

An international conference on 'Labour Inspection and the Challenges of the Future', organised by the State Labour Inspection, was held at the SLI Training Centre in Wrocław on 27 and 28 October 2022. The event was attended by labour inspection staff from EU Member States, as well as representatives from the International Association of Labour Inspection (IALI), the International Social Security Association (ISSA), the International Labour Organisation, the Senior Labour Inspectors' Committee (SLIC) and the European Agency for Safety and Health at Work (EU-OSHA). In a special series, we present the most interesting excerpts from the conference participants' speeches.

# The role of state influence in OSH compliance – challenges and opportunities for enforcement

**Ioannis Anyfantis**, Project Manager, Prevention and Research Unit, European Agency for Safety and Health at Work (EU-OSHA)

The European Agency for Safety and Health at Work, whose representative was a speaker at the conference in Wrocław, is committed to making European workplaces safer, healthier and more productive - to the benefit of companies, workers and governments. Improving OSH is a long-term goal at European and national level. However, its implementation is becoming increasingly challenging due to the rapidly changing world of work, in particular new forms of employment, business models, the nature of work or the effects of globalisation, including the use of new technologies. The effectiveness of OSH supervisory authorities also requires them to reach for new ways of working.

## A sign of the times

Ioannis Anyfantis recalled the key challenges for the OSH regulatory system:

- standard setting, which entails identifying the problems as well as the values and goals to be achieved by the

participants in the regulatory system;

- compliance promotion, which refers to any activity that encourages voluntary compliance with regulatory standards, including provision of advice, education and/or technical assistance to companies or individuals;
- monitoring, which involves gathering information about how standards are being adopted by the regulated community;
- enforcing, which means seeking to align the behaviour of the regulated community with the established standards.

Referring to the ILO Labour Convention (No. 81, ILO, 1947), Ioannis Anyfantis recalled that inspections have the power to set standards, gather information about the level of compliance with the law, enforce compliance or punish violations. He pointed out that prior to the 1980s, we can speak of an operating model in which the state has a kind of monopoly of supervision, inspections inspect to detect non-compliance with OSH regulations, and

enforcement is through sanctions. The new approach prioritises the flexibility and effectiveness of inspections and responds to increasingly complex economic and social realities. Such a model takes into account:

- economic instruments as motivational tools (incentives in the form of tax breaks, grants, subsidies, awards for very good performance, etc.),
- liability provisions,
- development of an OSH culture (not only at company level but also at national level),
- co-enforcement (presence of a wider range of representatives of workers' interests),
- forms of self-regulation (building internal standards).

## Safety pays off

There are factors that can influence compliance with the law. Some may motivate compliance and others may motivate the opposite. The EU-OSHA representative grouped them according

to the expected benefits and costs, mainly of an economic nature. There can be benefits from not complying with the law: gaining time by doing the job faster, rushing production to meet deadlines, catching up after having been delayed. On the cost side, however, there is the expense of repairing work equipment after an accident, insurance surcharges for being at fault in an accident, wear and tear of equipment. The benefits of complying with the law are insurance discounts for accident-free operations or building one's reputation as a responsible company, while on the cost side one can write down the use of uncomfortable PPEs, loss of time. As he pointed out, employers need to know that safety pays off for them. The instruments of influence are many.

## Challenges ahead

Ioannis Anyfantis also presented measures to support compliance in the micro and small business sector and outlined the challenges faced by regulators, such as:

- improving the efficiency and effectiveness of enforcement while reducing the administrative burden on companies;
- moving away from the 'one-size-fits-all' formula, as many businesses have very specific needs;
- being responsive to technology, new risks, different types of companies and business arrangements;
- building partnerships with state and non-state OSH actors;
- adjusting the proportion of proactive and reactive actions;
- ensuring that adequate resources and means are available to carry out surveillance activities.

Inspectors also face difficulties in locating and reaching companies and workplaces due to: supply chains and other contractual networks; non-standard work arrangements; work

performed away from employer premises; new technologies (e.g. platform work, the casual/project-based gig economy).

The expert also highlighted the potential of new technologies in the OSH activities of inspections, e.g. platforms for anonymous reporting of OSH concerns to the regulator,

the use of virtual reality to develop OSH competences, the application of drones and video technology during inspections. There is also a need to invest in new competences for labour inspectors, data collection systems to monitor the effectiveness of new developments, or an adequate arsenal of measures to motivate compliance.

## On the path to modernity

**Jarosław Leśniewski**, Deputy Chief Labour Inspector

The consequences of the application of breakthrough digital technologies, which make up the essence of the fourth industrial revolution and materialise in the processes of automation, robotisation and algorithmisation of work processes, will be among humanity's most important challenges in the coming decades. The safe implementation of the Industry 4.0 concept will require the involvement of government agencies, the scientific world, financial institutions and entrepreneurs. The introduction of new solutions will also force a change in the way labour inspectors conduct inspections.

Modern technology is not just about new products - it is about changing the way businesses operate at an organisational, functional and often financial level. Thanks to online platforms and smartphones, new business models already allow companies to operate nationwide or even globally, without having the physical resources (technical infrastructure, machinery or means of transport) that until recently were necessary for a company to operate in a specific location. The key question for the world's labour inspections is: "How to carry out effective surveillance

of the work of people communicating with such a company solely via a smartphone or laptop, in addition to being constantly on the move?". Thanks to new technologies, safety and working conditions are improving, but there are also new risks that will need to be identified and prevented. In doing so, it must not be forgotten that modernity is not only about technology, but also about new ways of working and the role of people in the world of work. In the face of such challenges, the role of the state, including appropriate legislation, but also of scientific clusters and institutes and entrepreneurs themselves, is important. All these changes will also entail the need for a rapid and continuous replenishment of knowledge by the national supervisory authorities for working conditions, including labour inspectors. We are ready for this, and the support that the State Labour Inspection can provide is already truly abundant. The offer of training, counselling, prevention programmes and building a culture of work safety through competitions complement the inspection activities. We embrace the challenges of a changing world and are ready to meet them.