Test and certification bodies, 23 in number, set up within the specialist committees may test technical equipment for use at work and issue certificates under the Equipment Safety Act, Gerätesicherheitsgesetz,

as evidence that the equipment tested meets the appropriate safety requirements.

(b) Structure of the inspectorate in the field

Labour Inspectorates known as Gewerbeaufsichtsämter or Staatliche Ämter für Arbeitsschutz have been established in all the Länder the size and organisation of each Inspectorate being dependent on the size and economic structure of the Land. Inspectors normally operate from a regional office under the direction of a regional manager. With few exceptions they carry out all the statutory labour inspection functions though the way they operate varies from Land to Land. Some of the offices are organised on a geographical basis so that inspectors have responsibility for all workplaces in an area assigned to them. In other offices there is a measure of specialisation where groups of inspectors are responsible for particular sectors of industry such as construction or steel. Some Länder are considering an additional form of specialisation involving the allocation to individuals or groups of the responsibility for dealing with particular categories of risk.

The BGs all operate from regional offices, their number and location depending on the size and geographical concentration of the industry they represent. The staff of the regional offices report to the Chief Technical Inspector of the BG.

4. Specialist Support for Labour Inspectors and Technical Inspectors of the BGs

(a) Support available for Labour Inspectors

The Federal Institute for Occupational Safety and Health, Bundesanstalt für Arbeitsschutz (BAU), and the Federal Institute for Occupational Medicine (BAFAM) are both organisations attached to the Federal Ministry of Labour and Social Affairs (BMA). They support the BMA in the preparation of laws and regulations and promote cooperation between companies, government authorities and institutions. They are particularly active in training, running courses themselves and preparing teaching material for others. They both undertake and coordinate research aimed at improving safety and the protection of the health of employees. The results of the research are evaluated and processed for practical application on the shop floor. They maintain their own laboratories, testing centres, a databank and an occupational health and safety information centre which is open to all.

In some of the Lander the Labour Inspectorates have set up analytical and testing laboratories and research institutes which, at the request of inspectors, carry out measurements and analyses at the workplace and advise them on specialist aspects of their work. Examples of these are the Landesanstalt für Arbeitsschutz in North Rhine - Westphalia and the Landesamt für Arbeitsschutz in Bavaria. Teams of qualified occupational physicians are organised by the Lander to provide an advisory and inspection service in the field of industrial medicine.

(b) Support available for Technical Inspectors

The Institute for Occupational Safety, Berufsgenossenschaftliches Institut für Arbeitssicherheit (BIA), is a department of the Central Federation of Industrial Employers' Liability Insurance Associations. Its main function is to carry out research and testing work. The work is brought to BIA either by companies or by insurance associations (BGs). BIA carries out, for example, the testing of work equipment and personal protective equipment and is also concerned with research work into the improvement of machinery guarding and the effectiveness and durability of protective equipment and safety devices. The results of its work is regularly presented in specialist publications and journals.

The Central Federation of Industrial Employers' Liability Insurance Associations and also individual BGs run training centres which provide instruction for personnel engaged in safety at work, such as safety officers, and groups or individuals whose work necessarily has a high safety content, such as crane drivers.

(c) Support available from bodies outside the Inspectorates

Further important support for the inspection system comes from the Technical Supervision Associations, Technischen Überwachungsvereine (TUV). These are independent institutions in the private sector which carry out a large amount of testing and investigation work on behalf of the Lander. For example the TUVs test steam boilers, lifts and pressure vessels. Among other things they also assess the safety of products and may issue them with safety test certificates, Geprüfte Sicherheit (GS). TUV staff are often called upon to act as consultants and to provide expert opinion on technical matters particularly in accident investigations.

5. Powers of Labour Inspectors and Technical Inspectors

The following powers are given to Labour Inspectors:

- to enter a place of work at any time of day or night during working hours without giving prior notice to carry out inspections and make enquiries
- to take samples of substances or products found at the workplace for analysis- to take photographs and measurements
- to require any person who may have information relevant to any examination or investigation to answer questions
- to ask the police to intervene if they are obstructed or prevented from carrying out their work
- to issue an enforcement notice, Anordnung, when the employer is not fulfilling his obligations under the law, requiring him to take specific measures within a specified period to remove or reduce a hazard. In cases of imminent danger the order has immediate effect. The order is served in writing and a copy is given to the Works Council. The employer has the right of appeal which has a suspensory effect on all orders except those with immediate effect.
- to impose fines for administrative offences. The amount of the fine depends on the limits set by the law and on whether the infringement was deliberate or not. The economic advantage gained by the employer in committing the offence is also taken into account when setting the fine. Employers have the right of appeal against the imposition of the fine and if the appeal is rejected by the Labour Inspectorate it will be heard before an administrative court.
- in the event of serious and imminent danger, to order work to be stopped, to shut down any plant or process and to prohibit the continued use of any substance. In such cases the employer has the right of appeal to the administrative court but there is no suspension of the order pending the hearing of the appeal.
- to prohibit manufacturers or importers under the Safety of Equipment Act from selling or displaying equipment or plant which the inspector believe to be unsafe.
- to report to the Public Prosecutor cases where they believe a criminal offence has been committed. The decision to institute formal proceedings rests with the Public Prosecutor.

In order to enforce the accident prevention regulations Technical Inspectors employed by the BGs have similar powers to the Labour Inspectors deriving from the Social Insurance Code. Enforcement notices and other measures are directed against the entrepreneur as the employer of the insured employees. Fines of up to DM 20,000 may be imposed for breaches of the regulations. Entrepreneurs may appeal against enforcement action initiated by a Technical Inspector. Appeals are heard before the social security courts.

6. Operating Methods of the Labour Inspectorates and the BGs

(a) Preparation of national objectives

The Federal Ministry of Labour and Social Affairs is concerned with the drafting of legislation and the formulation of general policy in the field of working conditions including health and safety. In carrying out this work they will amongst other things be influenced by the need to meet the requirements of Directives emanating from the European Community and will also be aware of current political, public and media interests and pressures. The day to day enforcement of the legislation, however, is the responsibility of the Lander. Information gained whilst carrying out this activity may well influence the choice of priorities both in future policies and in the Land's programmes of work.

Inspectors are required to submit reports on a regular basis on the work they have completed and these will address in particular the priority tasks they have been set for the year. The reports are used as a basis for monitoring progress in completing programmes of work set at the beginning of the year.

In like manner each BG is responsible for drawing up its own work programme and for setting its own priorities.

(b) Proactive inspection for enforcement purposes

The policy on the frequency of proactive inspections varies from Land to Land. The criteria generally used for determining visit frequency are the size of the establishment, its accident record and the type of risk involved. In his selection of premises to visit an inspector will also make use of his knowledge of individual workplaces. As a general rule, larger premises would be visited on an annual basis or more frequently if this was suggested by the risk assessment, with smaller premises receiving visits at longer intervals. As well as carrying out routine general inspections at places of work inspectors may also visit to

monitor performance on specific aspects of health and safety such as safety on construction sites or the protection of young people at work. Special task forces are often set up for dealing with this type of project. Reports are prepared following all visits which include details of potential hazards and a record of those areas where remedial action has been sought. These together with reports on the investigations of accidents and complaints help to produce a profile of the standards of health and safety at any workplace. The work pattern of Labour and Technical Inspectors is similar. They will spend between two and three days a week on workplace visits with the remainder of the time spent in the office on administrative work. Labour and Technical Inspectors work in close cooperation and there is an exchange of information and experience at all levels between the Labour Inspectorates of the Lander and the BGs.

(c) Reactive inspection

An accident is reportable to the Labour Inspectorate and the appropriate BG if it is likely to lead to the absence from work of the injured person for a period longer than three days. Accidents occurring during travel to and from work must also be reported. Labour and Technical Inspectors will carry out joint investigations in the event of a fatal accident or a major accident involving a number of casualties. Between 6 and 7% of accidents reported are investigated. The objectives of investigation are firstly to prevent a recurrence and secondly to discover whether there has been an infringement of the legislation or the BGs accident prevention regulations. Certain specified industrial diseases have also to be reported to the competent authorities. These are investigated in the first instance by Labour and Technical Inspectors who have the facility to call on specialist medical assistance and advice when this is needed.

Complaints concerning health and safety at work are received both by the Labour Inspectorates and the BGs. They are investigated in an appropriate manner.

Reports are prepared following the investigation both of accidents and complaints. These reports are used in subsequent monitoring visits to ensure that the appropriate remedial action has been taken.

(d) Information gathering and advice

The Labour Inspectorates take the view that improvements in the standards of health and safety can be more effectively achieved by consulting and advising employers and using sanctions as necessary than by using sanctions alone.

The BGs have issued specific accident prevention regulations and produced a variety of technical guidance leaflets for the use of employers and employees. The Labour Inspectorates also produce advisory and guidance material but only in those areas where the BGs have not become involved. There is again cooperation between the authorities to avoid duplication of effort and the aim is to make their respective publications complementary. Advice and guidance is produced in a number of languages to meet the needs of workers from other countries.

Both the Lander and the BGs produce annual reports giving information on accidents and ill-health and the activities of their inspectors.

(e) Links with social partners and organisation of health and safety at the workplace

The forum for consultation at Land level on matters of health and safety is the Consultative Committee where the Labour Inspectorate meets with representatives of employers, employees and the chambers of commerce. Matters discussed will include the Inspectorate's proposals for its annual programme of work.

The employer is required by law to appoint one or more health and safety specialists, dependent on the type and size of his enterprise, to advise him on all matters connected with health and safety at work. He is also obliged to secure the services of an occupational physician. Safety officers and occupational physicians are the contact points in the company both for the Labour and the Technical Inspectors. Those directly involved in the company's

organisation for health and safety meet for discussion in the occupational health and safety committee whilst additionally, in those enterprises where it exists, the works council must be involved in all health and safety activities.

Labour and Technical Inspectors are required to work in close cooperation with the council, to involve its members in their visits to the workplace and to send them reports on the visits to make them aware of their recommendations and the corrective action they have required the employer to take.

Employers and employees are represented equally on the governing bodies of the BGs and thus have the opportunity to make a significant input both to their policies and methods of operation.

7. Recruitment to the Labour Inspectorates

(a) Initial selection criteria - qualifications and experience required

Each Land recruits its own inspectors though the initial selection criteria are the same across the Lander. Recruitment campaigns are run to meet anticipated future wastage. The selection procedure normally involves a written examination followed by an interview. The BGs have a similar recruitment procedure for their technical inspectors.

Labour Inspectors and Technical Inspectors of the BGs are normally in possession of technical training or they are occupational medical practitioners. Depending on their level of education they are appointed to the middle, senior or higher grades of the Inspectorate. Candidates for the middle grade must be trained and qualified as craftsmen. Candidates for the senior grade must have completed a course of study at a specialised college of higher technical education while candidates for the higher grade must be graduates in a natural science or technical discipline from a university or similar institute of higher education or from a technical college and must provide evidence of several years professional experience.

8. Training for Labour Inspectors and Technical Inspectors

(a) Training for newly appointed inspectors

Training of newly recruited labour and technical inspectors generally lasts for about two years, consists of theoretical and practical courses and is pitched at the appropriate levels for the three recruitment grades. The main emphasis in the practical training is placed on developing the ability to carry out independent inspection work and accident investigation while the central elements in the

theoretical courses are a study of the legislation covering health and safety at work and administrative procedures. The training period for Labour Inspectors concludes with a written and oral examination. A syllabus for a typical period of training for a new recruit to the Labour Inspectorates would include the following:

- Practical training

Joint inspection visits to all types of workplace
Unaccompanied visits to selected companies
Investigation of accidents or complaints
Drafting of official notices
Measurements at the workplace

- Theoretical training

Duties and powers of Labour Inspectors
Duties and powers of Technical Inspectors
Introduction to constitutional and administrative law
Negotiating skills
Basic elements of personnel management
Specific health and safety law
Technical aspects of health and safety

The proof of suitability for the job of Technical Inspector with a BG takes the form of an examination conducted by the Central Federation of Industrial Employers' Liability Insurance Associations. The examination is open only to persons who have undergone a two year period of training to prepare themselves for the work of a Technical Inspector. The examination, recognised by the Federal Ministry of Labour and Social Affairs, comprises written, practical and oral sections. The written part takes the form of a dissertation on a subject selected by the examination board dealing either with general questions of accident prevention or with a particular insurance association's field of expertise. The practical examination takes the form of a site visit and the preparation of a written report on the visit which is submitted to the examination board. In the oral examination the candidate must give a presentation on aspects of accident insurance law and on practical issues of a technical nature. A typical syllabus for the two year training period for a Technical Inspector would cover:

- the duties and work of the BGs
- introduction to the law
- duties and responsibilities of employers including arrangements for managing health and safety
- design and use of different types of machinery and plant
- hazards associated with the use of different types of machinery and plant
- joint and unaccompanied inspection, investigation and advisory work.

(b) Training for established inspectors

Further training and refresher training is available for Labour Inspectors in the Lander. In order to keep abreast of modern working methods and changes in the law, Inspectors attend seminars or other events organised by the Land authorities and by technical and professional associations. They also attend exhibitions and conferences on specialist subjects.

Training for Technical Inspectors is provided by the individual BGs. The training normally covers specialist topics such as electrical installations, hazardous substances, ergonomics, pressure vessels, welding and maintenance.

ANNEX 1

The Labour Inspectorates of the Lander and Location of the Administrative Centres

1.	Baden - Wurttemberg	Stuttgart
2.	Bayern	Munich
3.	Berlin	Berlin
4.	Brandenburg	Potsdam
5.	Bremen	Bremen
6.	Hamburg	Hamburg
7.	Hessen	Wiesbaden
8.	Mecklenburg-Vorpommern	Schwerin
9.	Niedersachsen	Hannover
10.	Nordrhein - Westfalen	Dusseldorf
11.	Rheinland - Pfalz	Mainz
12.	Saarland	Saarbrucken
13.	Sachsen	Dresden
14.	Sachsen - Anhalt	Magdeburg
15.	Schleswig - Holstein	Kiel
16.	Thuringen	Erfurt

ANNEX 2

Industrial, Agricultural and Public Sector BGs

A. Industrial BGs and Location of their Central Offices

Miners' Professional Association - Bochum

Stone Quarrying Professional Association - Hannover

Professional Association of the Ceramics and Glass Industry - Wurzburg

Professional Association of Gas and Water Works - Dusseldorf

Professional Association of Steel and Rolling Mills - Essen

Professional Association of the Mechanical Engineering and Small Ironware Industry-Dusseldorf

North German Professional Association of the Metal Industry - Hannover

South German Professional Association of the Metal Industry - Mainz

Professional Association of the Precious and Non Precious Metal Industry - Stuttgart

Professional Association of the Precision Engineering and Electrical Engineering Industry - Koln

Professional Association of the Chemical Industry - Heidelberg

Professional Association of the Wood Industry - Munchen

Papermakers' Professional Association - Mainz

Professional Association of the Printing and Paper Processing Industry - Wiesbaden

Professional Association of the Leather Industry - Mainz

Professional Association of the Textile and Clothing Industry - Augsburg

Professional Association of the Food and Catering Industry - Mannheim Butchers'

Professional Association - Mainz

Professional Association for the Sugar Industry - Hildesheim Builders'

Professional Association Hamburg Builders' Professional Association Hannover

Builders' Professional Association Wuppertal

Builders' Professional Association Frankfurt am Main

Builders' Professional Association South West - Karlsruhe

Builders' Professional Association Wurttemberg

Builders' Professional Association Bavaria and Saxony - Munchen

Professional Association of the Civil Engineering Industry - Munchen

Professional Association for the Wholesale Trade and Warehousing Industry -Mannheim

Retail Traders' Professional Association - Bonn

Professional Association of the Banks, Insurance Companies, Administrations Liberal Professions and Special Companies - Hamburg

Professional Association of the Tramways, Underground Railways and Railways-Hamburg

Professional Association of the Vehicle Repair and Maintenance Industry - Hamburg

Seamen's Professional Association - Hamburg

Professional Association for Inland Water Transport - Duisburg

Professional Association for the Health and Welfare Services - Hamburg

B. Agriculture, Forestry and Horticulture BGs and Location of their Offices
Schleswig-Holsteinische Landwirtschaftliche BG - Kiel

Landwirtschaftliche BG Oldenburg-Bremen - Oldenburg
Hannoversche Landwirtschaftliche BG - Hannover
Braunschweigische Landwirtschaftliche BG - Braunschweig
Lippische Landwirtschaftliche BG - Detmold
Rheinische Landwirtschaftliche BG - Dusseldorf
Westfälische Landwirtschaftliche BG - Munster
Landwirtschaftliche BG Hessen-Nassau - Kassel
Land und forstwirtschaftliche BG Darmstadt - Darmstadt
Landwirtschaftliche BG Rheinhessen-Pfalz - Speyer
Landwirtschaftliche BG für das Saarland - Saarbrücken
Landwirtschaftliche BG Oberfranken und Mittelfranken - Bayreuth
Landwirtschaftliche BG Niederbayern-Oberpfalz - Landshut
Landwirtschaftliche BG Unterfranken - Würzburg
Landwirtschaftliche BG Schwaben - Augsburg
Landwirtschaftliche BG Oberbayern - München
Badische Landwirtschaftliche BG - Karlsruhe
Landwirtschaftliche BG Württemberg - Stuttgart
Gartenbau BG - Kassel
Landwirtschaftliche BG Berlin - Berlin
Sächsische Landwirtschaftliche BG - Neukieritzsch

C. Location of Offices of the Insurance Associations for the Public Sector

Baden - Württemberg	Karlsruhe, Stuttgart
Bayern	München
Berlin	Berlin
Brandenburg	Frankfurt/Oder
Bremen	Bremen
Hamburg	Hamburg
Hessen	Frankfurt/Main
Mecklenberg - Vorpommern	Schwerin
Niedersachsen	Braunschweig, Hannover, Oldenburg
Nordrhein - Westfalen	Düsseldorf, Münster, Dortmund, Essen, Köln
Rheinland - Pfalz	Andernach
Saarland	Saarbrücken
Sachsen	Meißen
Sachsen - Anhalt	Zerbst
Schleswig - Holstein	Kiel
Thüringen	Gotha

GREECE

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies

The Labour Inspectorate is part of the Ministry of Labour from which it receives a grant each year to enable it to carry out its functions. Three Directorates of the Ministry are involved with the Labour Inspectorate:

- *Directorate of the Organisation of Labour Inspectorates, responsible for the general policy and organisation of the Labour Inspectorate nationally in all its work.*
- *Directorate of Working Conditions, responsible for specific policy on health and safety matters and for the execution by the Labour Inspectorate of its responsibilities to inspect, arbitrate and take punitive or remedial action. It provides information to Labour Inspectors on programmes of work to ensure consistency.*
- *Centre for Health and Safety at Work (KYAE), responsible for providing technical, scientific and medical support to the field force including atmospheric sampling and analysis at the workplace.*

The General Director for Health and Safety who has responsibility both for the Directorate of Working Conditions and the Centre for Health and Safety at Work has direct access to the Deputy Minister of Labour.(cf Annex 1)

Local authorities have no responsibility for health and safety matters at the workplace. A licence for a new workplace is issued by the Ministry of Industry, Energy and Technology with the approval both of the Ministry of Environment, Planning and Public Works and the local fire departments in so far as fire safety is concerned.

(b) Arrangements for different sectors of industry

Responsibility for inspection in all sectors of industry lies with the staff of the Ministry of Labour except where specific responsibility has been given in law to some other body. Inspection of mines and quarries is the responsibility of inspectors employed by the Ministry of Industry, Energy and Technology. The Ministry of Transport has responsibility for

health and safety inspection on the railways and in other forms of transport including transport by air with the exception of support services such as vehicle workshops and canteens. Safety inspection of boilers and other pressure vessels, lifts and pipelines is carried out by inspectors working for the Ministry of Industry, Energy and Technology. All other sectors of industry fall within the responsibility of the Labour Inspectorate. In all sectors of industry there is a requirement, recently introduced, that in workplaces employing over fifty (150 for an intermediate period that remains in force) a person should be appointed with specific responsibility for health and safety. Additionally in these workplaces a medical doctor must be appointed. In the private sector 21% of all employees work in enterprises employing over 150 while in the public sector all employees fall into this category. The Labour Inspectorate has the responsibility to ensure compliance with this law even in those sectors assigned to other bodies.

2. Responsibilities of the Labour Inspectorate

(a) Health and Safety

The Labour Inspectorate which comprises both technical and administrative inspectors, is responsible for inspecting all workplaces where people work under a contract of employment (apart from the premises mentioned in Section 1(b) above) to ensure compliance with health and safety legislation, the provision of satisfactory working conditions and the prevention of accidents. Premises visited by labour inspectors include factories, shipyards, construction sites, hotels and offices. They also visit hospitals in conjunction with staff of the Ministry of Health who have special responsibilities assigned to them in this sector. They inspect activities carried out by local government employees such as street cleaning and the operation of sewage works.

There is no general legislation covering the self-employed. However, in those sectors of industry where there are known to be serious hazards such as construction, specific regulations do place duties upon them (for example in Law 1396/83 which describes the obligations for implementing safety measures on construction sites.) In agriculture, where the majority of those at work are classed as self-employed, a national campaign has been organised involving the issue of publications and the holding of conferences and seminars with the objective of informing them on health and safety matters.

When technical labour inspectors visit workplaces and come across self-employed persons, as a matter of course they inform them about

health and safety legislation and give them practical advice on how to work safely.

(b) Other matters

In those workplaces which they inspect for health and safety purposes labour inspectors also have the responsibility for ensuring compliance with wages agreements and industrial relations procedures. They have also to:

- *collect economic information relating to industry in their region*
- *monitor industrial disputes and the settlement of strikes*
- *prepare programmes to provide employment opportunities*
- *monitor the employment of foreign workers*

As a general rule, however, these matters are handled by administrative inspectors while the technical inspectors will deal with issues affecting health and safety and working conditions.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

There are three Directorates at Headquarters:

- *Directorate for the Organisation of Labour Inspectorates responsible for matters concerning the salaries, industrial relations and the staffing and resourcing of the Labour Inspectorate*
- *Directorate of Working Conditions with the executive responsibility for inspection on industrial relations and health and safety at work*
- *Centre for Health and Safety at Work (KYAE)*

In the Directorate for Working Conditions there are four departments, each under the control of a departmental head, dealing respectively with:

- *prevention of accidents at work*
- *occupational diseases*
- *ergonomics*
- *technical support*

The departments with a staff including twelve labour inspectors have the responsibility for policy on health and safety, work planning,

training and the provision of instruction and guidance to the field staff. This work involves in particular the transposition of European Community directives into national legislation and the preparation of a policy to ensure the enforcement of the legislation at the workplace.

(b) Structure of the inspectorate in the field

The distribution of the Labour Inspectorate offices through the mainland and islands follows the boundaries of the local authority regions giving a total of fifty five main offices - cf Annex 3. The Labour Inspectorate in each region is administratively a part of the Prefecture under its chief officer, the Prefect, who is appointed by the Minister of Internal Affairs. Each office is under the supervision of a chief inspector who may be either a technical or an administrative inspector and who reports to the Ministry of Labour who provide the guidelines and procedures to enable the Inspectorate to carry out its activities. The chief inspector also reports to the Regional Commission for Health and Safety, a body comprising representatives from employers, trades unions and other government departments such as the Ministry of Health. - cf Annex 2.

In each office there are two main categories of inspector, technical inspectors who are generally in possession of a degree or diploma, and administrative inspectors with other relevant educational qualifications. There are in total about 665 inspectors just over 25% of whom are in the technical grade. Technical inspectors will tend to deal with the inspection of premises where health and safety risks have been identified and with the investigation of accidents. Administrative inspectors will address non technical matters such as hours of work, wages and the employment of foreign workers.

A recent development has seen the creation in the regions of Attica and Thessaloniki of five Centres for the prevention of occupational risk. Four of these Centres are located in Attica at Athens, Piraeus, Egaleo and Agia Paraskevi. The Centres, which were all established in industrial regions, have at their disposal staff with a wider range of expertise than is normally available in other regions and they are thus able to become involved not only in inspection but also in environmental monitoring and measurement at the workplace.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Whilst all inspectors have the power, equipment and training to sample for toxic substances and to measure noise and temperature levels they are able for more complex work to call on the staff of the Centre for Health and Safety at Work (KYAE) who provide scientific, technical and analytical support for labour inspectors and also carry out visits on their own initiative. The Centre, sited in Athens, was established in 1977. Its staff are drawn from a variety of disciplines - doctors, engineers, chemists and physicists. The Centre has four divisions:

- *industrial hygiene responsible for measurements of chemical and physical agents chemical analyses and biological monitoring*
- *occupational safety*
- *occupational medicine*
- *information*

The main activities of the Centre for Health and Safety at Work are as follows:

- *providing technical assistance and advice to labour inspectors*
- *evaluating risks to the health of workers exposed to dangerous physical, chemical and biological agents*
- *assisting with the training of labour inspectors, safety engineers, occupational physicians and worker representatives*
- *carrying out applied research in various sectors of industry*
- *contributing to the preparation of regulations for the evaluation of occupational risks by environmental and biological monitoring.*

Staff of KYAE would normally visit workplaces at the request of and jointly with a labour inspector. They are available to give assistance and advice to inspectors in all regions. They do not themselves have enforcement powers but based on their advice inspectors would make a decision on what action was appropriate in any particular case. For research purposes and special investigations they may visit workplaces on their own but this is normally after contact and consultation with the labour inspector who has responsibility for the premises. Research

projects are initiated either by industry, the Labour Inspectorate or by KYAE itself.

(b) Support available from bodies outside the Inspectorate

Advice on radiation matters is provided for inspectors from the nuclear research centre of the Ministry of Industry, Energy and Technology.

Occasionally the Inspectorate will make use of research and laboratory facilities available at various universities.

5. Powers of Labour Inspectors

The following powers are given to labour inspectors in Greece:

- *to enter and inspect all places of work at any time and without notice and to seek assistance from a police officer if they are obstructed*
- *to examine and question employers and employees*
- *to take samples of substances found at the workplace*
- *to measure levels of noise, light, temperature and atmospheric pollutants in the workplace*
- *to take photographs in cases where an accident has occurred*
- *to suspend work or prohibit unsafe working practices in circumstances involving a serious or imminent risk. In the construction and ship repairing sectors the inspector serves the suspension notice himself and gives a copy of the notice to the police who have the responsibility to ensure compliance with the notice. Continued non compliance results in the appearance of the employer in a court of summary jurisdiction without delay. In other sectors of industry the inspector will need the approval of his chief inspector before serving a prohibition notice. A failure to comply with the notice will be reported to the public prosecutor*
- *to levy administrative fines for breaches of health and safety regulations. The amount of the fine is determined by the labour inspector in the light of the gravity of the offence committed, previous negligence by the offender and the cost of failure to comply with the requirements of the legislation. The employer is notified in writing and the fine is collected by the Treasury 30 days*

after the notification was sent. The employer has the right of appeal to a tribunal and the appeal has a suspensory effect pending its determination.

- *to serve a notice requiring remedial action to be taken within a specified period of time*
- *to lodge a complaint at the office of the public prosecutor who will decide if prosecution is merited in any particular case.*

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

The national objectives and priorities are drawn up by the central Working Conditions Directorate following consultation with the regions. Factors taken into account in setting priorities include:

- *sectors of industry or companies where there are known to be serious hazards or a large number of accidents*
- *sectors of industry or companies where special problems in health and safety have been identified*
- *sectors of industry where there is a history of complaints from workers*
- *areas of work where new legislation has been introduced or is planned.*

The plan drawn up at national level forms a framework which gives regional inspectors the flexibility to introduce their own priorities. The regions prepare their own individual work programmes at the beginning of each half year. This is submitted both to the Prefect and the Regional Commission for Health and Safety. The primary aim of planning, both at national and local level, is seen to be the efficient inspection of companies for the benefit of the workers and the economy in general. Inspectors' work is monitored against the plan both in terms of quality and quantity by the regional chief inspector. Additionally an inspection team from headquarters is charged with visiting field offices to report on the standards of work found. The head of the Directorate of the Organisation of Labour Inspectorates submits a report to the Minister of Labour on the work of the Labour Inspectorate which incorporates a chapter on health and safety from the Directorate of Working Conditions.

(b) Proactive inspection for enforcement purposes

Inspectors in the regions select for visit the most hazardous premises. The dockyards in Pireus, for example, could be inspected almost every week. There is no hazard rating scheme in existence which might help in the selection of premises for visit. Inspectors tend to rely on their knowledge and experience both of industry sectors and individual workplaces. They may also be influenced in their selection by the number of accidents reported by an establishment. The targets for the number of inspections to be carried out are set in the work programmes prepared at the beginning of each half year.

Special campaigns are carried out from time to time based either on a particular hazard like noise or a sector of industry. Team inspection is also carried out in appropriate cases where inspectors find it more efficient and effective to work in pairs. Aide memoires have been prepared to assist in proactive inspection in certain industries such as construction.

Following an inspection a report is prepared listing the matters that have been noted and discussed with the employer and the action that has been taken. Reports are stored in the files of the Inspectorate for future action. A start has been made with computerisation and systems are still being developed.

(c) Reactive work

Accidents are reportable if an injury occurs irrespective of whether the injury results in an absence from work or not. If the accident occurs in premises other than a construction site it must be reported to the Labour Inspectorate within forty eight hours and to the National Insurance body or similar organisations which exist for particular sectors of industry within three days. If it occurs on a building site it must be reported to the Inspectorate within twenty four hours. An exchange of information takes place between the insurance bodies and the Inspectorate and it has been found that the rate of reporting to the insurance bodies is higher than to the government body.

Currently most accidents reported to the Inspectorate are investigated. This activity takes up about 30% of the inspectors' time though there will be occasions when the investigation is coupled with an inspection of the workplace. The main objective of accident investigation is to gather information and prevent a recurrence with the consideration of punitive action against the employer seen as secondary.

Accidents to the general public caused by work activities are investigated by the police. Accidents to the self employed are reportable and they are investigated by the Inspectorate. The accidents are recorded statistically but are distinguished and kept separate from those accidents which occur to employees.

Whilst there is an obligation to report cases of occupational ill-health this is honoured more in the breach than in the observance and very little inspector time is spent on this activity.

Many complaints are received by the Labour Inspectorate though only a small number are concerned with matters of health and safety. All are investigated and anonymity is respected during the investigation. Wherever possible the complainant is made aware of the results of the investigation.

(d) Information gathering and advice

The Directorate of Working Conditions produces and circulates pamphlets and posters publicising health and safety at work. Through the technical labour inspectors it is also concerned with the collection, analysis and production of statistical information in the fields of health and safety.

A new organisation, the Hellenic Institute of Health and Safety, financed by employers' federations and trades unions has recently been set up. The Institute is intended to provide information on health and safety generally throughout industry and to become involved in promotion and publicity activities and the provision of training.

(e) Links with social partners

The work of the Labour Inspectorate in wages discussions, strikes and health and safety is supported by the role of the employers' federation (SEB) and the federation of trades unions (GSEE). Both have representatives on the Council for Health and Safety, a body which provides a national forum for formal discussion with the Labour Inspectorate. The Council has twenty one members, is under the chairmanship of the General Secretary of the Ministry of Labour and in addition to the social partners has representatives from other government departments, bodies involved in economic activities and professional bodies such as engineers and the medical profession etc.

At regional level formal contact with the social partners is maintained through the Regional Commission for Health and Safety on which both are represented. Since the regional chief inspector reports to the

Commission both on the work that has been completed by his staff and also on his proposed programme for the following six months, the social partners have the opportunity to input their own ideas and priorities.

At workplace level the law gives employees the right to establish a works safety committee when more than 150 are employed. The number is reduced to 100 on construction sites. Additionally where more than 20 are employed, a works council may be established if the employees request it. The works council will include a safety representative. Following a visit the labour inspector will report either to the works safety committee or the safety representative on the results of his inspection and the recommendations he has made.

In the dockyards in Attica and in the construction industry nationally, joint technical committees under the leadership of the technical labour inspector are set up to monitor working conditions. In the dockyards the committee will include representatives of the trades unions, the Technical Chamber of Greece and the port police whilst the construction technical committee will have representatives from the social partners.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

A national selection committee is set up to recruit both technical and administrative labour inspectors. Candidates for the technical inspectorate must have a university degree or technical diploma. Whilst previous industrial experience is not mandatory it is held to be a distinct advantage.

(b) Possible career patterns for inspectors

The way is open for technical inspectors to progress through the post of regional chief inspector to Director level either in one of the Centres for the Prevention of Occupational Risk, the Centre for Health and Safety at Work (KYAE) or in the Working Conditions Directorate at headquarters up to the highest position of General Director for Health and Safety at Work.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

Training given to newly appointed inspectors in health and safety is organised by the Directorate of Working Conditions. It consists of theoretical and practical work. The initial theoretical training lasts for two weeks with eight hours tuition each day. The course covers legal requirements with brief presentations in key areas of health, safety, organisation and working methods. These will include:

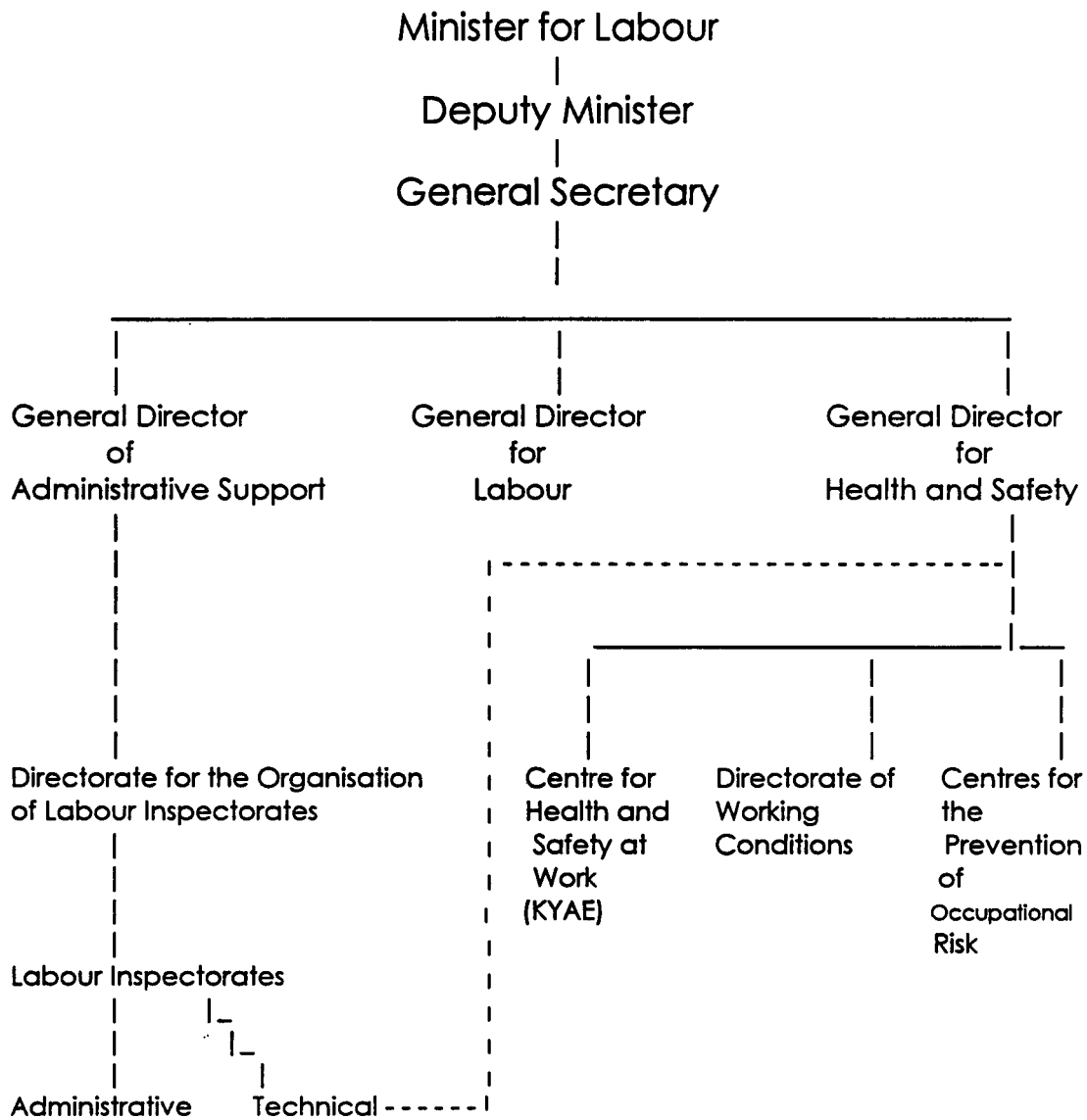
- *organisation of the Ministry of Labour*
 - *objectives of the Labour Inspectorate*
 - *working methods of labour inspectors*
 - *safety standards for work equipment*
 - *basic principles of occupational hygiene*
 - *principles of accident investigation*
 - *basic information on mechanical, electrical and construction hazards*
- Practical work includes instruction on sampling methods and practice with check lists in simulated situations. The instructors and lecturers are either technical labour inspectors or experts from industry or a university. At the end of the initial training new inspectors work for a period of one to two months with experienced colleagues and carry out inspections and investigations under their supervision.*

(b) Training for established inspectors

Training is provided when there are any important changes in the legal requirements or in the organisation or work of the Labour Inspectorate. Specialised technical training is also arranged in other Member States notably Germany where there has been an ongoing programme of training for up to 20 inspectors each year. This provision is likely to continue for the foreseeable future.

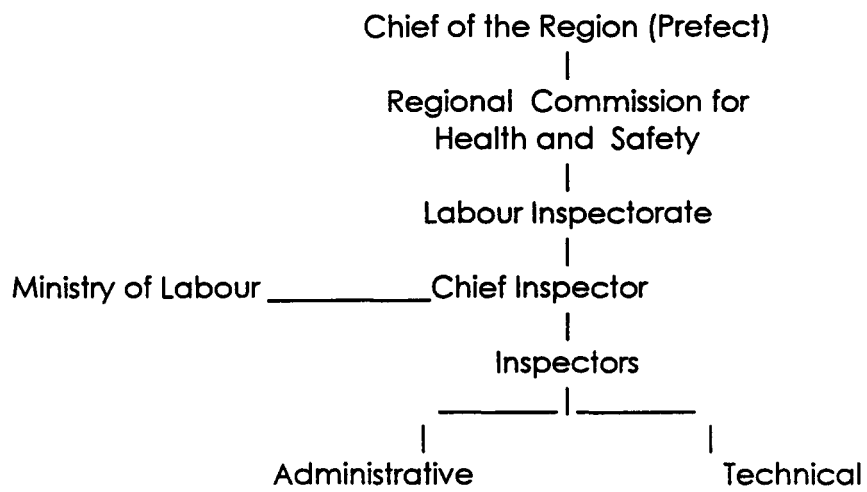
ANNEX 1

Ministry of Labour - Headquarters Organisation for Working Conditions



ANNEX 2

Regional Structure (Administrative)



ANNEX 3

Main Offices of the Labour Inspectorate in the Field

Agios Nikolaos	Ioannina	Poligyros
Alexandroupoli	Kalmata	Preveza
Amfissa	Karditsa	Rethimno
Argostoli	Karpenisi	Rodos
Arta	Kastoria	Samos
Attiki - Athens	Katerini	Serres
- Piraeus	Kavaia	Sparti
- Egaleo	Kerkyra	Thessaloniki
- Agia Paraskevi	Kilkis	Trikala
Chalkida	Korinthos	Tripoli
Chania	Komotini	Veria
Chios	Kozani	Volos
Drama	Lamia	Xanthi
Edessa	Larissa	Zakynthos
Ermoupoli	Levadia	
Evros	Messolongi	
Florina	Mytilini	
Grevena	Naiplio	
Heraklio	Patra	
Igoumenitsa	Pirgos	

SPAIN

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies

The Labour Inspectorate in Spain forms part of the Ministry of Labour and Social Security. Its Director General is responsible to the Vice - Minister for directing, planning and promoting the work of the Inspectorate. Whilst candidates for the post of Director General of the Inspectorate are initially proposed by the Minister of Labour the final appointment must be endorsed by the cabinet of ministers. His appointment is for an undetermined period and expires only when the Minister wishes to appoint someone in his place. The Inspectorate is responsible for ensuring the implementation of a wide range of legislation including social security, health and safety at work, industrial relations and employment.

Spain is divided into seventeen autonomous communities comprising fifty two provinces. There has been some devolution of functions from central to local government and seven of the communities have now been given powers formerly held at the centre. This includes the responsibility to enforce the labour laws in the geographical areas which they cover.

Insurance organisations which provide compensation payments in the event of accidents or ill health at work occupy an important place in the country's health and safety system. Employers and employees are required by law to make contributions to the National Institute of Social Security - Instituto Nacional de la Seguridad Social (INSS) - which provides for benefits such as old age pension and sickness and invalidity payments. Additionally employers must secure cover for their employees for occupational accidents and ill-health either from INSS or from one of the one hundred or so private insurance associations called Mutúas Patronales. The latter collect premiums from their member companies and then reimburse first employers for wages paid to employees during an absence caused by a work related injury or illness and then the employees themselves for any degree of disability caused by the accident or illness. They are in effect insurance agencies authorised by the Ministry of Labour and Social Security operating on a non profit basis. Their primary role is to give financial support during absences caused by work related accidents or illness and to manage compensation payments. They do have a preventive role but this a secondary and very minor function in terms of the resources which they allocate to it. The National Economic and Social

Council, a tripartite body with representatives from employers, employees and the government, is the national forum for consultation all proposed legislation including that concerned with health and safety.

(b) Arrangements for different sectors of industry

The Labour Inspectorate is responsible for monitoring standards of health and safety in all sectors of industry including construction, commerce, the service and entertainment industries and agriculture but excluding those industries directly associated with national defence. They have no responsibility for those employed in the public service including those in the public sector of the health service and education except for those employees working under a temporary contract of employment.

Whilst the Labour Inspectorate is responsible for health and matters concerned with working conditions at mines and quarries, oversight of safety and underground inspection is carried out by inspection staff from the Ministry for Industry and Energy.

The Ministry of Public Health exercises responsibility through its own local inspectors to ensure appropriate standards of public health for example in the food industry whilst the municipal and provincial authorities have general responsibility for ensuring the protection of the general public from risks arising from work activities and will also arrange for inspection of premises such as discotheques and cinemas to ensure that public safety particularly in the case of fire is not being neglected.

2. Responsibilities of the Labour Inspectorate

The Labour Inspectorate has four main areas of responsibility:

- health and safety
- working conditions
- employment(eg" the black economy", fraudulent claims for unemployment benefit and grants from the European Social Fund) and migrant labour (eg foreign workers)
- social security

(a) Health and Safety

The Labour Inspectorate is responsible for ensuring compliance with the requirements of the health and safety legislation the most important of which is the General Ordinance Concerning Health and Safety at Work of 1971 - Ordenanza General de Seguridad e Higiene en el Trabajo - in all sectors of industry except mines and quarries (cf para 1(b)). The law sets out the duties of employers in relation to the provision of adequate standards in matters such as the safety of machinery, electrical installations, reduction of dust and toxic fume levels in the atmosphere, fire safety, lighting and temperature. There are no specific duties laid on the self employed by the law.

The role of the Inspectorate is often to arbitrate in collective disagreements and disputes between employers and employees and to check the complaints of individual employees and of the trades unions which represent them. There are still a number of agreements drawn up between employers and employees, whereby employees are guaranteed a bonus for working in dangerous conditions. While it is the policy of the Inspectorate to seek to have these agreements overhauled to remove the danger money element and to use their enforcement powers where the level of risk is unacceptable, inspectors still find that they have to arbitrate in particular cases. On average Inspectors spend about fourteen to fifteen per cent of their time on health and safety matters.

(b) Other matters

Inspectors spend the greater part of their time, about eighty per cent, on the implementation of a wide range of legislation connected with other employment and social matters such as:

- hours of work, rest periods and overtime
- contracts of employment
- worker representation
- employment of children
- strikes and lockouts
- illegal employment
- industrial relations
- the work of cooperatives
- foreign workers
- social security payments

Amongst their priority areas are the detection of fraud in social security payment and the employment of persons under the age of sixteen.

Responsibility for overseeing the working conditions of domestic workers lies with the Labour Inspectorate but it faces difficulties since inspectors have no automatic right of entry to domestic premises.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The Labour Inspectorate is headed by the Director General whose office is in Madrid. His supporting organisation consists of about one hundred people. This includes ten inspectors with the remainder consisting of administrative and secretarial staff. The main purpose of the headquarters organisation is to develop, implement and monitor the annual operating plan, to ensure consistency by the field staff in the enforcement of the legislation and to provide them with appropriate and relevant instruction and guidance. Headquarters staff are divided amongst four branches each under the command of a Deputy Director. Their respective responsibilities are:

- co-ordination, special programmes and campaigns, international affairs.
- technical and legal assistance to the field
- personnel and training
- preparation and monitoring of annual plan of work, finance and budgeting, statistical information and output of field staff.

(b) Structure of the inspectorate in the field

The Labour Inspectorate in the field works from fifty two provincial offices. The location of these offices is given at Annex 2. The provincial offices fall into one of three grades, the grading being dependant on the size of the working population and the complexity of the industrial relations in the province. Inspectors working in higher grade offices receive higher salaries. In 1993 the field staff of the Inspectorate consisted of 565 inspectors and 816 controllers.

In each province there is a Director from the Ministry of Labour and Social Security who is responsible to the Ministry for its activities in the province. In certain of the autonomous communities responsibility for some employment and industry matters has been devolved from central government to the local provincial authority. The Labour Inspectorate in each province is responsible through its chief inspector to the Director General in Madrid and as such the Inspectorate retains its national identity and uniformity. However, there has to be a functional relationship between the Inspectorate in the field and the

Ministry's Provincial Director who is responsible for providing its salaries and office accommodation and for making decisions on the proposals for administrative penalties referred to him by inspectors. A similar relationship also exists in those communities where responsibility for employment matters has been devolved to the local authorities though in these cases the Provincial Director is concerned only with decisions on administrative penalties and not with the provision of accommodation and salaries.

Field staff of the Inspectorate fall into one of two grades - inspectors, who are mainly graduates and who are involved in the whole range of inspectorial activities in establishments of all sizes, and controllers who visit premises where fewer than twenty five are employed (96% of workplaces in Spain fall into this category), have responsibility only for employment and social security matters and have no powers to adjudicate on health and safety issues.

Inspectors report to the provincial chief through the deputy chief inspector on a monthly basis on the work they have completed. They will expect to visit anything from 35 to 50 and more workplaces every month. Whilst there are one or two provinces where inspectors will specialise in certain activities or will have responsibility for a few large employers, as a general rule they will operate in a geographical area in the province assigned to them and will be involved in the whole range of duties in that area. They will spend about fifty per cent of their time in the workplace and the remainder on office work much of which will be done at home. Inspectors have portable computers with the facility to access data bases including instructions and guidance held at their provincial offices. They will need to attend the office on certain days since there is a duty officer system in operation to deal with the many people who visit to seek advice or to make a complaint.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Some inspectors are qualified in various branches of engineering and use their expertise to assist colleagues when possible. However, much of the specialist advice and support to the Labour Inspectorate comes from the National Institute of Health and Safety at Work - Instituto Nacional de Seguridad e Higiene en el Trabajo (INSHT) - a functional arm of the Ministry of Labour. It is controlled by a general council consisting of thirty nine members drawn from employers, trade unions and the provincial authorities who decide on the overall policy for INSHT. It employs civil, mechanical and electrical engineers, occupational hygienists and doctors. Following a request submitted by

an inspector through his chief, the Institute assists in accident investigations and also in carrying out measurements and sampling at the workplace since the inspectors are not provided with the instruments and equipment to carry out this work themselves. It also assists inspectors in their adjudication of cases involving the payment of bonus for working in dangerous conditions since a decision will often turn on a technical assessment of conditions e.g. levels of noise or temperature or a degree of risk. The staff of the Institute, however, have no inspection responsibilities or enforcement powers.

In addition to providing assistance to inspectors the staff of the Institute also provide advice and information to industry and commerce. They produce and publish health and safety information in the form of leaflets, posters and pamphlets.

INSHT has four regional centres (CRSHT) in different parts of the country, Bilbao, Barcelona, Madrid and Seville undertaking specialist research in different areas. As well as giving advice and guidance to the Inspectorate and to industry, it provides much of the country's representation in Europe on specialised health and safety issues and on standards. About half of its time is spent on giving assistance to the Inspectorate with the remainder being devoted to projects initiated in house.

(b) Support available from bodies outside the Inspectorate

Inspectors may call on staff from other government Ministries to provide specialist support. For example, staff from the Ministry of Energy and Industry carry out examinations of lifts and pressure vessels whilst other staff from the same Ministry advise on protection for equipment or processes involving the use of ionising and non ionising radiation.

5. Powers of Inspectors

The following powers are given to inspectors:

- to visit and inspect a workplace without giving prior notice.
- to ask the police to intervene should they be obstructed or prevented from carrying out their duties
- to request information from an employer or employee
- to carry out investigations
- to request relevant documents, records or registers

- to take samples of materials or substances in use
- to measure noise and temperature levels and concentrations of dust or other pollutants in the atmosphere of the workplace or have someone else carry out the measurements on their behalf
- to question employers and employees and require them to make written statements which may be used as evidence
- to prohibit any activity and to suspend work in cases of imminent or serious risk to the workforce by written entry in the labour inspection register. The employer may appeal to the Director of Work and Social Security for the province but the suspension remains in force pending determination of the appeal. The suspension is lifted when the inspector is satisfied that the appropriate remedial measures have been taken.
- to issue a formal warning requiring an employer to comply with the law within a period laid down by the inspector in cases where the non compliance involves a risk which is neither imminent or serious. The notice is issued by written entry in the labour inspection register.
- to propose the imposition of an administrative fine, the amount to be determined by the gravity of the offence. The imposition will be authorised by the provincial Director, the Director General or the Minister dependent on the amount proposed, and the decision sent to the employer in writing. Offences fall into three categories, minor, serious and very serious. There is a progressive appeals procedure through the various levels in the Ministry of Labour and the lodging of an appeal suspends the obligation to pay the fine. However, if the employer chooses the alternative of pursuing his appeal through the administrative court, he must in the first instance pay the fine.
- to draw up a report following the discovery of an alleged offence which is sent by the Director for the province to the judicial authority who will institute proceedings if in their opinion the offence notified constitutes a crime under Spanish law. This is a power very rarely used.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

Each year an overall plan is produced by the Director General setting out the main priorities for the year. This plan identifies the

minimum objectives to be achieved by the Inspectorate and takes into account both the resources available and the range of functions which must be performed. The objectives will relate to the four main functional areas of employment, industrial relations, social security and health and safety at work. The plan is prepared on the basis of an analysis of the work completed in previous years and current political and social demands. It forms a framework with sufficient flexibility to allow more specific priorities to be defined in the light of:

- contributions from those autonomous communities which have been given devolved powers
 - observations submitted by major trades unions and employer federations
- With these in mind specific objectives are established and quantified and included in an instruction sent out by the Director General to the provincial units. Each province then prepares its own annual programme based on the national plan but including also those priorities which have been identified at local level.

The performance of individual provinces against the agreed plans is monitored by:

- monthly reports to the Director General including details of all work completed by inspectors and controllers in the province. Information from these reports is stored electronically.
- a productivity system whereby staff get paid by results. In general this is based on the number of premises visited, the type of work being carried out and the quality of the reports produced after the visit.

(b) Proactive inspection for enforcement purposes

Many visits made by inspectors are not concerned with health and safety issues and follow a request for advice often from employees. Some visits are made by appointment though the Director General as part of the national programme does require a certain number of proactive visits to be made without warning and the chief inspector in the province may add an additional local target. The premises to be visited are selected on the basis of information available to the inspector on problem companies including reports on past visits and details of social security contributions. Additionally an inspector may carry out a full inspection of the premises when the prime reason for the visit was to investigate an accident.

Large premises are usually visited at least on an annual basis whilst smaller companies will be seen every 18 months to two years. From time to time special campaigns are organised in sectors of industry such as construction, agriculture and tourism where particular problems

have been identified. To ensure consistency of approach in these campaigns proformas are often produced for use by the inspectors.

At the end of the visit the inspector makes an entry in the company's labour inspection register summarising the action that must be taken following the visit. A copy of the entry is held in the provincial office.

(c) Reactive work

All accidents at work, including those sustained on the journeys to and from work, must be reported by the employer within forty eight hours - twenty four hours in the case of fatal accidents - whether the accident results in an absence from work or not. Following an accident or in a case where an employer suffers ill-health as a result of his work, an employer completes two copies of the appropriate report form and sends one to the provincial Director of Labour and the second to either The National Institute of Social Security or the Mutuas Patronales. Both the province and the insurance organisation send a copy of the report to the headquarters of the Labour Inspectorate. There is still some under reporting particularly in cases of ill health.

Accident reports received by the Labour Inspectorate are categorised as fatal, very serious, serious or slight dependent on the injury sustained and the prognosis of the doctor attending the injured person. All fatal and serious accidents are investigated and also some of those where the injuries, though slight, suggest that there are deficiencies in the standards of safety and health provided at the workplace.

There is a list of about fifty categories of occupational ill-health which need to be notified to the authorities. Cases of ill health most frequently reported include lead poisoning, brucellosis, vibration white finger, occupational asthma, dermatitis and bursitis. Inspectors investigate a selection of reported cases with the assistance of doctors from INSHT. Of all accidents and cases of ill-health reported, the Labour Inspectorate investigates about 3%.

Many complaints are received concerning matters of health and safety and the majority are investigated.

(d) Information gathering and advice

The provision of advice to employers and employees is considered to be an important part of the Inspectorate's activities and many enquiries resulting from telephone calls or personal visits to the office are dealt with by the duty officer system.

Information gathering exercises are carried out from time to time, a most recent example involving the shipping industry, comprising the

fishing and merchant navy sectors, with the dual purpose of advising the industry and adding to the Inspectorate's knowledge base.

The Labour Inspectorate does not normally involve itself in the production of material giving guidance and advice on technical aspects of health and safety. This is a task which is carried out by INSHT. It does, however, produce an annual report which contains statistics on the number and type of visits paid by inspectors and a breakdown of the accidents that have occurred by industry sector.

(e) Links with social partners

The national forum for consultation on matters of health and safety is the National Commission for Health and Safety, a tripartite body with representatives from the social partners and the Ministry. At this forum there is discussion and consultation on the content of the programme of work and its objectives. A similar forum exists at provincial level which meets monthly under the presidency of the provincial Director of Labour and offers the opportunity for joint discussions on trends in accidents and ill-health.

At workplace level, in enterprises employing over ten persons there is a requirement for a worker representative or a council, dependent on the size of the enterprise, to be appointed. The representative or council as part of his or its activities will deal with health and safety matters. Since a large part of the activities of the Labour Inspectorate arises from requests for advice or complaints from employees, the inspector of necessity will need to contact the employees' representative and be accompanied by him during his visit.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

Admission to the Labour Inspectorate is by an annual open national competition. Candidates must be university graduates or have an equivalent level of qualification in engineering, architecture or a similar field. The competition comprises three written and two oral tests assessed by a selection panel of prominent public figures chaired by a member of the Central Authority of the Labour and Social Security Inspectorate. The tests are progressive and candidates must pass each one in turn before being admitted to the next. They will be examined on matters such as:

- general theory of law
- constitutional law

- penal law
- administrative law
- civil law
- mercantile law
- national and company accounts
- productivity and statistics
- labour law including health and safety
- individual and collective industrial relations and trade union law social security and employment

Additionally there is an open competition for the controller grade where candidates need to be in possession of a diploma from an establishment of higher education. They also are required to complete written and oral tests but in the more limited fields of social security and labour law.

(b) Possible career patterns for inspectors

Inspectors may expect to progress through the various grades to the substantive post of area chief inspector. The posts of provincial chief inspector and deputy provincial chief inspector are, however, opportunity posts, and post holders may be appointed for limited periods only. Opportunities do exist for inspectors to take up other posts in the Ministry for which they may be qualified.

Controllers may advance to the inspector grade only if they are successful in the tests set for the open competition.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

Following the national competition for which specific preparation is necessary, successful candidates must take a three month course which is practical in nature and covers labour law, accounting, statistics, organisation and administrative procedures. While most inspectors will have an initial legal qualification, all new recruits are given sound legal preparation for the work which lies ahead of them. The course is followed by a period of on the job training with one of the provincial inspectorates where the recruit carries out joint inspection with a number of his senior and experienced colleagues. After a period of approximately four months he will begin to carry out visits on his own though it may take up to two years before a recruit is considered to be fully skilled. For the remainder of his initial training period he will attend a number of technical training courses interspersed with on the job training. The technical courses are essential because much of the

training which the recruit has received initially has been theoretical in nature. Training will be given in subjects such as :

- safety in the construction industry
- fire prevention
- prevention of electrical risks
- occupational hygiene
- health and safety in the petrochemical industry
- health and safety in vehicle repair workshops
- health and safety in the woodworking industry
- noise

Controllers will follow a similar pattern of initial training though this will be concerned only with those areas of work in which they are required to be competent

(b) Training for established inspectors

An assessment of training needs is carried out by provincial chief inspectors based on the activities scheduled in the annual operating plan and his knowledge and experience of individual inspectors. Courses, technical workshops and seminars are organised to meet these needs. Courses run on a national basis have been offered in subjects such as:

- electrical hazards
- woodworking industry
- hazards in the construction industry
- motor vehicle repair industry
- occupational hygiene
- information technology

Additionally an information sheet on aspects of the law directly impinging on the work of inspectors is issued twice a year by the Director General's office.

ANNEX 1

Provincial Structure of the Labour Inspectorate

Director General of Labour
and Social Security

(Central Government)

Civil Governor
(Provincial Government)

Provincial Director of Labour
and Social Security

Autonomous
Communities

Provincial Chief Inspector of Labour
and Social Security

Deputy Chief Inspector *

Area Chief Inspector *

Team Leader *

Inspectors

Controllers

* Existence and number depends on size and importance of province.

ANNEX 2

Provincial Offices

- | | | |
|-----------------|----------------------------|----------------|
| 1. Alava | 21. Huelva | 41. Sevilla |
| 2. Albacete | 22. Huesca | 42. Soria |
| 3. Alicante | 23. Jaen | 43. Tarragona |
| 4. Almeria | 24. Leon | 44. Teruel |
| 5. Avila | 25. Lerida | 45. Toledo |
| 6. Badajoz | 26. La Rioja | 46. Valencia |
| 7. Baleares | 27. Lugo | 47. Valladolid |
| 8. Barcelona | 28. Madrid | 48. Vizcaya |
| 9. Burgos | 29. Malaga | 49. Zamora |
| 10. Caceres | 30. Murcia | 50. Zaragoza |
| 11. Cadiz | 31. Navarra | 51. Ceuta |
| 12. Castellon | 32. Orense | 52. Melilla |
| 13. Ciudad Real | 33. Oviedo | |
| 14. Cordoba | 34. Palencia | |
| 15. Coruna | 35. Las Palmas | |
| 16. Cuenca | 36. Pontevedra | |
| 17. Gerona | 37. Salamanca | |
| 18. Granada | 38. Santa Cruz de Tenerife | |
| 19. Guadalajara | 39. Cantabria | |
| 20. Guipuzcoa | 40. Segovia | |

FRANCE

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies

The Labour Inspectorate in France is an interministerial body common to the Ministries of Labour, Agriculture and Transport. The major responsibility for labour inspection falls to the Ministry of Labour and its Inspectorate, Services Deconcentrees du Travail et de l'Emploi (SDTE), who oversee working conditions in most sectors of industry including the service industries and in commerce. The agriculture sector is defined widely to include associated commercial activities and the responsibilities of inspectors working within the Ministry of Agriculture are wider than inspectors in SDTE, extending to the supervision of the agriculture social security scheme. The transport sector includes road, rail, air and inland water transport and the responsibilities of inspectors in the Transport Ministry are similar to those of SDTE inspectors. Inspectors in all three Ministries share common recruitment, powers, pay, conditions of work and training. They are allocated to a particular Ministry at the recruitment stage. In addition to those recruited as labour inspectors, there are other members of staff from other Ministries and public departments, such as mines inspectors and marine engineers, known as "fonctionnaires assimiles", who are involved in labour inspection. They have the same powers as labour inspectors but exercise those powers only in a limited sector of industry. (cf 1(b))

In the Labour Ministry, at the central level, a sub - directorate, Sous - Direction des Conditions de Travail et de la Protection contre les Risques du Travail, Sub - Directorate for Conditions of Work and Protection against Occupational Hazards, is also concerned with occupational health and safety. Its functions are:

- to develop legislation
- to oversee enforcement of the legislation
- to draw up rules concerning the organisation and operation of occupational health services
- to liaise with other government departments and organisations on matters concerned with the improvement of working conditions
- to participate in research

- to supervise and provide technical guidance for regional medical advisers.

In addition to the interministerial Labour Inspectorate there are other bodies who have significant parts to play in the French health and safety system. They are as follows:

- Conseil Supérieur de la Prévention des Risques Professionnels (CSPRP), Higher Council for the Prevention of Occupational Hazards. This is a national body with representatives from government, employers, employees and other experts, chaired by the Minister of Labour, which provides a forum for the exchange and coordination of views of the various players with an interest in health and safety at work. The Council is supported by a small permanent commission and a number of specialist committees covering the following topics:

- plant and machinery

- dangerous substances and products

- occupational ill health

- industrial medicine

- approved technical organisations - organismes agréés.

- Agence Nationale pour l'Amélioration des Conditions de Travail (ANACT), National Agency for the Improvement of Working Conditions. This is an agency set up and funded by the Ministry of Labour. It is governed by a council comprising representatives of employers, employees and government and independent experts. Its head office is in Paris and it has five regional offices and a total staff of about a hundred. Its main functions are:

- to gather and disseminate information on measures to improve working conditions

- to coordinate research into the causes of accidents and to publish the results of the research with the aim of securing a reduction in both the number and severity of accidents

- to provide a technical service to industry, visiting on request to give advice on the possible health and safety implications of proposed plans or projects

- to advise the Ministry of Labour on the disposition of its fund for the improvement of working conditions after evaluating bids from prospective participants.

- Caisse Nationale d'Assurance Maladie (CNAM), National Sickness Insurance Fund answerable to the Minister of Health and Social Security. The law requires all employers to have insurance cover for sickness and accidents and most have opted to join national schemes of which CNAM is by far the largest. CNAM is financed by premiums levied on employers and is controlled by a national advisory committee with representatives of employers, employees, the government and independent experts. This committee is supported in turn by fifteen technical committees representing different sectors of industry formed from representatives of the social partners. CNAM has the following functions:

- to control the operation of sickness insurance funds

- to promote and encourage measures to prevent accidents and occupationally induced ill-health

- to comment on proposed health and safety legislation

- to participate in the development of standards which incorporate safety considerations

- to administer the budgets of INRS (cf section 4) and CRAM

- to collate statistics relating to accidents and ill-health at work

- Caisse Regionale d'Assurance Maladie (CRAM), Regional Sickness Insurance Funds, sixteen in number, controlled and financed by CNAM. The CRAM is controlled by a regional committee with employer and employee representatives. The employee representatives are elected by all the employees in the region covered by the insurance scheme. In the event of an accident an employee will be compensated by CRAM for loss of earnings and any disability. The committee's work involves the application of the national rules for the setting of premiums and the development and coordination of regional measures for the prevention of accidents and ill-health at work. CRAMS provide a specialist technical service, consisting of advisory engineers and controllers, about 800 in total, working from 16 regional centres (cf Annex 3). Both engineers and controllers generally have a technical background and experience in industry. There are also laboratory technicians available at the centres who can visit places of work to take samples. Engineers and controllers employed by the CRAMS have

the right to enter all workplaces subject to the national insurance scheme. They may carry out any measurement, atmospheric sampling or analysis they consider necessary. They may issue "dispositions generales" with the approval of the Regional Director of Labour, which require all employers carrying out the same activity to take the preventive measures set out in the "disposition".

- Caisse Primaire d'Assurance Maladie(CPAM), the third tier in the insurance system with an office in each Department. Employers must complete an accident report and send it to CPAM within 48 hours of the circumstances coming to their notice. The injured person's doctor must also complete and forward a declaration following his examination of the patient. CPAMs forward details of the accident to their CRAM, deal with any resulting claim from the injured person and pay compensation if this is thought appropriate.

- Organisme Professionnel de Prevention du Batiment et des Travaux Publics (OPPBT), Organisation for the Prevention of Accidents in Construction and Public Works, a bipartite organisation managed by a national committee with equal representation from employers and employees. Its main function is to research the underlying causes of hazards in construction work, suggest measures to alleviate them and provide information and training for those involved. There are also sixteen regional committees, again bipartite, each with a coopted medical adviser and a representative nominated by the Ministry of Labour. In principle they cover the same geographical areas as the CRAMs. The committees are funded by mandatory subscriptions from contractors. The national committee leads, coordinates and controls the work of the regional committees sending out instructions and guidance on health and safety matters. Regional staff are involved at the workplace with the aim of encouraging the adoption of safe practices and of raising the awareness of the risks associated with the industry. OPPBT has no power over individual companies but relies on its persuasive powers and places great store on the professionalism and experience of its staff who are recruited following an examination designed to test their competence. Recruits must also have had at least five years experience in the industry. The organisation has a training centre near Orleans and offers a wide range of courses including several on health and safety. It has produced a large amount of guidance material on health and safety much of it aimed specifically at the smaller firm.

Local authorities have no direct responsibility for health and safety at work. Local fire authorities, however, do monitor general fire precautions particularly in those premises to which the general public have access.

(b) Arrangements for different sectors of industry

The Inspectorate of Mines which reports to the Minister of Industry, is responsible for overseeing standards of health and safety in the mining and quarrying industry. The inspectors, who are mining engineers, monitor production as well as conditions of work. Additionally they have responsibility for the energy sector including gas and electricity power stations both conventional and nuclear, offshore activities and major hazard premises. The protection of the environment from all sectors of industry also falls within their remit. On matters of health and safety in those premises for which they have responsibility, mines inspectors report to their own Minister but for all other employment matters they act under the direction of the Minister of Labour.

Working conditions, including health and safety, of employees (ie crew members) on fishing vessels and other sea going ships are controlled by an inspecting body of marine engineers from the service of maritime affairs who in these matters work under the direction of the Minister of Labour.

2. Responsibilities of the Labour Inspectorate

(a) Health and Safety

The Labour Inspectorate is responsible for

- the enforcement of the Labour Code and other statutory provisions concerned with conditions of work and the protection of employees whilst they are engaged in work activities.
- the provision of technical information and advice to employers and employees concerning the most effective means of complying with the requirements of the legislation
- informing the Minister of Labour when the law may need amending to deal with potential hazards not covered by existing requirements. The Code does not deal exclusively with health and safety but also with other conditions of employment such as hours of work, contracts of employment, wages and collective agreements and other industrial relations practices. As far as health and safety is concerned the legislation includes both general health and safety duties and also specific requirements covering amongst other things the responsibilities of employers and manufacturers and suppliers of articles for use at work, safety training, health and safety committees, occupational health service provisions, the use of dangerous substances, protective

measures for particular processes and the enforcement powers of labour inspectors. The Labour Code applies to all industrial, commercial and agricultural establishments, construction sites, hospitals and premises concerned with technical training and education. The law applies to mines and quarries and transport undertakings only when specific reference is made to them. The self employed are not covered nor are schools and other educational establishments not involved in technical training. As a general rule the Labour Inspectorate is not concerned with the possible effects of work activities on the health and safety of people outside the workplace. This falls to the Mines Inspectorate. Labour inspectors spend between thirty and thirty five percent of their time on health and safety matters.

(b) Other matters

The Labour Inspectorate is responsible for putting into operation government policy and strategies for employment and occupational training and education as well as for enforcing statutory and contractual conditions of work and employment and for improving conditions at work generally. In carrying out this responsibility inspectors are involved in the following main areas of activity:

- contracts of employment
- employee representation at the workplace
- collective agreements
- wages and holidays
- hours of work and the important problem of illegal employment
- industrial relations including mediation in both individual and group cases
- industrial training. Inspectors are involved in an advisory capacity and are not concerned with the actual delivery of training programmes at the workplace. As part of this activity they also assess applications for grant aid for courses of training directly associated with the introduction of new technology or processes to the workplace.
- preparation for the public of information and guidance on the above matters.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

Labour inspection policy is set at central level by the Labour Relations Directorate- Direction des Relations du Travail - of the Ministry of Labour and more specifically by the division in that Directorate that covers conditions of work and protection against risks from work - Sous-

Direction des Conditions de Travail et de la Protection contre les Risques de Travail. Annex 1 gives details of the various Directorates at the headquarters of the Ministry of Labour. The Regional Directors of the field staff in principle report on their various activities to the Minister through the Directorates at headquarters who have central responsibility for those activities. The Direction de l'Administration Generale et de la Modernisation des Services (DAGEMO) and particularly one of its sections, Mission Centrale d'Appui et de Coordination des Services Deconcentres, has a close relationship with the field staff. DAGEMO has responsibility for finance, logistics, information technology and human resources including recruitment and training. The Mission Centrale d'Appui has as its essential role the coordination and harmonisation of the work of the Labour Inspectorate within the framework of a corporate strategic plan. It is the source of advice for inspectors in the field and issues instructions and guidance to ensure a uniform and consistent application of the law and agreed standards across the full range of labour inspection activities. In the preparation of these documents the staff of Mission Centrale d'Appui take into account both legal and technical matters and also the practical considerations involved in the way inspectors in the field carry out their visits at the workplace. The Mission, however, has no direct management control over the activities of SDTE.

(b) Structure of the inspectorate in the field

The Labour Inspectorate within the Ministry of Labour is organised on a geographical basis. In each of the 95 Departments there is a labour and employment departmental office - Direction Departementale du Travail et de l'Emploi et de la Formation Professionnelle - responsible for implementing government policy with respect to the application of labour law and employment and the provision of training and under the control of a Departmental Director. Within each departmental office there are various specialised sections or units some of which are responsible for labour inspection and are under the control of a labour inspector assisted by one or more labour controllers. Across the Departments there are about 426 specialised labour inspection units who will be the point of contact for all employers and employees within the geographical area for which they are responsible and will deal with all aspects of the Labour Code including health and safety. As a general rule controllers will visit the smaller premises and they tend to become more involved with health and safety matters. Staff in the labour inspection sections do not specialise in any particular aspect of their work but will cover the whole range of activities for which they have responsibility. The departmental offices are grouped into 22 regions (cf Annex 2) each under the control of a Regional Director. The Departmental Director issues guidelines to and monitors the

activities of the staff of all sections under his command. The Regional Director coordinates and supervises the operations of the departmental offices within his region. The Labour Inspectorates in the Agriculture and Transport Ministries are organised in a similar way though on a smaller scale and there may be one office covering two or more Departments.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Inspectors may call for assistance from technically qualified staff in the regional labour and employment offices. The services available include those of doctors qualified in occupational medicine, risk prevention engineers, statisticians, economists and computer scientists. The doctors and engineers help the inspectors in their investigations and in their assessments of health and safety standards at the workplace. Inspectors do not normally themselves carry out any measurements or environmental sampling at the workplace and consequently have no need for instruments or training in their use.

(b) Support available from bodies outside the Inspectorate

The Caisse Nationale d'Assurance Maladie (CNAM) funds the Institut National de Recherche et de Securite (INRS) which has a large research centre near Nancy. It is one of the prime sources of guidance on health and safety matters and its services are available to inspectors, the Caisses Regionales d'Assurance Maladie (CRAMS), companies, trade associations and trade unions. Labour inspectors and the engineers/advisers from CRAMS may send samples to INRS laboratories for analysis. The Institute is managed by a council representative of employers and trade unions and has five main functions:

- to increase the awareness of health and safety issues at work
- to carry out research into occupational accidents and ill-health
- to gather and distribute documentation on health and safety
- to coordinate the syllabus and methods of training of occupational health and safety professionals such as the engineers and controllers employed by the CRAMs.

- to provide a technical service for the Ministries of Labour and Social Security, the sickness insurance funds, technical committees and doctors specialising in occupational health.

Research which represents forty percent of INRS work covers a wide range of subjects including acoustics, robotics, ergonomics, protective equipment, toxicology and epidemiology.

Organismes Agrees (OA) are consultancy and testing organisations approved by the Minister of Labour to act in specific fields such as machinery, electricity, environmental monitoring and noise. They are private organisations which can provide a technical service for employers and can play a major role in the overall system for the control of risks at the workplace and the improvement of working conditions. Their appointment by the Minister is for a limited period but may be renewed if inspectors are satisfied with the level of their performance. An inspector may require an employer to have a survey carried out at the workplace by one of the Organismes Agrees and the report following the survey is made available to him. He may use this report as a basis for requiring the employer to take action to improve working conditions.

5. Powers of Labour Inspectors

The following powers are given to labour inspectors and controllers:

- to enter any place of work at any time of day or night to carry out checks and enquiries and to require employees' representatives to accompany them during the visit. This power does not extend to domestic premises where the permission of the inhabitants must be sought before entry is gained.

- to take samples of materials/products for analysis. This power is given to inspectors only and not to controllers. The power is rarely used. In practice inspectors require employers to make use of approved technical organisations for this purpose.

- to question employees on all relevant matters concerning working conditions. This does not extend, however, to requiring them to make a written statement.

- to take photographs and measurements

- to examine all ledgers, registers and other documents required to be kept by the legislation

- to make a written entry in a register kept at the workplace for the purpose of drawing the attention of the employer to his obligations under the relevant legislation in circumstances where further non compliance could lead to sanctions being taken against him under the criminal law. The register has to be kept for inspection by the labour inspector and may be consulted by the works committee or safety representative.

- to issue an improvement notice to an employer requiring him by a given date to comply with the specific requirements of a particular regulation. A Departmental Director may also issue a notice requiring that a dangerous situation arising from the non-implementation of a general safety provision be eliminated. The employer has the right of appeal against the notice to the Regional Director and beyond him either to the Minister of Labour or the administrative courts.

- to apply to a judge in cases of serious or imminent danger to employees resulting from non compliance with the legislation for an order stipulating the measures that need to be taken to remove the risk. The measures may involve stoppage of plant or machinery, confiscation of materials or the partial closure of a workplace.

- to order the cessation of work on a building site when employees are in serious or imminent danger as a result of a failure to provide the protective measures required by the law. The inspector may authorise resumption of work when the appropriate measures have been taken.

- to draw up a prosecution report for the attention of the Director of Public Prosecutions who has the responsibility of deciding whether criminal proceedings should be instituted.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

Following consultation at regional and departmental level an annual programme of work outlining the national priorities is drawn up by the Direction des Relations du Travail. The priority areas for action could be up to ten in number and include items such as falls from heights or the problem of noise in a particular sector of industry. The programme is discussed with the Higher Council for the Prevention of Occupational Hazards(CSPRP) who give their opinion on the proposals and may suggest other courses of action to be taken to improve standards of

health and safety at the workplace. The national priorities are then integrated into regional programmes by the Regional Directors following consultation with their staff of safety engineers and medical inspectors and with the CRAMs. The Regional Directors have the flexibility to include in their programmes local priorities at regional and departmental level.

Monitoring of performance against plan is the responsibility of regional and departmental management who may use a number of metrics including the numbers of visits paid, notices issued and prosecutions taken. At the end of the year a report on the work carried out is submitted by the regions to the Direction des Relations du Travail. This is generally a factual account containing, for example, information on the number of visits paid and the sanctions imposed and is not an evaluation in depth of the success or effectiveness of the campaigns organised during the year in accordance with the national priorities.

(b) Proactive inspection for enforcement purposes

Inspectors deal with a wide range of issues during their visits e.g. wages, health and safety and industrial relations. Whilst general national priorities may be set from the centre inspectors as a rule make their own decisions on what premises they will visit. They try to inspect workplaces where more than fifty are employed on an annual basis, where between ten and fifty are employed every two years and smaller premises once every three years. The main criteria which influence the decision on which premises should be visited are the size of the enterprise, its accident history and its past performance of which the inspector will have knowledge from records kept at his office. As a general rule visits to the larger and more complex premises will be paid by inspectors with controllers dealing with the remainder. They will vary their inspection techniques taking into account the size of the establishment and the effectiveness of employee representation.

From time to time special campaigns are mounted on a national basis to address a significant problem that has been identified. Recent campaigns have concentrated on falls on building sites, chemical hazards and noise. Proformas are prepared for certain operations, for example work from heights or in excavations on building sites, with the aim both of promoting consistency in the standard of inspection and of collecting information on which future inspection priorities might be based.

After a visit a letter containing the inspector's observations is sent to the employer. A copy is retained on file as a record of the visit.

Proactive inspection by engineers and controllers employed by CRAMS is similar to that carried out by labour inspectors as far as health and

safety is concerned. They speak to employers and employees as well as to members of the safety committee. They spend much of their time carrying out risk assessments at premises and in assessing the effectiveness of preventive measures they have recommended on previous visits. They also attend meetings of the workplace safety committee and assist where required in the preparation both of the safety plan for the enterprise and of training courses. They prioritise their visits against the risk assessments they have made and also take into account the number of accidents per year reported by an establishment and the risks to health. Their role is preventive but essentially advisory and they have no formal enforcement powers. They do, however, require employers to take all justifiable preventive measures and when their advice is not followed they may find it necessary to increase an individual employer's premiums.

Staff from OPPBTP visit construction sites advising on any necessary remedial action. This normally has the desired effect but if not they may report the contractor concerned to his trade association who will use its influence to achieve the required action. If they come across an imminent risk they call on the labour inspector to use his powers of prohibition.

(c) Reactive inspection

An accident is reportable if an employee is absent from work for at least one day after the day of the accident. The employer must report the accident to CPAM and in the case of a construction site to OPPBTP, within forty eight hours of receiving information about the accident. A copy of the report is sent to the labour inspector by CPAM or OPPBTP. There is a similar reporting procedure for cases of occupational ill-health required to be notified - about 90 in number.

Inspectors/controllers investigate between 1 and 2% of all accidents reported. Selection is based on the severity of the injury caused and also on the frequency with which accidents are reported from an individual workplace particularly if they suggest that there is a failure by the employer to comply with legal requirements. CRAM personnel also investigate accidents not to determine responsibility and apportion blame but to identify the underlying causes in order to give guidance and advice on remedial measures. They spend only up to 5% of their time on this activity and investigate fewer incidents than the labour inspectors.

There are few complaints made to the Inspectorate on health and safety matters and consequently little time is spent on this activity.

(d) Information gathering and advice

Employers are provided with information through the publication of short pamphlets, free of charge, several of which deal with occupational safety. These are generally produced by organisations such as INRS, OPPBTP and ANACT and it is only on rare occasions that the Labour Inspectorate will themselves publish technical guidance in the field of health and safety.

The National Agency for the Improvement of Working Conditions (ANACT) has developed a programme for small/medium sized businesses. Companies in any sector can receive technical advice and also financial assistance from the state to improve their employees' working conditions. Labour Inspectors participate actively in this scheme either by informing employers of its existence or themselves initiating enquiries on an employer's behalf.

(e) Links with social partners

The Conseil Supérieur de la Prévention des Risques Professionnels (CSPRP), the Higher Council for Prevention of Occupational Hazards, provides a national forum for discussion and consultation by the Ministry with representatives of both employers and employees.

At workplace level an important feature of the way health and safety is administered within the French system is the important role given in law to works committees and safety representatives. The law requires that in every workplace where more than 10 are employed an employees' delegate must be appointed and where there are more than 50 employees a Comité d'Hygiène, de Sécurité et des Conditions de Travail (CHSCT), a Safety, Health and Working Conditions Committee, must be set up. The CHSCT is made up of the Works Manager, the employees' delegates who are appointed by the Works Council to serve for a term of two years, the safety officer and the works doctor. The committee discusses the health and safety performance of the previous year and the programme for the year to come looking in particular at proposals for new machinery and processes and changes in working practices and hours of work. It considers accident reports and cases of occupational ill-health and has the right to call in an external expert when there is a potentially serious risk at the workplace for which no solution has been found. Employee representatives on the committee are entitled to receive appropriate training and sufficient time away from their normal duties to enable them to make an effective input to health and safety and other works issues.

The Labour Inspectorate's work benefits in a number of ways from the existence of CHSCT's. It is a forum whereby the inspector may pass on information to employees and employees to the inspector. Whilst the committees generally run their own affairs the inspector may intervene at any time, not necessarily to secure compliance with the law, but also to ensure that the company is taking the appropriate steps to improve its standards of health and safety.

Employees' delegates have the right to accompany inspectors/controllers during their visits if they so wish. Moreover the employer must inform the members of the CHSCT of visits paid by inspectors/controllers and of the observations they have made.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

Inspectors and controllers form the two main grades of inspecting staff. Inspectors are recruited through two separate competitions run each year, one external and the other internal. The external competition is for candidates aged 35 or under who are in possession of a university degree or an equivalent recognised qualification. The internal competition is for existing civil servants of specific grades in the Ministries of Labour and Employment, Social Affairs or Transport or in one of the public bodies associated with those Ministries who have at least four years service. The competition for external candidates takes the form of a written examination consisting of four separate papers followed by interviews before a selection panel. Internal candidates must also take a written examination consisting of two papers followed by an interview. The majority of successful candidates for the inspector grade do not have a technical discipline but have training in the law, economics or industrial relations.

The recruitment of controllers is run on similar lines with internal and external competitions. Candidates for the external competition must be under 45 years of age with a baccalaureat or similar qualification. The internal competition is for existing civil servants in the Ministries of Labour and Employment and Social Affairs with at least five years service. Both internal and external candidates are required to take a written examination consisting of two papers followed by an interview.

(b) Possible career patterns for inspectors

The Labour Inspectorate has four grades each of which is sub-divided into a number of classes and inspectors may expect to progress

through the grades and sub-grades as their career unfolds with the prospect of achieving posts as Regional or Departmental Director. There are also opportunities for moving from the field to posts in one of the headquarters directorates or one of the public bodies set up under the charge of the Ministry of Labour such as ANACT.

Controllers have two grades, each again with its sub-grades, through which they may progress. Additionally, after the required period of service, they may enter as candidates in the internal competition for the inspector grade.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

The training of new recruits for the post of labour inspector is carried out at the Institut National du Travail, de l'Emploi et de la Formation Professionnelle (INTEFP), a purpose built training centre at Marcy l'Etoile near Lyons. Regional training centres have also been set up at Paris, Lille, Lyons, Nantes, Bordeaux, Dijon, Toulouse and Marseille. Teaching staff are drawn from within the Inspectorate and from outside sources both academic and industrial. Initial training takes 18 months and consists of:

- *a period of general training for twelve months designed to give the new recruits the knowledge and skills common to all the duties performed by a labour inspector.*

- *a period of specific training of six months duration which concentrates on the technical knowledge and skills peculiar to each of the Inspectorate functions. The training as a whole covers many different areas in keeping with the wide range of duties which labour inspectors have to carry out. The areas covered include:*

- *business economics and sociology*
- *legal aspects - administrative, penal and civil law*
- *labour and employment regulations*
- *the theory of organisations*
- *communications and computer skills*
- *prevention of occupational hazards*

The objectives of the course are to give new recruits the knowledge necessary to understand their area of activity, a command of the various legal and administrative instruments available to support their activities and a grasp of inspection methods and systems to enable them to optimise their monitoring and prevention activities in the fields of labour, employment and industrial relations.

Training in health and safety will take up about 200 hours of course work and will look at:

- *the law, including an analysis of the relevant regulations and procedures for their application, monitoring systems within companies for the implementation of the law and the use of enforcement procedures.*
- *hazard prevention and control, including a study of production processes and an identification of the hazards involved together with the various methods of protection available.*

During his initial training the new recruit will have periods of practical training in companies and on construction sites where he will be confronted with real hazard situations and working conditions. He will also have periods of joint visiting with an experienced inspector.

Recruits to the controller grade will, during their first year, receive training on a modular basis, organised by INTEFP and delivered at one of their regional training centres.

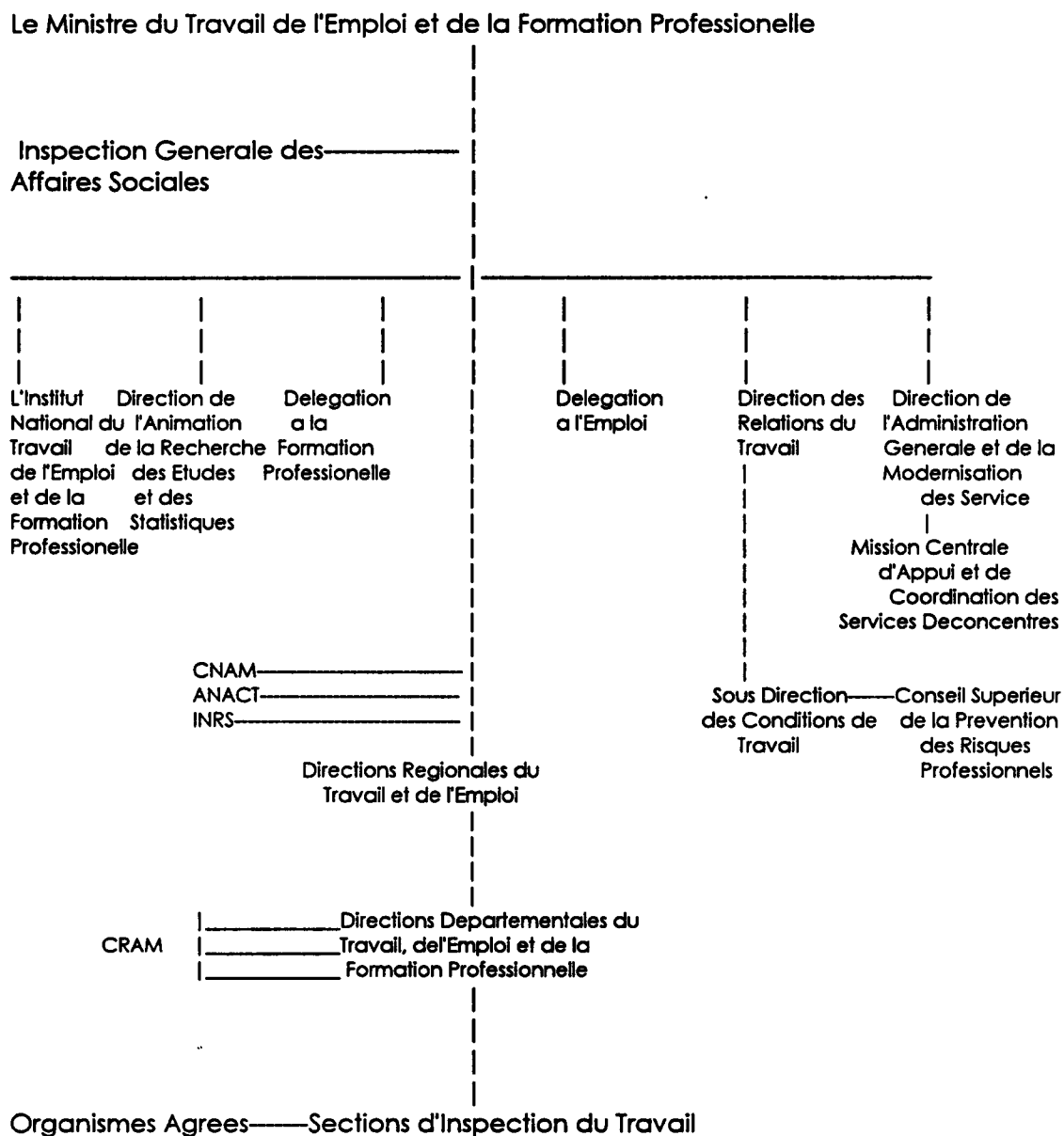
(b) Training for established inspectors

Training for established inspectors is given at INTEFP and also at the regional training centres set up to meet local training needs. The training covers the full range of activities with which the Inspectorate is involved but approximately one third is devoted to health and safety. Courses are organised on technical subjects such as electricity, chemicals, noise, transport of dangerous substances, agriculture, construction, automation and robotics.

Additionally a series of inspection guides has been prepared to assist inspectors and controllers improve the effectiveness of their interventions. These cover a number of industrial sectors and hazards such as mechanical workshops, hotels, garages, the use of chemicals and the transport of dangerous substances.

ANNEX 1

Organisation for Labour Inspection



————— hierarchical relationship - - - - - functional relationship

ANNEX 2

Location of Labour Inspectorate Regions and Offices

1. Alsace - Strasbourg -
2. Aquitaine - Bordeaux
3. Auvergne - Clermont - Ferrand
4. Basse Normandie - Caen
5. Bourgogne - Dijon
6. Bretagne - Rennes
7. Centre - Orleans
8. Champagne Ardenne - Chalons sur Marne
9. Corse - Ajaccio
10. Franch Comte - Besancon
11. Haut Normandie - Rouen
12. Ile de france - Paris
13. Languedoc Roussillon - Montpellier
14. Limousin - Limoges
15. Lorraine - Metz
16. Midi Pyrenees - Toulouse
17. Nord Pas de Calais - Lille
18. Pays de la Loire - Nantes
19. Picardie - Amiens
20. Poitou Charentes - Poitiers
21. Provence Alpes Cote d'Azur - Marseille
22. Rhone Alpes - Lyon

ANNEX 3

Location of Offices of Caisses Regionales d'Assurance Maladie (CRAM)

1. Bordeaux
2. Clermont-Ferrand
3. Dijon
4. Lille
5. Limoges
6. Lyon
7. Marseille
8. Montpellier
9. Nancy
10. Nantes
11. Orleans
12. Paris
13. Rennes
14. Rouen
15. Strasbourg
16. Toulouse

IRELAND

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies.

The Labour Inspectorate is part of the Health and Safety Authority, the national authority for occupational safety and health, and the central body in Ireland for labour inspection activities, responsible for monitoring standards of health and safety at the workplace. The Health and Safety Authority was set up on 1st November 1989 under the Safety, Health and Welfare at Work Act. It is a tripartite body with representatives from employers, employees and government. It comprises a chairperson and ten members and is accountable to the Minister of Labour. The Authority, apart from administering and enforcing the legislation, also provides expert advice and information on occupational safety and health. It encourages the development of safety training at all levels and conducts and promotes research and studies into the prevention of accidents and diseases at work. Through the Authority the social partners have a major part to play in the development and implementation of health and safety policy at the highest level.

Fire Officers employed by Local Authorities, the County Councils, have responsibility for ensuring compliance at the workplace with those fire safety requirements which are associated with the premises e.g. means of escape in case of fire, fire alarms, fire fighting equipment. However, fire hazards to personnel which arise directly as a result of the processes at the workplace remain the responsibility of the Health and Safety Authority.

An environmental agency has been set up. Legislation for the protection of the environment is enforced by the staff of the agency and the Labour Inspectorate will have no responsibilities in this field.

(b) Arrangements for different sectors of industry.

The Labour Inspectorate is responsible for enforcing the Safety, Health and Welfare at Work Act in all sectors of industry including construction, lead and zinc mines and quarries, agriculture, transport and the fishing industry.

2. Responsibilities of Labour Inspectorate

(a) Health and Safety

The prime function of the Labour Inspectorate is to enforce the Safety, Health and Welfare at Work Act and to ensure that all workers have conditions of work that are safe and healthy. The Act applies to all employers, the self employed and all employees. It also provides for the safety of non-employees and members of the public whose health and safety might be affected by work activities.

(b) Other matters

The Labour Inspectorate's responsibilities lie solely in the fields of safety, health and welfare. There may be occasions when it is asked to look into matters connected with hours of work. This happens infrequently, however, and is done on behalf of the Department of Employment and Enterprise with whom prime responsibility lies.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The Headquarters of the Health and Safety Authority has four branches:

- Specialist Services
- Information and Training
- Legal Services and Personnel
- Labour Inspection

The Labour Inspection branch is headed by the Chief Inspector who reports to the Director of the Health and Safety Authority. The branch is divided into five sections each carrying responsibility for drawing up policy and setting standards in a number of defined subject areas such as factories, offshore installations, mines and quarries, construction and the service industries. A section is under the direction of a Grade 1 Inspector who additionally has responsibility for a group of inspectors working in the field. The Specialist Services branch under its Director is concerned with major hazards, occupational hygiene and the classification, packaging, transportation and use of hazardous substances. It has three sections, each again headed by a Grade 1 Inspector. Annex 1 shows the arrangement and responsibilities of the Labour Inspection and Specialist Services branches at headquarters.

(b) Structure of the Inspectorate in the Field

The Inspectorate currently is divided into eight groups and numbers fifty two inspectors in three grades, Grade 1, 2 and 3. Each of the eight groups is headed by a Grade 1 Inspector who manages the group and is responsible for the organisation and supervision of the work both in the geographical and specialist areas [cf para 3(a)] which he has been allocated. The Grade 1 Inspectors also through their participation in various European Community committees and working groups help transpose community directives into national legislation. The majority of inspectors work from the Headquarters office in Dublin with the remainder distributed between seven regional offices. The location of the regional offices is given at Annexe 2.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Some of the inspectors in the field have specialist expertise in subjects such as occupational hygiene, fire and explosion, pressure vessels, electricity and ventilation and they give help and support to their colleagues when this is needed. They receive appropriate training to keep them abreast of their specialisms.

The Occupational Medical Service which is staffed by two doctors gives specialist advice on health matters in support of the Inspectorate's work.

(b) Support available from bodies outside the Inspectorate

Inspectors carry out their own sampling at the workplace both of the working environment and of substances in use and a limited amount of analysis work is done in house. Otherwise samples are analysed by chemists at the state laboratory who will also provide expert evidence where required in prosecutions.

For support in ionising and non ionising radiation work inspectors call on experts from the Radiological Protection Institute of Ireland.

The Occupational Hygiene Unit of FORBAIRT - The National Institute for Research and Standards - occasionally gives assistance with the training of inspectors as do relevant departments of universities.

5. Powers of Labour Inspectors

The powers given to Labour Inspectors are set out in the Safety, Health and Welfare at Work Act 1989 and include the power:

- of entry into places of work
- to consult all registers and documents required to be kept by the legislation
- to interview all those at the workplace
- to require that premises be left undisturbed after an accident to enable them to carry out their investigation
- to suspend work activities to discover the cause of an accident
- to take samples for analysis both of the working environment and of substances in use
- to take photographs
- to issue formal notices of improvement to require an employer to comply with the law within a time limit set by the inspector
- in the event of a serious risk, imminent or otherwise, to prohibit the use of a machine, a process or part or all of a company's activities

Failure to comply with statutory provisions governing safety, health and welfare may lead to prosecution. Inspectors have no power to institute proceedings but it is their report to the competent body, the Chief State Solicitor, which forms the basis for the start of such proceedings. The investigating inspector provides expert knowledge and an account of his investigations or inspections in cases taken by the State Solicitor.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

The Inspectorate work to a three year rolling plan drawn up by the branch heads at Headquarters following consultation with Grade 1 Inspectors. This consultation ensures that there is a positive input from field inspectors into the proposed programme. The plan is reviewed and revised annually. Priority areas are identified and targets are set.

The industrial sectors which have significant health and safety problems receive most attention e.g. agriculture, construction, mines and quarries, major accident hazard activities, factories with hazardous processes and hospitals. Other sectors are inspected on a limited sample basis. Numerical targets are assigned in the priority and other areas but the choice of individual workplaces to be visited is left to the Group manager to decide. The annual work programme needs the approval of the Board of the national Health and Safety Authority so the management both of the Authority and the Inspectorate are actively involved in the setting of the national objectives.

(b) Proactive inspection for enforcement purposes

Inspectors in general are allocated a geographical area rather than a specific industry sector. Grade 1 inspectors will draw up a list of workplaces to be visited in accordance with the priorities set out in the national plan. There will be occasions when not all the premises in the selected priority areas can be visited during the year and to assist them in making their selection inspectors make use of a rating system which categorises premises according to hazard, risk and management competence and identifies those most in need of attention. In the traditional industries and smaller workplaces an average inspection cycle of four years is the norm. In larger premises and in the more hazardous workplaces such as those in the chemical sector there will be a minimum of at least one inspection every year. A number of sectors of industry became subject to health and safety legislation only with the advent of Safety, Health and Welfare at Work Act in 1989. The Inspectorate have targeted certain of these newly acquired sectors of industry, and in particular agriculture and the health services, on a pilot basis to assess their standards of health and safety and to obtain information on which future inspection programmes might be based.

As a general rule inspectors spend between three and four days a week on inspections with the Grade 2 and 3 inspectors carrying the larger inspection burden. Visits are normally made without prior notification. Inspectors complete detailed weekly reports on their activities and from these the overall progress of the annual programme can be monitored. All inspection results are inputted by field inspectors into a computer programme, specifically designed for the Authority's enforcement application.

(c) Reactive work

Fatal accidents and those causing an absence from work of more than three days have to be reported to the Health and Safety

Authority. Currently 20 - 25% of those reported are investigated with the selection being made by the Grade 1 Inspector. Accident reporting in those sectors of industry which have recently come within the scope of the legislation has been mandatory only since January 1993 and the Inspectorate suspects that it is not being made aware of many accidents because employers are still unaware of their duty to report to the Authority.

Occupational ill health is reported to the Inspectorate through the Department of Social Welfare. About a hundred cases a year are notified mainly concerned with dermatitis, occupational asthma and upper limb disorders. A percentage of the cases is selected for investigation by the doctors in the Occupational Medical Service.

Inspectors attempt to respond to complaints as quickly as possible. Because of increasing and conflicting demands on inspectors' time, however, management is in the process of drawing up criteria to assist groups to prioritise areas of complaint.

(d) Information gathering and advice

An increasing amount of time is being spent by inspectors giving advice and information to employers, employees and members of the general public. In particular, there is a great demand from industry to give lectures as part of training in health and safety provided for management and workpeople.

Information gathering exercises on various topics, for example small and medium sized establishments and the use of isocyanate bearing paints, are carried out on a regular basis with the aim of enhancing the Inspectorate's existing data base and informing discussion on future programmes of work. A new information technology system was introduced in 1994 to make data capture and retrieval a more simple and efficient process. This involves inspectors having access to a portable computer from which they download their inspection, accident and complaint investigation data.

(e) Links with social partners

Because the Health and Safety Authority is a tripartite body there is regular discussion with the social partners at Board level on national policy concerning health and safety. Additionally the Authority from time to time sets up joint advisory committees for individual industry sectors. The membership of these committees is made up of representatives from employers, employees and the Labour Inspectorate and their terms of reference are to:

- prioritise and advise on the principal safety and health problems in the sector

- assess and advise on a balanced approach to enforcement in the sector having regard to information, advisory, inspection and legal sanction possibilities
- advise on the development of appropriate guidance notes for the sector in relation to particular identified problems
- advise on the potential for cooperation and support between the Health and Safety Authority, Government Departments, State Agencies and representative sectoral bodies in raising safety awareness within the sector.

In the field, where an employee safety representative has been appointed at the workplace, he/she is entitled to accompany the inspector during his visit. Whether this entitlement is taken up or not, inspectors make a point of seeking out workers' representatives and informing them of the matters they have noted which require attention.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

There are three main Grades in the Inspectorate - Grade 1, Grade 2 and Grade 3 Inspectors are recruited at Grade 3 level. They will be graduates in a technical or scientific discipline or will have an equivalent professional or technical qualification. The majority will have had some industrial experience.

(b) Possible career patterns for inspectors

The higher posts of Grade 2 and Grade 1 inspector are filled on promotion from the lower Grades as are the posts of Chief Inspector and Deputy Chief Inspector. Inspectors also have the opportunity of taking up an administrative post within the Health and Safety Authority. These posts, however, are few in number.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

The Labour Inspectorate in Ireland is not large and consequently newly appointed inspectors requiring training are few in number.

Nevertheless a formal basic training programme has been set up, arranged and supervised by a senior inspector assisted by other senior inspectors of various disciplines. The programme is scheduled to run for a year and consists of off-the-job courses with the remainder of the time being taken up with training on the job. A three week induction course is given to new recruits shortly after they join the Inspectorate. This course outlines the role of the Inspectorate and the legal framework in which it operates. An outline of the hazards encountered in industry is given.

Topics covered on this course include:

- role of the Inspectorate
- background to the occupational health and safety legislation
- organisation of the Inspectorate
- inspection procedures
- plant requiring statutory inspection
 - electrical hazards
 - process hazards
 - mechanical hazards
- occupational hygiene
- policy for inspecting various work sectors (e.g. agriculture, construction, health services, industrial premises).

Following this course recruits accompany experienced inspectors on their routine work over a period of about six months. The programmes of inspection are carefully arranged to ensure that the new inspectors gain experience of a wide range of industries and processes. As part of their formal training, inspectors are now required as a condition of their employment to attend a diploma course in occupational safety and health run by selected universities. The course is not restricted to members of the Authority but it does include a specific module dealing with the policy and procedures of the Inspectorate which is delivered only to inspectors. Apart from the induction and diploma courses new inspectors also attend external courses to improve their oral and written communication skills where this is considered necessary.

After a year of basic training, new inspectors are usually considered capable of working on their own. However for a second year their work will be closely supervised by a senior inspector.

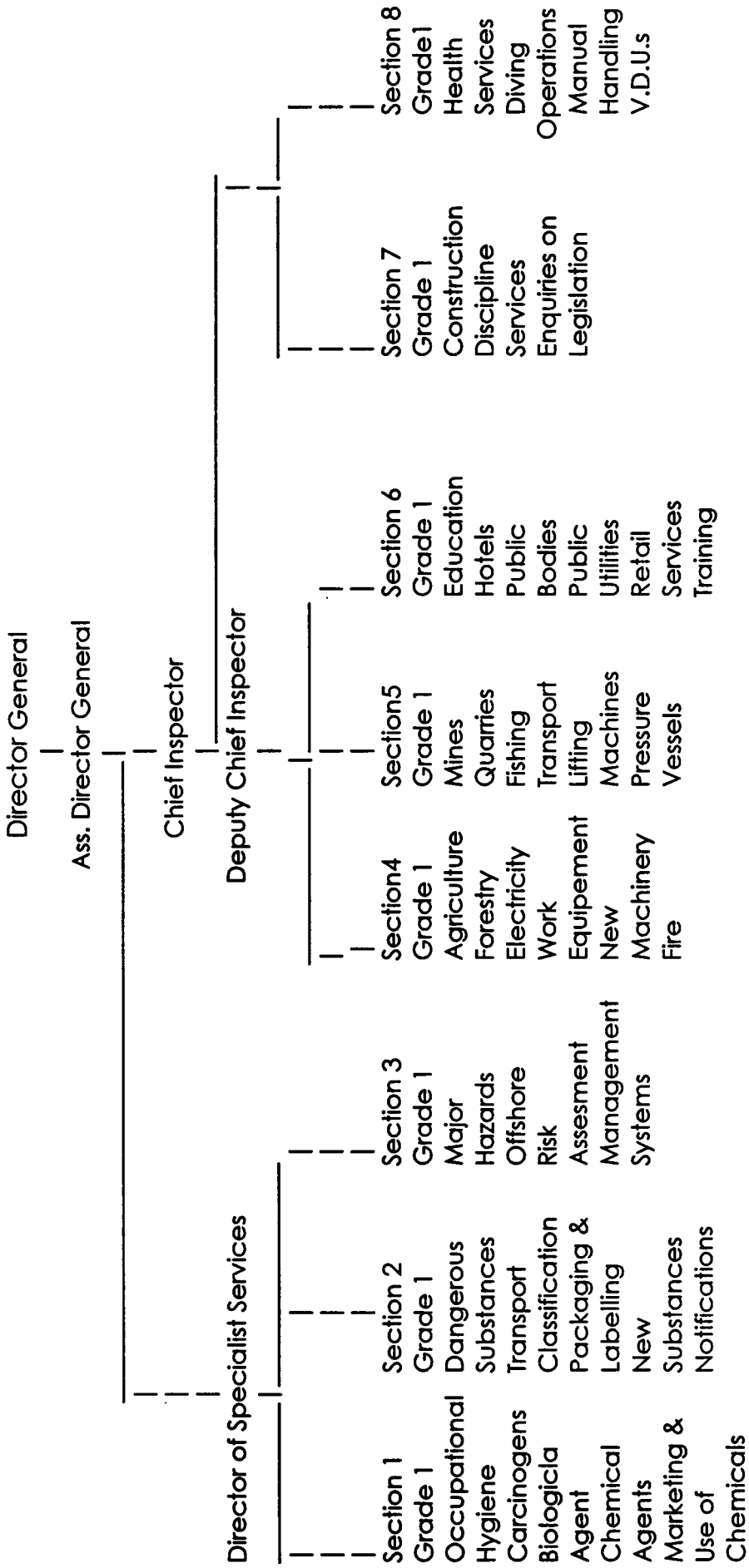
(b) Training for established inspectors

Inspectors attend external technical and scientific seminars and management courses to meet identified training needs. This form of

training is particularly relevant for those inspectors who undertake specialist duties as well as their general inspection work since they need to keep up to date with current thinking in their discipline. Management courses are normally those run by the Irish Management Institute. For technical training inspectors will attend courses offered by FORBAIRT - the Institute For Research and Standards, or courses forming part of the training given to Labour Inspectors in the United Kingdom.

ANNEX 1

HEADQUARTERS ORGANISATION (AT 1ST JANUARY 1994)



ANNEX 2

Regional Offices of the Labour Inspectorate

1. Waterford
2. Limerick
3. Cork
4. Galway
5. Sligo
6. Athlone
7. Drogheda

ITALY

1. Organisation of labour inspection

(a) Involvement of central and local government departments and other bodies

The Labour Inspectorate is part of the Ministry of Labour and Social Security and is answerable to the Directorate-General for General Affairs and Personnel (cf. Annex 1). The Inspectorate operates on a national level and has a central organisation and a regional and provincial structure.

In 1978 a national health service was set up under the aegis of the Ministry of Health. This service was structured into local health authorities (Unità Sanitarie Locali - USL) to be responsible for the health of the community, including the prevention of occupational accidents and illness, and environmental problems. The number of these units is a function of population density, which means that a specific USL may cover more than one municipality.

While the primary responsibility for health and safety at work lies with the Ministry of Health through the USLs, the Labour Inspectorate still retains certain of its former functions (cf. Section 2) including the representational role on all labour matters in the European Community.

Accident insurance is another important feature of the national health and safety system in Italy. Employers are required to insure their own employees with a public body - the INAIL (Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro, the National Employment Injuries Institute) - which provides compensation for workers for injuries received through accidents at work and in cases of illness which are occupational in origin. If negligence on the part of the employer is established or if he has failed to insure with the INAIL, compensation will still be paid to the person concerned or his survivors but will be recovered from the employer by the INAIL.

(b) Arrangements for different sectors of industry

The USLs have primary responsibility for health and safety at work across all sectors of activity except in the following cases:

- the Labour Inspectorate is the competent inspection body for the railways, and is also responsible for radiation protection in all workplaces except for those operations involving the use of X-rays;
- the Ministry of Merchant Shipping is responsible for the supervision of health and safety on seagoing vessels and at seaports;
- health and safety matters in mines and quarries are covered by the Ministry of Industry, Commerce and Craft Trades;
- the Ministry of Transport monitors the health and safety of employees working in air transport, inland waterways and inland ports;
- the post and telecommunications services do not fall within the competence of either the USLs or the Labour Inspectorate as far as the prevention of accidents is concerned. They are responsible for overseeing the safety of their own employees.

2. Responsibilities of the Labour Inspectorate

(a) Health and safety

The Labour Inspectorate retains responsibility for health and safety matters not assigned to the USLs. It investigates accidents at work when requested by the public prosecutor (cf. Section 6), tests and inspects lifts, hoists, mobile lifting equipment and power-operated suspended scaffolds, and at the request of the Ministry of Labour carries out studies requiring specific technical expertise. It is also responsible for monitoring safety in the railways sector and monitors the standards of radiation protection at all workplaces. This latter function involves giving advice to the Prefect regarding the granting of permission to use radioactive sources in scientific, research and industrial activities. In addition, the Inspectorate oversees the affairs of agencies such as the INAIL.

The USLs are responsible for monitoring the application of the relevant legislation in all sectors of industry which fall within their sphere of competence in accordance with national directives issued by the Ministry of Health. This will include responsibility for employees in the public and private sector and also for the self-employed when their activities involve a potential risk to the health and safety of other employees. The Labour Inspectorate, the USLs and the local police also have a role in forestalling any threat to the health and safety of the population at large from work activities.

(b) Other matters

The Labour Inspectorate monitors the implementation of the labour laws and those for social security in industrial and commercial companies and in agriculture as well as in all other instances of paid employment. It supervises the execution of collective work contracts and provides information on the interpretation of the law. It carries out the following administrative activities:

- issuing permits and authorisations (e.g. concerning working mothers, young workers, weekly rest periods, temporary and other contracts of employment, ionising radiations, apprenticeships, etc.);
- issuing certificates of authorisation to those controlling the operation of steam generation, thermal and nuclear installations and to consultants on labour matters;
- issuing work permits to workers from outside the European Community;
- carrying out investigations into requests for special intervention under the CIG (Cassa integrazione guadagni - wages guarantee fund) and nominations for honours such as the "Stella al merito del lavoro";
- monitoring the training activities funded by grants from the Ministry of Labour and Social Security and the European Social Fund;
- conducting statistical surveys on wages and salaries, employment levels, energy consumption, etc.

The Inspectorate spends the greater part of its time on matters not connected with health and safety at work.

In addition to health and safety at work, the USLs are involved in the provision of a full range of integrated health services including hospitals and clinics. Their responsibilities can be grouped under the four general headings of medical, pharmaceutical, veterinary and preventive in relation to the workplace and the environment. It is not possible to assess the resources allocated to the preventive part of their work since practice varies from one USL to another.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The Central Service of the Labour Inspectorate, under the authority of the head of the central service, coordinates the operational work of the Inspectorate and liaises with the various Directorates-General. It is part of the Directorate-General for General Affairs and Personnel, which is subdivided into four divisions dealing respectively with:

- labour inspection organisation;
- inspection personnel administration;
- retirements;
- accounts.

The Central Service section has a very small permanent staff but draws support from various field offices. It is involved in the preparation of legal provisions and in shaping ministerial policy on labour. It represents Italy at European Community level on work-related matters including health and safety. It also coordinates the work of the inspectorates, interpreting the legislation, issuing instructions on technical enforcement and administrative issues. The structure of the headquarters is shown in Annex 1.

The USLs were set up by law as part of the national and regional health service. It is up to the Ministry to set national priorities, provide policy guidelines and establish standards of staffing and funding for the preventive action of the USLs. Control of the activities of the USLs, however, is normally at regional level. The new organisation relies on two institutions - the ISS (Istituto superiore di sanità - National Health Institute) and the ISPESL (Istituto superiore per la prevenzione e la sicurezza al lavoro - institute for prevention and safety at work). An outline of the structure of the national health service organisation is given in Annex 2.

(b) Structure of the inspectorate in the field

The field force of the labour inspectorate is based on the Italian provincial structure. The inspectorate has 95 provincial offices grouped into 20 regions. The regions and the location of their offices are shown in Annex 3. The provincial inspectorate carries out the primary inspection and enforcement role whilst the regional inspectorate monitors and coordinates the activities of the provincial inspectorates under its control providing guidance, practical support and advice.

The regional and provincial structures of the inspectorate are essentially uniform and are designed to facilitate consistency in interpretation of the law and methods of working. The staff at a regional office will work in one of four areas:

- general services and organisation;
- technical services including health and safety at work;
- legal matters and contested administrative cases;
- computing services including the coordination of all statistics and data.

The work in a provincial office will also fall into one of four areas:

- general services and organisations
- technical matters including accident investigation, the regular inspection of plant, relations with other organisations in the safety field and inspections of railway establishments and workplaces where radiation sources are used;
- monitoring the implementation of the laws concerning social security, social welfare and contracts of employment;
- legal matters and contested administrative cases.

The staff in the provincial and regional offices are graduates in law, economics, business, agriculture and other subjects. Inspectors, even though they may be highly specialised, will become involved in the work of all departments so that they may gain experience across various areas of labour legislation enforcement. At provincial level the Chief Inspector convenes regular meetings of department heads and the inspecting staff in order to provide information and pass on instructions received from headquarters or from the regional inspectorate, and also to discuss local issues. The chief regional inspector arranges formal meetings with the provincial heads on average about once a month to ensure uniformity in the application of the law and national instructions, and to clarify any points of difficulty that may have arisen. The regional and provincial inspectorates are answerable to the Ministry of Labour and Social Security from where they get their guidance and instructions. As inspectors have criminal investigation functions (cf. Sections 5 and 6) the heads of the provincial inspectorates may accordingly also receive instructions from their local judicial authority.

The USLs are part of the municipal structure (comune). Each one is administered by general assembly, a governing body and its president. The general assembly comprises representatives from the council of the comune. If the USL covers more than one comune the assembly will have representatives from each. The general assembly elects the

governing body which in turn appoints the president. The USLs were intended to provide the full range of integrated health services and the various prevention services including workplace health and safety. As such they would be organised into four departments dealing respectively with medical, pharmaceutical, veterinary and occupational health and safety and public health work. In some instances, inspection at the workplace is carried out by non-specialist units responsible for public health generally whilst in others health and safety and environmental protection work is carried out by the specialist department of one USL on behalf of several.

The role of regions in coordinating work at local level amongst the USLs has not yet come into its own. They are empowered to bring in regional legislation on health and safety to mirror the requirements of those contained in the national law and it was anticipated that they would coordinate the work of the USLs in their geographical area, drawing up programmes of work in line with the national plan and priorities, establishing regional policy and providing guidelines. They cannot, however, undertake these responsibilities until they have passed the local legislation that will give them the appropriate powers. Since the adoption of regional legislation has not been widespread many USLs tend to be autonomous bodies which set their own priorities and methods of working.

4 Specialist support for labour inspectors

(a) Support available within the organisation

In order to carry out its coordination role the central medical inspectorate of labour provides guidelines and advice on occupational medical matters and radiation protection. Inspectors can refer to the medical inspectorate directly for information. The staff of the inspectorate may carry out site visits but this is usually following a request from a provincial inspector. In addition the labour inspectorate includes a number of medical inspectors based in regional offices who cooperate with their colleagues in the provinces.

Many of the labour inspectors have specialist knowledge either from their discipline, professional qualification or past experience, and they make this available to their colleagues in the provinces and regions.

(b) Support available from bodies outside the inspectorate

Research and studies are conducted by the ISPEL, which also undertakes certification and testing duties and gives expert advice on occupational illness and accident prevention.

The ISS is concerned with research into the prevention of illness among the population at large but its work on carcinogens and toxicology complements that of the ISPEL.

5. Powers of labour inspectors

Labour inspectors and inspecting staff of the USLs have similar powers. All labour inspectors have the powers of criminal police officials within the limits of their mission and an employee of any USL may be similarly empowered if he has been specifically appointed by the prefect. Labour inspectors and inspecting staff of the USL may:

- visit and inspect a workplace at any time of day or night to check compliance with legal requirements;
- examine registers and other relevant documents;
- interview employers, employees and others who have duties under the legislation;
- collect evidence;
- take samples of articles or substances;
- conduct enquiries at the request of the legal authorities;
- issue instructions; an instruction is the means whereby an inspector calls on an employer who has failed to comply with the specific requirement of the law on health and safety to take the necessary measures to do so by a given deadline. It is drawn up by the inspector and either delivered on the spot or sent through the post. A copy of the instruction is also sent to the judicial authority. The instruction specifies the breach of the legislation, describes the hazard that has been identified and indicates the deadline for compliance by the employer. Before the deadline has expired the employer has to inform the inspector of the action he had taken. Any such action will nevertheless will be verified;

- issue a notice; an inspector, with reference to a general legal provision regarding health and safety, may order a company to take additional and specific measures not contained in the law to prevent accidents or protect employees' health. The notice is served in writing, with or without a deadline being specified, and is enforceable. There is an appeal procedure, either to the body issuing the notice if the appeal is concerned only with the facts of the case or to the regional administrative tribunal if the legality of the notice is being challenged. Employers who fail to comply with the disposition may face legal proceedings; Law No 833/78 setting up the national health service did not explicitly transfer to the USL the power of notice peculiar to the labour inspectors;

- order the suspension of work; an inspector may order suspension of work in the event of serious and immediate danger arising from non-compliance with general or specific health and safety provisions and at the same time informs the competent judicial authorities. The notice of suspension lapses once the hazard has been removed and the employer has taken steps to comply with the law;

- to confiscate or take samples of articles or substances at the workplace, whether as a precautionary measure or in the course of an accident investigation requested by the judicial authorities. The relevant documents connected with this course of action must be forwarded to the appropriate judicial authority for confirmation;

- prosecution; under the code of criminal procedure, and acting as criminal police officials, inspectors are obliged to bring to the notice of the public prosecutor, without delay, all breaches of the legislation that they observe. The public prosecutor will decide on the basis of the report whether investigations are to be carried.

6. Operating methods of the labour inspection bodies

(a) Preparation of national objectives

Given that the primary inspection activity for occupational health and safety is the responsibility of the USLs, no national plan of work as such is drawn up for the labour inspectorate. Each provincial office prepares its own plan, establishing priority activities for the year, which may take account of specific local or sectoral problems. The head of the regional inspectorate coordinates the plans of the provinces of that region. Inspectors plan weekly visits with the provincial authorities in mind though much time is taken up with reactive rather than proactive

work. A report is drawn up for every inspection giving details and the outcome of the check. Each year the provincial inspectorates make a report on the work that has been done and these are then summarised into regional reports which are sent to the Ministry of Labour. The latter reports back to the Council of Ministers for the activities of the labour inspectorate. There is as yet no national plan of work for the USLs, but some regions and some individual USLs have attempted to prioritise inspections and organise planned interventions in particular sectors of industry.

(b) Proactive inspection for enforcement purposes

The choice of premises to form the proactive inspection programme depends very much on the priorities that have been selected for any province or region. This may include special campaigns to cover a particular sector or topic. In addition inspectors will be influenced by the number of employees in an enterprise, the time that has elapsed since the last visit and the problems that are known to exist. As far as railway premises are concerned, a programme of visits is drawn up at periodic meetings held between the heads of the regional inspectorates and the senior management of the railway company, as the monitoring activities are carried out jointly with specifically designated railway company officials.

After each visit inspectors prepare a report if necessary, containing information on the problems encountered and the matters discussed with the employer, and any other information deemed to be useful. The reports are kept and help management to make decisions on future priorities.

(c) Reactive work

The law requires an employee to inform his employer immediately of any injury he suffers at work. The employer is then obliged to report to the INAIL those accidents where employees are likely to be off work for more than three days as a result. The report must be made within two days of the date on which the employer was first notified and must be accompanied by a medical certificate. In the event of a fatal accident or one where the injuries are so serious that death is the likely outcome the report has to be made to the INAIL within 24 hours.

In addition, the employer is obliged to notify the local authority for public security within two days of any accidents which resulted in death or absence from work of more than three days.

There is also the obligation to report to the INAIL those occupational illnesses mentioned in specific lists.

The magistrates are obliged to arrange an investigation into accidents which cause death or absence from work for more than 40 days and into occupational diseases; they have the option of calling on the USL or the labour inspectorate to carry out the investigations. During the investigations, the investigating officer exercises his powers as an official of the criminal police. Following reports received from the labour inspectorate, the USL and the police authorities, the magistrate decides on whether penal action is necessary.

While the USLs have the primary responsibility for acts in investigations, the labour inspectorate carries out such investigations only at the request of the judicial authority, the INAIL or the employees concerned. Accident investigations have a twofold purpose: to determine whether or not the law has been broken and to ensure appropriate action has been taken to prevent a recurrence.

Complaints from employees that regulations are not being observed are investigated. However, such complaints seldom relate to health and safety and are normally concerned with other problems relating to work and these are the exclusive area of competence of the labour inspectorates.

(d) Information gathering and advice

The Labour Inspectorate publishes an annual report which gives information on its activities including statistics on accidents and occupational disease. It also prepares publicity material for the media particularly when specific campaigns are being organised.

Many USLs produce technical guides on health and safety matters for the use of employers in the geographical area which they oversee.

(e) Links with the social partners

As far as most sectors of industry are concerned there is no requirement in law for establishments to have a specific works body to deal with problems of health and safety at work. Only in the mines and quarries industry do companies employing over 50 workers have to set up a small committee of three persons, two of whom are elected by the employees and the third appointed by the company. However, the right of employees to oversee through their representatives the application of health and safety regulations and the appropriate measures to protect their health and physical well-being is recognised.

With the legislative decree which brought into effect the requirements of Council Directive 391/89 employers in all sectors of activity are henceforth obliged, either on their own initiative or in cooperation with other companies, to have arrangements in place for health and safety and to make provision for giving information to and consulting with their employees.

At national level there is a consultative committee for the prevention of occupational accidents and disease, set up by the Ministry of Labour and Social Security which includes experts from the ministries and organisations involved and representatives from the employers and the trade unions. The remit of this committee is limited to technical and legal issues. At regional/provincial level, the labour inspectorate has no formal links with the social partners. However, during visits to workplaces inspectors make contact with representatives of the employees to exchange information and to inform them of the outcome of the inspection which has been carried out. The workers can submit to the inspector their own observations concerning the situation in the company as regards the safeguarding of health and safety.

There does not appear to be currently within the Ministry of Health any formal machinery for securing employer/employee participation in formulating a national policy on health and safety. At local level USLs are controlled by governing bodies which should in theory lead to some participation by interested parties in the way they carry out their business.

7. Recruitment to the labour inspectorate

(a) Initial selection criteria - qualifications and experience required

Recruitment to the labour inspectorate is at inspector or assistant inspector grade by competitive examination organised nationally. There are four grades of inspector:

- grade 6 - assistant inspector
- grade 7 - inspector
- grade 8 - inspector with official status
- grade 9 - coordinator.

Recruitment is normally at grades 6, 7 and 8. Candidates for grades 6 and 7 are required to possess a higher education qualification. For entry to the 8th grade a university degree is a prerequisite. The competition takes the form of two written examinations followed by an

interview. Staff recruited at assistant inspector level may not carry out the full range of duties of a labour inspector.

Staff carrying out health and safety duties in the USLs are also recruited by open competition.

(b) Possible career patterns for inspectors

Inspectors who do not have a university degree can expect to progress to grade 7. Those who do have a degree and relevant vocational training and experience can progress to the post of regional or provincial head by competitive examination. Some of these posts are also open to suitably qualified people in other government departments but they too must take part in the competitive examinations. Inspectors may take part in competitions for posts in government departments for which they consider themselves qualified.

8. Training for labour inspectors

(a) Training for newly appointed inspectors

Training for newly appointed labour inspectors is usually provided through a series of courses/seminars covering the following areas:

- legal framework for inspection;
- familiarity with the relevant legislation;
- administrative and inspection techniques.

The training is designed to bridge the gap between the purely theoretical knowledge acquired during further education and the actual and practical day-to-day work as an inspector. During the first two years of their appointment inspectors will attend courses organised by the Scuola Superiore della Pubblica Amministrazione. Training in the field consists of inspection visits under the supervision of experienced inspectors.

(b) Training for established inspectors

The purposes of the mid-career training given is to keep inspection techniques in step with developments in labour law. The training events vary in length and their subject matter may be grouped in three categories:

- legal provisions for physical protection;
- legal provisions for financial and social security matters;

- legal provisions relating to legal matters of special interest.

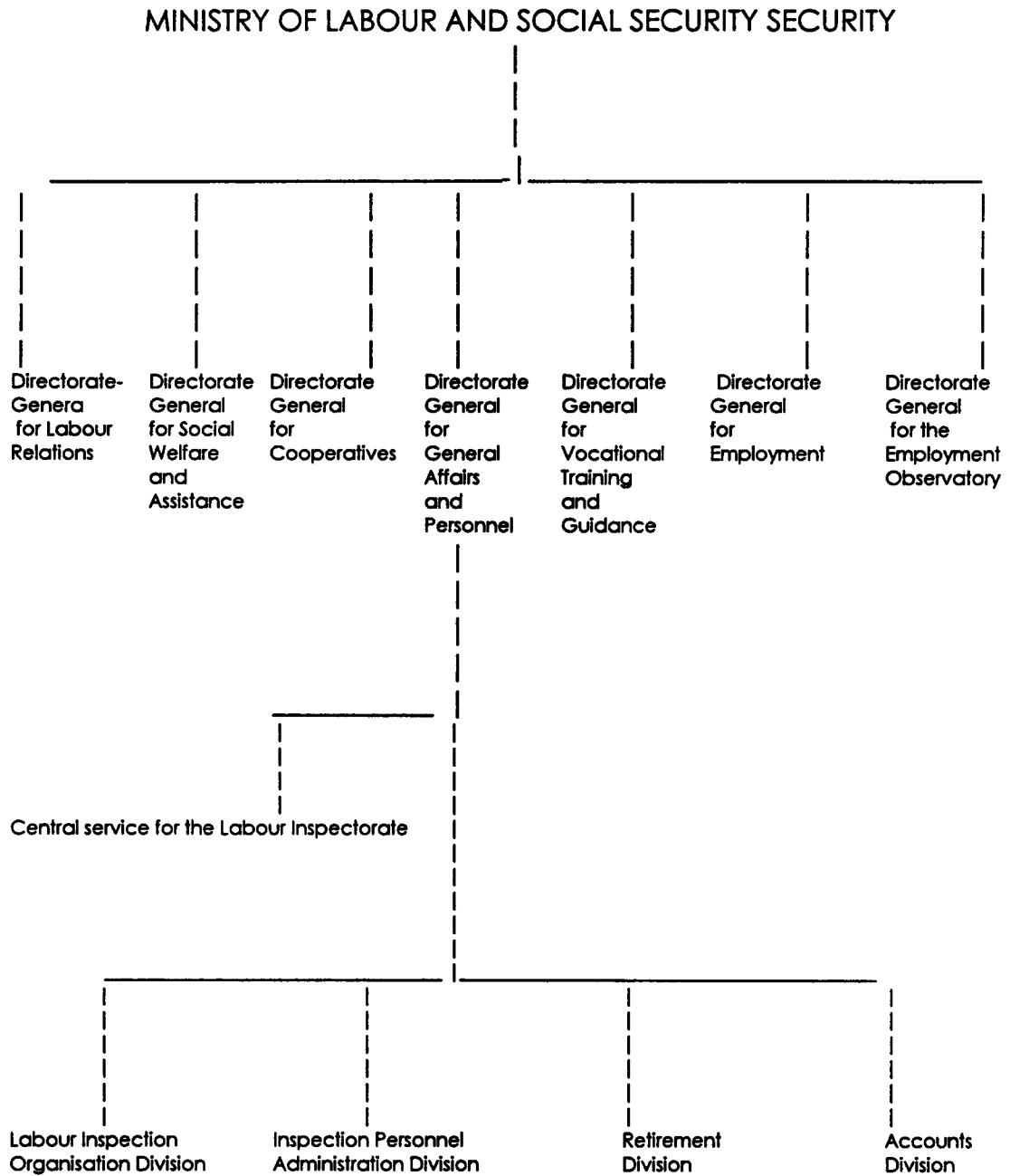
The selection of personnel for the training events is left to the heads of the provincial and regional offices who identify the individual training needs of members of their staff. The training methods most frequently used are:

- study days or seminars to deal with new problem areas;
- longer courses to cover new legislation or specialist areas of work.

Occasionally inspectors will take part in international meetings and courses on matters relating to the European Community.

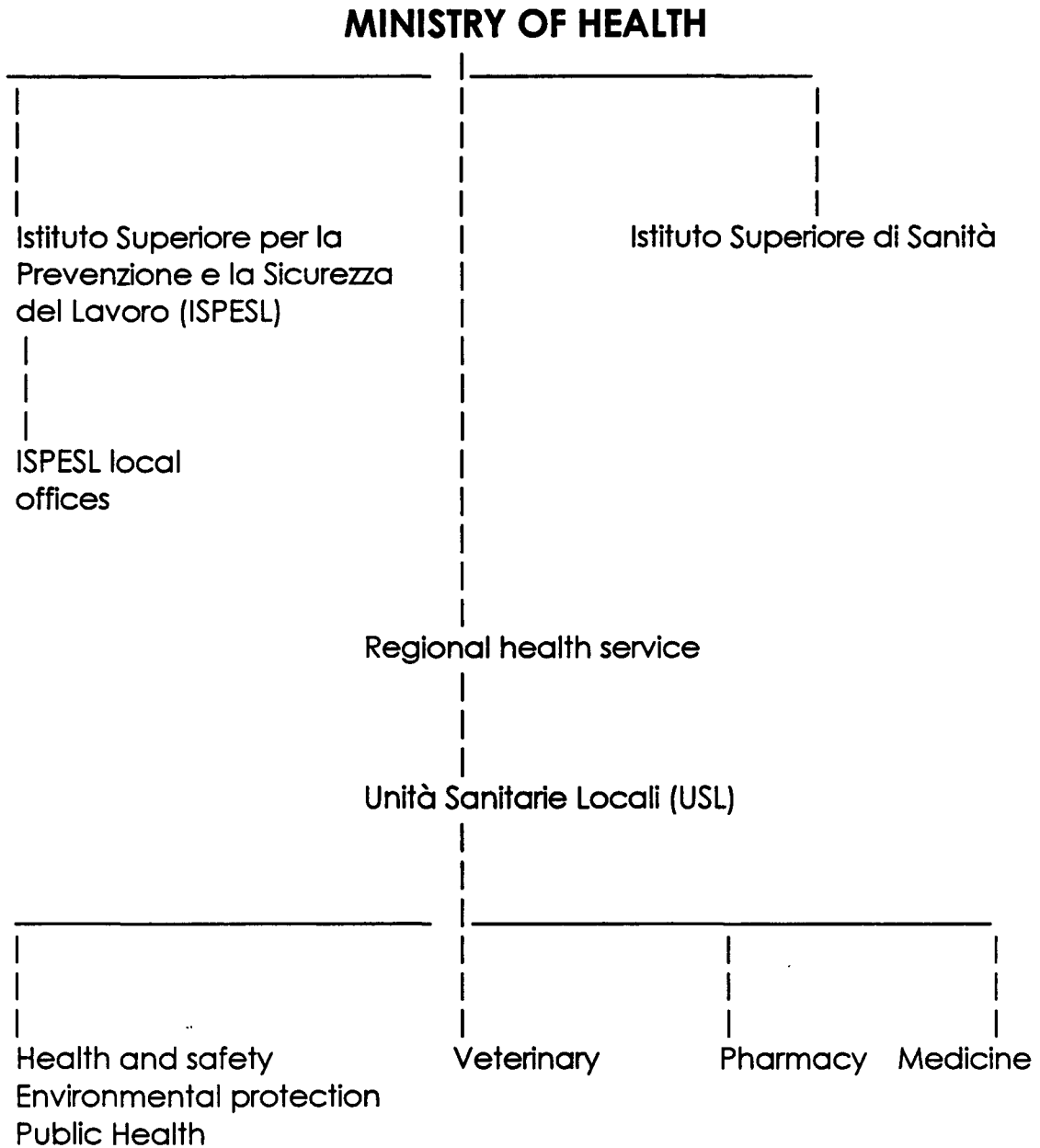
ANNEX 1

HEADQUARTERS ORGANISATION OF THE LABOUR INSPECTORATE



ANNEX 2

ORGANISATION OF THE NATIONAL HEALTH SERVICE



ANNEX 3

Labour Inspectorate regions and the location of their offices

Region	Office
1. Abruzzo	Aquila
2. Basilicata	Potenza
3. Calabria	Calabria
4. Campania	Naples
5. Emilia Romagna	Bologna
6. Friuli Venezia Giulia	Triest
7. Lazio	Rome
8. Liguria	Genoa
9. Lombardy	Milan
10. Marche	Ancona
11. Molise	Campobasso
12. Piemonte	Turin
13. Puglia	Bari
14. Sardinia	Cagliari
15. Sicily	Palermo
16. Tuscany	Florence
17. Trentino-Alto Adige	Trento
	Bolzano
18. Umbria	Perugia
19. Valle d'Aosta	Aosta
20. Veneto	Venice

LUXEMBOURG

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies

The Labour Inspectorate in Luxembourg - L'Inspection du Travail et des Mines (ITM) - forms part of the Ministry of Labour to whom its Director reports. ITM is by far the smallest of the Community Inspectorates with a total staff of 38 in the inspector, controller and administrative grades. The Inspectorate has close cooperation and collaboration with a number of other organisations and government departments who also have an interest in the subject of health and safety at work. These are:

- Association d'Assurance contre les Accidents (AAA), a body who has its origins in the German insurance system and whose organisation is similar to that of the Berufsgenossenschaften (cf chapter on Germany). AAA is controlled by a management board consisting of representatives of employers and employees. It has two main sections, one covering agriculture and the second the other sectors of industry. In addition to its basic insurance function it has a preventive policy department which produces guidance both of a general and specific nature which is binding on its members. The Labour Inspectorate has to be consulted on the content of the guidance before it is published. If members of the Association fail to follow the guidance, they are liable to a financial penalty and the monies thus collected are used for the provision of training for safety representatives.

- the Ministry of Health, particularly with a small group of doctors whose interest lies in occupational medicine and the problems of health and hygiene at work.

- the Ministry of Public Affairs which has a small inspectorate with the responsibility of overseeing the safety of employees in the public sector including those at work in the health service and education.

- approved technical organisations

- organismes agréés

- appointed by the Minister of Labour to carry out inspections and surveys in their designated areas of competence such as pressure vessels, lifting equipment, noise and occupational hygiene.

- the Customs Service whose officers are increasingly being used to assist the Labour Inspectorate not only in administrative work involving the checking of documentation in respect of periodic inspection of plant and machinery but also in the proactive inspection of low risk premises and of small construction sites.

- the Consultative Committee for Labour Inspection which was set up in 1983 by the Minister of Labour with a membership of twelve including representatives from employers, trades unions, Ministry of Labour and the Labour Inspectorate. Its function is to advise the Minister on labour matters generally including health and safety, and on the effectiveness of the current legislation in this field.

(b) Arrangements for different sectors of industry

Responsibility for monitoring standards of health and safety for employees in all sectors of industry including commerce and the service industries but excluding those in the public service as described above, falls to the Labour Inspectorate. This will include monitoring the use of radio active substances at the workplace though the radio protection division of the Ministry of Health will also have an interest in the safety and health of employees who may be exposed to the hazards of radiation. The Ministry of Environment has responsibility for environmental pollution including that caused by waste disposal and noise.

2. Responsibilities of the Labour Inspectorate

(a) Health and Safety

With the reorganisation of the Labour and Mines Inspectorate in 1974 the Labour Inspectorate was given responsibility for ensuring the implementation of all legislation relating to the working conditions and protection of all employees subject to a contract of employment except those in the public service. This includes the requirements of specific mines and quarries legislation. Whilst there are no longer any operational mines in Luxembourg there still remain a few underground and opencast quarries. ITM has no responsibility for the self employed and consequently there is little surveillance of standards of protection in the agricultural industry where the incidence of direct employment is small. The responsibility of monitoring compliance with health and safety legislation falls to inspectors and controllers with increasing assistance from customs officers. With the exception of risks associated with major hazard premises as defined, risks to the health and safety of the public arising from work activities are the responsibility of the police.

(b) Other matters

ITM has responsibility for many other matters apart from health and safety. These include:

- the prevention and resolution of industrial disputes
- the issue of operating permits to establishments and activities designated by law with the potential to create risks to the health and safety of the employees or the public or to create a nuisance
- the supervision of collective agreements
- the oversight of wages, hours of work and holidays
- the monitoring of the election of employee representatives, including adjudication on complaints of irregularities, for the whole area of working conditions including health and safety in those establishments employing more than 15 people.
- the accreditation of certifying bodies under various Article 100A directives.
- the production of standards as the competent standards making body for Luxembourg.

The Inspectorate divides its time and resources evenly between the above responsibilities and those for health and safety.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The headquarters of the Labour Inspectorate under the control of the Director and his deputy comprises five divisions with responsibility for the following subjects:

- general administration including organisational and legal matters, personnel and training, finance and information technology
- working conditions

- health and safety including the issue of operating permits
- collaboration with the Customs Service
- standards and accreditation

Of the fourteen inspectors, two are involved in the preparation of improved information technology systems whilst the remainder have responsibilities in the headquarters divisions dealing with working conditions and health and safety and also in the field. Their work may thus be categorised by function and by geographical area. Within the health and safety division the work concentrates on the issue of operating permits and the subsequent inspection of premises. Preparatory work for the issue of permits for the higher risk premises or those with a large number of employees and subsequent monitoring will normally fall to the more senior inspectors who are university graduates with an engineering background. Annex 1 shows the organisation both of headquarters and the field.

(b) Structure of the Inspectorate in the field

There are three regional offices in Diekirch, City of Luxembourg and Esch sur Alzette, each under the control of an inspector. The inspectors are assisted by twelve controllers, nominated by the trades unions and appointed by the Minister of Labour. Customs officers are now also playing a part in the day to day work of the regions. The field staff enforce the labour laws throughout their respective geographical regions, monitor the standards of health and safety in all but the largest establishments and investigate accidents and complaints. They may also be called upon to assist with the preparatory work for the issue of operating permits for less hazardous premises. Controllers will normally carry out the full range of work though occasionally they will specialise for example in aspects of working conditions other than health and safety or in construction activities

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Expertise in chemical, mechanical, electrical and civil engineering and in industrial processes is available within the organisation by virtue of the qualifications and experience of the inspectors and they make this expertise available to their colleagues when required. Inspectors are issued with a limited range of instruments including draeger tubes,

explosimeters, noise meters, thermometers and cameras and are given training in their use when this is necessary.

(b) Support available from bodies outside the Inspectorate

Laboratory facilities are available both in the department for Environmental Protection and in the department for Roads and Bridges.

For advice on occupational health problems at the workplace inspectors consult the occupational physicians - medecins du travail - employed by the Ministry of Health.

Additionally inspectors may require an employer to carry out a survey of his workplace using one of the approved technical organisations. A copy of the report of the survey will be sent to the inspector.

Finally ITM has a close relationship with the German Labour Inspectorate who provide expert inputs to training courses and also the opportunity for inspectors from Luxembourg to visit Germany to gain experience by carrying out joint visits with their German colleagues.

5. Powers of Labour Inspectors

The following powers are given to all inspectors and controllers:

- to enter any place of work at any time of day or night without giving prior notice
- to enter during day-time any premises which can reasonably be assumed to be a place of work
- to carry out any examination, inspection or enquiry necessary to establish compliance or alternatively non compliance with the law
- to question any employer or employee and to require them to make a written statement of the matters on which they are questioned
- to require the production of any book, register, file or document relating to working conditions
- to require notices to be displayed in accordance with the relevant legislation.

Additionally inspectors are empowered:

- to take samples of substances and materials used in the workplace for analysis

- to issue an order requiring rectification within a given time period of faults caused by a failure to comply with the requirements of the relevant legislation. The order is issued on the basis of an inspector's/controller's report. The issue of the order may be preceded by a preliminary hearing at which the employer is present. The preliminary hearing often leads to an acceptable solution being agreed without the necessity for the issue of an order. The employer has the right of appeal to the Minister of Labour and if he fails to gain satisfaction in this way to the Conseil d'Etat. Failure to comply with an order once issued can lead to prosecution.

- to issue an order requiring immediate action when there is an imminent threat to the health and safety of an employee. The order specifies the hazard noted and the measures necessary to eliminate it. The employer has the same right of appeal and is also liable to prosecution should he fail to comply with the order.

- to issue an order requiring an installation to be inspected within a time limit set by the inspector by a specialist body approved by the Minister of Labour. A deadline is set for the submission of the results of the inspection to the inspector. The cost of the inspection falls to the employer.

- to prepare a report for submission through the Director or Deputy Director to the public prosecutor who on the basis of the report decides whether prosecution is merited in any particular case.

Finally power is given to the Director or Deputy Director only:

- to issue an order requiring the immediate stoppage of work and evacuation of the premises when the health or safety of the employees is threatened by the conditions of work, the processes or the operating procedures. The order lapses only when the hazard has been removed to the satisfaction of the inspector. The right of appeal and the penalty for non compliance are identical to those for the other orders.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

A corporate planning group involving the senior inspectors has been formed which discusses and agrees priorities. The Inspectorate is in an evolutionary period particularly with the need to integrate the input from the customs officers and it is difficult to set down absolute and well defined planning procedures at this stage. Of the immediate priorities one important target is the clearing of the backlog of applications for operating permits. The programme of work will also include planned campaigns in different sectors of industry, particularly construction, or in individual companies following a study of the accident statistics held by the Inspectorate and AAA. Some flexibility is allowed to the inspectors to introduce local priorities into the plan at regional level.

The annual work plan together with details of the targets set is stored electronically and progress against plan is checked both from inspectors' reports and as dossiers on operating permits are passed through the system and cleared.

(b) Proactive inspection for enforcement purposes

In general the Labour Inspectorate tends to combine proactive inspection of workplaces with reactive visits to investigate accidents or complaints. A decision is made on the frequency of inspections following an analysis of the accident performance in the various sectors of industry and the Inspectorate's knowledge of an individual workplace. The practice is to visit without prior notification to the employer. At the visit the inspector will give verbal advice. This will be confirmed in writing if the employer's willingness to take the recommended action is in doubt. An inspector will prepare a monthly report containing details of the visits he has made.

With the changes that are currently taking place in the organisation it is difficult to establish inspection cycles for any particular type of premises. It is the intention of the Director, however, that there should be an increase in the amount of resource allocated to proactive inspection. A rating system is being developed, based on the level of risk at an individual workplace and on the numbers employed, which will assist inspectors in selecting premises to be included in their annual programme of work.

Check lists have been drawn up for certain sectors of industry, particularly construction, and they are used to ensure a consistency in

the standards applied by controllers and now by customs officers as they are introduced to inspection work.

Inspectors' reports on visits are stored electronically and will be used to inform the selection of priorities in future workplans.

(c) Reactive work

Every accident at work together with those that occur on the way to and from work have to be reported both to the Labour inspectorate and to AAA. Fatal accidents and those where the injured person is likely to be absent from work for more than thirteen weeks have to be reported immediately. Other accidents must be reported within seven days of their occurrence. The inspectors in charge of the regions decide which accidents should be investigated. They are generally those which are fatal or result in serious injury. Others may also be chosen for investigation if they are concerned with a topic currently of interest to the Inspectorate or a number of minor accidents reported from the same establishment suggest that arrangements to protect the health and safety of the employees is not to the standard required but it is likely that the investigations will be combined with a visit to the workplace for another reason. Cases of occupational ill-health are investigated by doctors employed by the Ministry of Health.

The Labour Inspectorate give a high priority to dealing with complaints and attending to requests for advice. About 90% of complaints received are concerned with general working conditions and social matters and only 10% have a health and safety content. All complaints are investigated and about 50% of a controller's time is spent on this work. They are treated in confidence with the anonymity of the complainant being preserved.

In the regional offices a duty officer system is in operation which ensures that one controller is always present at the office to handle queries and complaints.

(d) Information gathering and advice

From time to time the Labour Inspectorate carries out short inspection campaigns in different sectors of industry with the objective both of ensuring compliance with legal requirements and of obtaining information on the standards of health and safety achieved in the industry and the problems that may exist. Recent campaigns have been held in the construction, motor vehicle repair and the dry cleaning industries.

The Inspectorate produces guidance leaflets on the requirements of the law but these tend to be concerned more with general working conditions and not with matters of health and safety. It is AAA which normally produces guidance in the technical field.

An annual report is published giving information on the various activities of the Labour Inspectorate in narrative form. The report also contains statistics on the number of accidents reported and their causes and on the visit performance of inspectors.

(e) Links with social partners

The national forum for consultation is the Consultative Commission for Labour Inspection with representation from both sides of industry and the Labour Inspectorate. The Commission normally meets once every year. The Director, however, has more frequent informal contacts with the employers federations and the trades unions. At these meetings consultation takes place on the development of acceptable standards of health and safety for a sector of industry and information is exchanged. For example information is given both to the employers and the trades unions when it is necessary to issue an order requiring the immediate stoppage of work at any workplace.

At the workplace the inspector or controller will be accompanied on his visit by the workers' representative who will be given a copy of any notice issued to his employer.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

Inspectors are recruited through a national competition at two levels. Candidates for the higher grade need to be graduate engineers with a minimum of three years practical experience while those for the lower grade must be qualified to technician engineer level. At the lower grade there is a written examination and successful candidates undergo a probationary period of two years which may be reduced if they have considerable practical experience. Graduate engineers are recruited by interview. Their probationary period lasts from between one to three years at the end of which they are required to take a written examination.

Controllers are nominated by trades unions and appointed by the Minister of Labour. They will be in possession of a certificate of

professional aptitude in one of the crafts and are initially appointed for a period of three years.

(b) Possible career patterns for inspectors

There is an avenue of promotion to senior inspector for those initially recruited at the technician engineer level. Additionally the opportunity is afforded to all members of staff to move to posts for which they might be suitable in other branches of public administration.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

A programme of training for new recruits and particularly for customs officers has recently been drawn up. It contains theoretical and practical elements and the content in summary is as follows:

Theoretical General Training

- structure and organisation of the Labour Inspectorate
- responsibilities and powers of inspectors and customs officers
- channels of information within the organisation
- mechanics of an inspection at the workplace

Legal Training

- administrative law
- criminal law and in particular that dealing with health and safety at work
- cooperation between the Labour Inspectorate and AAA
- definition of accident and occupational ill-health reporting of accidents

Psycho-social Training

- characteristics of the human personality
- discussion and negotiation

- working in a team

- resolving conflict

Specialist Training

- transport

- construction

- hazardous installations

- dangerous substances

Practical

- inspections in the field with experienced inspectors
internal instructions on acceptable standards of health and safety

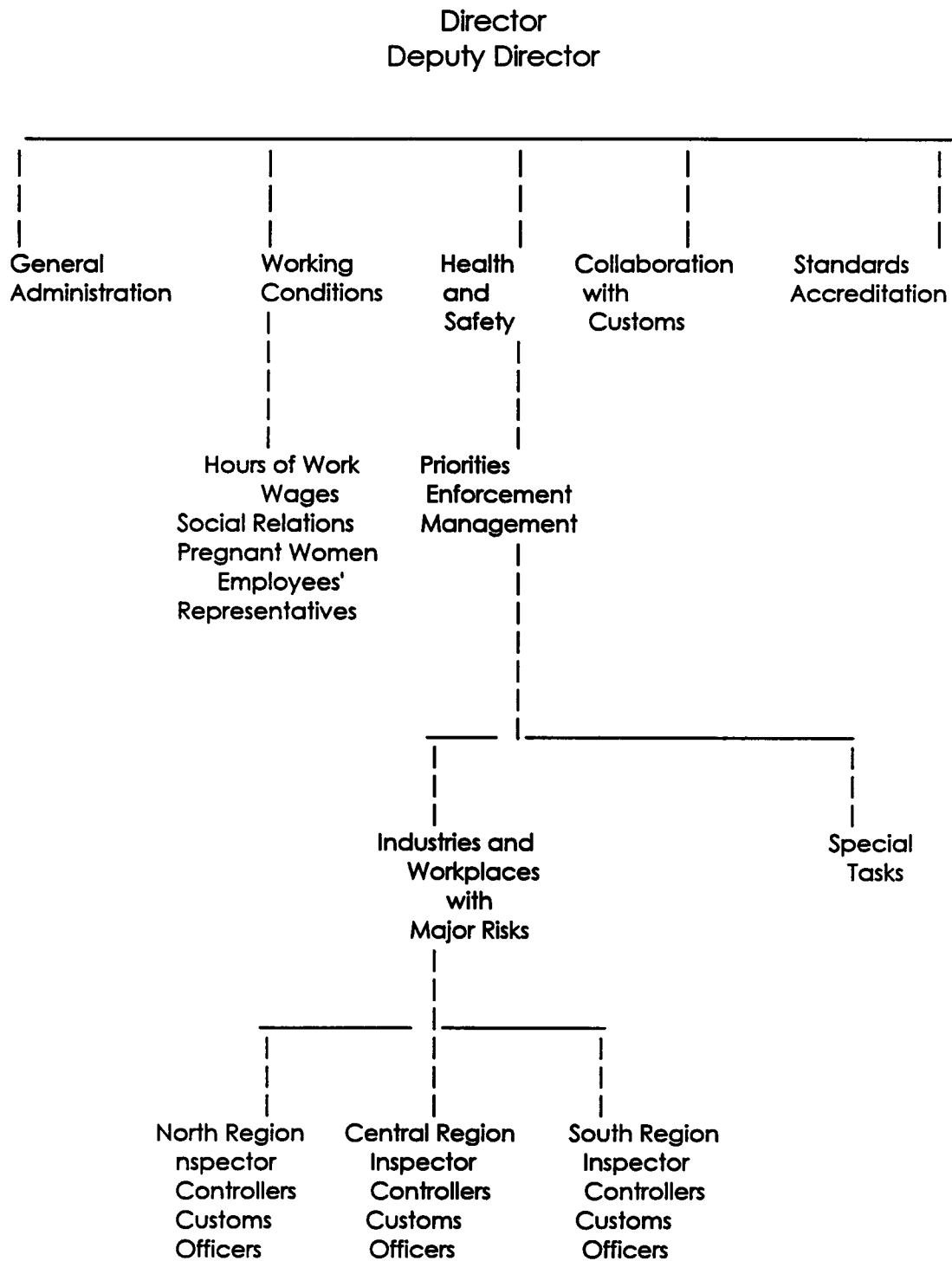
- introduction to information technology

(b) Training for established inspectors

Established inspectors have the opportunity to attend internal seminars dealing with inspection skills such as communications and public speaking. They also attend technical courses organised by the Labour Inspectorates in other Member States but predominantly in Germany and France where there are no problems of language.

ANNEX 1

Organisation of the Labour Inspectorate



NETHERLANDS

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies.

The Labour Inspectorate in the Netherlands, known as the Service for Inspection and Information, Dienst voor Inspectie en Informatie (I-SZW), is located within the Ministry of Social Affairs and Employment (SZW). The Service, which has been the subject of a recent reorganisation, has brought together within a single body the personnel formerly assigned to the Labour Inspectorate (AI), the Dienst Inspectie Arbeidsverhoudingen (DIA) - the Social Security Fraud Inspectorate, the Loontechnische Dienst (LTD) - the Wages Inspectorate and the Dienst Collectieve Arbeids Voorwaarden (DCA) - the office of collective conditions of employment. The new Service now covers the whole range of working conditions including health and safety.

Another organisation with influence in this field is the Social Economic Council, a tripartite body, one of whose functions is to advise the Minister for Social Affairs and Employment on health and safety at work and working conditions in general.

The periodic inspection of hazardous equipment, for example pressure vessels, formerly carried out by a separate department within the Labour Inspectorate has now been taken over by an organisation within the private sector which works under the general surveillance of a department within the headquarters of I-SZW.

Others with an important role to play in health and safety are the approved consultancies, also in the private sector, which give expert assistance and guidance on the assessment and management of risk to employers who are now required by law to secure the services of one of these consultancies.

Responsibility for environmental safety is shared by public health inspectors employed by the Ministry of Health and local authorities.

(b) Arrangements for different sectors of industry

I-SZW has the responsibility for enforcing the law on health and safety in most sectors of industry including commerce, the health services and education. Responsibility for monitoring standards of health and safety in salt mines, gas exploration and off shore oil sites

lies with a Mines Inspectorate who form part of the Ministry of Economic Affairs whilst inspection in the road transport sector e.g. haulage and taxi companies, water transport sector e.g. deep sea navigation and fishing and air transport sector is carried out by inspectors from the Ministry of Transport though overall responsibility for the legislation and the formulation of policy remains with the Ministry of Social Affairs and Employment.

2. Responsibilities of I- SZW

(a) Health and Safety

The Service for Inspection and Information implements the Working Environment Act (Arbowet) in all sectors of industry for which it has responsibility. It operates in an advisory, supervisory and research capacity with the prime objective of improving working conditions. The Working Environment Act contains wide ranging requirements covering conventional health and safety matters but is also concerned with the broader aspects of well being at work and addresses subjects such as the training of workers, the development of their skills and the avoidance of monotony at work. The labour protection law covers all employees in the public and private sectors but not the self - employed except when they are carrying out activities involving the use of asbestos. Every type of work within the sectors for which they have responsibility falls within the competence of the Service though in certain sectors such as the armed services and prisons, where there are practical difficulties, their powers are limited.

I-SZW is responsible for fire safety when there is a risk which is directly associated with a process that is being carried out in the workplace. Otherwise general fire matters in all premises are the responsibility of the local communities.

(b) Other matters

The Service for Inspection and Information is responsible for overseeing the implementation of the legislation controlling a range of working conditions other than health and safety. This involves monitoring matters such as:

- social security payments and the possibility of fraud
- illegal employment
- hours of work
- wages
- contracts of employment
- equal pay

3. Structure of I-SZW

(a) Headquarters structure

I-SZW is the executive arm of the Ministry of Social Affairs and Employment and is responsible for enforcement and information. It is headed by a Director who reports to a governing council within the Ministry. His support organisation at headquarters, the Central Office, consists of three branches responsible respectively for:

- enforcement of all legislation on working conditions including health and safety
- information including the monitoring and assessment of the effects of policy initiatives in the field.
- common services

Additionally the Ministry has a policy division comprising ten directorates who also report to the governing council through their Directors. The division is responsible for the formulation of legislation and policy in the fields of employment and social affairs and the various directorates deal with:

- working conditions including health and safety
- social security including unemployment, sickness and injury benefits
- the labour market
- unemployment
- contracts of employment and hours of work
- general social and economic affairs
- surveillance of the activities of other bodies involved in employment and social affairs, for example, the Local Authorities, since the actual payment of social security benefits for sickness, unemployment etc. has been devolved to them.
- international affairs

The policy division consults at senior level with I-SZW on all its legislative and policy proposals. It also has feed back from the field staff both on its draft proposals and on the effects of policy initiatives that it has

instigated. Additionally it has the responsibility of consulting with the social partners normally through the Social Economic Council. The organisation at headquarters is shown at Annex 1.

(b) Structure of I-SZW in the field

The former eight districts of the Labour Inspectorate, four of the DIA and five of the LTD have been amalgamated and the field force of the Service for Inspection and Information is now spread amongst six regions, each headed by a Regional Director. It is the intention that the regional offices will be located at Rotterdam, Amsterdam, Groningen, Utrecht, Arnhem and Roermond.

The responsibility of the Regional Director is to oversee the monitoring of employers' compliance with the law by the staff in his command, coordinating and assessing the effect of their activities. The personnel in each region is divided into clusters or groups, usually four or five, dependent on the size of the region. Each cluster or group is headed by a manager reporting to the Regional Director. While one cluster has overall responsibility for providing management support and common services to the region and for liaising with the branch at Central Office which assesses the effect of policy initiatives in the field, the others are concerned with enforcing the legislation applying across the whole spectrum of working conditions and social affairs in those sectors of industry assigned to them. Clusters, for example, may be responsible for any one of the following industry groupings:

- forestry, agriculture and horticulture
- foodstuffs, textiles and paper
- building materials, mechanical engineering and utilities
- petroleum, chemicals and plastics
- construction, woodworking and shipping
- commerce, services and the public sector

The staff in each cluster will be a mixture of specialists including medical doctors and non specialists. From time to time an individual may be called upon to manage a project which could be based in a cluster, a region or even the country as a whole.

Annex 2 illustrates a typical regional organisation.

4. Specialist Support for Inspectors

(a) Support available from within the organisation

An Inspector will be supported in the first instance by specialists working in his own cluster or region. The specialisms available are wide ranging and include electrotechnical safety, ergonomics, radiation, personnel and organisation, labour studies/working hours, chemical works, noise and vibration, process safety, machine safety and medicine and occupational hygiene. If further support is needed there are at headquarters topic specialists, who can carry out specific investigations if required.

Specialist staff of I-SZW do not as a general rule carry out environmental sampling or monitoring on site. When they believe this to be necessary they require the employer to arrange for this to be done and for a copy of a report on the results to be sent to them. In exceptional circumstances I-SZW may use an external laboratory to carry out sampling and monitoring on their behalf.

(b) Support available from bodies outside I-SZW

Research is carried out for I-SZW by scientific institutes. One of the major bodies carrying out research and providing information is the Netherlands Institute for Working Conditions (NIA), a professional advisory body run by employers' and employees' organisations and partly financed by the Ministry of Employment and Social Affairs. A second organisation carrying out similar work is known as TNO, the Research Institute of Applied Science.

The social partners also have access to the services of independent consultancies specialising in the fields of occupational health and safety. As an example there are two sectoral advice bodies, Stichting Arbouw serving the construction industry and Stigas, the foundation for health care in agriculture.

5. Powers of Inspectors

Inspectors in the Netherlands are given the powers:

- to enter any premises where work is carried out
- to question any person in connection with matters arising from an inspection or an investigation

- to seal off premises or equipment to prevent their use
- to issue directives or to serve orders
- to prohibit work in situations where the health or safety of employees is seriously under threat
- to seize objects and take them into custody
- to make an official report to the Public Prosecutor when an offence has been established.

A number of enforcement tools are available to Inspectors ranging from a letter through a directive or order to prosecution.

Directives are issued as a result of observation by an Inspector of one or more breaches of health and safety legislation when these are not of a sufficiently serious nature to justify an immediately enforceable order. Their aim is to achieve compliance with the legal requirements and an improvement in working conditions.

Orders are used by Inspectors to compel employers to take measures necessary to comply with the law. These have immediate effect in the event of serious/imminent danger or otherwise within a stated time period. Failure to comply with deadlines set could lead to the institution of legal proceedings.

Prosecution may follow a report drawn up by an Inspector which is forwarded to the Public Prosecutor. Institution of proceedings is at the discretion of the Public Prosecutor.

6. Operating Methods of I-SZW

(a) Preparation of national objectives

The Service for Inspection and Information works to a rolling plan which establishes priorities in respect of the various activities that must be carried out. Regional directors have regular meetings during the year with the Director of I-SZW and it is during these meetings that the national projects and inspection campaigns are discussed and agreed. This ensures that the views of the inspectors in the field are taken into account when the objectives are being set.

The national plan sets a framework within which each region must draw up its own annual work programme with the flexibility to introduce local initiatives where these are considered to be of

importance. The national inspection programme for any year is an amalgam of the regional programmes and contains both national and local projects. Targets are set at both national and regional level on the number of visits to be paid in connection with the planned activities.

Progress against plan is monitored at regular intervals during the year, both at a national and regional level.

(b) Proactive inspection for enforcement purposes

This activity accounts for 70% of an inspector's real inspection time. Guidance may be given to inspectors both by headquarters and the regional director in accordance with the national and local plans on the average number of visits to be paid each week and how often the workplaces for which they are responsible should be visited. Generally, however, the inspection cycle will depend on the risk category in which the workplace has been placed so that those sectors where the risk is greatest are given priority. Factors taken into consideration in placing workplaces in the appropriate category are the actual level of risk at the individual enterprise coupled with the rate of accidents and occupational illness.

The central issue addressed during a proactive inspection is the effectiveness of the systems that have been introduced for the management of safety, health and welfare at the workplace. Having looked at the risk assessment drawn up by the employer an inspector may then decide to initiate one of two forms of inspection:

- HSW inspection

- an inspection covering different aspects of safety, health and welfare at the workplace but generally concentrating on issues which are of current concern. Matters which are often to the fore during these inspections are possible causes of accidents, toxic substances, manual handling of loads, ergonomics, working hours, noise and vibration, fire and explosion, risks to young workers and temperature and lighting.

- Issue inspection

- these are of two types. The first considers a particular topic which can be treated more effectively if dealt with separately. The second is an inspection which needs specialist knowledge in a particular sphere of activity and could be a follow up visit to a HSW inspection.

Wherever possible proactive inspection is carried out on a project basis as part of the national strategy of adopting a sector by sector approach. The project will consist of inspection by a group of

inspectors, within a time frame and in an agreed manner to ensure consistency, of a large group of firms with common characteristics. The benefits of this approach are held to be inspections which are more effectively prepared together with a greater uniformity in the application of agreed standards. Evaluation of the projects forms the basis of meaningful discussions with the social partners in the relevant sectors of industry.

During their inspection activities inspectors work to a nationally agreed "Enforcement Strategy" designed to ensure a uniform and consistent application of the legal requirements. Following an inspection where contraventions have been noted, the inspector as a first step will agree with the employer a deadline for putting matters right and will record the agreement in writing, both for the employer and the employees. A check visit follows as a second step and if remedial action has not been taken in accordance with the agreement made, the inspector issues a directive or an order depending on the nature of the contravention. A further visit follows and if action has still not been taken a report is drawn up and forwarded to the Public Prosecutor. In the case of serious offences or employers who have a bad record of performance in health and safety and show an unwillingness to comply with the requirements of the law, the inspector will start immediately at the second stage and issue a directive or an order.

(c) Reactive work

Reactive work such as the investigation of accidents and cases of occupational ill-health and complaints, and the issue of exemptions can take up a substantial proportion of an inspector's time.

Fatal and serious accidents must be reported directly to I-SZW while others are reported through the social security system. Accidents are investigated only if they are:

- fatal

- serious and it is clearly in the victims' interest that they should be investigated- suspected of having been caused through a neglect of statutory requirements

- a possible source of new information on particular hazards

Ill-health is defined as any disease which is mainly a consequence of work or working conditions. Employers are obliged to notify such cases to the regional offices of I-SZW. Notification is considered to be a means of making people aware of cases of occupational disease at shopfloor level as well as being a way of assembling data to help with

policy and inspection priorities. The notification contains information about the employer and the employee concerned as well as information on what has been done to prevent a recurrence of the occupational disease. A decision on whether an investigation should take place rests with a medically qualified inspector at the regional office.

There is a standard procedure for dealing with complaints. Nationally established criteria have been set which guide inspectors on which complaints are to be investigated. Before an investigation is undertaken, steps are taken to ensure that the complainant has exhausted all possible means of resolving the complaint with his employer. If a complaint is investigated, the complainant is advised of the results of the investigation within two months.

Work on permits and exemptions is generally concerned with working hours e.g. overtime and shift work, the employment of children for example on vacation work and in the theatre and on television and requests for exemption from one or more requirements of the Working Environment Act.

(d) Information gathering and advice

Requests for information are generally handled at regional office in the first instance by a member of the support staff. This means that enquirers can often be helped more quickly and inspectors are left free to devote their time to activities at the workplace. There are consultants employed by approved occupational health and safety services in the private sector who can provide expert advice and guidance on health and safety and whenever possible employers making enquiries are steered in their direction.

However, as part of its information service I-SZW publishes explanatory leaflets to accompany legal texts, guidance notes as codes of practice on securing compliance with the law since there are few detailed standards written into the legislation and advice sheets on how to solve common problems. Guidance notes give the Service's opinion on how compliance with the legislation may be secured but this does not rule out the possibility of there being some other way of securing an acceptable standard of compliance. The social partners have the opportunity to comment on the draft guidance notes and advice sheets and on occasions play an active part in their preparation.

Increasingly visits are being paid with the specific aim of assessing the effectiveness of policy initiatives and projects. The information obtained at these visits not only helps to inform decisions on future objectives and programmes but also highlights areas where additional guidance and advice may be needed.

(e) Links with social partners

Consultation with the social partners on matters of health and safety at national level takes place in the tripartite Social Economic Council. The Council is consulted among other things on proposed legislation and research projects. Informal consultation also takes place with the partners in discrete sectors of industry on projects and guidance peculiar to those industries.

At the workplace in establishments employing more than thirty five people there is a requirement that a works council should be set up with a sub committee concerned solely with matters of health and safety. As representatives of the workforce members of this committee have the right to accompany an inspector during his visits and to exchange information with him on the standards of health and safety at the workplace.

7. Recruitment to I-SZW

(a) Initial selection criteria - qualifications and experience required

A cadre is set for each region by headquarters and recruitment to meet this cadre is organised by the regions themselves. Inspectors are recruited into one of four different grades depending mainly on academic background. Regional directors and senior inspectors in a management position in the regions need to have a university degree or equivalent qualification in a technical or scientific discipline. Candidates for other grades are expected to be in possession of a higher level education certificate.

(b) Possible career patterns for inspectors

Inspectors are mobile grades and may expect to be moved from one region to the other or to headquarters to meet the needs of the organisation and to further their own career development. Staff who show potential can progress to the senior management positions in the Service. Additionally opportunities do arise to move to other directorates in the Ministry.

8. Training for Inspectors

(a) Training for newly appointed inspectors

Training is given to all new inspectors irrespective of the grade to which they are recruited with the aim of providing them with the basic

knowledge and skills they require to perform effectively in their grade. The basic training is given during the first two years of employment and comprises the following components:

- induction

- delivered at the office by regional management covering topics such as the organisation and working methods of the regional office, advice on hazards likely to be encountered during inspection work and a general introduction to the scope of the work of I-SZW.

- introduction to Headquarters

- covering the work of the separate headquarter directorates including their relationships with the social partners.

- regional placement

- a two week attachment to one of the regional offices to acquaint the new recruit more fully with the way of working of the Service.

- general administrative and legal training

- covering relevant aspects of constitutional law, general administrative law, criminal and civil law and the preparation of official reports for the public prosecutor.

- training in specific labour inspection legislation

- this course deals with the Working Environment Act (Arbowet), the Working Hours Act (Arbeidswet) and other relevant and specific labour legislation.

- training in enforcement skills

- the course is intended to provide the recruit with the knowledge and skills required both to implement the Service's enforcement strategy and to act as a special investigator.

- safety, health and welfare training

- intended to give new recruits the technical knowledge they require to operate as general inspectors in the fields of health, safety, welfare and social policy. The training which is theoretical is given off the job

but is intended to be reinforced by practical application on the job of the concepts learned.

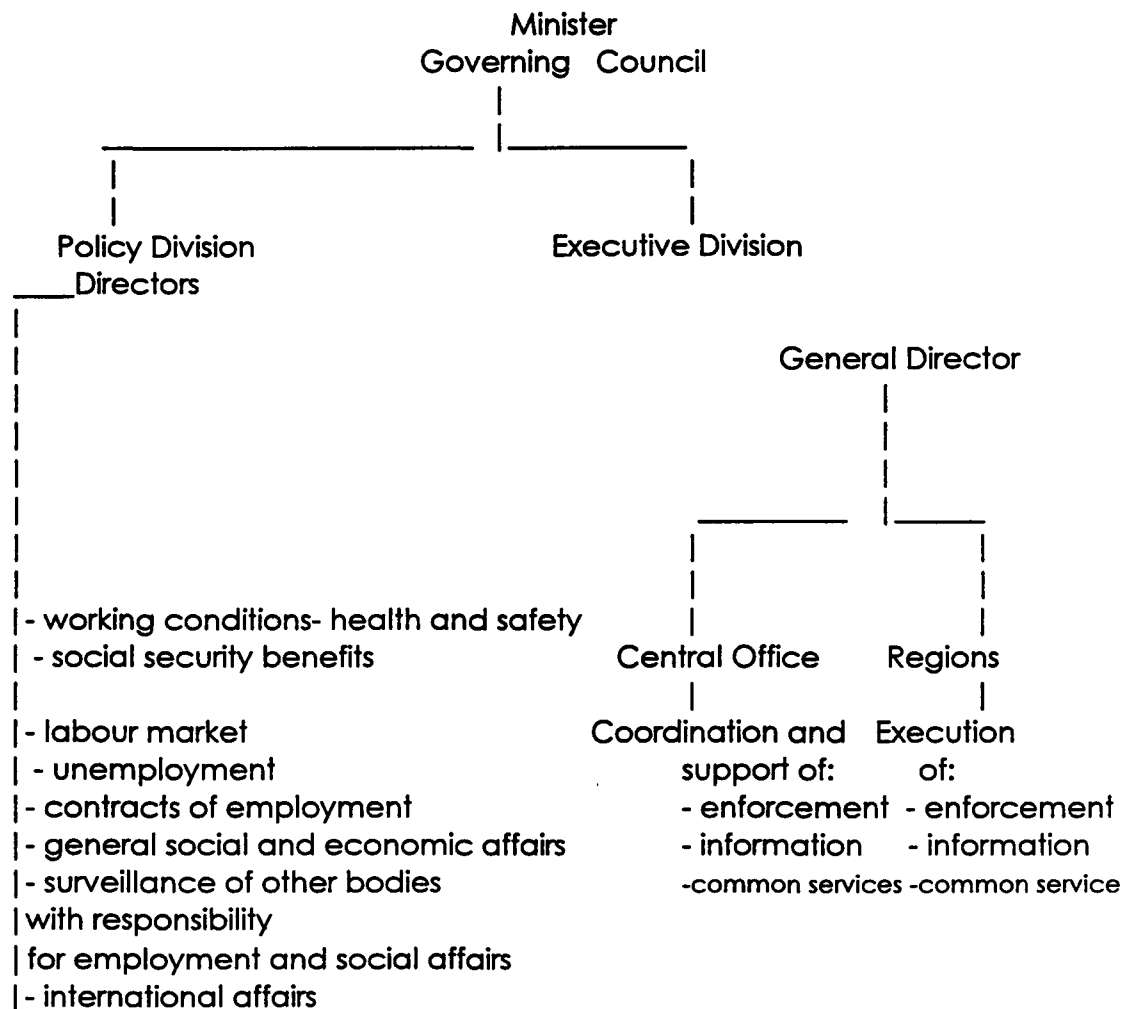
It is estimated that the above training will absorb up to six months of the new recruit's first two years in post.

(b) Training for established inspectors

More intensive training is provided for established inspectors to provide them with additional knowledge in any one or more of a number of specialist topics including machinery safety, process safety, transport, occupational hygiene, noise and vibration, radiation, ergonomics, working hours and the assessment of systems for the management of health and safety.

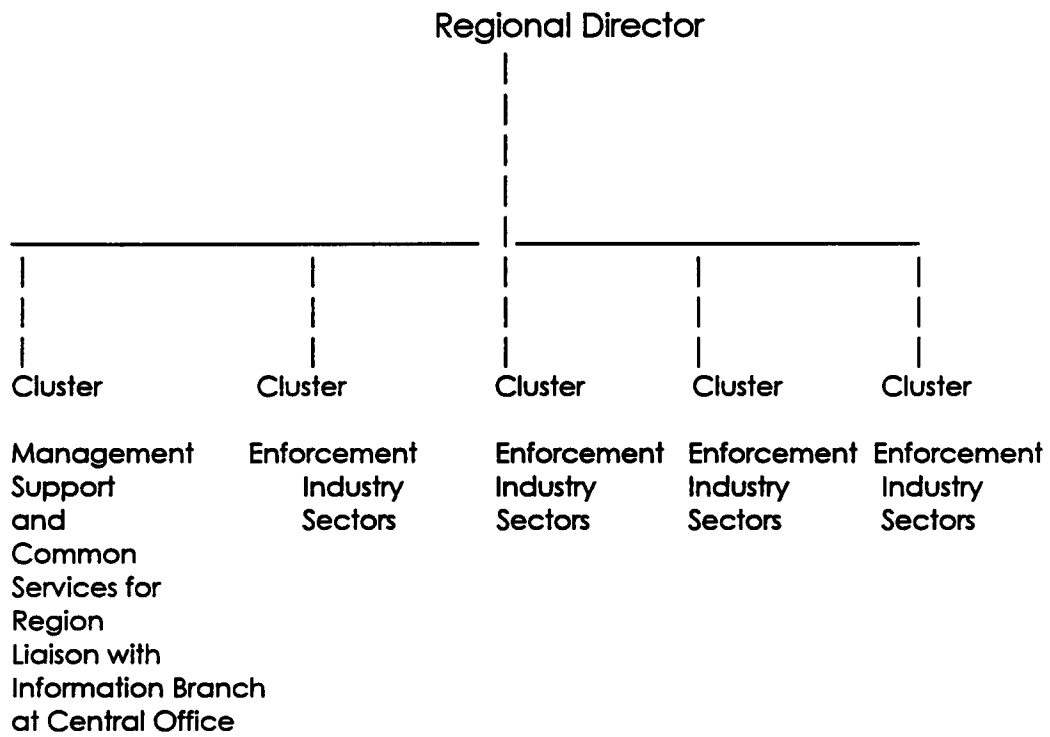
ANNEX 1

Organisation of Headquarters.



ANNEX 2

Organisation of Regional Office



PORTUGAL

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies.

The Labour Inspectorate in Portugal forms part of the Institute for the Improvement and Inspection of Working Conditions (IDICT). The Institute is a public agency and was set up by Decree-Law No 219/93 of 16 June 1993 under the Ministry of Employment and Social Security. Its objectives are:-

- to promote and assess improvements in working conditions
- to take measures for the prevention of occupational risks
- to promote and monitor collective agreements
- to prevent and intervene in labour disputes
- to enforce the legal provisions concerning working conditions, employment and unemployment.

The Institute comprises the following central departments:-

- the Labour Inspectorate
- the Directorate for Programme Development and Assessment with the responsibility of promoting policy objectives concerning occupational risk prevention.
- the Directorate for Occupational Risk Prevention, providing technical support for the field staff and responsible for the development and distribution of guidance on health and safety matters.
- the Management Support Directorate, coordinating planning and finance for the Institute
- a Legal Affairs Directorate

The management structure of the Institute comprises an Executive Board, an Administrative Council and a General Council.

The Executive Board consists of a president and two vice presidents, one of whom must be the Inspector General of the Labour Inspectorate.

The Administrative Council comprises the president of IDICT, the vice presidents of the Executive Board, the Director of Programme Development and Assessment and the Director of Management Support. Its purpose is to oversee the planning and financial control of the Institute.

The General Council is a body with advisory functions, chaired by the President of the Executive Board, with representatives from various government ministries, employers' associations together with four trades unions representatives.

For its funding the Institute creates revenue of its own in addition to the funds allocated to it annually from the State budget.

(b) Arrangements for different sectors of industry

The Labour Inspectorate is responsible for overseeing health and safety in virtually all sectors of industry including agriculture, transport and the fishing industry whilst the vessels are in port or harbour. It is also responsible for inspecting surface work at mines. The technical inspection of mines, including underground and structural work is the responsibility the Ministry of Industry and Energy.

2. Responsibilities of Labour Inspectorate

Although the Labour Inspectorate is one of the central departments of IDICT, it in fact carries out its work in accordance with the principles embodied in ILO Conventions Nos 81 and 129. Consequently

- it has its own technical resources and has wide decision making powers in monitoring working conditions
- its inspection work is carried out by officials who have their own, separate career structure and who are given the powers needed to carry out their work
- it is headed by an Inspector General (who is automatically a member of both IDICT's Executive Board and Administrative Council) who bears sole responsibility for inspection matters.

The Labour Inspectorate has both specific tasks and tasks that supplement and follow up the general tasks of IDICT outlined in Section

These tasks are:

(a) Health and Safety

The Labour Inspectorate is required to visit enterprises in all sectors of industry where people are at work to promote the development of occupational health and safety by implementing specific controls to minimise risks at the workplace and to reduce accidents. In principle the law applies to civil servants, employees of local authorities and even those working for the health services though new legislation is awaited on the statutory requirements to be observed in these sectors. The inspectorate also sees it as its role to provide information and guidance so that those involved in an employment relationship as well as trade unions and employers' associations understand how existing provisions should be interpreted and observed. Additionally the reports prepared by the Inspectorate following its investigations of fatal and serious accidents are important for various purposes in particular for the Labour Courts in their adjudication of compensation claims submitted by the victims of the accidents.

(b) Other matters

The Labour Inspectorate's responsibilities include:

- to enforce provisions laid down by law, regulation or collective agreement concerning working conditions, employment assistance, protection for the unemployed and the payment of social security contributions
- to approve and enforce internal rules adopted by undertakings themselves
- to check the legal requirements governing the exercise of a professional activity and to issue authorisations in respect of employment relationships.
- to monitor compliance with the legal provisions governing the employment of foreigners, recording details of the contracts concerned and issuing the necessary authorisations
- to propose measures designed to remedy any shortcomings or defects in the rules which it is responsible for enforcing
- to promote measures and provide information so that those involved in an employment relationship, as well as professional associations,

understand how existing rules should be interpreted and most effectively observed.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The Labour Inspectorate is headed by an Inspector General assisted by a Sub-Inspector General and a small support staff of inspectors and assistant inspectors at headquarters. The support staff deal with various matters including;

- the interpretation of the law
- operational matters
- giving technical advice to the field staff
- international affairs
- preparation of statistics and other coordination tasks

As far as the tasks of the Labour Inspectorate are concerned, the Inspector General has exclusive responsibility for:

- supervising all inspection activity and dealing with breaches of ordinances
- confirmation, non-confirmation or rejection of penalty notices submitted for his approval giving reasons for his decision in the case of non-conformation or rejection.
- granting of authorisations required by law for employment relationships e.g. as regards hours of work
- requiring, where necessary, any worker, employer or representatives of their respective organisations, to appear before the Labour Inspectorate
- supervising the deployment of inspection staff
- grading of the inspection, technical and administrative staff of the Inspectorate
- preparing the annual report on the activities of the Inspectorate

(b) Structure of the inspectorate in the field

Inspectors and assistant inspectors work from twenty one offices or delegations and ten sub offices or sub delegations. The offices are grouped into three regions, each under the control of a Regional Director. The field offices of the Inspectorate coordinate and implement the objectives of IDICT throughout the country.

The work of the field offices is coordinated from the three regional centres, the North situated at Porto, the Central at Coimbra and the Southern at Lisbon. Annex 1 shows the location of the offices and sub offices. Offices (delegations) and sub offices (sub delegations) are headed respectively by Delegate Inspectors and Sub Delegate inspectors who are responsible for managing the activities of inspectors and assistant inspectors in their command. In Lisbon and certain of the other larger, more important offices there are inspectors who will specialise in occupational health and safety though not in any particular area or topic in this field. As a general rule, though, inspectors and assistant inspectors are organised on a geographical basis and cover all inspection activities in the area assigned to them.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Inspectors are provided with instruments such as light meters, hygrometers and Draeger tubes and are trained in their use so that they are able to carry out initial diagnostic and sampling measurements at the workplace. Where necessary, they receive support in engineering and health matters from specialists based both at headquarters and the Regional Centres. The specialists, whose expertise covers various branches of engineering and occupational medicine, are not labour inspectors but form part of the Directorate of Occupational Risk Prevention. They are not given the powers of labour inspectors but may visit workplaces when accompanied by inspectors.

In addition to the support available from specialists at headquarters and the Regional Centres, inspectors specialising in a particular field by virtue of their professional training will give assistance to their colleagues, when requested, at their own or other offices in the Region.

(b) Support available from bodies outside the Inspectorate

Inspectors may call upon outside specialists for work involving scientific analysis. Samples which they take are sent to the State Laboratories.

Additionally a network of organisations and individuals with expertise in occupational health and safety such as consultants, universities and research institutions and laboratories in the public and private sector, is gradually being built up. The services of these individuals and organisations are also available to the social partners.

5. Powers of Labour Inspectors

The following powers are given to labour inspectors:

- to visit and inspect a workplace at any time of day or night without giving prior notice
- to ask the police to intervene should they be prevented from entering or carrying out their duties
- to request information from employers, workers or any other persons connected with the workplace being inspected where this is relevant to their duties and, if necessary, to require them to appear in person at Labour Inspectorate Offices office to provide information
- to carry out examinations and interrogations and to require the inspected company to provide the documentation considered necessary to ensure full clarification of the working conditions investigated
- to collect samples of raw materials used in a manufacturing process which may involve risk to workers and to identify atmospheric pollutants present at the workplace so that they may be analysed and measured
- to measure levels of noise, vibration, light, and temperature
- to determine what action should be taken by employers, by a given deadline, to ensure compliance with the legal requirements governing health and safety
- to investigate the circumstances of occupational accidents and illness and to prepare reports
- to make employers and workers aware of their respective responsibilities in the event of non compliance with the law
- to take exceptional measures, with immediate effect, in the case of imminent danger to the life, health or safety of workers.

Prosecution.

Around 28% of contraventions found by labour inspectors are concerned with health and safety issues and this percentage is on the increase. The remaining contraventions concern other working conditions such as working hours, overtime etc. or are breaches of the statutory labour requirements imposed by the State on employers. The offences found by labour inspectors in the course of their inspection work fall into three categories:

(a) Crimes

These offences arise partly under the Penal Code, which, however, does not directly protect statutory labour rights. Others are covered by individual laws that directly protect such rights and interests. Such offences are very small in number. When an inspector comes across such an offence he sends a report to the Department of Public Prosecutions, which, under Portuguese law, has sole responsibility for prosecuting crimes and bringing charges before the competent court. The penalty applicable may be a prison sentence, a fine and/or other penalties set out in the Penal Code.

(b) Contraventions or transgressions

Such offences are defined by law as deliberate, punishable acts involving simply the breach of, or failure to observe, the preventive provisions of laws and regulations regardless of any ill intent. If the labour inspector encounters such an offence he may issue a penalty notice, a written document in a prescribed form giving details of the offence found, the person committing the offence, the circumstances, nature and time of the offence and the penalty applicable. The notices are kept for a short period of time at the office or sub office to which the inspector concerned is attached. The offender may pay the fine within this period. If he does not do so, the notice is referred to the Labour Court which will adjudicate on it in accordance with the law. In the Portuguese legal system, contraventions or transgressions are part of a residual form of offence which is gradually disappearing and being incorporated into the category of crimes (the more serious offences) or into the category of breaches of ordinances.

(c) Breaches of ordinances

The law defines such offences as any culpable illicit act of a type punishable by a fine. The fine, however, may be accompanied by additional sanctions indicated by the law such as confiscation of objects, a ban on exercising a profession, withdrawal of the right to a

subsidy granted by public bodies or services and withdrawal of the right to participate at fairs or markets. With the exception of the first, all these sanctions have a maximum duration of two years. This type of offence covers a large part, if not most, of the breaches of labour law.

The examination and prosecution of breaches of ordinances is generally the task of the public authorities, in particular the Labour Inspectorate where labour offences are concerned. The imposition of fines is the responsibility of the Inspector General who delegates this to the Delegate and Sub Delegate Inspectors who head the field offices. In each of the field offices there is a section dealing with breaches of ordinances headed by a prosecuting officer who is normally qualified in law. He is responsible for submitting to the Delegate or Sub Delegate Inspector for decision, fully documented proposals for prosecuting breaches of ordinances. Appeals against the decision to impose a fine are referred to the Labour Courts and in the case of higher fines, appeals against their findings may be heard by the Court of Appeal.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

Within the structure of IDICT, the Labour Inspectorate puts forward proposals for the implementation, within its own area of responsibility, of national objectives. The objectives are set out in a plan of activities drawn up annually by the Inspector General on the basis of statistical or other data returned to headquarters from the field offices. The plan may include priorities which are both sector and topic based. Sector based activities will concentrate on selected subject areas within nominated sectors of industry while topic based activities will focus attention on a particular subject such as the employment of children or foreigners across all sectors of industry.

Monitoring progress with completion of the plan is carried out on a monthly basis, each office and sub office being required to send details of work completed during the month to headquarters. National outputs are prepared on the number of visits paid and the number of workplaces visited by the Inspectorate. The outputs also include information on the number of accident reports and complaints received and those investigated.

(b) Proactive inspection for enforcement purposes

Proactive inspection visits are determined firstly by the priorities set out in the annual programme of work and secondly by complaints

received from employees which are treated confidentially and are usually investigated during a full inspection of the workplace where not only the subject of the complaint is examined but also standards in respect of other working conditions which the employer is required to provide by law. The selection of individual workplaces for visit to meet the targets set in the programme is influenced by the level of risk at the workplace and the inspectors' experience of and the information available in the files on the past record of performance of the enterprise.

Following completion of the visit discussions are held with management both on the matters needing attention and on the time that will be allowed for the remedial action to be taken. When appropriate the advice given is confirmed in writing. Reports are prepared after visits in a specific form which allows for information on all aspects of working conditions including health and safety to be recorded.

(c) Reactive work

Much of the work carried out by the Labour Inspectorate is reactive in nature as it responds to complaints from employees and requests for advice both from employers and employees.

There are a number of legal requirements governing the reporting of accidents in different sectors of industry but as a general rule fatal accidents must be reported to the Inspectorate within forty eight hours - twenty four hours if they occur on construction sites or on work in compressed air - and all others within three days. The person responsible for reporting the accident is again normally the employer though in construction work the responsibility may fall to the person in overall charge of the operation such as the engineer or architect. Of the accidents reported to the Inspectorate those chosen for investigation will normally be those resulting in the death of or significant disabling injury to the worker.

Cases of occupational ill health must also be notified and a percentage of these too are investigated with the assistance where necessary of doctors from the Directorate for Occupational Risk Prevention.

(d) Information gathering and advice

Information and guidance to industry in the form of posters, pamphlets and leaflets, is produced and distributed by the Directorate of Occupational Risk Prevention. The Labour Inspectorate also plays a significant part in educating and advising employers, workers and the public. It provides an information service open to the public at all

offices and sub offices where the staff will provide explanations on the application of the labour law to matters brought to them by the parties concerned. The advice will also be provided in writing on submission of a written request.

A report is published annually on the activities of the Labour Inspectorate. This is prepared by the Inspector General's support staff at headquarters following an analysis made of the operational data submitted from the field.

(e) Links with social partners

The Labour Inspectorate has the statutory responsibility of educating and informing employers and workers on matters of health and safety and of providing technical advice. The aim is to stimulate an awareness of the most effective ways of complying both with the legislation and with recognised standards. The national focus for consultation is now the tripartite General Council of the Institute for the Improvement and Inspection of Working Conditions (IDICT). This body gives advice on the drawing up of policies for health and safety at work at a national level and has the opportunity to contribute to and comment on proposals both for annual programmes of work and specific action programmes. In addition to the more formal consultation the Inspector General meets with representatives of the trades unions on an ad hoc basis normally at his request.

At workplace level the inspector normally makes contact with the representative of the employees where one has been nominated.

7. Recruitment to the Labour Inspectorate.

(a) Initial selection criteria - qualifications and experience required

Recruitment takes place to the grades of both inspector and assistant inspector through a national competition consisting essentially of a written examination and an interview.

Candidates for the post of inspector are required to have obtained a university degree, normally in law, engineering or medicine though there is an occasional demand for those with qualifications in economics or sociology. Successful candidates undergo a probationary period of twelve months during which they receive professional training in labour inspection.

Candidates for the post of assistant inspector must be between 21 and 35 years old with technical or professional qualifications acquired after

a period of three years study at a level below that of a university degree.

(b) Possible career patterns for inspectors

There are various grades of inspector and assistant inspector with specific career structures for each grade. Normal career progression is to advance through the grades as vacancies occur.

Following their training period, recruits for the post of inspector are appointed as inspectors and may then advance through the grades of principal inspector and superior inspector to principal superior inspector.

For assistant inspectors career progression is through the grades of assistant inspector 3rd class, 2nd class, 1st class to principal and then to principal technical inspector, senior technical inspector and principal senior technical inspector. In exceptional cases, some recruits with particularly good entry qualifications are appointed immediately to the grade of principal assistant inspector.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

Recruits to the post of inspector in the Labour Inspectorate undergo training during a twelve month probationary period involving both technical and practical work. This initial training is intended to be broad and extensive, providing trainees with a multi-disciplinary framework and a sufficient understanding of the subjects with which they will be involved. The training covers the following subject areas:

- European community legislation, the application of Directives and the standards system
- Investigation, analyses, interpretation of results
- Knowledge of substantive and procedural penal law, preparation of notices and cautions
- Specific aspects of health, safety and hygiene at work.

Practical work involves joint visits paid with a senior inspector where the performance of the recruit is monitored and assessed.

(b) Training for established inspectors

Senior inspectors also have access to appropriate training. Various legal and technical courses in occupational health and safety have been established dealing with the following subjects:

- accidents at work and their investigation
- risks at the workplace
- responsibilities of the employer for the prevention of occupational hazards
- the European Community and occupational health and safety
- Community law
- hazards in the construction industry

ANNEX 1

Northern Region (Porto)

Local Offices

Viana do Castelo

Braga

Braganca

Vila Real

Guimaraes

Porto

Sao Joao da Madeira

Sub Offices

Vila Nova de Famalicao

Lamego

Penafiel

Central Region (Coimbra)

Local Offices

Aveiro

Guarda

Covilha

Coimbra

Leiria

Viseu

Sub Offices

Castelo Branco

Figueira da Foz

Southern Region (Lisbon)

Local Offices

Almada

Beja

Evora

Faro

Lisbon

Portalegre

Santarem

Setubal

Sub Offices

Barreiro

Cascais

Tomar

Torres Vedras

Vila Franca de Xira

UNITED KINGDOM

1. Organisation for Labour Inspection

(a) Involvement of central and local government departments and other bodies

The current health and safety system in the United Kingdom came into being in 1974 when the Health and Safety at Work etc Act (HSW Act) set up new institutions and provided for the progressive revision and replacement of all existing health and safety law. Two new institutions were created by the Act, the Health and Safety Commission (HSC) and the Health and Safety Executive (HSE). The new institutions are concerned only with health and safety and have no responsibility for other labour or employment matters.

The HSC is a body of up to ten people appointed by the Secretary of State for Employment after consultation with organisations representing employers, employees, local authorities and others as appropriate. The aims of the HSC and the HSE are to protect the health safety and welfare of employees, and to safeguard others, principally the public, who may be exposed to risks from industrial activity. In particular they seek to:

- *define standards by proposing reform of existing legislation, issuing guidance and cooperating with other standard setting bodies*
- *participate, through negotiation, in relevant standard-setting in the European Community*
- *promote compliance with health and safety legislation by inspection, advice and enforcement in undertakings where HSE is the enforcing authority and proposing and keeping under review between HSE and other enforcement bodies with an eye to satisfactory and consistent standards*
- *carry out, publish and promote research*
- *investigate accidents and industrial health problems, disseminating findings as appropriate*
- *contribute to the processes of open and democratic decision making, transparency, accountability and consistency of approach on health, safety and welfare issues by:*

- (i) providing information and advice as required to Ministers*
- (ii) making as much information as practicable available to the public*
- (iii) cooperating with regulatory bodies in related fields*
- (iv) representing UK interests in EC and other inter-governmental fora*
- (v) encouraging well-informed public discussion on the nature, scale and tolerability of risk*

The HSC reports principally to the Secretary of State for Employment and also to a limited extent to the Secretaries of State for Agriculture, Trade and Industry, Environment, Transport and the Home, Scottish and Welsh Offices.

The HSE is the operational arm of the Health and Safety Commission and is responsible for the day-to-day inspection of workplaces and enforcement of the health and safety legislation. The Executive is a body of three people appointed by the Commission with the consent of the Secretary of State for Employment. HSE's workforce totals about 4500 and includes inspectors, other professional staff such as doctors, nurses and scientists, policy and administrative managers and non specialist support staff. Although the Executive is the operational arm of the HSC it is a distinct body with some specific statutory responsibilities of its own particularly in the enforcement of health and safety law and the Commission cannot give it directions about enforcement practice in any particular case except by direction of the Secretary of State for Employment.

A third major force in the United Kingdom health and safety system is the 461 Local Authorities who also have statutory responsibilities for the enforcement of health and safety law in the services sector which covers such work activities as distribution, retailing, offices, hotels and catering and leisure. They are independent elected bodies ultimately accountable to their electorate and also, in the case of English local authorities, to the Department of the Environment and, in the case of Scottish and Welsh authorities, to the Scottish and Welsh Offices respectively from whom they receive a part of their funding. Local authorities carry out their health and safety at work enforcement functions in accordance with guidance issued by the Commission which they are obliged to follow, and by agreement they provide information to both the Commission and the Executive. Arrangements are in place between Local Authorities and the HSE to achieve

consistent enforcement standards by providing up to date operational guidance and training support for local authority inspectors on a national basis. These arrangements include a joint enforcement liaison committee, known as HELA, which produces a strategy for the co-ordination of local enforcement and provides a forum for discussion and the exchange of information. Operational guidance is issued to local authorities in HELA's name. There is also within HSE a Local Authority Unit (LAU) whose role is to develop and promote the partnership between HSE and local authorities, to represent the local authority view to the Executive and the Commission, to keep in touch with organisations representing both employer and employee interests in those sectors of business where enforcement falls to local authorities and to advise the Executive and the Commission on local authority enforcement matters. LAU maintains a national database of reportable accidents and ill health in the local authority enforced sector and provides the secretariat for the HELA system. Finally a number of HSE inspectors throughout the United Kingdom are appointed as liaison officers, their main function being to maintain close contact with all Local Authority inspectors on enforcement and technical issues within the geographical area they cover. In this way local authorities have access to the support of HSE's specialists.

Other bodies with a significant part to play in the health and safety system include the AEA (Atomic Energy Authority) Technology, the National Radiological Protection Board which has a national function in relation to ionising and other radiations and the British Standards Institution, the national body responsible for the development of British Standards and the United Kingdom's link with the European standards making organisations. The standards range from specification of performance goals to guidance on operational practice and to design criteria for industrial products. Appropriate British Standards are frequently referred to in HSE's published guidance and sometimes also in health and safety regulations and codes.

In Northern Ireland responsibility for regulating health and safety at work lies with the Health and Safety Agency and the Department of Economic Development. Local Authorities in Northern Ireland generally have responsibilities similar to those of their equivalents in Great Britain and are accountable to the Health and Safety Agency.

(b) Arrangements for different sectors of industry

The task of regulating health and safety in most sectors of industry and commerce, the utilities and public services and local and national government falls either to HSE inspectors or those working for the Local Authorities. Within HSE there are separate Mines, Nuclear Installations,

Offshore, Explosives and Railways Inspectorates who have specialised roles within their own industries. Monitoring of standards in the remaining sectors, apart from those assigned to the Local Authorities, will fall mainly to inspectors in the Field Operations Division (cf section 3). There are, however, certain areas of risk or harm, directly or indirectly related to work activity, which are covered by legislation other than the Health and Safety at Work etc Act and are not dealt with by the HSC. These include consumer and food safety and environmental protection regulated by Local Authorities; marine, aviation and road safety, the responsibility of the Department of Transport; and environmental pollution where standards are monitored by an inspectorate within the Department of Environment.

2. Responsibilities of the Labour Inspectorate

(a) Health and Safety

The provisions of the health and safety law in the United Kingdom apply to all employees with the exception of domestic servants and members of the armed services on operational duties. They also apply to the self employed and others including members of the general public who may be at risk from work activities. The function both of HSE and Local Authority inspectors is, therefore, to monitor and where necessary enforce the application of the law in those sectors of industry assigned to them. In addition to monitoring standards at the workplace, they will also be concerned with dangers from articles manufactured and supplied for use at work and dangers in relation to the supply and transport of dangerous substances.

HSE inspectors have the responsibility for enforcing the relevant legislation in manufacturing industry, construction work, docks, central and local government premises, hospitals, schools, universities, fairgrounds, the activities of the utilities (gas, water and electricity), in mines and quarries, agriculture, nuclear installations, the manufacture, transport and handling of explosives, the railway and off shore industries and the distribution and use of gas in domestic premises. Local Authority inspectors have a similar responsibility in retail outlets, warehouses, offices, hotels and catering premises, residential care homes and for leisure and consumer services. In 1992/93 there were the equivalent of 1470 full time local authority inspectors working on health and safety matters of whom 460 were employed exclusively on this work.

(b) Other matters

Apart from the minor activity of checking that employers have valid Employers Liability Insurance cover and a limited function in relation to the environmental aspects of the use of pesticides and the potential risks to the environment arising in connection with accidents at major hazard sites, the responsibilities of inspectors of the Health and Safety Executive lie mainly in the fields of occupational health, safety and welfare. Many Local Authority inspectors have other responsibilities particularly relating to food safety, environmental protection, housing, pest control and other environmental health work.

3. Structure of the Labour Inspectorate

(a) Headquarters structure

The Health and Safety Executive is headed by a Director General supported by two Deputy Directors General who each have responsibility for a number of headquarter and field divisions. An organisation chart is shown at Annex 1. The policy divisions at headquarters, each with its own director, are staffed by personnel from a range of backgrounds including administrators and lawyers with experience of policy development in government departments, inspectors, scientists, technologists and medical professionals. The policy divisions are each responsible for a number of subject areas which may be summarised as follows:

Strategy and General Policy Division

- *support for the Executive and strategy*
- *general policy*
- *local authority unit*
- *international affairs and the environment*
- *research strategy unit*
- *accident prevention advisory unit*
- *risk assessment policy unit*
- *economic advisers' unit*

Health Policy Division

- *general health policy biotechnology and pesticides*
- *policy on chemical*

Safety Policy Division

- *mechanical and electrical safety*
- *general and technical matters*
- *mining and special industries*
- *explosives, docks and freight containers, transport of dangerous substances*
- *hazardous installations policy*

Resources and Planning Division

- *finance and planning*
- *business services*
- *human resources management*
- *information and advisory services*
- *internal audit.*

In addition to the above policy divisions, there are separate policy branches within the Nuclear Safety and Offshore Safety Divisions. The policy divisions advise the Health and Safety Commission through the Executive on all matters which concern the future direction of its affairs ensuring, among other things, that HSC's proposals are legally sound, embody high technical and scientific standards, have taken into account EC and other international requirements and are, in practice, enforceable. They consult widely with the social partners and other interested parties to ensure that the proposals do not impose undue burdens on industry, maintain contact with other bodies, both national and international and seek to influence them on the Commission's behalf.

The Field Operations Division, the largest field division within HSE, additionally has a small headquarters organisation to support the Division's director. This is shown at Annex 2.

(b) Structure of the Inspectorate in the field.

Field Operations Division (FOD)

Most of HSE's inspectors work in the Field Operations Division together with doctors and nurses of the Employment Medical Advisory Service. The division is organised into seven geographical regions, each

coordinated by a Regional Director. The regions are further sub divided into twenty areas headed by Area Directors. In every Area Office there are a number of teams of inspectors, with between three to six inspectors in each team, under the control of Principal Inspectors, who either specialise in particular sectors of industry or are responsible for all sectors within a geographical area. The work of the staff of the Field Operations Division is mainly concerned with inspection of workplaces and enforcement of the legislation but they have a number of other responsibilities including liaison with inspectors employed by Local Authorities, planning matters associated with certain major hazard sites and the provision of medical advice. They also collect data and act as front line contacts with the public who may, for example, seek advice on hazards affecting them. In addition to its responsibilities for enforcement across the spectrum of industries, each Area Office has at least one team which provides expertise in one industrial sector or topic in the form of a National Interest Group(NIG). NIGs have a key role to play in helping the Field Operations Division meet the aims and objectives of HSC and HSE. Based on experience and feed back from inspectors working in the field, they develop sector related standards, devise best means of implementing these standards and disseminate them within HSE and the relevant sector of industry. They also provide a source of expertise which supports the work of joint industry advisory committees and of divisions responsible for policy development. The location of the Area Offices is shown at Annex 3.

The Mines Inspectorate, the Nuclear Installations Inspectorate, the Railways Inspectorate and the Offshore Safety Division have specialised roles and are separately organised within HSE. Additionally primary inspection of the manufacture and use of explosives and work with genetically modified organisms and pathogens is carried out by specialist inspectors within the Technology and Health Services Division (THSD).

Mines Inspectorate

The work of the Mines Inspectorate covers the coal mining industry and other miscellaneous mining activities. The inspectors, 28 in number in 1994, are normally engineers with management experience in the industry. They operate from 3 strategically placed offices in the United Kingdom.

Nuclear Installations Inspectorate

No one in the UK may build or operate a commercial nuclear installation without a licence from HSE. It is the duty of the Nuclear Installations Inspectorate, in relation to nuclear and radiological safety,

to see that appropriate standards are developed, achieved and maintained by the licensee and to ensure that the necessary safety precautions are taken.

This duty is carried out by:

- ensuring that licensees establish, manage and maintain safety requirements for the protection of employees and members of the public

- assessing the safety of proposed and existing sites and nuclear plant designs and

- inspecting sites for compliance with these requirements at all stages from construction to operation and eventual decommissioning There were 169 inspectors in post in 1994.

Railway Inspectorate

The Inspectorate is responsible for monitoring the health and safety of railway workers and the public including passengers and the transport of dangerous substances by rail. From their bases in 10 of the HSE area offices, the field inspectors carry out preventive inspections of railway worksites, investigate accidents and complaints, monitor operator compliance with safety cases and assist the Headquarters team with inspections prior to approval of new works and level crossing modernisations. There were 38 inspectors in post in 1994.

Offshore Safety Division

The Division is responsible for monitoring the standards of health and safety of workers on offshore installations which it does through formal acceptance of safety cases prepared by installation operators and by a programme of inspection and monitoring. The Division, with a staff of 193 in 1994, operates from four locations in the United Kingdom.

Local Authorities

Health and safety enforcement by local authorities (District or City Councils) is usually carried out as part of the environmental health function. Departments responsible for environmental health services have a mix of environmental health professional and technical staff and are headed by a Director who is responsible to the Council which in turn is accountable to the Health and Safety Commission for carrying out its responsibilities under the Health and Safety at Work Act in a satisfactory manner. Many local authorities have specialist health and safety sections headed by a Principal Inspector, others combine health

and safety enforcement with other environmental health enforcement functions. All local authorities provide the LAU annually with information on their enforcement activities and on the accidents and cases of ill health reported to them by employers in accordance with the legislation.

4. Specialist Support for Labour Inspectors

(a) Support available from within the organisation

Whilst a wide range of instruments and equipment is available for inspectors and they are given training in its use they would normally be used by the inspector to seek assurance that no serious problem existed at the workplace or to give early warning that more detailed investigation by a specialist was required. Specialist support is available to inspectors in their day to day activities through teams of technologists and scientists based in each region. The composition of the specialist groups varies according to local needs but typically a regional team will include mechanical, civil and electrical engineers and occupational hygienists as well as experts in fire and explosion and perhaps biotechnology, toxicology and noise. Most members of the specialist support teams are trained as inspectors and are thus able to make valuable contributions to, and where necessary take the lead in, investigations of accidents and incidents.

Inspectors also have available at area offices teams of doctors and nurses to give them advice and support in occupational health matters.

Inspectors may additionally call for assistance from the HSE's Health and Safety Laboratory (HSL), whose objective is to ensure the supply of high quality scientific and technical advice to other parts of HSE. HSL has considerable forensic experience and is capable of rapid response to meet urgent requirements for accident or hazard investigation. In addition to providing support to inspectors, HSL also manages HSE's programme of extra mural research designed to provide the organisation with the deeper understanding which it regards as essential in developing measures to control both existing recognised hazards and those which may arise from newly emerging industrial technologies, processes and chemicals.

On legal matters inspectors may refer for advice to a small group of solicitors located in HSE's headquarters in London.

Inspectors from the Local Authorities may also call on any of HSE's specialist support resources and have access to its research facilities through the LAU.

(b) Support available from bodies outside the organisation

From time to time, HSE commissions research from outside bodies of para 4(a) above. These include universities, private research organisations and consultants. Additionally it collaborates with various sectors of industry on joint research projects. Advice and guidance on ionising and other radiations is available from the National Radiological Protection Board.

In addition to the assistance available from HSE, scientific support is available to local authorities through their scientific advisers and universities. Medical and microbiological support is also available to them through the Public Health system though they are generally encouraged to make use of HSE's regional specialists on these matters.

5. Powers of Labour Inspectors

The following powers are given to inspectors appointed under the HSW Act:

- *to enter premises and to call for assistance from the police if they are obstructed*
- *to take with them any other persons who have been duly authorised by the enforcing authority*
- *to carry out examinations and investigations*
- *to require premises to be left undisturbed for the purpose of carrying out any examination or investigation*
- *to take measurements and photographs*
- *to take samples of articles and substances found at the workplace and of the atmosphere in or in the vicinity of the workplace*
- *to take possession of any article or substance likely to cause danger to health and safety*

- to require persons who may have information relevant to any examination or investigation to answer questions and to make a written and signed statement of their responses
- to require the production of any documents that must be kept in accordance with any relevant legislation
- to issue an improvement notice in the event of a breach of statutory requirements. The notice drawn up by the inspector in writing, gives details of the alleged breach of the legislation and the remedial action that must be taken and sets a time limit within which the action must be taken. Failure to comply with the notice will normally lead to prosecution. The person to whom the notice is issued has the right of appeal to an industrial tribunal within twenty one days from the date of service of the notice
- to issue a prohibition notice leading to the stoppage of work activities either immediately or within a given time in cases where, in the opinion of the inspector, there is a risk of serious personal injury. There is a similar right of appeal and again failure to comply with the notice will lead to prosecution. If an appeal is lodged by the employer the notice remains in force until the appeal is heard unless the tribunal directs otherwise.
- to institute criminal proceedings in respect of offences under any of the relevant statutory provisions. Inspectors normally conduct the proceedings in courts of summary jurisdiction in England and Wales but not in Scotland where the public prosecutor takes the lead.

Inspectors may also ask for cases to be heard before a judge in the higher Crown Court.

Inspectors working for Local Authorities have the same powers with the exception that they do not normally conduct criminal proceedings in court.

6. Operating Methods of the Labour Inspectorate

(a) Preparation of national objectives

In the HSE, inspectors' activities are determined by an annual work planning system stemming from a broadly based national plan agreed by senior management following contributions from and consultation with all Divisions and taking into account both available resources and current political and public concern on health and safety problems. To

an increasing extent the planning method is being characterised by a bottom up approach. This allows regional and area management to determine priorities in the light of their local socio-economic environment. The intention is that all staff have the opportunity to contribute ideas to the plan. In the Field Operations Division, the largest field division, Regional Directors coordinate local area plans and amalgamate them into regional plans. The regional plans are forwarded to headquarters where they, and the plans from other divisions, are incorporated into a national plan. Certain constraints, however, are placed on local managers in the form of national priority objectives which are set centrally. These objectives, which may change annually but are always set within the wider context of the organisation's longer term aims, ensure that Regional and Area directors allocate resources to certain specified key activities. The bottom up approach is designed to encourage an increased level of commitment from inspectors in the field because it allows them to influence the work they carry out. Additionally the socio-economic environment varies considerably both geographically and by industry sector and this approach, based on local knowledge, is liable to be more effective than one imposed from the centre.

The activities carried out by inspectors are categorised and staff plan the time to be spent within each category. They also plan outputs such as number of visits to be paid within each category. Examples of categories used are proactive inspection, investigation, advisory work and enforcement. Every week inspectors in FOD record on a specially designed form the number of visits paid and the time spent on each against all of the workplan activities. The information is stored electronically and it is possible to secure outputs at individual inspector, group, area, region and national level.

Within FOD, monitoring of plans as with their formulation follows a hierarchical structure with management at Principal Inspector and Area Director level making frequent checks of progress against plan. Regional Directors will normally find it sufficient to monitor the performance of their region at quarterly intervals whilst a national review will be carried out at headquarters at the half and end of year stages.

Local authority inspectors' activities are also determined by an annual work planning system. The strategy for the co-ordination of local authority enforcement is decided annually by HELA after discussion with the Commission and communicated to all local authorities. Local authorities, in their individual work programmes, allocate resources for proactive inspection, the investigation of accidents and complaints

and for participation in special projects and national and regional inspection initiatives.

(b) Proactive inspection for enforcement purposes

Proactive inspection is the largest single block of work undertaken by inspectors. The majority of their visits in this category, paid without prior warning, both to fixed establishments and temporary workplaces such as construction sites, are designed to check on standards, gather information and secure compliance with the law. In particular they will make an assessment of the quality of health and safety management that exists within the enterprise since the improvement of effectiveness and competence in this area is one of the major aims of HSE. With this in mind, inspectors visit the headquarters of major national companies to discuss and secure improvements in the management of safety throughout the company. Within the programme of proactive inspection priority is given to those premises where the risk is high and/or the management of health and safety is not to an acceptable standard. To aid in the allocation of resources to those premises most deserving of attention every workplace is given a rating. The rating is based on an inspector's assessment of the levels of risk to the health and safety of employees, the levels of risk to the health and safety of the public, the current standards of compliance with the law, the attitude and competence of management and the amount of time that has elapsed since the last visit. Premises with the higher ratings are given priority attention. Local authorities have a similar priority planning system for their proactive inspection programmes. The systems used by the different authorities are based on common principles and are informed by national data on accidents and ill health in the local authority enforced sector which is collated by the LAU based on returns provided by the authorities. In this way national trends and changing risks in the service industries are taken into account in the planning process. Additionally, within the programme of proactive inspection, inspectors allocate time for visiting manufacturers and suppliers of articles and substances for use at work and for carrying out roadside checks on vehicles transporting dangerous substances. Time is also set aside for project work which may be concerned with a national or local problem or a problem associated with one sector of industry. Examples of this type of work include an enforcement initiative associated with roofwork in the construction industry and a campaign aimed at the prevention of upper limb disorders by the provision of information and advice to employers and employees.

An important initiative in the local authority enforced sector, the Lead Authority Scheme, was launched in 1994 following successful pilot trials conducted over the preceding two years. The scheme was

developed by HELA and aims to achieve greater enforcement consistency in relation to companies with multiple outlets. It involves a partnership between a selected local authority and a company with the local authority becoming the "lead authority" and the focal point for all authorities for enforcement issues which can or need to be resolved within the company centrally and on a national basis. A lead authority partnership commences with a safety management review or audit of the company's arrangements for managing health and safety, the outcome of which is communicated to all local authorities with a company outlet in their administrative areas. They are then encouraged to contact the lead authority on issues which can be resolved centrally and before taking formal enforcement action.

Following a visit an inspector prepares a report which will include comment on conditions found at the visit and the action taken. The information is stored electronically and updates the data held on individual employers and workplaces.

Inspectors aim to spend between two to three days every week visiting workplaces with the rest of the time spent in the office preparing reports and dealing with enquiries from a variety of sources including employers, employees and members of the public.

(c) Reactive inspection

Fatal accidents and those resulting in specified major injuries both to employees and members of the public have to be reported immediately to the appropriate enforcing authority, either the Health and Safety Executive or the Local Authority, and a written report submitted within seven days. Other accidents which lead to an absence from work of more than three days have to be reported within seven days of the accident occurring. About 5% of reported accidents are investigated by inspectors. Certain types of accident are selected for investigation by Headquarters as part of national initiatives. Those apart, others to be investigated are selected by the Principal Inspectors. Accidents will be selected for investigation for a number of reasons including:

- *the need to rectify the conditions which caused the accident*
- *the need to gain information which might influence future priorities*
- *to determine whether there has been a significant breach of the law and if so to take suitable enforcement action*
- *to respond to public, political or local concerns arising from the incident*
- *to provide technical development and training for staff.*

Reports have also to be sent to the enforcing authorities of cases of specified industrial diseases. Selected cases are investigated, the inspector normally calling on one of the doctors on the area staff for expert advice.

Both HSE and the Local Authorities receive a large number of complaints on health and safety matters from employees and members of the public. The majority of these are investigated and where practicable the person making the complaint is informed of the results of the investigation.

(d) Information gathering and advice

Apart from proactive inspection, inspectors in the Field Operations Division devote time to giving advice on request to employers, employees and the general public. This does not necessarily involve a visit to the workplace since problems may quite often be solved and questions answered on the telephone. Again the enquirer may be directed to information and guidance published by the HSE on a number of topics both legal and technical. The National Interest Groups pay a major part in preparing such guidance for their sectors of industry.

Within the annual workplan time is set aside for inspectors to pay special visits to workplaces either to gather information about particular processes or industries or to report on the impact on industry of new legislation or guidance material produced by the HSE. The reports prepared by the inspectors on their visits add to the Inspectorate's knowledge base, inform the deliberations on priorities in future annual programmes of work and may ultimately lead the Health and Safety Commission to consider the need either for new legislation or amendments to that already in existence.

(e) Links with social partners

The Health and Safety Commission whose responsibilities include advising Government Ministers on health and safety law and standards is a tripartite body with representatives from both employers and employees. There is, therefore, an opportunity for the social partners to provide a significant input at the highest level to the formulation of national policy for health and safety in the United Kingdom. Additionally the HSC has set up a network of advisory committees, some of which deal with particular hazard areas and some with individual sectors of industry. Each committee includes a balance of employer and employee representatives and, where appropriate, technological and professional experts. The main function of the

committees is to recommend standards and guidance and, in some cases, to comment on policy issues confronting HSC or to recommend an approach to a particular new problem. Again at industry level the National Interest Groups have frequent formal and informal contacts with employers and trades unions on health and safety standards and the need for additional guidance.

At workplace level, trades unions have the right to appoint safety representatives to act on the employees' behalf in consultations with the employer about health and safety matters. They may also ask for safety committees to be set up in appropriate cases. Safety representatives may by law carry out inspections of the workplace and investigations into accidents that occur. Inspectors make contact with safety representatives during their visits and inform them both of the results of their inspections and the action they have required the employer to take to put right any deficiencies they have noted in the standards of health and safety.

7. Recruitment to the Labour Inspectorate

(a) Initial selection criteria - qualifications and experience required

New recruits to the HSE Inspectorates are required to be educated to degree or equivalent standard. Many are not new graduates but join HSE after working in industry, management or education. Ages range from 22 to 50 and the proportion of women is now close to 50%. For the Field Operations Division it is not considered essential that recruits have technical qualifications or experience but their potential ability to cope with technical matters is probed at the recruitment interview. Their ability to communicate effectively with people at all levels is also considered important. Recruits to the more specialised Inspectorates - nuclear, mines, offshore and railways will be required to possess particular relevant qualifications

Recruits to the local authority inspectorate are required to have the appropriate qualifications for university entrance and most, though not all, are recruited from school at 18 years of age. They then undertake a four year vocational degree course in environmental health which includes a health and safety component. Recruits who already possess a good honours degree in a scientific discipline can undertake a two year Masters degree course in environmental health which is available at two universities. As with recruits to HSE the ability to communicate effectively at all levels is considered important.

(b) Possible career patterns for inspectors

Inspectors in the Field Operations Division will normally hope to progress from their recruitment grade to fill posts at Principal Inspector level within 12/13 years. During this time they will have had experience of working in at least two different teams and may well have been required to work in more than one Area.

Inspectors are given the opportunity to work in a range of central support, advisory and policy posts. Obtaining this breadth of experience is important if they are seeking to advance to the more senior posts in the organisation. There are also opportunities for inspectors to take up posts for which they might be qualified in other government departments or to spend periods of secondment in industry to broaden their experience or to acquire particular expertise which will prove valuable both to HSE and the personal development of the individual concerned.

Within local authorities graduates are employed by departments responsible for environmental health administration and also normally for health and safety enforcement. Initially they will work as field inspectors and are able to progress to head a health and safety section as principal inspector and ultimately to become the Director of the Department. However, many will choose to remain as specialist health and safety field inspectors.

8. Training for Labour Inspectors

(a) Training for newly appointed inspectors

The training period for new inspectors in the HSE is just over two years. During that time the inspector will receive a mix of formal academic training, a job related programme of tutorials and on the job training in the practical skills of inspection. Formal off the job training courses may be summarised as follows:

Induction

- a two day course in the first two months, run in house and designed to give new inspectors an early insight into the organisation and administration of the Health and Safety Executive.

Introductory course

- an eight day course using speakers from HSE and outside experts, designed to give recruits an introduction to occupational health and safety and the work of the Inspectorate. In particular it covers:
- the nature and size of the health and safety problem in the United Kingdom, the system developed to tackle it and the associated regulatory framework.
- the relationship between HSE and other groups involved in health and safety - risk assessment, standard setting, control systems
- the environment in which HSE operates

Tutorials

- normally half to one day in length and led by Field Training Managers, one in each region, who are also senior and experienced inspectors. The tutorials cover a variety of subjects such as the powers of inspectors, investigation and enforcement, plant and chemical safety and information technology.

Communications skills

- a five day in house course covering the communication skills necessary for an inspector's work including questioning, summarising, effective presentation and dealing with aggression.

Application Courses

- short in house courses up to five days in length designed to give complementary practical training on a number of topics including legal proceedings, construction activities and engineering and woodworking processes.

Diploma Course

- a course lasting 22 weeks in all and leading to a Diploma in Health and Safety, a post graduate qualification awarded by a university. The course comprises formal lectures, distance learning, projects and assignments and an examination. A recruit must be successful in the Diploma examination otherwise he/she is not allowed to continue his/her career as an inspector. The four key elements of the course are:

- Risk Assessment and Management

The aims of this module are to familiarise the inspector with the systematic collection and use of information in order to assess risks, taking account of risk to the public as well as to people at work. Course members also receive instruction on assessing management's ability to identify, evaluate and control the risks which exist in the workplace for which they are responsible.

- Law and Compliance Strategies

During this module inspectors are informed of the United Kingdom civil and criminal legal system and EEC law. They are also encouraged to compare and contrast alternative legal and compliance strategies for the control of hazards at work which have been adopted both in the United Kingdom and other western economies.

- Safety Technology

The overall aim of this module is to review the causes of and methods for preventing accidents, fires and explosions associated with engineering components, structures, plant and processes, and to give specific information about engineering and process risk assessment and accident prevention methods with particular reference to major hazards and new technologies.

- Occupational Health

This module describes the ways chemical, biological and physical agents or environments can affect human health and the strategies and techniques by which the effects may be controlled.

For local authority inspectors the degree courses in environmental health cover the same four key elements as the diploma course described above. The course will also include a period of practical training in inspection amounting to a year in the case of the four year degree course. Graduates are then employed by local authorities and after two years have to take a test of professional competence in order to become full corporate members of their professional institute

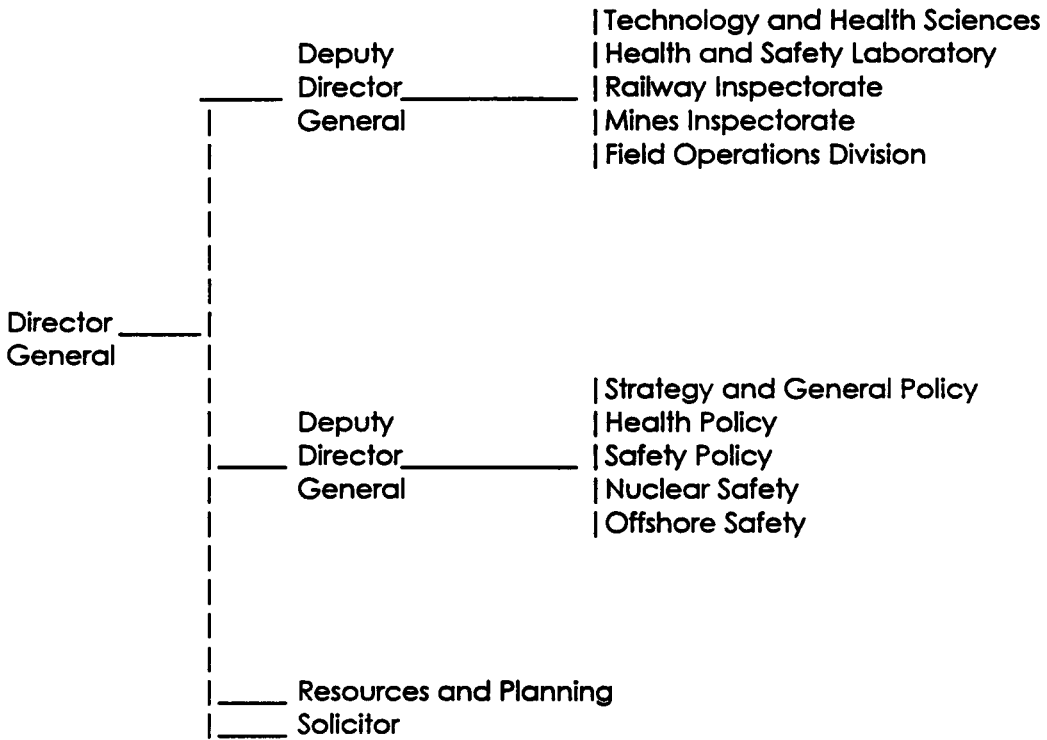
- Chartered Institute of Environmental Health or the Royal Environmental Health Institute of Scotland.

(b) Training for established inspectors

Training courses, up to five days in length, and generally run in-house, are designed to meet the training needs that have been identified amongst established inspectors. Training needs may arise because an inspector has been assigned to an area of work with which he/she is not familiar, because new legislation has been introduced or to assist an individual's personal development. Courses cover a whole range of professional and technical matters. Additionally open learning material has been prepared on a number of subjects and this can be followed by an inspector in his/her own office and at his/her own speed. Post graduate education and training is available to established local authority inspectors leading to a diploma in health and safety awarded by the Chartered Institute of Environmental Health and the Institute of Occupational Health and Safety. These courses of study are undertaken by inspectors wishing to specialise in health and safety. Appropriate courses run by HSE for its own inspectors are made available to local authority inspectors. HSE also produces open learning courses for local authority inspectors through the LAU particularly on new legislation. These courses are used by individual inspectors working alone or as a basis for group training in larger Departments.

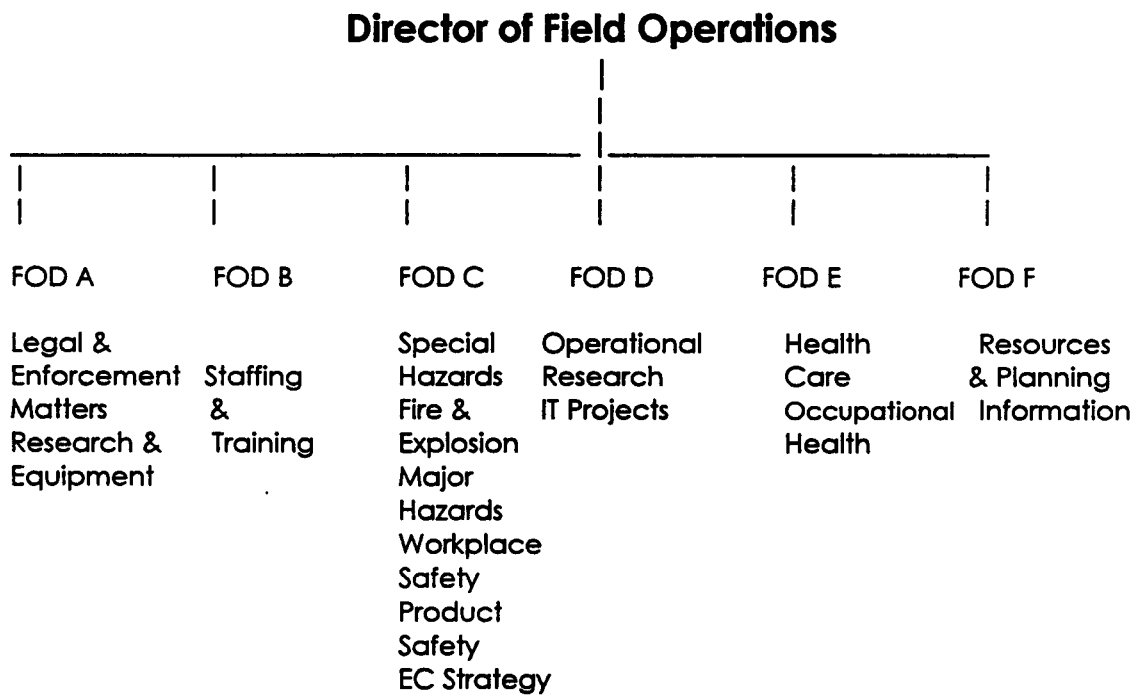
ANNEX 1

Organisation Chart of the Health and Safety Executive



ANNEX 2

Field Operations Division - Headquarters Organisation



ANNEX 3

Location of HSE's Area Offices

1. South West	Bristol
2. South	Basingstoke
3. South East	East Grinstead
5. London North	Barking
6. London South	London
7. East Anglia	Chelmsford
8. Northern Home Counties	Luton
9. East Midlands	Northampton
10. West Midlands	Birmingham
11. Wales	Cardiff
12. Marches	Newcastle under Lyme
13. North Midlands	Nottingham
14. South Yorkshire and Humberside	Sheffield
15. West and North Yorkshire	Leeds
16. Greater Manchester	Manchester
17. Merseyside	Bootle
18. North West	Preston
19. North East	Newcastle upon Tyne
20. Scotland East	Edinburgh
21. Scotland West	Glasgow