

Dutch SMEs in international perspective

Health and safety at work: the implication of the Council Directive on enter- prises in Europe

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1 Introduction

The European Directive (Council Directive 89/391/EEC) of 1989 obliges the employer to take measures necessary for protection of the safety and health of employees, including the prevention of occupational risks and provision of information and training, the necessary organisation and means. The Directive has to be implemented in national law, however, this does not mean that Member States are not free to enact more stringent measures in this field.

The Directive requires among other things, all enterprises in the European Union to conduct a risk assessment and risk evaluation. This is a very new concept for most countries as it is an a priori and universal approach with the active participation of employees.

The subject of health and safety is becoming integrated more and more in other policies, for example in policies on environment, research, industrial affairs, agriculture, transport, consumer protection and external relations.

The Third Action Programme of the European Commission (1988-1992) resulted in the 'Year of Safety, Hygiene and Health Protection at Work'. The opportunity was taken to point out to employers, especially in Small and Medium-sized Enterprises (SMEs), the risks at work and how to prevent them.

Despite the progress made, almost 10 million of the 120 million workers in the EU are the victims of accidents at work or occupational diseases each year. Apart from the human aspects, physical harm and mental suffering, the economic consequences are considerable. The money paid out as a direct consequence of accidents at work and occupational diseases was estimated to be 27,000 million EUR in 1992.

The objective of this report

The objective of this report is to investigate to what degree enterprises in Europe implement the European Directive on health and safety at work.

To do so the following questions are studied:

- What are the regulations in health and safety at work in the countries discerned (chapter 2).
- What are the working conditions¹, i.e. what are the risks, how do workers perceive their health and well-being, what can be expected in the future (chapter 3).
- How do employers in the countries discerned implement regulations in the field of health and safety at work (chapter 4).

First enterprises at European level in general are studied. Next detailed attention is paid to France, Norway and Spain, and of course, the Netherlands. Where no information was available for France, Norway and Spain, relevant information from other European countries is given.

Method of approach

The report is based on The European Observatory for SMEs (Fifth Annual report 1997)², supplementary literature and interviews with SME employers in France, Norway, Spain and the Netherlands. In these countries three SMEs in the sector manufacturing wood and wooden products were asked about their approach to health and safety at work. The sector was chosen as one in which the prevention of accidents plays an important role. The main risks in the sector are associated with the use of machines and the non-standardised nature of most of the products manufactured. In addition, there are risks of falling (in construction activities), fires, dust and, when varnishes are used, toxic products. The results of the interviews are in no way representative for the sector, the intention is to give an impression of how enterprises actually deal with regulations on health and safety at work.

Contents of the report

The report starts with the legal regulations in the field of health and safety at work (chapter 2). In this chapter the Council Directive on Health and Safety at work 89/391/EEC and the legal regulations in the Netherlands, Spain, France and Norway are described. The next chapter (3) pays attention to working conditions. How enterprises implement the legal regulations is the subject of chapter 4. Results of

1 In this report the term working conditions is limited to working conditions in the field of health and safety.

2 The Annual Reports of the European Observatory for SMEs are produced by the independent European Network for SME Research (ENSR) and co-ordinated by EIM Small Business Research and Consultancy. The reports, containing extensive information on SMEs (each about 400 pages and about 225 tables and figures) can be ordered from EIM. The First Annual Report is available in English, The Second, Third, Fourth and Fifth are available in English, French and German.

the interviews are also given in this chapter. Finally, a summary (chapter 5) ends the report.

The report is one in the series 'Dutch SMEs in International perspective'. EIM Small Business Research and Consultancy started this series in 1996 with the objective of meeting the needs of policy makers and professional organisations for additional independent information with an international character. Each report provides the reader with up-to-date information about a specific aspect of the internationalisation of SMEs. A list of the reports published to date is attached.

This publication came about with the much appreciated co-operation of the ENSR partners, APRODI for France, IKEI for Spain and Agderforskning for Norway.

The report benefited greatly from comments made on the draft report by my colleagues André Nijssen and Karin Brouwers.

2 Legal regulations concerning working conditions in health and safety at work

This chapter, after a short introduction (2.1), describes the Council Directive on Health and Safety at work 89/391/EEC, i.e. European legislation that has to be and is implemented in national legislation-all Member States (2.2). After this communal basis for legislation on health and safety in Europe, legislation in respectively the Netherlands (2.3), Spain (2.4), France (2.5) and Norway (2.6) is looked at.

2.1 Introduction

Over the last three decades, the policy in the field of health and safety at work of the European Commission has aimed to minimize work accidents and occupational diseases.

Rapid and far-reaching changes in society in the field of technology demand adaptation and new legislation concerning health and safety. Economy is more and more knowledge based and this rapid change may result in new diseases or ones already known re-appearing.

A breakthrough was the introduction, in the 1987 Single European Act, of a specific legal basis, Article 118a (European Commission COM(93)560). The third action programme (initiated in 1988), based on Article 118a, laid the foundation for the adoption of a significant amount of new legislation. This included minimum standards of health and safety. At the same time the awareness of health and safety in the workplace was intensified. Subsequently, the Council Directive of 1989 requires all enterprises in the European Union to conduct a risk assessment and - evaluation. An adequate assessment of risks and minimising the risks working persons run, are major issues for the improvement of working conditions

During the European year of Safety, Hygiene and Health (1992) in particular, many initiatives were taken to make workers and employers more aware of risks at work and how to prevent these risks. SMEs, in particular, were targeted.

Currently the Community programme concerning safety, hygiene and health at work (1996-2000) (European Commission COM(95)282)

broadens the focus from legislation to more information. A specific programme for SMEs was launched, i.e. SAFE (Safety Actions for Europe). The purpose of the programme is to specify best practices to minimise the risk of accidents at work and to demonstrate that improving working conditions will strengthen the competitiveness of the business rather than be a burden.

The fact that the protection of workers remains priority number one is not contrary to the interest of businesses. For example, production will increase when absenteeism, caused by accidents at work and occupational diseases, is reduced. Furthermore, the competitive position will be improved by cost reduction and better working conditions.

2.2 The Council Directive on Health and Safety at work 89/391/EEC

The objective of the Directive 89/391/EEC was to introduce measures to encourage improvements in the safety and health of workers at work. Furthermore it is the communal basis for legislation on health and safety in European enterprises.

One of the reasons for the development of the Directive was that legislation on health and safety at work in the Member States needed improvement. Furthermore it was feared that different national provisions would result in different levels of health and safety protection and allow competition at the expense of health and safety.

The Directive is divided into four sections:

1. *General provisions* (Articles 1 through 4), Articles 1 through 3 deal with the object, scope and definitions of the Directive. Article 4 states that Members shall ensure adequate control and supervision.
2. *Employers' obligations* (Articles 5 through 12);

It is the duty of the employer to ensure the safety and health of workers in every aspect related to the work (Article 5).

General obligations on employers are described in Article 6: the employer shall take the measures necessary for the safety and health protection of the workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organisation and means. The employer shall evaluate the risks of health and safety of workers and ensure

that the planning and introduction of new technologies are the subject of consultation with the workers and/or their representatives.

Protective and preventive services are laid down in article 7. The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/or establishment. If such protective and preventive measures cannot be organised due to lack of personnel in the undertaking/establishment, the employer shall enlist competent external services or persons.

Article 8 deals with necessary measures for first aid, fire-fighting and evacuation of workers. The employer shall arrange any necessary contacts with external services in this field and designate workers required to implement such measures.

Article 9 obliges the employer to undertake an assessment of the risks to safety and health at work (including those facing groups of workers exposed to particular risks), decide on the protective measures and keep a lists of those occupational accidents resulting in a worker being unfit for work for more than three working days.

In Article 10 the information of workers and/or their representatives is regulated, while Article 11 obliges the employer to consult workers and/or their representatives and to allow them to take part in matters on all matters relating to safety and health at work.

Training workers, adapted to take account of new or changed risks and repeated periodically, if necessary, is laid down in Article 12. Training must take place during working hours either within or outside the undertaking and/or establishment.

3. *Workers' obligations* (Article 13);
Obligations of the workers are regulated in Article 13, that states that each worker shall be responsible as far as possible:
 - for his own safety and health;
 - for the safety and health of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.
4. *Miscellaneous provisions* (Article 14 through 19). This section deals with health surveillance, risk groups, Individual Directives,

a committee to assist the Commission and general provisions about information between Member States and the Commission.

2.3 Legal regulations concerning working conditions in the Netherlands

Background

At present a systematic and preventive strategy is the heart of the policy on labour conditions and absence due to illness. As enterprises are not alike, the employer chooses the approach best fitted to his organisation.

Actually, Government interference in working conditions dates from as early as 1895, at that time the Law on safety was enacted. In 1980 this Law was replaced by the (Law on) Working Conditions Act (*Arbeidsomstandighedenwet (Arbowet)*). Employers were no longer responsible for only the safety of their employees, but also for their health and well-being. Since the introduction of the Law, amendments have been made. Social developments and European Directives made it necessary to revise the outdated system of regulations to justify the interests of employers and employees in the field of health, safety and welfare.

Important was the drastic change in the (Law on) Working Conditions Act and the Health Law on the first of January 1994. The motive for the revision of the Law was its ineffectiveness to maintain the basic standards, that the sanctions were too light and outdated, that the possibilities for exemption were too broad and its working sphere too limited, as stated in the Budget 1994 of the Ministry of Social Affairs and Employment. At that time a committee (Committee-Kortman) to evaluate legislation projects, adopted the subject of the reorientation on the (Law on) Working Conditions Act in its programme. In the report 'From straight-jacket to quality mark; legislation policy on safe and healthy work' (*Van keurslijf naar keurmerk; wetgevingsbeleid voor veilig en gezond werk*) the committee pleaded for (more) use of private law, certification and financial incentives to achieve adequate working conditions.

Law and regulations in the Netherlands are laid down in:

- (Law on) Working Conditions Act (*Arbeidsomstandighedenwet, i.e. Arbowet*);
- Resolution on Working Conditions (*Arbeidsomstandighedenbesluit, i.e. Arbobesluit*);

- Regulation on Working Conditions (*Arbeidsomstandigheden-regeling*, i.e. *Arboregelgeving*);
- Policy rules on Working Conditions (*Arbeidsomstandigheden-beleidsregels*, i.e. *Arbobeleidsregels*).

Of the 400 regulations about 90% resulted from EG Directives and International Labour Organization (ILO)-treaties, ratified by the Netherlands. The other regulations are the consequence of explicit political choices from the (recent) past. They are considered relevant as a consequence of specific dangers. Regulations on Services in the field of Working Conditions (*Arbodiensten*) and regulations on working at home are also national policy.

Since the first of January 1996 the period for which employers themselves have to pay the wage of an ill employee has been extended from 2 (small enterprises) or 6 weeks to 52 weeks. This is recorded in the Regulation Extension of obligation the continued payment of wages in the event of sickness (*Wet Uitbreiding loondoorbetalingsplicht bij ziekte (Wulbz)*). Before the introduction of this regulation less than 10% of employers had private insurance against this risk; now they have to pay the first 52 weeks, 80% of the employers are insured against (a part of) the risk of paying sick-pay for 52 weeks. In general, the insurance has an own risk period of two or six weeks.

It is expected that, about half-way through 1999, the (Law on) Working Conditions Act 1998 will come into force, an adaptation of the former (Law on) Working Conditions Act. After amendments by the Lower House, there will be not too many changes, the most important are:

- The introduction of high fines, there are two categories, the first category with a fine of NLG 10,000 (about EUR 4,550) as maximum and a second category with a fine of NLG 25,000 (about EUR 11,350) as maximum.
- Enterprises without a Works Council or workers representation are obliged to confer prior to the enforcement of the policy on working conditions with the workers involved. During this consultation the risk assessment and evaluation, the enlisting of the Working Conditions Service and assistance about fire, first aid and evacuation has to be discussed.
- The obligation to draw up an annual plan and annual report will be extended to all enterprises (at the moment it is obligatory for enterprises with 100 or more employees).

Further particulars of law and regulations on working conditions

The (Law on) Working Conditions Act covers:

- general obligations for the employer;
- general obligations for the employee;
- regulations regarding co-operation and consultation between employer, employees and experts;
- government supervision.

The (Law on) Working Conditions Act is the general legal frame. Substantive regulations are not recorded here, but in the Resolution on Working Conditions. The (Law on) Working Conditions Act and the Resolution on Working Conditions make it possible to elaborate items by Ministerial Order. This is done in the Regulation on Working Conditions.

The way the Labour Inspection handles the regulations in the (Law on) Working Conditions Act Resolution and the Resolution on Working Conditions, is laid down in the Policy rules on Working Conditions.

The Policy rules on Working Conditions are not general binding regulations. An employer is allowed to take other measures as long as they provide the same level of safety.

Since January 1994 employers have been more responsible for working conditions and absence due to illness. The most important stipulations are:

1. the employer is obliged to conduct a policy on working conditions and absence due to illness;
2. the employer is obliged, with the support of a certified Working Conditions Service (*Arbodienst*) to:
 - make an inventory and evaluation of the risks for safety, health and welfare involved in working, and a method of approach;
 - provide follow-up/guidance for ill employees;
 - provide a voluntary periodical health examination;
 - provide consulting hour devoted to Working conditions;
 - provide a medical examination on appointment, should the employer so require.
3. The employer is obliged to appoint one or more employees to be trained in first aid, fire prevention and evacuation. For every 50 employees at least one person has to be appointed. In enterprises with fewer than 16 employees the obligation to appoint an employee does not apply provided the employer himself can fulfil these tasks adequately.

The (Law on) Working Conditions Act imposes a number of obligations on the employer. In a small enterprise the employer himself will usually carry out these obligations. However, in larger enterprises he will need other persons for the supervision. This assistance can be given by employees or out-sourced. In addition, a Working Conditions Service must be consulted for the approval of the risk assessment in the field of health, safety and well-being.

The Works Council/ representation of the employees has the following rights:

- the right on approval of:
 - * the contents of the policy on absence due to illness;
 - * the contract with the Working Conditions Service on absence guidance.
- the right on consultation regarding:
 - * the general policy on working conditions;
 - * the organisation of the support by experts;
 - * the choice of the Working Conditions Service;
 - * the contract with the Working Conditions Service concerning the risk inventory, the health examination and consulting hour;
 - * the organisation of first aid, fire prevention and evacuation assistance;
 - * the content and frequency of the health examination.
- the right to be supported by experts;
- the right to be informed by the employer on:
 - * the written risk inventory and evaluation;
 - * the advice of the Working Conditions Service on the risk inventory and - evaluation;
 - * the annual plan concerning working conditions and/or the annual report on working conditions;
 - * the advice of the Working Conditions Service and other experts to the employer.
- the right to accompany the Labour Inspection on an inspection visit to the enterprise;
- the right to comment on the annual plan on working conditions (the employer is obliged to send the comments with the plan to the Labour Inspection);
- the right to request the Labour Inspection for implementation of the law, for example in case of disagreement between employer and the Works Council/employees representation.

The risk inventory and risk evaluation

The risk inventory and – evaluation has to meet the following requirements:

- the risks in the field of working conditions must be specified in writing;
- special attention must be paid to specific groups, e.g. youth, older persons, ethnic minorities and disabled persons;
- the risk inventory and evaluation must be based on actual insights in the field of safety, health and welfare;
- the risk inventory and evaluation must pay attention to accidents and occupational diseases;
- when compiling the risk inventory and evaluation, allowance must be made for absence due to illness related to work and the policy on guidance of ill employees.

The risk assessment and – evaluation are the basis for a plan of approach.

2.4 Legal regulations concerning working conditions in Spain

The Law for the Prevention of Labour Risks (*'Ley de Prevención de Riesgos Laborales', LPRL*), was passed in November 1995. This Law is the main Spanish Law for the prevention of any labour risks and for the general improvement of working and security conditions in the working position and integrates the Council Directive 89/391/EEC into national law. The LPRL establishes the regulating framework on working conditions, protecting therefore Spanish labour from the risks derived from their jobs. Thanks to the LPRL, the Spanish legal framework has benefited from an improvement, at least in terms of clarity and clearness, in comparison to the situation previous to 1995.

The LPRL is based on three main and basic principles:

1. Prevention, since one of the main goals of the LPRL is the prevention of risks and not merely the protection or the reparation of the damages caused by risks. Thus, the LPRL clearly establishes that the first obligation for the entrepreneur is the assessment of risks within the firm.
2. Responsibility of the agents involved and, in particular, of the entrepreneur, since, according to the Law, he is obliged to guarantee the security and health of his workers. Additionally, the Law also establishes that the Public Administration is obliged to produce and develop an effective normative action.

3. Participation, as a successful way to guarantee workers' involvement in the design, adoption and fulfilment of all the preventive actions.

The LPRL is 'universal', it affects all workers, irrespective of the kind of contract or employer they have (i.e., public, private). This Law harmonises the Spanish regulations on labour risk prevention with that of the European Union.

It is important to point out that the LPRL establishes not only the main bodies responsible for risk prevention and the improvement of health and safety at work, but also fosters the Spanish Ministry of Labour and Social Affairs to develop and complement the main guidelines included in the LPRL. Thus, the LPRL empowers the Public Administration to carry out three main actions:

1. Develop a set of norms applying to health and safety at work, in a wide range of domains such as:
 - Working domain, that regulates the preventive systems and the responsibilities, rights and obligations of workers, organisations and institutions involved.
 - Working environment, where aspects related to environmental pollution, temperature, lighting, radiation, etc. are regulated.
 - Working locations, where aspects related to size, sanitary services, cleaning, fire exits, wardrobes, restaurants, etc. are regulated.
 - Machinery and premises, where aspects related to protection against machines and industrial processes, transport systems, energy installations, etc. are regulated.
2. To develop the Labour Inspection, basically intended to look after, inform and counsel on all topics related to health and safety at work.
3. To develop the so-called technical-preventive actions, basically through the National Institute of Security and Hygiene at Work ('Instituto Nacional de Seguridad e Higiene en el Trabajo', INSHT), which is in charge of implementing actions in various domains such as technical assistance, research and study activities, normalisation, certification, training or documentation.

Meanwhile, and as far as the main bodies involved in controlling and inspecting working and safety conditions at work are concerned, the LPRL distinguishes two main domains:

1. External-to-the-firm domain, where two main bodies are envisaged by the LPRL,
 - Commission on Health and Safety at work ('Comisión de

Seguridad y Salud en el trabajo'), whose main goal is to counsel the Administration in topics related to prevention, health and safety at work.

- Labour Inspectors ('Inspectores de Trabajo'), whose main job is to monitor the fulfilment of the existing legislation within firms. These inspectors are public servants.
2. Internal-to-the-firm domain,
- Prevention agents, who, as representatives of the workers, carry out various functions for the prevention of risks. The number of agents is determined by the size of the enterprise (see 4.2). In essence, their main functions are:
 - ⇒ To collaborate with the firm within the prevention domain;
 - ⇒ To control and supervise the fulfilment of the existing normative;
 - ⇒ To help the Labour Inspectors in their check-ups.
 - Committee for Safety and Health, consisting of the prevention agents and the entrepreneur(s) or his representative(s).

As far as absence is concerned, the National Insurance distinguishes two kinds of contributions:

1. If the employee is absent due to a non-labour accident or a non-professional disease, then the National Insurance pays up to 60% of the employee's wage between the 4th and the 21st day. Meanwhile, the firm is responsible for paying the full wage during the first three days of absenteeism. Additionally the law establishes that the firm can pay the remaining sum in order to cover up to 100% of the wage on a voluntary basis.
2. If the employee is affected by a labour accident or a professional disease, then the National Insurance is obliged to pay up to 75% of the employee's wage from the first day.

The non-fulfilment by the employer of his obligations in the health and safety at work domain will result in administrative responsibilities as well as criminal and/or civil action according to the consequences of the negligence.

The infractions are classified in three main groups: unimportant, important and very important. Within each of these groups three degrees are discerned, i.e. minimum, medium and maximum. The scope of fines varies from 300 EUR (50,000 Spanish pesetas) up to 6,000 EUR (100 million Spanish pesetas).

2.5 Legal regulations concerning working conditions in France

The EC Directive 89/391/CEE of June 12 1989 was transposed in France by the Law L N° 91- 1414 dated December 31 1991, introducing new articles in and modifying articles of the Labour Code and the Public Health Code. Further decrees and regulations were issued in 1992, so that most of the Law came into force on December 31, 1992.

The major changes introduced by the transposition of the EC Directive are:

- reinforcement of the obligations of the employers;
- introduction of the obligation of risk assessment;
- reinforcement of the obligations of training of employees.

A Health Safety and Working Conditions Committee (CHSCT, *Comité d'Hygiène, de Sécurité et des Conditions de Travail*) must be implemented in any establishment with 50 or more employees. Its implementation can be imposed by the Labour inspector in establishments with less than 50 employees. In establishments with fewer than 50 employees and no CHSCT, employee representatives (Délégués du Personnel) take charge of the mission of the CHSCT although their means are more limited (see 4.2).

The organisation of a labour medical service is compulsory in any establishment whatever its size, sector of activity or legal status. These labour medical services take on the functions described in the article 7 of the directive.

It can be internal (the doctor is hired by the establishment and is fully employed by it) or external (the establishment resorts to an inter-enterprises medical service) depending on the demands made on the time of the doctor (so in fact depending on the size of the establishment, the category of employees and the kind of activities and risks):

- 169 hours per month (legal duration of a working time): internal service;
- less than 20 hours per month: external service;
- in between: the establishment has the freedom to choose either (the entrepreneur has to take the advice of the employee representatives).

The industrial medical officer has two main missions:

1. advise the entrepreneur and employee representatives about improving working conditions, general hygiene of the establishment, adaptation of jobs, technologies and rhythms to physiology, protection of employees against risk and use of dangerous products, hygiene in internal restaurants, prevention and sanitary education in the framework of the activity;
2. employees' medical checks: on being engaged and after at least once a year and each time the employee has been absent due to illness for a certain period or for maternity.

The industrial medical officer has the right to inspect the establishment whenever he wishes. The entrepreneur must give him all information to allow him to comply with his tasks.

Monitoring conformation with laws and regulations is done by the Labour Inspectors (civil servants of the Ministry for Employment and Solidarity).

When observing a breach of the labour code, labour inspectors have the power, depending on the seriousness of the offence, to:

- notify the employer of their findings;
- issue a formal written demand to remedy the offence;
- take the case to court;
- decide on the temporary closure of an establishment or of a building site.

The maximum penalties an entrepreneur can risk are given in table 1.

Table 1 Maximum penalties an entrepreneur can risk in case of breach of the regulations relating to health and safety

Type of offence	fine in 1,000 FF (153 EUR)	prison sentence
Breach of the legislation and regulations relating to health & safety		
first time	25 x employee concerned	
subsequent offence	60 x employee concerned	1 year
no respect of the right to set up a CHST		
first time	25	1 year
subsequent offence	50	2 years

Source: APRODI.

Legislation stipulates that the social security contribution for accidents at work is paid only by the employer and is not a fixed rate. Since 1996, in order to increase prevention, rates of contribution have become more 'individual', i.e. taking the risk rate into account. Enterprises with 200 or more employees are charged at a rate based on the cost of accidents in the enterprise, enterprises with 10 to 199 have to pay a rate based on the rate for the enterprise and the collective rate for the sector the enterprise belongs to. The collective rate applies only to enterprises with fewer than 10 employees.

An employee who is absent due to illness, an occupational disease or an accident at work will be paid the social minimum that has to be supplemented by the employer on condition the employee has been working in the enterprise for at least three years:

- 90% of the gross wage during 30 days (for absence due to illness the leave has to equal at least 11 days) and 67% during the following 30 days;
- the duration of payment is increased by 10 days per total period of seniority within the enterprises within a maximum of 90 days for each period.

In many cases, collective agreements signed at branch level allow the better maintenance of the salary. Many enterprises are also affiliated to a contingency fund (to which both employers and employees pay) so that the part paid by the employer is decreased. The affiliation of an enterprise to a contingency fund can be compulsory as part of a collective agreement or on the initiative of the employer or negotiated between the employer and the employee representatives.

2.6 Legal regulations concerning working conditions in Norway

All Norwegian enterprises must have an Internal Control System (ICS). The ICS ensures that all laws and regulations in the field of labour conditions both for the protection of internal and external environment are followed. 'Internal Control' means that the enterprise, through self-regulation, must ensure that the standards defined in the statutes are complied with. The enterprises themselves can develop an ICS to implement the internal control provisions. This is in line with the philosophy that the enterprise itself has the best know-how to solve problems in the field.

The Internal Control System was implemented on January 1, 1992 and harmonised with the European Directive on the 1st of January, 1997.

The ICS is based on eight laws:

1. Law for protection of workers at work and their working environment. (This is the basic one, that is harmonised with the framework of the EU directive);
2. The law against pollution. (This law regulates both internal and external pollution);
3. The law for the prevention of fire;
4. The law dealing with products with high fire risk;
5. The law dealing with explosive goods;
6. The product safety law;
7. The civil defence law;
8. Law dealing with the safety of electric installations and electric equipment.

The object of the ICS is to promote the protection of workers at work against health damage and prevent adverse effects on the internal environment from the goods produced. Even the external environment is an object of the Internal Control System, in so far as it focuses on pollution and better handling of waste.

Enterprises are obliged to conduct a risk assessment, record the problems met and how they will be resolved. Furthermore they have to:

- Provide employees with all necessary information about laws and regulations the company has to comply with;
- Ensure that employees have the necessary knowledge and skills in the field of Health, Environment and Safety;
- Ensure that all employees share the knowledge on Health, Environment and Safety as well as the common experience in this field;
- Set objectives for Health, Environment and Safety in the enterprise, and make written records of these objectives;
- Facilitate a general survey over the internal organisation, including how the responsibility, tasks and authority for Health, Environment and Safety are distributed in the organisation, and make written records;
- Make a risk assessment and plan how to reduce the risks, and make written records;
- Create routines to disclose, correct and prevent violations of requirements laid down in law or legally obliged, and make a written documentation;
- Undertake the systematic surveillance and continuous upgrading of the ICS to ensure that the system functions as intended.
- The Authority's inspection of the labour conditions has changed due to the implementation of the ICS, from spot tests with detailed control of enterprises to control and revision of their systems and documentation.

All enterprises must have at least one health and safety representative. Enterprises with fewer than ten employees may agree upon a different system or agree that the enterprise shall not have a safety official. The agreement must be in writing and, unless otherwise stipulated, shall be in force for two years. The number of representatives for health and safety according to the size of the enterprise is not imposed. It must be decided upon by assessing the total picture, i.e. size of the enterprise, the nature of work and the working conditions in general. Should the parties not reach agreement how many representatives should be elected, the Labour Inspection will decide. The representative must be consulted during the planning and implementation of measures of significance for the working environment. He also has the right to stop dangerous work.

The employer must pay the wages of ill employees during the first 16 days of absence. After that period the National Insurance system takes over the responsibility. It is the employee's income prior to absence due to sickness which determines the amount he will receive. The general rule is 100% coverage up to a ceiling. However, it is not uncommon that employees are entitled to full coverage under collective agreements or agreements at the workplace. In this case the employer bears the full costs of the difference between the National Insurance ceiling and the actual sick pay allowance paid out.

2.7 Conclusions

Comparing legislation in the Netherlands, France, Norway and Spain, the important role of the Working Conditions Service in the Netherlands attracts attention as this service not only involves medical guidance but also the risk assessment and risk evaluation. In France, Norway and Spain, enterprises are obliged to have a Committee for Health and Safety within the enterprise. While the obligation to have such a Committee is linked to the size of the enterprise in Spain and France, in Norway all enterprises must have one. In the Netherlands many enterprises have a Committee for Health and Safety, but it is not compulsory.

Remarkable is the so-called Internal Control System in Norway as it has a total approach, including not only the internal environment but also the external.

The Netherlands is the only country in which enterprises are obliged to combat absence due to illness. Employers are stimulated to do so, as they have to pay the wage of an absent employee themselves

for the first 52 weeks of absence. They can, and most employers do, insure the risk, but that is up to them. In the other countries the period that the employer must pay the full wage of the employee is much shorter.

3 Working conditions

European Directive 89/391/EEC states that the employer has the duty to ensure the safety and health of workers in every respect related to work (Article 5).

This chapter looks into the present working conditions. Started is with the situation in Europe in general (3.1), followed by a detailed description of the situation in the Netherlands (3.2), Spain (3.3), France (3.4) and Norway(3.5).

3.1 Working conditions in Europe

Despite the policy of the European Commission to minimise the risks in the work place, the number of persons confronted with an accident or occupational disease is still high. In the European Union (EU) about 8 thousand workers die each year, the result of an accident in the workplace and a further 10 million persons have accidents at work or occupational diseases (COM(95)282). Fatal accidents per 100,000 people employed are highest in agriculture, i.e. as many as 13. Figures for industry and services are respectively 8 and 3.

Factors influencing the frequency of accidents and occupational diseases

Factors that influence the frequency of accidents are the composition of the workforce, the degree to which a country is turned from an industrial to a service economy and the economic cycle. Spanish and Finnish figures show that the number of accidents falls in time of recession.

Construction and manufacturing are sectors with a relatively high risk. Although in 1993 the average for work accidents with more than three days' absence was 45 per 1000 persons in employment, the figures for construction and manufacturing were respectively 99 and 51 (The European Observatory for SMEs, 1997).

As far as the occurrence of accidents is concerned, no unambiguous conclusions can be drawn about whether the size of the enterprise is relevant. Although in France, Italy and Spain large enterprises show lower accidents rates than smaller ones, Sweden shows a reverse picture. Austrian data suggest that both smallest (1-19 employees) and largest enterprises (more than 500 employees) are safest. Frequency of accidents increases with size class in Dutch enterprises, however, the frequency of occupational diseases in very small enterprises is

higher than that of larger enterprises. Although no conclusions can be drawn, it was suggested that large enterprises can afford their own health and safety department, and Trade Unions have more influence. Furthermore, small enterprises in some countries are exempted from certain regulations, making it easier for them to be negligent.

Working conditions are also influenced by the labour contract. Working conditions for temporary workers are worse than those of permanent workers. Although the kind of job explains, to a great extent, the poorer working conditions, they are worsened by a temporary status.

Table 2 Working conditions in Europe for temporary and permanent workers, 1996 (%)

	Temporary workers	Permanent Workers
working in painful or tiring position	57	42
exposed to intense noise	38	29
perform repetitive movements	66	55
perform short repetitive tasks	46	36

Source: Second European Survey on Working conditions, European Foundation for the improvement of Living and Working Conditions.

More than half of the persons with a permanent and full-time job are of the opinion that their work affects their health. Most commonly mentioned were back pain (31%) and stress (29%).

For *self-employed* there is also a relation between the sector in which they work and health risks. In Europe, self-employed in agriculture are more exposed to physical risks while self-employed in services are more exposed to psychological risks (stress) (table 3 and table 4). Self-employed in agriculture experience more physical risks and have more health problems than self-employed in other sectors. Self-employed in services experience relatively few physical risks and have few health problems compared to self-employed in other sectors. Self-employed in hotels and restaurants in particular seem to suffer from stress.

Table 3 Physical risks experienced by self-employed in EU by sector, 1996 (%)

Factor of discomfort experienced for at least one-quarter of time	Primary sector	Craft workers	Commerce, Hotels & Restaurants	Services	EU
painful or tiring positions	82	59	51.5	40	53
handling heavy loads	73	46	38	24.5	40
low temperatures (indoors or outdoors)	61	35.5	19	8	24.5
breathing fumes or hazardous substances	42	32.5	19.5	15	24
very loud noise	43	34	17	14	23
temperatures that make you perspire even when you are not working	52	16	18	10.5	19.5
handling hazardous substances or materials	33.5	19	9	8	14

Source: Second European Survey on Working conditions, European Foundation for the improvement of Living and Working Conditions.

Table 4 Health problems of self-employed in EU, by sector, 1996 (%)

	Primary sector	Craft workers	Commerce	Hotels & Restaurants	Services	EU
work is affecting my health	73.5	62	63	56	58	60.5
health or safety threatened by work	52	34	27.5	26	22	30
back pain	60.5	37	31	26	25	33
general fatigue	35	18.5	34	26	18	23
muscular pain in arm and legs	39	23	22	14.5	14	20
headaches	18.5	10	15	9	12.5	12
stress	34.5	31	48	30.5	35	33
chronic or permanent health problems	34	16	13	21	13	17

Source: Second European Survey on Working conditions, European Foundation for the improvement of Living and Working Conditions.

Stress factors are: working at high speed, working according to tight deadlines, short cyclic work for at least 50% of the time and not being able to change the task or working method. All over Europe a number of stress factors is widely spread. The Netherlands has a negative score compared to the European average as far as working speed is concerned, i.e. working at high speed is a high stress factor, but the autonomy of employees is above the European average, this being a factor contributing to less stress (table 5). Over a third of the European labour force worked at least 50% of the time at high speed in 1992 and almost four out of ten workers were confronted with deadlines, short cyclic work or little autonomy. There were consider-

able differences between the countries, Belgium for example scored on all factors below the European average and Germany above.

Table 5 Stress factors (at least 50% of working time) according to the labour force in Europe, 1992 (%)

	high speed	deadlines	short cyclic	not able to change task/work method
Belgium	32	26	27	35
Denmark	41	45	29	34
West-Germany	41	44	43	43
East-Germany	44	51	53	45
Greece	51	44	47	44
Spain	29	27	43	44
France	27	33	34	35
Ireland	24	36	38	33
Italy	33	21	32	37
Luxembourg	27	29	33	41
Netherlands	47	32	44	26
Portugal	37	23	38	42
UK	30	51	39	30
Europe	35	38	39	38

Source: Smulders, P.G.W., and J.M.J. Op de Weegh, *Arbeid en gezondheid, Risicofactoren (Labour and health, Risk factors)* Elsevier/De Tijdstroom, Utrecht, 1997.

High working pressure (table 6) is experienced by over 40% of employees in the Netherlands and the United Kingdom, while in the latter the percentages according to age do not differ too much. In the Netherlands, the majority of young persons mentioned experiencing stress. On the other hand, heavy physical work is a relatively small problem in the Netherlands, compared to, for example, France and Belgium. France is the only country where bad working conditions are a greater problem than high working pressure.

Table 6 Quality of work by age, 1992 (%)

	15-24 years of age	25-44 years of age	45-65 years of age	average
<i>bad physical working conditions</i>				
Netherlands	28	24	22	24
Belgium	35	28	20	26
West-Germany	23	16	24	20
France	36	39	33	37
UK	32	24	32	28
<i>high working pressure</i>				
Netherlands	55	45	33	44
Belgium	30	29	29	29
West-Germany	32	40	42	39
France	30	34	33	33
UK	46	46	41	44
<i>heavy physical burden</i>				
Netherlands	13	13	7	12
Belgium	28	21	11	19
West-Germany	22	20	23	21
France	36	28	27	28
UK	24	15	21	19

Source: Smulders, P.G.W. and J.M.J. Op de Weegh, *Arbeid en gezondheid, Risicofactoren (Labour and health, Risk factors)* Elsevier/De Tijdstroom, Utrecht, 1997.

3.2 The Netherlands

The main aspects of the Dutch government's national policy to improve working conditions are: making employers and employees more responsible and the obligation for all enterprises to make a risk inventory and evaluation, followed by a plan of approach to tackle bottlenecks. For this purpose, enterprises must enlist a certified Working Conditions Service (*Arbodienst*). Despite this policy, many workers are still exposed to traditional risks such as noise and handling heavy loads. An even greater number of persons are exposed to more 'modern' risks such as working pressure and Repetitive Strain Injuries (RSI).

Table 7 Occupational risks at work in the Netherlands, 1997

risk	often happens in:	number of persons
handling heavy loads	industry, construction	1,300,000
harmful noise	industry, construction	>500,000
mechanical vibrations	construction (hand-arm vibrations), agriculture and transport (body vibrations)	800,000
repetitive movements	meat and fish industry, working with monitors, cashiers, hairdressers	2,200,000
working pressure	scientific occupations, commercial services	1,700,000
fatal accidents	construction	134

Source: Ministry of Social Affairs and Employment, Social Memorandum 1999, The Hague, 1998.

The costs involved, i.e. cost of absence due to illness, disablement, medical treatment, were about NLG 12 billion (about 6 billion EUR) in 1995 (1.9% of GDP).

In the Netherlands the number of industrial accidents, also differs enormously by sector. In 1992 it varied from 0.2 per thousand man-years in public utilities up to 47.2 in construction. Above the average figure of 16.1, after construction came the primary sector (25.2) and manufacturing (23.8). The total number of accidents was 64,657 of which 45 fatal.

According to social-economic status, health threatening factors are quite different. Persons in the high-level professions are confronted relatively more with high speed work-rate, workmen relatively more with dirty work and noise. Compared to the other groups, the high level profession group feels healthier and is less afflicted by fatigue. Working under high pressure is apparently compensated by the fact that persons in high level professions can organise their work themselves.

Self-employed are of the opinion that their work is according to their education and not monotonous and they are relatively seldom confronted with working at high speed. On the other hand, however, they are relatively often plagued by backache and relatively often take medicines, although they are not always knocking on the doctor's door.

Table 8 Health threatening factors by social-economic status in the Netherlands, 1990 (%)

	high speed working	work is not according to education	monotonous work	noise at work	dirty work	dangerous work	heavy work
high-level professions	64	6	0	15	7	3	7
medium-level professions	57	17	2	22	15	5	10
lower-level profession	57	33	10	19	14	3	21
self-employed	39	3	8	18	24	3	32
farmer	42	1	12	19	78	10	54
workman	37	39	16	47	50	13	39

Source: Smulders, P.G.W. and J.M.J. Op de Weegh, *Arbeid en gezondheid, Risicofactoren (Labour and health, Risk factors)* Elsevier/De Tijdstroom, Utrecht, 1997.

Table 9 Differences in health symptoms by social status in the Netherlands, 1990 (%)

	health not (so) good	backache	fatigue	headache	consult doctor	take medicine
high-level professions	4	24	15	18	31	15
medium-level professions	9	31	26	25	34	18
lower-level profession	11	23	30	32	46	15
self-employed	15	42	22	22	46	21
farmer	26	52	25	14	28	23
workman	15	37	28	29	40	18

Source: Smulders, P.G.W. and J.M.J. Op de Weegh, *Arbeid en gezondheid, Risicofactoren (Labour and health, Risk factors)* Elsevier/De Tijdstroom, Utrecht, 1997.

Absence due to illness

Although absence due to illness is only partly caused by working conditions, in the scope of the obligation to conduct a policy on absence due to illness, attention is paid to this subject. The percentage of absence due to illness in the Netherlands in 1997 was 5% (inclusive maternity 5.6%). Absence due to illness increases with size class, from about 4% in enterprises with fewer than 20 employees to over 6% in enterprises with more than 100 employees. Differences between size classes are partly caused by sector differences, however, the fact that absence increases with size class is also seen in the sectors, with the exception of construction. Employees in small enterprises feel themselves often 'member' of the enterprise and are less inclined to report themselves ill. Sectors with a high percentage of absence are the paper, wood and furniture industry and health services, while the hotel and restaurants sector has a very low percentage (Deursen, van C.G.L. et al., 1998).

Table 10 Percentages of absence due to illness in the Netherlands, 1993-1997

size class	1993	1994	1995	1996	1997
2-9 employees	3.8	2.9	3.2	3.8	4.0
10-19 employees	5.0	3.7	3.4	3.6	3.9
20-49 employees	6.3	4.8	4.7	4.6	4.9
50-99 employees	6.0	4.9	5.1	5.1	5.1
100-499 employees	6.9	5.3	5.7	5.9	6.2
>500 employees	6.0	4.8	5.8	6.0	6.2

Source: Deursen, van C.G.L., E.I.L.M. Schellekens, A.G. ter Huurne, R.A.P. Fux, T.J. Veerman, W.I. van Zwol, ZARA-werkgeverspanel rapportage 1997 (*ZARA employees panel reporting 1997*), Ministry of Social Affairs and Employment, June 1998.

There is a relation between the characteristics of the enterprise and absence due to illness: enterprises with many women and/or part-time workers have a relatively high percentage of absence due to illness. It is known that women are more often absent due to illness than men. Enterprises with relatively many elderly or few young workers do not differ from other companies. However, enterprises with many elderly show a relatively high percentage of the workers becoming recipients of disablement insurance benefits, while this is rarely seen in enterprises with relatively many young persons.

Frequency of accidents

The frequency of accidents was 1.2 per 100 employees in 1995, that of occupational diseases per 1000 employees 2.6 (Deursen, van C.G.L. et al, 1998). A total of 7.9% of the enterprises was confronted with one or more accidents. As can be seen in table 11, the frequency of accidents in small enterprises is below that of large enterprises, while the picture of the frequency of occupational diseases is the opposite.

Table 11 Frequency of accidents per 100 employees and occupational diseases per 1000 employees by size class, 1995

size class	frequency of accidents per 100 employees	occupational diseases per 1000 employees
2-9 employees	0.8	5.2
10-19 employees	0.8	1.8
20-49 employees	0.9	1.9
50-99 employees	1.2	1.5
100-499 employees	1.8	1.5
500 or more employees	1.4	1.5
Total	1.2	2.6

Source: Huurne, A.G. ter, C.G.L. van Deursen, A.M.H. Reuling, E.I.L.M. Schellekens and T.J. Veerman, ZARA-werkgeverspanel rapportage najaar 1996 (*Report of the ZARA panel of employers, fall 1996*), Ministry of Social Affairs and Employment, May 1997.

The sectors with the highest frequency of accidents were the manufacturing of food and beverages (2.7), the paper, wood and furniture industry (2.4) and the metal industry (2.3). Occupational diseases happen frequently in the sectors of retail (5.0) and hotels, restaurants and cafes (6.7). Accidents are caused by falling, slipping and stumbling or by machines and tools. Occupational diseases mainly involve the motoric system and skin diseases.

3.3 Spain

Most accidents take place during working time and can be regarded as minor. In 1997 98.3% of the accidents occurring during working time were minor, 1.5% major and 0.2% fatal. Although there was a downward trend in accidents in the period 1991-1995, since then the number has increased. The main reason underlining this increase is economic activity. In fact, 1993 was the lowest moment in the economic cycle in Spain, whereas 1990 and probably 1997 were two peaks in economic activity. More activity, more pressure of work, less attention. Professional diseases have increased from year to year since 1988.

Table 12 Accidents at work and professional diseases according to the seriousness in Spain

Accidents	1988	1990	1994	1995	1996	1997
Total	1,057,372	1,232,853	1,031,086	1,152,269	1,218,225	1,332,161
<i>With absence</i>	<i>615,048</i>	<i>740,378</i>	<i>577,649</i>	<i>637,301</i>	<i>663,271</i>	<i>723,090</i>
minor	596,625	721,595	563,717	623,066	648,960	708,941
major	16,672	16,787	12,572	12,897	13,000	12,696
Very serious	1,751	1,996	1,360	1,338	1,311	1,453
<i>During working time</i>	<i>579,032</i>	<i>696,703</i>	<i>542,818</i>	<i>599,069</i>	<i>622,095</i>	<i>677,138</i>
minor	563,759	681,487	531,204	587,289	610,306	665,565
major	13,985	13,770	10,585	10,784	10,805	10,515
lethal	1,288	1,446	1,029	996	984	1,058
<i>'In Itinere'</i>	<i>36,016</i>	<i>43,675</i>	<i>34,831</i>	<i>38,232</i>	<i>41,176</i>	<i>45,952</i>
minor	32,866	40,108	32,513	35,777	38,654	43,376
major	2,687	3,017	1,987	2,113	2,195	2,181
lethal	463	550	331	342	327	395
<i>With no absence</i>	<i>442,324</i>	<i>492,475</i>	<i>453,437</i>	<i>514,968</i>	<i>554,954</i>	<i>609,071</i>
Professional Diseases						
<i>Total</i>	<i>3,214</i>	<i>4,285</i>	<i>5,373</i>	<i>6,459</i>	<i>7,958</i>	<i>9,640</i>
<i>With absence</i>	<i>2,975</i>	<i>3,664</i>	<i>4,800</i>	<i>5,837</i>	<i>6,787</i>	<i>8,385</i>
minor	2,816	3,373	4,584	5,646	6,594	8,219
major	156	291	213	188	192	165
lethal	3	-	3	3	1	1
<i>With no absence</i>	<i>239</i>	<i>621</i>	<i>573</i>	<i>622</i>	<i>1,171</i>	<i>1,255</i>

Source: Spanish Ministry of Labour and Social Affairs, 'Yearbook of Labour and Social Statistics, several years'.

The highest amount, in absolute numbers, of accidents are found in services. Per thousand employees, however, construction is the most seriously affected sector with 164 accidents per thousand employees, followed by industry with 104 accidents per thousand employees, while in services 43 accidents per thousand employees took place in 1997.

From a perspective of firm size the smaller the firm, the greater the probability of a more severe accident (table 13). 34% of all accidents and 46% of fatal accidents took place in enterprises with fewer than 25 employees in 1997.

Table 13 Accidents during working time resulting in absenteeism according to seriousness by size class in Spain, 1997 (%)

size class	total	unimportant	important	lethal
1-5 employees	11.41	11.30	17.25	17.39
6-25 employees	22.43	22.40	23.77	29.02
26-50 employees	11.00	11.02	9.40	10.78
51-100 employees	8.61	8.64	6.55	7.09
101-500 employees	14.07	14.15	9.69	10.11
501-1000 employees	3.20	3.21	2.51	3.12
1001-5000 employees	3.95	3.96	3.45	3.12
> 500 employees 0	2.00	2.02	1.01	1.13
no information	23.34	23.3	26.37	18.24
total	100	100	100	100
total number	677,138	665,565	10,515	1,058

Source: Spanish Ministry of Labour and Social Affairs, Yearbook of Labour and Social Statistics.

The frequency of accidents per 1000 employees in firms with 6-50 employees is higher than that of larger enterprises. In larger enterprises the frequency of insignificant accidents is 71.5, of serious ones 1.3, while these figures for enterprises with more than 50 employees are respectively 63.4 and 0.9.

In Spain about 16% of employees lift or move heavy loads. Some 85% of them carry out repetitive actions, which result in problems for the employee. The mental load, i.e. stress, is generally more frequent in large firms, caused by an excessive quantity of work and high rhythms of boring work (table 14).

Table 14 Percentage of Spanish establishments with special bodies for security and health and the occurrence of stress factors, 1993

size class	high working rhythms	boring work	excessive work
< 6 employees	19.9	4.3	5.8
6-25 employees	22.5	5.9	5.8
26-50 employees	25.4	6.6	14.3
51-100 employees	29.3	6.3	15.4
101-500 employees	31.1	9.6	15.5
> 500 employees	34.5	12.1	20.0

Source: National Survey on Working Conditions, 1993.

3.4 France

In France, the general trend is a decrease in the frequency rate of accidents since 1992 but an increase of serious accidents up to 1995 with a decrease since 1996.

Table 15 Number of occupational accidents and occupational diseases in 15 branches of activity in France, 1995 and 1996

	1995	1996
total number of employees	14,499,318	17,473,759
<i>accidents</i>		
number of working accidents with absence	672,234	658,083
number of permanent disabilities	60,250	48,762
number of deaths	712	773
<i>occupational diseases*</i>		
number of occupational diseases	8,534	8,218
number of permanent disabilities	4,269	3,098
number of deaths	67	40

* Occupational diseases that lead to financial compensation from the social security.

Source: APRODI, based on data provided by the Caisse Nationale d'Assurance Maladie des travailleurs Salariés, Direction de la Prévention des Risques.

Although occupational diseases happen rather sporadically compared to accidents, the chance on permanent disability is much higher.

Table 16 Number of working accidents with absenteeism in 15 branches of activity in France by size class, 1993

size class	number of working accidents	number of working accidents per thousand employees
1-9 employees	142,816	39.9
10-19 employees	81,252	56.1
20-49 employees	140,786	61.3
50-199 employees	164,148	52.6
200-1499 employees	93,531	31.8
≥ 1500 employees	13,373	13.1
unknown	42,656	
total	678,562	47.2

Source: APRODI, based on data provided by the Caisse Nationale d'Assurance Maladie des travailleurs Salariés, Direction de la Prévention des Risques.

Working accidents happened mostly in SMEs with 10-49 employees in 1992, except for enterprises in the food industry (enterprises with 50-499 employees) and the consumer goods industry (very small enterprises) (table 17).

Table 17 Index of accident rate by size of establishment, 1992

	1-9 employees	10-49 employees	50-499 employees	≥ 500 employees	Total
food industry	33	116	127	117	100
intermediary industry	120	130	108	44	100
equipment industry	129	239	89	49	100
consumer goods	135	121	87	58	100
building industry	112	115	79	28	100
commerce	69	122	116	89	100
All	91	127	102	50	100

Source: The European Observatory for SMEs, Fifth Annual Report 1997, ENSR/EIM, Zoetermeer, 1997.

A French study (*Premières synthèses* by DARES 94.03-no.38) outlines that the fact that qualified manual workers have fewer accidents than unqualified ones, is certainly due to the integration of safety in the equipment.

Generally speaking the frequency of accidents is:

- higher for young persons (under 30 years of age);
- frequency and seriousness are higher for foreign employees than for French ones, which can be partly explained by the fact that the former are generally low qualified;
- risk rates are higher for temporary workers and employees with fixed-term contracts;

- the most significant cause of death during working hours is automobile transportation.

French studies and surveys showed that factors that might have a favourable effect on the improvement of working conditions in SMEs are:

- the entrepreneur's level of awareness is improved;
- the entrepreneur should develop relationships with his environment (public authorities, professional organisations, ...);
- involvement in a quality process;
- the fact that the SME belongs to a branch of activity which has signed a prevention agreement with the National Social Security Offices (CNAM).

3.5 Norway

Norway's Survey of Working Conditions (1993) gives insight in how employees experience their working conditions. Over a third of the employees surveyed who have illnesses or complaints of a more permanent nature or problems due to a handicap, believe that their condition is due to the working environment of their present or former work.

A third of the employees worked half their working hours or more using repeated and monotonous movements and three out of ten strained their bodies more at work than in the course of normal activity. Percentages did not differ very much according to the size of the enterprise for the many different questions on the physical environment. Workers in enterprises with more than 50 employees were more exposed to loud noise, dust and gas or steam than those in smaller enterprises (table 18). In small enterprises the employees were less able to plan their work themselves, on the other hand they were relatively well informed and free to do errands during working time. Workers in small enterprises were confronted to a lesser degree with conflicts either with the management or with other employees.

Table 18 Working conditions in Norwegian enterprises by size class, 1993

<i>Percentage of employees who for half of their working hours or more:</i>	2-10 employees	21-50 employees	51-200 employees	> 200 employees
strain their bodies more at work than in the course of ordinary activity	30	27	32	28
use monotonous and repeated movements	33	38	32	33
are exposed to:				
• dry air	24	39	37	39
• loud noise	7	7	10	10
• draught	10	9	11	14
• dust, gas or steam	14	14	15	21
may endanger other peoples' life or health if they make errors	16	17	22	28
may endanger their own life or health if they make errors	10	9	11	16
have difficulty in seeing any direct results or usefulness of what they do	10	15	13	15
<i>Percentage of employees who find the working environment poor or very poor concerning:</i>				
air quality	21	31	29	32
noise	10	12	11	15
<i>Percentage of employees:</i>				
who to a large extent can plan their work themselves	53	50	48	45
with the opportunity to do personal errands during working hours	71	63	53	53
who get plenty of information about the company's plans and budgets	48	44	40	40
<i>Percentage of employees who often or now and then experience conflicts or poor relations between:</i>				
management and employees	33	45	45	46
employees	19	30	29	31

Source: Statistics Norway's Survey of Working Conditions, 1993.

3.6 Conclusion

Many employees are still confronted with accidents and occupational diseases. Of course the attention paid to working conditions increases the health and safety of employees, but the frequency of accidents is also strongly linked with the economic cycle. In periods of high economic activity the increased activity and higher pressure on work lead to more accidents, while the reverse is seen in times of economic decline.

No definite conclusion can be made as to the influence of firm size and the frequency of accidents and occupational diseases. Spanish

figures show that in large enterprises stress factors threaten workers. The fact that in very small enterprises workers are absent from work less often can be explained by the fact that they often have greater autonomy and operate under less stress in a not over-regimented environment. Norwegian data also show that workers in enterprises with fewer than 10 employees find themselves less often in a conflict situation.

However, it can be concluded that construction is the most 'dangerous' sector. In addition, it reveals that specific groups of employees such as temporary workers, unskilled manual workers and young persons are more likely to be stricken by accidents and occupational diseases.

Rapid and far-reaching changes in society and technology will lead to a shift from more traditional accidents to more stress-induced illnesses. As employers take on more and more highly qualified employees, this will increase the number of persons suffering from stress, for the high-level professions are the ones that involve stress. However, one has to keep in mind that trends in occupational diseases must be handled with care as, in general, more and more diseases are now recognised as occupational diseases, as for example the Repetitive Strain Injury (RSI).

4 Enterprises and the implementation of legislation

This chapter describes how enterprises deal with regulations on health and safety at work. The chapter starts with risk assessment (4.1), the essential basis of health and safety at work. As good working conditions are not possible without the involvement of the employees, the next chapter deals with employee consultation and participation (4.2). Dutch employers are obliged to pursue a policy to combat absence due to illness, the subject of section 4.3. A small enterprise prevented from making a risk assessment by the costs, to which item attention is paid in section 4.4. The last section (4.5) is on the obligations of the workers themselves, how far are they themselves willing to take the responsibility to protect themselves.

4.1 Risk assessment

The concept of risk assessment as introduced by the Council Directive 89/391/EEC was rather new for most European countries. Policy in the field of working conditions had been based on safety measures introduced after the conception of machines, equipment, products and premises. The risk assessment emphasises all factors important in the field of health and safety. It demands an a priori and universal method of approach at the level of each labour unit and with the active involvement of each employee. This process requires a completely different from all those involved in prevention, not only in the enterprise but also from public authorities, professional organisations, trade unions and social security bodies.

It's no use locking the stable door after the horse has bolted.

In a small *Spanish* enterprise with 7 employees, doing carpentry for construction, a risk assessment was conducted four years ago after a labour accident. The employer does not remember exactly by whom it was done, by the Private Mutual Company or by the Labour Inspection together with the enterprise. A technician, together with an external expert carried out the risk assessment. It took them 6 days and a report was handed to the employer. The report included all the problems, the ones that had to be tackled with priority, by whom and when. Since the time the risk assessment was completed nothing happened or there have been no reasons for changes. The enterprise has no business plan. The employer confessed he was not familiar with the existing regulations.

As enterprises must have adequate information, on which to base a competent risk assessment, this subject will be looked at first.

Information needed for the risk assessment

European enterprises overwhelmingly (83%) regarded the information received about risk assessment as adequate. However, the use of certain information sources varied (ENSR Enterprise survey 1997). Sources most used for the risk assessment were the government and health and occupational safety organisations/enterprise safety services. Other frequently used sources were employers'/sector organisations. Looking at table 19 it is clear that the source actually used, is not always the most suitable one.

Table 19 Sources of information used and preferred in percentages of European enterprises that did or did not carry out a risk assessment (RA)*

Sources of information	Enterprises that did perform RA (% of enterprises)		Enterprises that did not perform RA (% of enterprises)	
	used	preferred	used	preferred
Government	32	24	44	14
Employers and sector organisations	19	8	24	19
Chambers of commerce	7	26	7	36
Health, occupational safety organisations	32	18	26	11
Private consultants	16	29	22	8
Colleagues, friends	7	-	1	-
Other	14	16	8	2
Do not know	2	6	-	22

* As more answers were possible, the figures do not total 100%.

Source: ENSR Enterprise survey 1997, The European Observatory for SMEs, Fifth Annual Report 1997, ENSR/EIM, Zoetermeer, 1997.

Private consultants and Chambers of Commerce were the most preferred sources of information among enterprises that did conduct a risk assessment, although they were not the ones most used. The same discrepancy is found among enterprises that did not perform a risk assessment, they preferred Chambers of Commerce, although the Government was the source most used for information.

The Netherlands

An investigation among very small Dutch enterprises (< 10 employees) (Tillaart, H. van den, and J. Warmerdam, 1997) showed that a quarter of them (24%) was fully acquainted with the changes in the (Law on) Working Conditions Act, 67% stated that they were not familiar with all relevant changes but had a good idea of the consequences of the changes for their enterprise. The remaining 10% were not acquainted with the changes and the consequences for their enterprise. Awareness differed very much among sectors. Although

46% of employers in construction were fully acquainted with the changes, the percentage in the paper and wood sector was only 6%. Differences between sectors show the importance of the accessibility of information and information made-to-measure for the sector. Important sources of information are book keepers/accountants, trade journals and branch organisations. Considering the subject it can be expected that industrial insurance boards and Working Conditions Services are also important as sources of information.

Table 20 Familiarity of Dutch employers with fewer than 10 employees with legislation on absence due to illness and working conditions and their information sources (%)

<i>information source mentioned</i>	<i>Employers who:</i>			
	are fully acquainted	know the most important consequences for their firm	are inadequately acquainted with the consequences	all
industrial insurance boards	55	67	49	63
bookkeeper/accountant	45	66	62	61
trade journals	45	57	25	51
insurance adviser	56	49	39	50
Working Conditions Service	53	51	21	49
branch organisation	37	41	18	38

Source Tillaart, H. van den and John Warmerdam, *Arbeidsomstandigheden in kleine bedrijven (Working conditions in small enterprises)*, Ministry of Social Affairs and Employment, October 1997.

Many employers of small enterprises are members of local and regional employers' organisations. During meetings of these organisations the subject of working conditions was often discussed, spontaneously between colleagues or as an item on the agenda. Colleagues and employees of the firm were sources of information for respectively 25% and 10%.

There is a slight difference between sectors in the most mentioned source of information (table 21).

Table 21 The source of information for legislation on absence due to illness and working conditions most often mentioned by employers of small enterprises by sector in the Netherlands

Most frequently mentioned source	Sector
industrial insurance board	process industry; paper, wood and furniture industry; construction; transport/wholesale; business services
book keeper/accountant	retail; hotels, restaurants and café's
trade journals	metal industry
insurance adviser	food and beverage industry

Source: Tillaart, H. van den and John Warmerdam, *Arbeidsomstandigheden in kleine bedrijven (Working conditions in small enterprises)*, Ministry of Social Affairs and Employment, October 1997.

Not all sources are equally effective. Employers who are well aware of the consequences of legislation on absence due to illness and working conditions, use more and other sources, i.e. Working Conditions Services and branch organisations. This group of employers is also more actively looking for information and has visited more meetings on the subject.

4.1.1 Europe

The Council Directive (see section 2.2) requires business owners to carry out a risk assessment, with the purpose to identify and counteract health and safety risks at work. Taking into account the nature of the activities of the enterprise and/or establishment, the employer shall evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used and the fitting-out of work places (Article 6). The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks (Article 9).

The ENSR Enterprise Survey 1997¹ included some questions on health and safety measures at work. The questions concerned enterprises' awareness of the need to carry out a risk assessment, its implementation and reasons for non-compliance. Only 26% of the enterprises had carried out a risk assessment, the percentage increased with size class. Also differences between sectors could be observed, manufacturing being the sector with the highest percentage (38%) (table 22).

1 The ENSR Enterprise Survey was designed to facilitate a more refined analysis of the behaviour and performance (and their determinants) of European enterprises. The different ways in which enterprises dealt with the completion of the Internal market and the impact of the Internal market programme were of particular interest. The ENSR Enterprise Survey covered the 18 Member States of the European Economic Area (EEA) and Switzerland. The set-up and analyses of the ENSR Enterprise Survey 1997 are described in detail in the Fifth Annual Report of the European Observatory for SMEs, Annex to chapter 12.

Table 22 Risk assessments carried out among European enterprises in the EEA and Switzerland by size class and sector, 1997 (%)

Enterprises that did perform a risk assessment	
<i>Size class</i>	
0-9 employees	22
10-49 employees	37
50-249 employees	57
250 employees and more	67
<i>Sector</i>	
Manufacturing	38
Trade	19
Services	22
<i>Total</i>	27

Source: The European Observatory for SMEs, Fifth Annual Report 1997, ENSR/EIM, Zoetermeer, 1997.

About 20% of those enterprises that had not made a risk assessment, had the intention to do so in the future. Reasons for not making a risk assessment were;

- 'not applicable' to the enterprise (58%);
- 'not obliged' to do so (25%);
- cost (9%).

Factors to explain why small enterprises are less active in the field of working conditions are:

- lack of financial resources (90%);
- lack of managers capable of making a clear and effective safety program;
- the lack of skilled employees in the enterprise to implement the program;
- small enterprises pay less attention to work and health, they do not have time, daily work requires all their time;
- in small enterprises the relation between working conditions and the problems and absence is made less often.

Good intentions

Both a Spanish and a Dutch enterprise have the intention to conduct a risk assessment. Both are specialised in manufacturing wood products for carpentry. A Norwegian enterprise making windows and doors, is in the process of making a risk assessment.

An enterprise in Spain with 34 employees

The employer has the intention to conduct the risk assessment himself in one month. He estimates that 4 to 5 persons will be involved and has no idea of the number of days needed. The risk assessment will be included in the business plan. The enterprise has employees representation, who are consulted on working conditions if the occasion arises.

Policy to combat absence

There is no specific policy to combat absenteeism and there are no statistics.

An enterprise in the Netherlands with 30 employees

The entrepreneur has the intention to conduct a risk assessment within six months. He has no idea of the number of days the risk assessment will take. Reasons why the risk assessment has not yet been done and the organisation of the tasks in the field of fire prevention and first aid had not been recorded, he was 'too busy' and 'easy-going'. In the opinion of the employer a special employee is needed to deal with all the regulations impacted by the government, he gives priority to the work that has to be done.

Last year 28 out of the 30 employees followed a safety course. This resulted in the procurement of ear-plugs, safety shoes and safety glasses. These attributes are used, although there are periods that one has to insist on their use.

Policy to combat absence

Two years ago a policy on absence due to illness was introduced. Every month an employee avoids being absent due to illness, he/she receives a bonus on his save-as-you-earn scheme (spaarloon) (about 18 EUR). Absence due to illness decreased by about 20%. The number of days absent and their frequency are registered and compared to similar enterprises in the sector. The policy to combat absenteeism is successful; before the 'bonus' system employees were inclined to report sick and stay at home and report sick during holidays.

Inspection

The employer is regularly visited by inspection officials: 'they are necessary, but they are not my friends'. The enterprise does not have the most modern machines and, to meet the requirements, the entrepreneur has to invest an amount he can not afford. A reasonable time is agreed with the inspector for the adaptation to be carried out. This involves frequent inspection.

An enterprise in Norway with 70 employees

The intention is to complete the risk assessment within 6 months. The risk assessment is made by an employee and department managers and 24 persons are involved. The risk assessment will be part of the Internal Control procedure. The risk assessment is successful because there is less absenteeism. Although wages have increased, in terms of percentage the increase of productivity surpassed the increase in wages. Each department has regular rounds of safety checks which are used for informing and discussion with employees. There are 18 employees specially trained for first aid and fire fighting. Employees are trained annually to make sure that they know what to do in case of accidents or fire.

Policy to combat absence

Ill persons are registered, but data are not compared or used. The intention is to conduct policy in the future.

For individual countries the information on risk assessment conducted by enterprises is very limited.

4.1.2 The Netherlands

In the Netherlands almost three out of ten enterprises had concluded a risk inventory and evaluation in 1997, a rather low percentage considering that policy on working conditions should be based on it. Concluding a risk assessment is strongly linked to the size of the enterprise and although only one out of five very small enterprises did so, over 90% of enterprises with over 500 employees did (table 23). Related to the number of employees involved, this means that 65% of all employees work in a company with a risk assessment. Not only according to size class differences can be observed, by sector percentages vary from 14% in the sector hotels and restaurants up to 54% in the metal and process industry. The relatively low percentages in hotels and restaurants and also retail sector are connected with the many very small enterprises in these sectors.

Table 23 Enterprises that concluded a risk assessment by size class, mid 1997

size class	%
2-9 employees	20.6
10-19 employees	48.6
20-49 employees	64.1
50-99 employees	75.1
100-499 employees	87.6
> 500 employees	93.1
Total	28.3

Source: Huurne, A.G. ter, T.J. Veerman, C.G.L. van Deursen, R.A.P. Fux, E.I.L.M. Schellekens and A.M.C. Vissers, ZARA-werkgeverspanel rapportage 1996-1997 (*Report of the ZARA panel of employers*), Ministry of Social Affairs and Employment, November 1997.

Many factors can play a role for the individual enterprise as to why many small enterprises had not conducted a risk assessment and risk evaluation. Particularly important are the degree to which enterprises receive information from the government, the knowledge and experience of working conditions and the need for simple help. The activity of branch organisations in this field or a visit from/to the Working Conditions Service encourage enterprises to conduct risk assessment and evaluation. Furthermore the cost/profit balance plays a role as many enterprises have no idea of the relation between the benefits compared to the very visible administrative burden.

Problems met by a Dutch enterprise

The enterprise produces pallets, has 60 employees and, with three other companies, is part of a holding with a total of 250 employees.

Risk assessment

The enterprise conducted a risk assessment for the first time in 1997. It was done by the employer, the employee in charge of working conditions and the Working Conditions Service. The technical service department together with the employee mapped out the work places, the result of which was reviewed by the certified Working Conditions Service. The latter made a report and stated the general approach. The risk assessment is part of the business plan and will be included in the ISO certificate (for which the enterprise is working). The ISO standards, and environment are deliberately part of the business plan, reason: 'you have to do it anyway, better to record all at once'. There is no annual report on labour conditions: lack of time.

Problem: In the opinion of the employer the Working Conditions Service works rather theoretically, for example: The enterprise has many fork-lift trucks driving through the stores. The Working Conditions Service was of the opinion that there should be a white line dividing the gangways into a part for trucks and one for pedestrians. In practice this does not work, first of all the employees are on the truck for the majority of the time and if they have to walk, they will not do that in a special area. On balance the risk assessment is seen as beneficial for the enterprise, there is more attention to the way people work, the Working Conditions Service ensures that more attention is paid safety provisions, so it will be profitable in the long term.

Risk evaluation

The risk evaluation was done by the Working Conditions Service and the risk assessment and the plan of approach was approved by them.

Problem: It is not always clear how standards are specified, for example there is a standard for wood-dust. This can be measured by an employee who wears a kind of mask all days. However, the result will depend on the position of the person (distance from the centre) and if the person walks around or not.

Cost

Drawing up of the risk assessment needed about one month for 4 persons working together. On an average of 16 EUR (NLG 35) per hour this totals about 10,500 EUR (NLG 23,000). Keeping up the risk assessment will take one person about 50 hours a year, about 910 EUR (NLG 2,000).

Workers' involvement

Every 2 months there is meeting with the Works Council, and labour conditions are always on the agenda. The initiative comes mainly from the employer. Employees are not very active in this field, *they are difficult to convince of the necessity to use safety provisions.*

Policy to combat absence

The enterprise is rather unique as it has a long history of conducting a policy to combat absence due to illness, namely 15 years. Registered are the number of days, the frequency, per person, per department as well as the reason for absence: work, sports, accident, flu. Ill persons are contacted and receive flow-ers. Data on absence are – on occasion – compared with the sector. Absence has to be reported to the office manager and the Working Conditions Service by the employee. Managers must contact absent persons regularly. If necessary, the possibility of other work in the enterprise will be considered in consultation with the Working Conditions Service.

Persons who were not absent at all during a year receive an amount of money. Reporting ill once has no effect on the amount, when a person has been recorded as absent twice, the amount is halved, after four times, nothing will be paid. The director personally does not like the system, but it existed already. In his opinion a personal approach is more effective.

Problem: The enterprise (for the Working Conditions Service this relates to all 4 companies) was not satisfied with the working of the Working Conditions Service and will change per 1 January 1999. The reason for dissatisfaction was the fact that the Working Conditions Service was regionally divided. Employees of the enterprise came under three different Working Conditions Services depending on their home address. The enterprise itself communicated with only one Working Conditions Service, which had to receive data from the other Working Conditions Services involved. Communication between the Working Conditions Services involved, left much to be desired. From the first of January a small Working Conditions Service will be established and will have a consulting hour once a month at the enterprise and if necessary, visit ill employees irrespective of their address.

Absent persons were controlled by the Working Conditions Service the first day of absence. Starting with the new Working Conditions Service this will change, as the enterprise has for 15 years data on absence, the visit will depend on the history of absence of the employee. Furthermore checks will not be restricted to working hours, but from 9 till 21.00.

Labour Inspection

Asked on his view about the Labour Inspection: positive, as they are more willing to think together with you to help solve problems, enterprises in the wood sector are relatively dangerous enterprises. Negative, as they come too often, in earlier times it was 1 or 2 times a year, now several times a year. They do not announce their visit and one has to be ready à la minute. This can be inconvenient and gives rise to irritation.

Dutch employers may conduct the risk assessment themselves or have it done by experts from the Working Conditions Service (*Arbodienst*). Consultation of the Working Conditions Service is legally obliged. The Working Conditions Service concluded the risk assessment in 64% of enterprises in the middle of 1997.

The size class of the enterprise has no big influence on the drafter of the risk assessment, varying between 59% in enterprises with over 500 employees and 71% in enterprises with 20-49 employees drafted by the Working Conditions Service. Remarkably many employers in hotels and restaurants compile the risk assessment themselves (52%).

4.1.3 Spain

In Spain data on how many enterprises conducted a risk assessment will be published in spring 1999. The National Institute of Security and Hygiene at Work stated that, from a sample of 3445 enterprises, 46.6% have carried out an initial risk assessment in the establishment during the last 12 months.

4.1.4 France

In France, enterprises (and especially SMEs) can conclude prevention plan agreements (*convention d'objectifs*) with their Regional Social Security Offices (*Caisse Regionale d'Assurance Maladie (CRAM)*). A *convention d'objectifs* is a plan signed for 3 years by which the enterprise commits itself to realise progress in the field of health and safety with quantifiable indicators of progress and an action plan to achieve them. In exchange, the CRAM grants loans at nil interest rates which turn into subsidies if the plan is achieved. Risk assessment can be included in the *convention d'objectifs*.

An example of good practice in France

The enterprise active in woodworking has 210 employees working at 3 different sites located in the south-west of France.

Due to the activity, the main risks to prevent and combat are: fire, risks linked with sawing machines and pain in the back (manual labour). The objective of the enterprise is to have all employees aware that safety and health are the responsibility of each of them and not only of the safety department or the CHSCT (*Comité d'Hygiène, de Sécurité et des Conditions de Travail*).

Reasons why the enterprise can be seen as an example of good practice in the field of health and safety at work are:

- its own rate of working accidents is 1% against 4.4% on average in the sector. The enterprise reduced the figure noticeably, the rate was 9% 10 years ago and 6% 5 years ago;
- the enterprise has already almost completed the compliance of its machines with safety norms (deadline to be in conformity with these norms is January 2000);
- it has 1 first-aid worker for 5 employees against the legal requirement of 1 for 10;
- temporary workers benefit from internal training about emergency and safety rules when hired;
- the enterprise has signed two prevention plan agreements (*convention d'objectifs*) with its regional social security office;
- the enterprise is actually integrating safety procedures and norms within the quality process.

However, the interviewed person, manager in charge of safety and president of the CHSCT, did not seem to know about the obligation to conduct a risk assessment. On the other hand, it can be considered that some kind of risk assessment was conducted. In 1997, a survey amongst employees was carried out. They were invited to communicate what they felt dangerous or uncomfortable in their work. About 150 remarks were collected out of which 100 have already been dealt with.

Much attention to training

Besides training for first-aid workers, 24 employees have benefited since 1997 from training regarding good positioning and postures to avoid pain in the back so that they can also advise their colleagues. In 1999, 36 other employees will benefit from this training.

Advisers

Apart from the industrial medical officer, the respondent resorts a lot to the advice from the CRAM. He also considers that the labour inspector now plays a role of adviser in this field rather than only a role of control as in the past. On the other hand, he has few contacts in this matter with his professional organisation nor feels any need to resort to external advice apart from the CRAM or the labour inspector.

4.1.5 Norway

Surveys in Norway showed also that risk evaluation was carried out to a lesser extent in small enterprises compared to large enterprises in 1994 and 1996, although it had become more thorough. It was found that 43% of the managers were not familiar with the regulations regarding Internal Control and that in the smallest enterprises the legal requirements with regard to health and safety at work were implemented the least.

Table 24 Preventative measures in Norwegian enterprises with less than 20 man years, 1996

	yes	no
	%	%
Internal Control System	77	23
safety delegate	49	51
safety and health service	43	57
other activities	55	45

Source: Agderforskning/Birkeland and Rognstad 1997.

Legislation and regulations make a very small enterprise in Norway conduct a risk assessment

The enterprise making carpentry, woodwork and furniture, has 5 employees, of which 2 family workers.

The risk assessment

The employer conducts a risk assessment, for which the information was provided by the trade organisation. The risk assessment and plan of approach are approved by the trade organisation's office for education. The risk assessment is adjusted to changed working methods and changed working conditions. The enterprise has no business plan, the risk assessment and plan of approach are legally obligatory. They are part of the Internal Control procedure, which takes into consideration both internal and external health, safety and environment. The risk assessment is an on-going process, thus it is difficult to give an estimation of the time spent on it. An annual report is sent to the Labour Authorities. The risk inventory contains the (priority) problems and when and by whom they must be tackled. The inventory is part of the general internal education.

The enterprise is so small

The enterprise is too small for a Works Council. Special attention is paid to employees under 24 years, new employees are not informed about labour conditions. The enterprise is too small to have a policy to combat absence, everybody knows each other. The question can be raised if this is a valid argument.

The policy to combat absence due to illness is more than a check, it must be addressed to work-related causes. This is important for every enterprise, irrespective of size. The entrepreneur is in charge of first aid, fire-fighting and evacuation of workers. Employees receive an annual training to make sure they know how to act in case of fire or accidents.

Benefits of the risk assessment

The entrepreneur is of the opinion that the risk assessment is not profitable for the enterprise, 'it simply means more work'. The enterprise follows all Laws and regulations stipulated by the authorities, but the entrepreneur believes that the focus should be more on fire protection and environmental questions.

The increase in enterprises that have implemented the Internal Control System can be illustrated by the doubling of the percentage from 1994 that did so in furniture manufacturing (table 25).

Table 25 The implementation of the Internal Control System among members of the furniture producers trade organisation, Norway (%)

Year	ICS is implemented	ICS is partly implemented	the process is started	no ICS	answer given from
1994	20	46	25	6	40
1995	37	29	28	10	95
1996	44	34	16	4	100
1998	89	3	7	0	25*

* The survey has not yet been completed.
Source: Agderforskning.

The survey among producers of furniture showed the following reactions to the results of the implementation of the Intern Control System:

- less absence due to illness
- increased effort to reform
- increased activity in courses and other ways to increase competence
- higher efficiency
- better working conditions
- increased profitability.

4.2 Consultation and participation of employees

The European Directive 89/391/EEC states that employers shall consult workers and/or their representatives and allow them to take part

in discussions on all questions relating to safety and health at work.

This presupposes:

- the consultation of workers;
- the right of workers and/or their representatives to make proposals;
- balanced participation in accordance with national laws and/or practices.

Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority.

4.2.1 The Netherlands

In the Netherlands enterprises with more than 35 employees are obliged to establish a Works Council. The Council has the right of advice on working conditions. Smaller enterprises may establish a Works Council, but they are not obliged to. Enterprises with between 10 and 35 employees are obliged to call a meeting of all employees twice a year.

Three quarters of the enterprises with a Works Council conferred with the Council on working conditions.

Table 26 Percentage of Dutch enterprises with a Works Council, that conferred with the Works Council/representation of employees on working conditions, 1996

size class	percentage
2-9	71.4
10-19	78.1
20-49	72.7
50-99	76.9
100-500	88.7
> 500	87.9
total	76.7

Source: Huurne, A.G. ter, et al., May 1997.

The Boss

A Dutch company, specialised in the manufacturing of wooden boxes, with 12 employees.

The risk assessment

Two years ago a risk assessment was conducted by the entrepreneur and the Working Conditions Service. The Working Conditions Service is certified and specialised in safety and ergonomics. The latter speciality was particularly important as employees have to lift frequently. The entrepreneur has a business plan, but he is of the opinion that the risk assessment does not belong in it. Until now nothing has happened that made it necessary to adjust the risk assessment. New machinery is safer than that bought before, due to EU standards.

The risk assessment led to a plan of approach, containing the problems met, priorities, solutions and the person responsible for the solution. To combat back troubles special machinery was bought. By order of the Labour Inspection exhaust hoods had to be bought (statutory), however, they can not be used and are a waste of money. Occasionally as a consequence of (small) accidents adjustments are made immediately. Goals for improvement (the risk inventory) are made known to the person involved verbally.

Costs of the risk assessment

Time spent to the risk assessment is about one day a year and three persons are involved. The costs are estimated to be about 900 EUR (2,000 NLG).

Workers involvement

Participation of the employees in the form of a Works Council or employee representation is not appreciated. The entrepreneur intends to keep the number of employees below the 35 for which a Works Council is legally obliged. Tasks in the field of fire protection, first aid and evacuation are delegated to two employees, who followed courses.

Young employees are trained in the enterprise, starting with machines almost 'accident-proof'. Gradually, they are allowed to work on more 'dangerous' machines. A big problem with young persons is that they are careless, despite the nagging of the employer do not use earplugs, protective glasses and industrial masks.

Policy to combat absence

There is a deliberate policy to combat absence due to illness. Absence is combated by deduction from bonuses. Every three months an employee is evaluated and receives a bonus for good work, for every day absent 10 bonus days are deducted. For example, if the bonus for three months (60 work days) is 165 EUR (NLG 360), for every day absence 16.5 EUR (NLG 60) will be deducted. The Working Conditions Service checks an ill employee on the first day of absence.

The number of work days absent is expressed in total work days and data are compared to these of the sector. The objective is improved performance every year. The policy is profitable for the enterprise as absenteeism has dropped noticeably.

Labour Inspection

The entrepreneur is of the opinion that the Labour Inspection is too bureaucratic. In the Netherlands everything has to be 'placed'. Standards are too far from reality. The entrepreneur believes that these public services should be replaced by commercial services, that provide solutions and can be chosen freely by the entrepreneur. The employer will gladly pay for such services.

4.2.2 Spain

In Spanish enterprises with less than 6 employees, the employer may assume the functions of prevention and protection against labour risks. In enterprises with more than 6 employees, the employer has several possibilities, such as to appoint one or several employees to be in charge of prevention activities, to set up a Committee for Security and Health within the firm or, finally, subcontract the job to an external firm or specialised agent. Persons charged with prevention and protection are selected from among the firm's personnel according to the size of the enterprise:

- 50 -100 employees: 2 persons
- 101 – 500 employees: 3 persons
- 502 – 1,000 employees: 4 persons
- 1,001 – 2,000 employees: 5 persons
- 2,001 – 3,000 employees: 6 persons
- 3,001 – 4,000 employees: 7 persons
- 4,001 or more employees: 8 persons.

A Committee for Security and Health set up within a firm, is a specific organisational unit whose participants devote their time to this objective on a full-time basis. This Committee should have expert knowledge in various fields including Labour medicine and Ergonomics/Applied Physiology. The employer is obliged by Law to set up a Committee for Security and Health if:

- the enterprise has more than 500 employees;
- the enterprise has between 250 and 500 employees but it carries out dangerous or potentially dangerous activities;
- the enterprise has less than 249 employees but the Labour Authority obliges it to set up a Committee, due either to the spe-

cific risk of the developed activity or to the frequency/importance of accidents within the enterprise. In any case, this kind of enterprise is exempted from setting-up a Committee if the firm decides to subcontract this prevention scheme to a specialised and duly certified external service.

4.2.3 France

In France a Health, Safety and Working Conditions Committee (*CHSCT/Comité d'Hygiène, de Sécurité et des Conditions de Travail*) must be implemented in any establishment with 50 employees and more. Its implementation can be imposed by the Labour inspector in establishments with less than 50 employees. In establishments of less than 50 employees and if there is no CHSCT, representatives of employees (*Délégués du Personnel*) take-over the objectives of the CHSCT although their means are more limited.

The CHSCT is composed of the manager of the establishment (or his representative) who is the chairman of the CHSCT and of employees chosen by the employees' representatives (i.e. *délégués du personnel and members of the Comité d'Entreprise*) for 2 years. The secretary of the CHSCT is chosen from the employees.

The number of employee members of the CHSCT depends on the size of the establishment :

- up to 199 employees: 3 employees
- 200/499 employees: 4 employees
- 500/1,499 employees: 6 employees
- + 1,500 employees: 9 employees.

The missions of the CHSCT are:

- to contribute to the health and safety of the employees and to improve working conditions;
- to contribute to the promotion of risk prevention;
- to assess occupational hazards and working conditions;
- to carry out inspections at least every 3 months;
- to conduct investigations into working accidents and occupational diseases.

The entrepreneur must take the advice of the CHSCT in each of the following situations:

- internal regulation and any internal document which defines rules in the field of health and safety;
- annual report and programme for improving health, safety and working conditions;

- any important decision which modifies health, safety and working conditions;
- all measures taken in favour of victims of working accidents and of disabled;
- about the adaptation programme in case of a technological mutation;
- about the possibility to have temporary or fixed term contract workers doing dangerous work (which is forbidden in principle);
- the protection of the environment.

The entrepreneur must communicate to the CHSCT any information needed to comply with its missions as well as provide it with any means needed to allow the CHSCT to meet or travel in the framework of its missions of investigation.

The entrepreneur also has to make available the following documents:

- the annual report on the global situation in the field of health, safety and working conditions in the establishment and the enterprise form established by the industrial medical officer (compulsory for establishments with 10 employees and more);
- the annual programme for preventing risks and improving working conditions;
- the annual activity programme established by the industrial medical officer concerning linked to jobs and working conditions.

The CHSCT meets at least once every 3 months at the initiative of its chairman. It must meet also each time an accident occurs. The industrial medical officer and the representative of the internal Health and Safety department (if it exists) attend the meetings of the CHSCT. The CHSCT can also invite any qualified person (industrial nurse, head of the training department, ...). In establishments with 300 employees and more, trade unions are also allowed to name a representative who attends the meetings of the CHSCT. The CHSCT must have an appropriate meeting room at its disposal.

Activities relating to the CHSCT are carried out by its members during working hours (working hours relief system) according to the following rule:

- | | |
|---------------------------------------|--------------------|
| • establishments under 100 employees: | 2 hours per month |
| • 100/299 employees: | 5 hours per month |
| • 300/499 employees: | 10 hours per month |
| • 500/1499 employees: | 15 hours per month |
| • 1500 employees and more: | 20 hours per month |

Time dedicated to meetings of the CHSCT or to investigations in case of emergency or accident is not included in this 'relief' but is also paid as ordinary working time.

The CHSCT can resort to an external expert certified by the public authorities in case of :

- existence of a serious risk;
- a project which might modify health, safety and working conditions;
- a project of involving the introduction of a new technology.

The expertise is paid for by the enterprise.

The members of the CHSCT are provided with any training needed for the adequate execution of their task. They are protected against dismissal.

The percentage of manufacturing enterprises with 20 employees or more that had at least one full-time manager in charge of health, safety and environment was 13.6% in 1997, this percentage increased with size class as can be expected (table 27).

Table 27 French enterprises in manufacturing with at least 20 employees having at least 1 full-time manager according to size class (%) in 1997

size class	%
20-49 employees	6.9
50-99 employees	12.0
100-249 employees	20.7
250-499 employees	38.3
≥ 500 employees	68.5
Total	13.6

Source: APRODI, based on the Ministry of Finances, Economy and Industry, 'Changements organisationnels et infomatization dans l'industrie, 1998.

The larger the enterprise the more likely that internal services will be used as is clear from table 28.

Table 28 manufacturing enterprises with at least 20 employees resorting to external services in the field of health, safety and environment in France, 1997 (%)

size class	external services total	internal and external services	external services only
20-49 employees	11.7	0.8	10.8
50-99 employees	13.0	1.6	11.4
100-249 employees	16.5	2.7	13.8
250-499 employees	16.8	7.5	9.3
≥ 500 employees	17.3	11.5	5.8
Total	13.0	2.0	11.0

Source: APRODI, based on the Ministry of Finances, Economy and Industry, 'Changements organisationnels et informatisation dans l'industrie', 1998.

In France, the National Institute for Health and Safety (*Institut National de Recherche et de Sécurité (INRS)*) stressed in 1993 that SMEs were certainly not very much inclined to resort to external competencies available in the Regional Social Security Offices (*Caisse Regionale d'Assurance Maladie (CRAM)*). First, because they certainly missed information about possibilities of advice and support provided by these offices and also because they tended to consider them more as control authorities rather than as supporting authorities. Furthermore, INRS stressed that the very small probability that an accident would occur at the level of a single SME together with the cost of security were discouraging. In general, it seems that SMEs tend to underestimate risks.

4.2.4 Norway

In Norway it is compulsory for enterprises with at least 50 employees to establish a Working Environment Committee (WEC). This committee is responsible for creating a fully satisfactory working environment. The WEC consists of an equal number of representatives from both the employers and employees. In companies with between 20 and 50 employees a WEC is to be established when required by any of the parties in the enterprise. The Labour Inspection has the right to decide that a WEC must be established given the working conditions.

4.3 Policy to combat absence due to illness

Contrary to most other European countries the Dutch employer is obliged to conduct a policy to combat absence due to illness. Such a policy includes all activities and measures taken in or by order of an enterprise with the explicit intention to decrease absenteeism or to

maintain it on a low level. Enterprises can try to influence absence due to illness by incentives, for example by not paying the first one to three days of absence, deducting days of absence from holidays/reduction of working hours or reward for low degree of absence. In 1997 one out of three Dutch enterprises made use of such incentives, 5% was considering this and 64% did not and was not considering doing so. In addition to these incentives a policy to combat absence could be: procedural policy, rules of conduct, preventive and guiding policy. The degree to which enterprises apply incentives is given in table 29.

Table 29 Incentives to combat absence due to illness in the Netherlands, 1997 (%)

incentive	% of enterprises applying the incentive	% employees concerned	% enterprises considering to apply the incentive
deducting of first day(s) of absence from holidays/reduction working hours	16	17	4
not paying first day(s) of absence	15	14	2
material reward for employees with low level of absence	6	7	4
additional holidays for employees with low level of absence	5	5	2

Source: Huurne, A.G. ter, et al., November 1997.

The vast majority of enterprises (90%) pay full wages during illness, 70% being legally obliged. However, 7.1% of very small enterprises (2-9 employees) pay only 70%, while in enterprises with 500 or more employees this is not seen at all. The sector hotels, restaurants and cafes is the one with a very high percentage of enterprises paying only 70% (13.7%).

A policy to combat absence due to illness is coupled with costs, on the other hand less absenteeism is profitable. A model to calculate costs and profits of combating absenteeism due to illness (Knotter, M., et al., 1994) was tested in six enterprises. The most important conclusion was: *a policy to combat absence due to illness is relatively inexpensive and the investments pay themselves back with a reduction of absenteeism*. The needed reduction, for the surveyed enterprises, from -0.25% up to 1.1%, can be realised in practice.

In other countries enterprises are not obliged to pursue a policy to combat absence due to illness. Generally there will be an agreement with a doctors office, internal or external to monitor ill persons. The Netherlands differs from most other countries in that employers have to pay the wages of ill employees themselves for the first 52 weeks.

Norway has a regulation rather similar to the Dutch obligation to make a plan for return to work. The Norwegian social security summons patients after 3 months, 6 months and so on. After 12 months a plan has to be made for return to work. However, in the Netherlands the enterprise is obliged to be very involved in this process, Norwegian enterprises are not obliged to describe how the employee will be able to restart work.

4.4 Costs of improving working conditions

As there is little known about the number of enterprises conducting a risk assessment, it is not surprising that very few countries have so far attempted to analyse cost data on implementing health and safety measures at work. The costs involved can significantly affect the degree of implementation, on the other hand the implementation has benefits for the employees (better working conditions), for the enterprise (less absenteeism, i.e. less loss of productivity, better PR), and for society in the form of fewer medical costs, lower cost of revalidation, fewer disability benefits to be paid.

It is assumed that the decision to conduct a risk assessment depends on the average number of days needed.

For Spain, France and Norway no figures on the costs of conducting a risk assessment were available. For that reason information from other European countries is given.

4.4.1 Europe

Using the ENSR Enterprise Survey 1997 the influence of the enterprise size on the costs of the risk assessment was studied. The average number of days spent on the risk assessment per worker was 1 day, and the average cost per worker 22 EUR (table 30).

Table 30 Costs of risk assessment by enterprise size, 1997*

size class	number of days spent on risk assessment per worker	standard deviation	average cost per worker (EUR)**	standard deviation
1-9	1	1.2	11	47
10-49	1.2	2.6	54	608
50-249	0.2	0.4	0.4	2.7
≥250	0.1	0.4	4	40
all	1	1.7	22	326

* The figures should be interpreted with caution since they have a high standard deviation.

** The variable costs of a risk assessment are measured. Fixed costs include, for example, the need to obtain information about the requirements for a risk assessment and how to perform it. They may also include some items of fixed capital.

Source: ENSR Enterprise Survey 1997, The European Observatory for SMEs, Fifth Annual Report 1997, ENSR/EIM, Zoetermeer, 1997.

It can be tentatively formulated that:

- the time taken per worker for a risk assessment is connected to the size of the firm;
- costs measured in monetary units have a much more ambiguous relation to the size of the firm.

4.4.2 The Netherlands

For the Netherlands detailed information is available about the costs of services and efforts concerning working conditions. Costs involved are the services of the Working Conditions Service (basic package) and other services (provided by the Working Conditions Service, a specialised institute or an official within the enterprise), overheads and investments to improve working conditions. As many enterprises had no insight in the costs the data have to be interpreted with some caution. These enterprises were the smaller ones, and as far as sectors concerned, they were found in retail, hotels, restaurants and cafes, transport and business services in particular.

Table 31 Cost of guidance for absent employees and working conditions by size class in the Netherlands, 1997 (EUR per employee per year)

size class	basic package Working Conditions Service*	other services	overhead	investments	total
2-9 employees	80	36	33	445	594
10-19 employees	62	46	69	289	466
20-49 employees	63	51	59	225	399
50-99 employees	67	50	72	200	388
100-499 employees	73	59	59	133	324
≥ 500 employees	91	46	41	98	277
average employees	73	47	52	229	401

* For the vast majority of enterprises the monitoring and guidance of absenteeism due to illness is the basic package.

Source: Deursen, C.G.L. van, et al., 1998.

The amount paid for the basic package of the Working Conditions Service in 1997 was the same as in mid 1996. The highest costs per employee per year were found in the smallest and largest enterprises. Mid 1996 the amount paid to the Working Conditions Service for services not part of the basic package was 13 EUR. Assuming that this applies also for 1997, the amount paid to a specialised institute or an official within the firm equals 34 EUR. The very small enterprises spend little on services not belonging to the basic package.

Overhead costs are those costs made for drafting a policy, training, consultation, organisation and administration of absence due to illness and the improvement of working conditions. They involve material costs as well as costs of accommodation and possibly training costs. Immaterial costs are the time spent by employees on the subject.

Concerning investments it must be kept in mind that enterprises were asked about their investments in 1997 and not their costs. The difference between investments and costs is that investments can involve one year or several years. Investments per employee per annum are connected to the size of the firm, as the size of enterprises increases the amount decreases, being 98 EUR for enterprises with 500 or more employees and 445 EUR for enterprises with 2-9 employees. The fact that costs decrease with firm size is not surprising as the same investment for a small enterprise per employee is far above that of a very large enterprise.

In the average amount of 401 EUR, enterprises that made no costs were also included. If they are excluded the average amount was 471 EUR.

In 1997 the field in which most was invested, was the prevention/decrease of heavy physical burdens, followed by protection against risks of working accidents (table 32).

Table 32 Fields in which Dutch enterprises invested in 1997 to improve working condition (%)

	yes	no	n.a. *	yes **
prevention/decrease heavy physical burden	20.1	37.9	42.0	34.7
protection against risks of working accidents	21.6	42.8	35.6	33.5
protection against extreme temperatures/moisture/draught	17.3	38.4	44.2	31.1
protection against dust/chemical substances	14.1	35.1	50.7	28.6
protection against noise	14.1	36.7	49.2	27.8

* n.a. = not applicable

** In this column the enterprises that actually invested are listed, enterprises that stated the question not to be applicable are excluded.

Source: Deursen, C.G.L. van, et al., 1998.

Since the first of January 1998 investments to improve working conditions for employees can be depreciated at the moment chosen by the entrepreneur, according to the Regulation Depreciation Investments in working conditions (*Willekeurige afschrijving arbo-investeringen* (*Farbo-regeling*)). Capital assets that come under this regulation are recorded on the List of Working Conditions (*Arbolijst*), first published in 1998. Each year the list will be revised and enterprises can propose capital assets for the list. At the end of 1997 56% of the enterprises stated they made use of the new fiscal regulation. Larger enterprises (500 or more employees) were more likely to do so (85%) than very small ones (2-9 employees) (53%). Relatively many enterprises in the process – and metal industry have the intention to use the regulation (77% and 76% respectively), less likely are enterprises in Hotels, Restaurants and Cafes and business services (both 48%).

Investments in working conditions and productivity/profit

37% of all Dutch enterprises were of the opinion that investments in working conditions led to increased productivity and 32% said that profit increased. The majority of enterprises that stated that productivity increased, also stated that profit raised as well; 61% responded that productivity was not changed by investments in working conditions and 63% that profit did not change; the remaining group reported a decrease of productivity, respectively profit. According to size class, almost twice as many enterprises with 100 or more employees as very small enterprises stated that profit increased through investment in working conditions. The difference was considerably smaller for profit (table 33).

Table 33 Dutch enterprises that stated that productivity/profit increased by investing in working conditions, 1997 (%)

size class	productivity	profit
2-9 employees	33.9	30.6
10-19 employees	42.6	31.7
20-49 employees	46.6	40.5
50-99 employees	57.0	45.4
100-500 employees	62.2	45.7
≥500 employees	60.2	42.5
total	36.5	31.9

Source: Huurne, A.G. ter, et al., May 1997.

The fact that fewer enterprises stated an increase in profit than in productivity may be explained because in competitive sectors margins are low(er) and the effect of better working conditions may be erased by competition.

The most important reason for increased productivity and profit was improved efficiency (table 34).

Table 34 Reasons for the increase in productivity and profit of the enterprise (% of enterprises that indicated an increase)

	productivity	profit
more efficient working	28.7	21.6
increased motivation to work	25.4	16.0
attention for strategy and personnel	16.8	5.7
increase of productivity → increase of profit		16.1
purchase of equipment/adaptation of workspace	13.4	10.2
decreased absence due to illness	8.7	7.5
fewer costs		3.0
not classifiable	7.1	20.0
total	100.1	100.1

Source: Huurne, A.G. ter, et al., May 1997.

4.4.3 Italy

The costs per employee and total costs for a craft enterprise with 5 employees are available for Italy. Costs (all costs referring to the activities concerning occupational health and safety) per employee of the implementation equal 1.5 million Lire (about 770 EUR). The figure relates to accumulated data of all enterprises, without a distinction between small and large ones. A survey in the craft sector indicates that the total prevention costs for a craft enterprise with 5 employees are equal to 10 million Lire (about 5150 EUR).

4.4.4 Austria

In Austria enterprises are obliged to employ or consult a work safety and health officer, as well as a medical doctor specialised in safety at work. Information, by size class, can be given on the hours that are needed by the safety and health officer.

Table 35 Hours needed for safety by the health and safety expert

number of employees	hours needed for the work safety expert	hours needed for the medical doctor
11-15	13	9
16-20	18	12
21-25	23	15
26-30	28	19
31-40	36	24
41-50	46	30
51-60	56	37
61-70	66	44
71-80	76	50
81-90	86	57
91-100	96	64
101-150	126	84

Source: Institut für Gewerbe- und Handwerksforschung, Vienna.

For companies with 151-1,000 employees, 50 hours have to be added for each additional 50 employees.

Companies with more than 10 employees must have a 'safety confidant', a person an employees may turn to in case of safety problems at work.

The time for evaluating all work places in a company with between 10-100 employees is estimated to be between 3 to 10 days; at a daily rate of EUR 700 for an external expert, the costs can rise to EUR 7,000. Costs arising from the introduction of a doctor and the work protection expert can be calculated from the necessary times given in the table and the respective daily rates. The cost of a doctor will be within the range of EUR 700 to 1,000 per day, so for an enterprise with 11-15 employees the minimum will be about EUR 750.

The work protection expert can either be an employee or an external expert. The rates will be the same but the time needed by an employee will be less, therefore costs will be lower. Costs for an external expert for a 11-15 employee company may add up to, at least, EUR 900.

Benefits gained are:

- reduced amount of accidents (5 to 25%);
- less illness (10 to 30%);
- reduction of weak points (performance increase up to 2-10%);
- motivation of employees to contribute to safety and health protection (lies between 50 and 70%);
- improvement of company climate, employees feel better protected (80%).

Our way is more efficient

An enterprise in Spain that produces wood products in various qualities and sizes with 95 employees.

The risk assessment

The employer is familiar with the risk assessment. The last update was in January 1997 and the next update will be in the beginning of 1999. The risk assessment is done by the operator within each working post, the shift manager and the production manager. The contracted Mutual of Accidents counsels and helps the enterprise in this risk assessment. Evaluation is made by the Committee for Security and Health created within the enterprise itself. Approval is in the hands of the Works Council and the enterprise's managing board. Once all problems have been identified, they are solved within two months. The risk inventory is hung on a notice board and handed out to a selected group.

The employer is of the opinion that the risk assessment is valid and positive for the enterprise. However, in his opinion the work done by the Committee for Security and Health is much more complete and quicker than the risk assessment itself.

Costs

The time spent on the risk assessment was about 100 days, i.e. 30 days per working position. The number of persons involved was about 40, namely 8 persons for whom labour costs were 18 EUR (3,000PTA) and 32 persons for whom labour costs were 12 EUR (2,000 PTA) per hour. So the costs were about 11,000 EUR.

Workers' involvement

There is no annual report as such, minutes are made of the monthly meetings held by the Committee for Security and Health. This Committee is engaged in collecting and analysing all the proposals made within the scope of safety and health at work. All these minutes are sent both to the private Mutual company and to the enterprise's managing board. Additionally, all employees are informed about the decisions and actions taken in this field during the month.

There is a plan describing when a person must be informed about risks at work. New employees are informed about the risks associated with their job. Additionally they are permanently checked on. There are periodical training courses, together with a training period within the enterprise that lasts at least one month.

Policy to combat absence

There is not a well defined policy to combat absence due to illness. The enterprise tries to make the employees follow the suggested preventive measures, which definitely imply a reduction in casualties. The enterprise pays insurance so the employee may receive 100% of his salary in case of accident or illness from the 30th day of absence or the first day in case of an accident. Ill persons are visited, counselled and checked by the enterprise's doctor and the personnel department. Ill persons are registered, statistics as the percentage of work days' absence as a percentage of total work days, the frequency of absence, the average duration of absence are compiled. Data are compared to similar enterprises. The registration is used to compile concrete objectives to decrease absence due to illness in the long run. The policy to combat absence due to illness is beneficial as it is necessary within the framework of the continuous improvement pursued by the enterprise.

4.5 Workers' obligations

The Council Directive 89/391/EEC states it to be the responsibility of each worker to take care as far as possible of his own safety and health and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer. Among other items, it is stated that employees must make correct use of machinery, tools, dangerous substances etc. and make correct use of the personal protective equipment supplied to them (Article 13). The EEC-Directive 89/656/EEC classifies protective equipment according to the part of the body that they have to protect. It also enumerates the activities that must be used.

The question may rise how far enterprises are responsible for accidents and diseases if employees think they need no protection. Information is available for *the Netherlands* and *Portugal*.

4.5.1 The Netherlands

In the Netherlands 62% of enterprises use personal protective equipment (Massaar, J., and L. van Hoorn). The use of a personal protection is permitted only if no alternatives are available. Combating risks must, in the first instance, take place at the source. If this is not possible, measures aimed at collective protection must be taken. Only, if

it can not reasonably be expected that the aforementioned measures are possible, may measures for individual protection be turned to. There is a connection between the size of the enterprise and search for alternatives, instruction and control (table 36).

Table 36 Percentage of Dutch enterprises that looked for alternatives before purchasing protective equipment, provide instruct and control the use of protective equipment

size class	looked for alternatives	instruction	control
1-9	61	63	67
10-19	71	73	79
≥ 100	88	89	89
total	63	65	70

Source: Massaar, J., and L. van Hoor, 1998.

The (Law on) Working Conditions Act obliges the employer to monitor the use of protective equipment and the employees to use it. Three out of ten enterprises did not monitor the use of protective equipment and 45% of enterprises were confronted with employees who sometimes did not use the equipment. Almost three out of four enterprises with more than 100 employees are confronted with negligent employees (table 37). If employers notice that an employee does not use the protective equipment, he will usually receive a verbal warning. Large enterprises in particular have sanctions recorded. How employers deal with negligent employees differs considerably, from 'it is completely the responsibility of employees themselves, no warnings are given' to 'negligent employers receive verbal and written warnings, after one written warning the employee will be dismissed'.

Table 37 Percentage of Dutch enterprises confronted with employees who sometimes do not use protective equipment, that gives a verbal warning and that has sanctions recorded, by size class (%)

size class	negligent employees	verbal warning	sanctions recorded
1-9	41	70	5
10-19	61	82	10
≥ 100	74	92	31
total	45	72	6

Source: Massaar, J., and L. van Hoor, 1998.

4.5.2 Portugal

In Portugal the use of individual protective equipment in enterprises where it was available left much to be desired. In only 58% of enterprises with 500 or more employees did the majority of employees use protective equipment. Eight out of ten employees were not given information and training on safety, hygiene and health and 47% had inefficient equipment.

Table 38 Use of individual protective equipment in Portuguese enterprises (in companies where it is available), % of those which make use of it, by size class (%)

	1-9	10-19	50-99	100-499	≥ 500	total
all employees	35.9	17.1	17.8	11.9	6.8	28.4
the majority	29.3	47.1	36	45.7	58.4	35.6
some	31.1	34	42.4	40.5	34.8	32.8
none	3.8	1.8	3.8	1.9	0	3.2

Source: DEMESS, 1994 / IAPMEI.

Employees were questioned why they did not use protective equipment. A vast majority (66.5%) said that they did not need it, for 2.9% it was not available and 11.7% declared that it was difficult to handle.

4.6 Conclusions

Before a risk assessment can be made, the employer must have adequate information. The degree to which information reaches SMEs influences the conducting of a risk assessment. The most appropriate way to reach SMEs seems to be branch organisations and Chambers of Commerce, to be effective the information must be simple and preferably made-to-measure for the sector.

Large enterprises are more likely to have made a risk assessment than small ones. Barriers for small enterprises are the costs involved, the lack of managers' capabilities to make a clear and effective safety programme, the lack of skilled employers in the enterprise to implement the programme and a lack of information. In addition they are often too busy with their daily work and postpone making a risk assessment.

French enterprises are stimulated to improve working conditions by the possibility to conclude prevention plan agreements with specified indicators for three years. In exchange they receive a loan at nil interest that is converted into subsidies for achievement.

The Netherlands differs from France, Spain and Norway as enterprises are not obliged to set up a Committee for Health and Safety. This task is to a large extent assigned to the Working Conditions Service, which all enterprises have to use.

Generally speaking the size of the enterprise determines whether a Committee for Health and Safety must be set up and the size of this committee. In France and Spain the consultation and participation of workers is strictly regulated according to size class, in France even the number of hours for activities of the Committee for Health and Safety are recorded. In small enterprises the employer himself can take charge of the task on condition that he has the capacity to do so. This is only logical, however there is a risk that small enterprises will lag behind larger enterprises concerning working conditions. It depends on the employer's awareness of the importance of good working conditions in his enterprise, how stringently working conditions are officially monitored and how strict the sanctions are for neglecting/ignoring regulations. Not surprising is the fact that large enterprises use more internal services than small ones.

The Netherlands is quite unique as enterprises are obliged to conduct a policy to combat absence due to illness. The willingness to do so was undoubtedly stimulated by the fact that since March 1996 employers have to pay the wages of ill employees themselves. To combat absence due to illness three out of ten Dutch employers use incentives, mainly in the form of 'penalties'. Investments in a policy to combat absence due to illness easily pay themselves back with a restricted reduction of absenteeism.

An unequivocal statement on the cost of improving working conditions in Europe is difficult to give. Not only because research is sparse, but also because enterprises themselves often have no clear insight in the costs. Furthermore the definition of costs to improve working conditions differs, from time spent per employee up to costs for training, used services, defining policies, investments, etc. Estimates for Italy and the Netherlands vary from about 400 EUR to 770 EUR per employee per year. These amounts include all costs. Investments in improving working conditions are rewarded by increased productivity for almost 40% of Dutch enterprises. The most important reasons were more efficient and motivated working. Enterprises that conduct a risk assessment are generally positive about the results. Working conditions have been improved, efficiency increased and employees better motivated.

Against the many obligations of the employer are the worker's obligations. Each worker is responsible for his own safety and health as well as that of other persons affected by his acts. He is also obliged to make correct use of protective equipment. This seems to be a problem. The majority of enterprises with more than 10 employees were confronted with employees who were sometimes negligent. In most cases a verbal warning was given, however, three out of ten enterprises with more than 100 employees had sanctions recorded. Reasons for not using protective equipment were given by Portuguese employees, the majority said that they did not need it. Reasons for not using protective equipment will not be too different in other countries. In many cases, accidents happen as employees are in a hurry or do not use protection as the task takes only a moment. The way employers approach employees who do not use protective equipment will influence their behaviour.

5 Summary

In reply to the question to what degree SMEs are fulfilling the obligatory regulations in the field of health and safety it is found that SMEs are still lagging behind larger enterprises. Although a risk assessment is compulsory, the scarce information available on the number of enterprises conducting it, shows that in Europe in 1997 only two out of ten very small enterprises conducted a risk assessment and risk evaluation against almost seven out of ten enterprise with 250 or more employees.

In the Netherlands differences were even bigger, with the same percentage for enterprises up to 10 employees, however about 9 out of ten enterprises with 100 or more employees complied. So, risk assessment is strongly connected to size class.

Regulations in the field of health and safety

Over the last three decades, the policy in the field of health and safety at work of the European Commission has been aimed to minimise work accidents and occupational diseases. One breakthrough was the introduction in the 1987 Single European Act of a specific legal basis, Article 118a (European Commission COM(93)560). A minimum of standards in health and safety was laid down. At the same time the awareness of health and safety at the workplace was intensified. Subsequently, the Council Directive of 1989 requires all enterprises in the European Union to conduct a risk assessment and evaluation. An adequate assessment of risks and minimising the risks working persons run, are main items in the improvement of working conditions.

The objective of the Directive 89/391/EEC was to introduce measures to encourage improvements in the safety and health of workers at work. Furthermore it is the communal basis for legislation on health and safety in European enterprises.

One of the reasons for the Directive was that legislation on health and safety at work in the Member States needed improvement. Furthermore it was feared that different national provisions would result in different levels of health and safety protection and allow competition at the expense of health and safety.

The Directive has to be implemented in national law, however, this does not mean that Member States are not free to enforce more stringent measures in this field, as is done in the Netherlands.

Dutch Labour Law was drastically changed in 1994 and has been adapted since then. In France the Council Directive was implemented in national law at the end of 1992, in Spain and Norway at the beginning of 1997. In the Netherlands a very important role is assigned to the Working Conditions Service, while France, Spain and Norway have a Committee for Health and Safety in the enterprise. Norway is special as all enterprises are obliged to have an Internal Control System with a total approach, including not only the internal but also the external environment.

Working conditions

Despite the policy to minimise the risks at work, the number of persons confronted with accidents or occupational diseases is regarded as being too high. In Europe more than half of persons with a permanent and full-time job are of the opinion that work affects their health. The most commonly mentioned complaints are back pain and stress. Risks are connected to the sector, sectors with a relatively high risk are construction and manufacturing.

No unambiguous conclusions can be made as to whether the size of the enterprise influences the risks. Temporary workers, unskilled manual workers and young people are more likely to be victims of accidents and occupational diseases. The attitude of the management as well as of the employees themselves, undoubtedly influences the risks at work, however, the economic cycle also plays a role. In times of recession the number of accidents decreases. Rapid and far-reaching changes in society and technology will lead to a shift from more traditional accidents to more stress-induced illnesses.

Policy to combat absence due to illness

The Netherlands is rather unique as employers have to conduct a policy to combat absence due to illness. This was stimulated by the introduction of the regulation that sick-pay must be paid by the employer for the first 52 weeks of absence. The majority of Dutch employers took out private insurance against this risk.

Enterprises can try to influence absence due to illness by using incentives, this is done by one out of three Dutch enterprises. Incentives can be in the form of a penalty (deduction of holidays, first day(s) of absence not paid) or in the form of a reward (material reward, additional holidays). More enterprises opt for 'punishment' than for 'reward'. Remarkable was the fact that all three Dutch employers interviewed used incentives to combat absence.

Time and costs of improving working conditions

Information about the time and costs involved in improving working conditions is scarce. For European enterprises it was estimated that the number of days needed for the risk assessment was one, for Austria it was estimated between 3 to 10 days. In Norway it is considered to be a continuing process, for which no exact time can be given. So far as information on costs is available, they vary as the definition of costs differs. The ENSR Enterprise survey 1997 investigated the influence of the size of the enterprise on the costs of the risk assessment. It was tentatively formulated that the time taken by a worker for a risk assessment is connected to the size of the firm, the costs measured in monetary units have a more ambiguous relation the firm size.

In the Netherlands, also many enterprises, especially the smaller ones, have no insight in the costs of services and efforts concerning working conditions. Therefore the detailed information available must be interpreted with some caution. The total costs on average were 401 EUR, varying from 594 EUR for enterprises with 2-9 employees to 277 EUR for enterprises with 500 or more employees. The fact that costs decreased with the size of the firm was the consequence of the costs of investments, for the investment per employee in SMEs is much higher than that per employee in a very large enterprise. Most was invested in the prevention/decrease of heavy physical burden and protection against the risk of working accidents. Costs for the basic package of the Working Conditions Service, other services and overhead were, on average, 73 EUR, 47 EUR and 52 EUR, respectively. They did not differ too much according to firm size. Almost four out of ten Dutch enterprises were of the opinion that investments in working conditions led to increased productivity, for which the most important reason was an improvement in efficiency.

In Austria it was estimated that between 3 and 10 days are needed for the evaluation of all work places in a company with 10-100 employees. Hours needed for the industrial medical officer were estimated between 9 hours for enterprises with 11-15 employees to 84 hours for enterprises with 101-150 employees. For the safety expert the hours estimated varied from 13 to 126 hours. Multiplying the hours needed by the rate per hour for the relevant person gives an indication of the costs involved.

Workers' obligations

Each worker is responsible for his own safety as well as that of other persons affected by his acts. He must make correct use of the machinery, tools and the personal equipment. In the Netherlands individual protection is allowed only if the danger can not be combated at the source or by collective protection; 62% of Dutch enterprises use personal protective equipment. Larger enterprises are relatively more interested in alternatives, give more instruction and monitor more than small enterprises. On average three out of ten enterprises did not check the use of protective equipment and 45% of the enterprises were confronted with careless employees. In most cases the employee will be verbally warned. There is a big difference in the approach to negligence. Some employers consider the entire responsibility rests on the employee; others resort to dismissal after one warning. Large firms, in particular, record sanctions.

In Portugal the use of individual protective equipment left much to be desired. In only 58% of enterprises with 500 or more employees the majority of employees did use protective equipment. Reasons given by the employees for not using the equipment were: do not need it, not available and difficult to handle.

Literature

Bosch, L.H.M. and J.M.P. de Kok, Arbeidsomstandigheden en bedrijfsgrootte (*Working conditions and size class*), EIM Small Business Research and Consultancy, Zoetermeer 1997.

Deursen, van C.G.L., E.I.L.M. Schellekens, A.G. ter Huurne, R.A.P. Fux, T.J. Veerman, W.I. van Zwol, ZARA-werkgeverspanel rapportage 1997 (*ZARA employers panel report 1997*), Ministry of Social Affairs and Employment, June 1998.

European Commission, The Community programme concerning safety, hygiene and health at work (1996-2000), (COM(95)282)1995.

European Communities, Directive 89/391/EEC, The Council Directive of 12 June 1989 on the introduction of measures to encourage improvement in the safety and health of workers at work, Official Journal L 183, 29.6.1989, Luxembourg, 1989.

European Communities, General framework for action by the Commission of the European Communities in the field of safety, hygiene and health at work, 1994-2000, COM(93)560, 1993.

Huurne, A.G. ter, C.G.L. van Deursen, A.M.H. Reuling, E.I.L.M. Schellekens and T.J. Veerman, ZARA-werkgeverspanel rapportage najaar 1996 (*Report of the ZARA panel of employers, fall 1996*), Ministry of Social Affairs and Employment, May 1997.

Huurne, A.G. ter, T.J. Veerman, C.G.L. van Deursen, R.A.P. Fux, E.I.L.M. Schellekens and A.M.C. Vissers, ZARA-werkgeverspanel rapportage 1996-1997 (*Report of the ZARA panel of employers*), Ministry of Social Affairs and Employment, November 1997.

Knotter, M., M. de Feyter and H. Kruidenier, Wat kost verzuimbeleid? (*What is the price of combating absenteeism due to illness?*) Ministry of Social Affairs and Employment, March 1995.

Letourneux, V, Summary based on an analysis of the findings of the Second European Survey on Working Conditions, The working Conditions of the Self-employed in the European Union, European Foundation for the Improvement of Living and Working Conditions, 1996.

Letourneux, V, Summary based on an analysis of the findings of the Second European Survey on Working Conditions, Precarious Employment and Working Conditions in the European Union, European Foundation for the Improvement of Living and Working Conditions, 1996.

Massar, J. and L. van Hoorn, Het gebruik van persoonlijke beschermingsmiddelen in bedrijven (*The use of personal protective equipment in enterprises*), Ministry of Social Affairs and Employment, March 1998.

Ministry of Social Affairs and Employment, AI-1 Arbo- en verzuimbeleid (*Policy on working conditions and absence due to illness*), Den Haag, 1998.

Ministry of Social Affairs and Employment, Sociale Nota 1999 (*Social Memorandum 1999*), Den Haag 1999.

Ministry of Social Affairs and Employment, SZW-nieuws (*News of the Ministry of Social Affairs and Employment*), The Hague, 15 January 1998.

SAFE, Intermediary Report, 'Awareness campaign for SMEs in relation to Health and Safety at work throughout the organization of PR-Events, executed by the Euro Info Centre-Network', Chambre de la Commerce du Grand-Duché de Luxembourg, 1997.

Smulders, P.G.W. and J.M.J. Op de Weegh, Arbeid en gezondheid, Risicofactoren (*Labour and health, Risk factors*), Elsevier/De Tijdstroom, Utrecht, 1997.

Tillaart, H. van den and John Warmerdam, Arbeidsomstandigheden in kleine bedrijven (*Working conditions in small enterprises*), Ministry of Social Affairs and Employment, October 1997.

The European Observatory for SMEs, Fifth Annual Report 1997, ENSR/EIM, Zoetermeer 1997.

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