

# From policy to practice: Safety and Health in Micro and Small Enterprises in the EU

European Risk Observatory

National Report: Romania

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# 1 Description of the national context

## 1.1 The situation of MSEs

The general approach towards micro- and small enterprises (MSEs) in Romania is to treat them as part of the category of small and medium enterprises (SMEs up to 250 employees), often without any differentiation. Information specific to MSEs is not always available, but is generally included in data that refer to SMEs.

MSEs represent a significant proportion of Romanian companies. In 2013, out of the total number of enterprises (485,335) about 88 % were micro-enterprises (with up to 9 employees) and about 10 % were small enterprises (10-49 employees) (INS, 2015). This high number of MSEs is spread across all of the sectors, and is predominant in many of them: trade has 99 % MSEs, HORECA 98.7 %, manufacturing has 91.3 % and construction has 91 % (FPP, 2013), as described in more detail in the report developed in the previous phase of the project (EU-OSHA, 2018).

The contribution of the Romanian MSEs to the annual turnover is considerable in many sectors. In 2013, MSEs in agriculture contributed 84 % to the turnover of their sector: construction contributed 80.7 % and health care 71.8 %, while MSEs in manufacturing contributed only 35.8 % (INS, 2015).

MSEs also have an important role in employment: in the most recently available figures from 2011, micro- and small enterprises together have a share of about 43 % of the number of registered employees in Romania (Coface, 2013).

Romanian MSEs are active mostly in the national market, with only a few of them operating as exporters, as presented in a survey, commissioned by the European Commission to study SMEs, including MSEs (73%) (European Commission, 2014). It is hard for many of them to face even internal competition and to find customers (Directorate-General for Enterprise and Industry, 2014). Many of them find the cost of production and labour quite high. Finding and keeping skilled staff and managers is also an important problem. It seems hard for MSEs to use credit to develop their business (partially because of high interest rates), so most of the MSEs tend to use their own funds or those of relatives or friends (European Commission, 2015). However, the biggest problem mentioned by the 500 SMEs in the survey was related to legislation. Ranking legislation first shows the difficulties that small enterprises, including MSEs, face in identifying and implementing applicable legislation, and coping with its high number of regulations and continuous changes. Even though the survey does not refer specifically to OSH legislation, things are no different here either. According to the Second European Survey of Enterprises on New and Emerging Risks (ESENER-2), 28.5 % of the micro-enterprises (5-9 employees) in Romania consider the complexity of legal obligations a major difficulty, and 24.8 % a minor difficulty, while among the small enterprises 18.6 % consider it a major difficulty and 22.6 % a minor difficulty<sup>1</sup> (EU-OSHA, 2014). With all the difficulties mentioned here and others discussed below, many MSEs find it hard to survive and even harder to develop and gain new markets.

Focusing their efforts on managing core activities and complying with general legislation, MSEs are able and willing to spend few resources on improving OSH. The information we gathered during the interviews with MSEs (see EU-OSHA, 2018) as well as our general experience shows that Romanian MSEs are not very interested in OSH and do not see its potential contribution to improving their business.

According to statistics, MSEs contribute around 20 % to the total number of accidents in Romania that result in more than 3 days of absence (including fatal accidents) and around 50 % of the fatal accidents (Eurostat, 2016). The difference between the situation in Romania and that in other countries, where MSEs have a much greater share of the total accidents and injuries, may show that statistical data do not fully correspond to reality, at least for non-lethal accidents. For such accidents, Luxembourg and Hungary recorded 881 and 2,088 cases respectively for micro-enterprises while Romania reported 201. The EU-28 average share for MSEs in non-lethal accidents in 2014 was 36.3 %, while for Romania it was 25.1 % (Eurostat, 2016). When considering only data on fatal accidents (less affected by underreporting), they show that Romanian MSEs have real OSH problems and do need extended help.

<sup>1</sup> ESENER-2 also identified other barriers to OSH management, with a 'lack of money' being the most frequently reported barrier among micro- and small enterprises in Romania.

## 1.2 The role of the social partners and authorities

Social partners have official duties in discussing major issues concerning OSH, resulting in agreements, which are then reflected in OSH legislation and policies. The work of representative trade unions and employers' associations ('Patronate') in the National Tripartite Council for Social Dialogue is their main contribution to OSH. Other OSH interventions are less systematic, as most of their activities are focused on social protection and business, respectively. The employees of MSEs are rarely members of trade unions, according to the discussions we had with the national confederations (official data were not available). The law for social dialogue provides that at least 15 employees of the same enterprise are needed in order to organise a trade union (Law No 62/2011, revised in 2017). The particular interests of workers in MSEs (especially the smaller ones) may therefore be less supported by the trade unions than those of workers in larger organisations. The unions have their own countrywide network of affiliated structures, which include several sectors: most of the bigger sectors (for example construction, manufacturing) have a divided affiliation (not all companies in the sector are affiliated to the same trade union). This organisation allows them to participate in a broad spectrum of activities, even in trans-sectoral ones, but most of their efforts are focused on social aspects, such as negotiating minimum salaries, collective bargaining, reducing exclusion and other social protection measures.

The employers' associations may include MSEs but most of their members are bigger companies. However, there is a dedicated employers' association for SMEs (CNIPMMR, the National Council for Private Romanian SMEs), which represents them at national level and takes part in the Council for Social Dialogue. MSEs that are members of CNIPMMR are expected to be better represented, although it is not clear whether or not OSH is a priority for the organisation.

Authorities for OSH are represented by the Ministry of Labour and Social Protection and the Ministry of Health. The Ministry of Labour coordinates the National Tripartite Council for Social Dialogue and has subordinate structures such as the Labour Inspectorate (central body) and territorial inspectorates that enforce the law and take part in the interventions organised for MSEs. Both at central level (Labour Inspectorate) and territorial level (inspectorates) there are specialised OSH inspectors and industrial relations inspectors. For the sectors and activities that are known for high levels of risk and specific risks, OSH inspectors have a background education specific to that field: for example chemical/mining/construction/electrical engineers, agronomists, and so on. For other fields, such as trade or HORECA, a specific background is generally not required. The National House of Public Pensions (NHPP, '*Casa Națională de Pensii Publice*' in Romanian) is also subordinated to the Ministry of Labour and coordinates the unified public insurance system for occupational accidents and diseases. This system is compulsory for all enterprises, regardless of their size. Most of the insurance taxes go into the compensation and rehabilitation system but part of the sum collected by the NHPP can be used for OSH interventions and some projects have been financed by these funds.

The Ministry of Health is active mainly in the drawing up of OSH legislation from a medical point of view and in organising and authorising the services for OSH medical surveillance (mandatory for all enterprises, regardless of size).

There are also professional associations organised by sectors or subsectors, such as HORECA, construction and, within construction, for example, carpenters or painters. They represent mostly the interests of employers but other professionals may also be members (for example employees with an important technical or economic position in the company). Most of the professional associations are new and are still developing. This is possibly a consequence of the long-lasting predominance of rural organisation in Romania: trade or manufacture guilds do not have such a long and strong tradition as in other countries; even today Romania has the highest rate (about 44 %) of rural inhabitants in the EU (INS, 2016). There were ancient forms of cooperation in Romania, especially in agriculture, which were restricted to local communities or even to an extended family. Many of the professional associations are affiliated to international associations and the exchange of information and support from their more experienced colleagues is important to them. OSH is not one of their top priorities, but the associations in the chemical sector, for example, have adopted the Responsible Care programme (CEFIC, 2016) of the European Chemical Industry Council (CEFIC) aligned to the EU legislation on chemicals, which also has impacts on OSH.

One organisation that represents the interests of industry and trade is the Chamber of Commerce and Industry of Romania (CCIR). It is similar to an employers' association with an important role in

international (especially bilateral) relations. CCIR involvement in OSH aspects is generally very limited but it may be used to reach companies, including MSEs.

Trade unionisation of MSEs is estimated to be rather low, The EU-OSHA survey ESENER-2 (EU-OSHA, 2014) shows that 2.2 % of MSEs with 5-9 employees and 13.7 % of those with 10-49 employees have recognised trade union representation.

### 1.3 Specific national policies for MSEs with impact on OSH

Currently, the national Romanian OSH strategy is still under development. The former one (National Strategy, 2008-2013), valid until 2013, underlined the importance of SMEs, including MSEs, their OSH difficulties and the need to help them (Ministry of Labour and Social Justice, 2008).

The main legal provisions directly affecting OSH are those in the framework OSH Law (Law No 319/2006; Romanian Official Journal, 2006). This law has special provisions for MSEs only, as regards the organisation of OSH structures at MSE level, which can be more flexible and simplified than in the case of bigger companies (see EU-OSHA, 2018). The OSH Law mentions the possibility for the Minister of Labour to issue other legal provisions to adapt legislation to the nature and size of enterprises, for example as regards the documentation and registrations they have to develop (for risk assessment and control, registering/reporting accidents and so on) but for the time being no MSE-specific provision has been issued in this respect.

There are also non-OSH national policies for MSEs, which are focused on the functioning and development of such small organisations (as part of the SME group) and on the attributes of the official bodies created to support their activity, such as the Agency for the Implementation of Projects and Programmes for SMEs run by the Ministry of Economy. This legislation states that for SMEs (including MSEs) administrative procedures should be simplified and the compliance costs should not be an unjustified burden for such enterprises. The drafts for proposed legislation that influences the business environment are analysed regarding their impact on SMEs/MSEs by a special working group coordinated by the agency for SMEs. OSH legislation proposals are also subject to this analysis. Helping MSEs with their general activity may have some indirect impact on OSH, even if OSH is not addressed directly.

### 1.4 Expertise and intermediaries available to MSEs regarding OSH

The OSH authorities enforce the regulations, through inspections and through campaigns and other interventions they organise. Being the official state representatives gives them more influence than other groups (also because of the sanctions they can impose) and being organised on a territorial basis makes their work more efficient in terms of nationwide coverage.

In Romania, external services are used a lot by MSEs and sometimes by bigger companies, too. The use of external OSH services is compulsory according to the law as established in the National Strategy, 2008-2013, if the MSE does not have its own trained OSH employee (this may also be the employer in some cases — see section 7.1.1) or its own internal OSH service. MSEs often prefer to externalise OSH work. This may happen because personnel turnover is quite high and sometimes employees leave just after their employer has paid for their OSH training. External services are the closest link to OSH for the majority of MSEs, along with the OSH authorities, and often have even closer relationships with the MSEs than the authorities. The activities of external services may include all or just some parts of the OSH activities (for example the risk assessment). External services and medical surveillance services are authorised separately; they may be part of the same organisation, but this is not very common. Generally the external services (which have mainly technical expertise) and the medical surveillance services belong to separate organisations but may have collaboration agreements.

The role of other institutions, such as insurance companies, is by far not as important in Romania as in other countries, for example in Germany. As mentioned, Romania has a unified public OSH insurance system, which is compulsory for all enterprises. The insurance body may use some of the insurance incomes for OSH interventions at national or sector level, but in practice such actions are not numerous; interventions at individual MSE level (for example for counselling) are not provided. The private OSH insurance system is newer and much less developed and cannot replace the public system, but it may

complement it if the owner-manager decides to (which is unlikely for MSEs) in order to secure better compensations for his or her employees in case of occupational accidents or diseases.

The National Research and Development Institute on OSH (INCDPM) collaborates with OSH authorities in the drawing up of OSH legislation and strategies. It also provides methodological and technical support to enterprises, regardless of their size. MSEs prefer to use external services for the basic, current OSH activities because their prices are more affordable than contracting the INCDPM for tasks that are not performed by external services, such as recommending specific solutions for risk control.

The role of each of the main groups is presented further in this report, in section 3. In addition to these groups we added a group of other intermediaries, which do not have direct capabilities in OSH in MSEs.

## 2 Data collection

The project team organised meetings and interviews with members of the five main groups considered: OSH professionals, employers' associations, workers' associations, OSH authorities, and a residual group of others (mainly banks and consultancy firms). In general, more than one meeting was organised for each of the five groups (in total eight meetings took place as presented in Table 1). The relevant members of the five groups were contacted by phone and by email and sent official invitations to participate along with a short presentation on the project and the commissioner of the project (EU-OSHA), the partners and objectives. The topics for discussion, which focused on OSH interventions and intermediaries, were also sent by email to guide the participants. Time intervals for direct meetings with representatives of each group were proposed and defined later by agreement. At least two members of the project team were present at each of the focus groups, one of them leading the conversation (and also taking some notes) and the other(s) taking notes (with the option of also participating in discussions).

To reach more of the external service providers, besides those participating in meetings and interviews, a short questionnaire was sent out that asked for information on OSH interventions but also contained questions meant to evaluate the respondents' perception of the owner-managers and employees in the MSE they work for. A list of external services was compiled from all regions of the country for which contacts were available on the internet (in total, 172 providers were addressed).

A questionnaire was also sent to the five main banks that have specific programmes for small companies and to four consultancy firms that provide business advice for MSEs. The reason for addressing such institutions was to see how their collaboration with MSEs operates, even when OSH was not necessarily the issue.

Five additional interviews were conducted as well: three with suppliers (in the textiles, chemicals and cosmetics industries); one with a journalist from the main OSH magazine; and one with a MSE representative who was subcontracted by a big company and benefited from its OSH support.

The response rate was about 85 % for the invitations for the direct meetings and 21 % for the questionnaires sent to the external services. Three banks and one of the consultancy firms also answered.

Table 1 presents the number of participants for each group and the way the data were collected. The sector is mentioned for the groups that were sector-specific; where there is no sector mentioned, the group had general experience, including for the three priority sectors of the current research: construction, HORECA and manufacture, because often such participants — for example OSH professionals, inspectors or trade union confederation representatives — have expertise in more than one sector.

**Table 1 Number of participants per stakeholder group and means of data collection**

Group	Focus group discussions	Interview	Questionnaire
OSH professionals	1 x 5 persons 1 x 3 persons	2	36
Employers	1 x 2 persons HORECA 1 x 3 persons construction	3	0
Workers representatives	1 x 2 persons 1 x 2 persons	1	0
Authorities	1 x 3 persons manufacture and HORECA, construction	4	0
Others	0	4	4
Additional interviews	0	5	0
Total	22	19	40

The opportunity of contacting the focus groups was also used to send OSH materials and to encourage the addressees to disseminate the information further, especially to MSEs. The EU-OSHA Online interactive Risk Assessment (OiRA) (EU-OSHA, 2016a) and OSHwiki (EU-OSHA, 2016b) web pages (in Romanian) were presented, as well as an article on the burden of OSH injuries (Takala et al., 2014) and a website (Wiki.ezvid, 2017) that compared the OSH performances of welder helmets.

### Analysis of collected data

Immediately after each focus group, the members of the research team that took part directly discussed the results in order to identify relevant differences and similarities in the notes taken by each researcher and if there were things that could be interpreted differently or needed clarification. If clarifications were needed from the focus group members, they were contacted before the notes were summarised. After the meetings the notes were summarised by the team members that had participated directly. The summary of the notes was sent to all participants in the meetings; they were given 2 weeks to send comments and feedback to the research team. The summaries did not specify the source of the statements.

The identified interventions focusing on OSH in MSEs were analysed to see if they meet the needs and address the problems of the MSEs identified in the focus groups and in the interviews with MSEs (EU-OSHA, 2018). We identified and analysed the barriers and enablers that determine the degree of success of the interventions. The impact of different intermediaries was identified and their role(s) as initiators, facilitators, executors or disseminators of the interventions were analysed. We also tried to get a broad overview (details were not available) of the way OSH interventions and initiatives are planned, executed and evaluated.



## 3 Role and function of intermediaries for OSH improvements in MSE

### 3.1 OSH professionals

As mentioned above, many Romanian MSEs use external services to which they partially or fully transfer OSH tasks. According to ESENER, in Romania 68 % of the micro-enterprises and 51 % of the small ones use external services for their risk assessment (EU-OSHA, 2014). The previous findings in the SESAME project (EU-OSHA, 2018) and our experience show that MSEs rely very much on external services. Many owner-managers expect external services to do all OSH activities required by the law, but it is not clear if they know what *all activities* means and if *all* is clearly covered by their contract with the external service, as members of the authorities focus group pointed out. In such situations, it is hard for MSEs to tell if the external service did all it was supposed to do. At the same time, members of the OSH professionals group and the employers group said that the owners are rarely interested in detailed, high-standard services, because this will raise the price and will need more time and involvement on the part of the owner-manager. As pointed out by several of our interviewees, spending money and time on things that do not have an immediate impact for their business is very rarely a priority for MSEs.

Most of the external service providers do not have a strict specialisation in a certain sector. In the questionnaire we sent to the external service providers, 95 % of the respondents declared they have experience in more than one of the five sectors studied in the current project (agriculture, construction, health care, HORECA and manufacturing) and only two of them were specialised in one sector only (both in construction). It could be that working with MSEs from several sectors is more a business strategy for external services rather than the result of their specialised knowledge in more than one sector. From the discussions with external services in the dialogue meetings and from our general experience, the usual development of external services is *horizontal* — expanding the sectors and number of MSEs they work for — rather than *vertical* — getting deeper knowledge in one sector or subsector only. A highly specialised business might not be very profitable: it requires better specialists, more work and more sophisticated means, which would translate into higher prices for the customers. This is not what external services are prepared to offer, at least not yet; for most of them, this is beyond their possibilities. This is further reinforced by the fact that most of external services are MSEs themselves. The demand for such specialised services in the market is not encouraging either, as stated by an external service provider in the dialogue meeting. Costs for external services are not very high, but in these cases the quality is also potentially low, as declared by one external service provider.

From our discussions, most of the work of external service providers is limited to helping MSEs comply with the minimum requirements of legislation. Our questionnaire sent out to external service providers further showed that most of the respondents consider that the owner-managers of MSEs think it is more important to respect the letter of the law than its spirit because it is against the mere legal text that compliance is established and contraventions are judged and punished. When interviewed, external service providers were asked if this is their opinion, too, and they admitted that, in most cases, they indeed focus only on ‘what the law says’.

OSH activities, such as risk assessment, training and doing the paperwork required by legislation, are among the functions external services perform for MSEs. For more specific advice, they refer the MSE to other institutions or experts with whom the external service might have collaborated before, as an interviewed external service provider said. Some MSEs limit their collaboration with external services to the risk assessment; this generally happens when the MSE has its own trained OSH specialist but the level of training is not as high as required by the law (Law No 319/2006) for the risk assessment.

External services are an important source of OSH information for the MSEs. The majority of respondents to our questionnaire said that most of the owner-managers of MSEs seem to have OSH information only from external services, which was confirmed by our discussions with the external service providers in the dialogue meeting and is also supported by our findings in the previous phase of the project (EU-OSHA, 2018). This again highlights the importance of external services in providing information, which influences the OSH knowledge and reaction of the owner-managers and the way they will further commit themselves and their enterprises to achieving a good level of OSH.

The external services are most often in a medium- to long-term contractual collaboration with the MSEs (contracts for isolated tasks — such as risk assessment — are less frequent). Such collaboration often

takes the form of a mutually non-disturbing relationship in which neither of the parties demands the involvement of the other. A participant in the OSH professionals group said that things are different in those cases where the owner-manager is more demanding or the external service is more committed. However, the interviews with MSEs (EU-OSHA, 2018) showed that more demanding managers do not always require more from the external service, but prefer to go the extra mile themselves. When asked why, one owner said it is more efficient/direct this way. On the other hand, external services are also evolving, maybe very slowly, but eventually some of them might 'step ahead of their competitors and provide better services for better clients', as one of the participants in the OSH professionals focus group said. In one of the questionnaires for external services, a respondent added the comment that he does not collaborate with owners that do not show sufficient interest in OSH.

It can be concluded that, currently, the external services have the very important role of ensuring that at least the minimum legal requirements for OSH, mainly the risk assessment, are met. They do more than this in only few cases, but even so their importance for MSEs is undeniable. External services are mostly MSEs themselves, with limited resources, a precarious position in the supply chain and reduced freedom of decision. Their role is mostly to execute OSH tasks within the budget that the MSE is able and willing to allocate, which may act as a limitation factor, but we could not identify interventions in which external services obtained other types of financing.

### 3.2 Employers' associations

The representative national confederations participate in the tripartite social dialogue where OSH legislations and policies are discussed and agreed. Many participants in the employers' focus group consider this their main role regarding OSH. One employer association (participating in the focus group, representing HORECA) said they managed to get several important results that support companies in their field. An important reduction of value-added tax (VAT) in the sector (from 22 % to 9 %) is claimed as one of their achievements, maybe the most important one. This may show that such associations may be quite powerful and determined to overcome obstacles. Though the association did not take actions with a direct focus on OSH, their efforts to support HORECA may have indirect effects on OSH. Moreover, the association's leaders we met showed a general interest in OSH and appeared to be open minded towards collaborations with OSH intermediaries.

The CCIR does not participate in the social dialogue where OSH matters are discussed and agreed. However, the CCIR participated as a partner in a project (OSH a Premise for Competitiveness, OSHP) coordinated by the National Institute for OSH. The project (also described in EU-OSHA, 2017) aimed at training employers and OSH representatives of companies in the construction and HORECA sectors. Though it was not a project specifically dedicated to MSEs, it addressed two sectors that are known for their high percentages of micro- and small enterprises. The role of CCIR in the project was to form the target group and to participate in organising the training and information sessions. Even though announcements were also made public on the project website and in written information, it was very important to be able to contact MSEs and to inform them directly on the activities of the project and the possibility of participating for free. This was something that the CCIR could do using its database, the result being that a total of about 40,000 managers and OSH representatives participated in the project. It is also possible that the fact of being contacted by CCIR in a project where a well-known institution such as the CCIR was a partner contributed to the positive response of the enterprises. The CCIR also participated in organising the training; the courses included management training for owner-managers, besides the OSH training that addressed problems specific to the two sectors, and presented them in a simple way that fits the needs of MSEs.

As mentioned, the employers' associations (professional associations included) are more business oriented and most of their initiatives have this focus. They could be more involved in OSH but we could not find examples where they initiated OSH interventions. However, in the case of the associations in which members needed to align to the revised chemicals legislation, they provided support on the implementation of applicable legal provisions, often a difficult process. This has an impact on OSH as well as on the core activities of the business. Employers' associations can be important enablers, since they can contribute data, communication channels and specific expertise that can be used for OSH purposes. They could be more involved in OSH but we could not find examples where they initiated interventions dedicated to OSH.

### 3.3 Workers' representatives

At national level, trade unions have an important role in negotiating policies and legislation regarding working conditions and work relations. The results of these negotiations affect all companies, including MSEs, whose employees are very rarely (if ever) members of trade union organisations. One trade union representative said in the dialogue meeting that he does not recall any MSE trade union requesting to become a member of the confederation he leads (one of the oldest, biggest and most active). We had identified one smaller trade union of workers in tourism but our attempts to contact it were unsuccessful.

At company level, trade unions (affiliated or not) are part of the OSH structures of the enterprise, when such structures exist, which is compulsory for bigger companies, according to law (see EU-OSHA, 2018). The interviews carried out in the previous phase of the project showed that none of the MSEs had a trade union and only one had a formalised OSH structure (OSH committee), which was not considered effective by the interviewed worker. As declared by participants in the workers and employers groups, the OSH work of affiliated trade unions at company level is often reactive: combating non-conformance situations, such as high exposure to hazardous agents, accident investigations (especially when official ones are considered inappropriate) or lack of protective equipment.

It is important that trade union confederations have enough specialists in OSH, which is not always the case, as became clear in the dialogue workshop and the interviews. Members of trade union confederations told us they would like to have more personnel, but the salaries in trade unions are not encouraging, especially for young persons. Though participants in the worker representatives' focus group declared OSH to be a priority, in our assessment, trade unions are more likely to emphasise topics such as salaries and employment than OSH.

One of the members in the workers focus group told us her trade union generally collaborates on projects or interventions coordinated by others (internal or external partners). They also use their channels to pass on information, including OSH information (for example by newsletters) but she said it is unlikely that such communication reaches many MSEs, because they are rarely affiliated.

It may be concluded that trade unions play a limited role as intermediaries for OSH interventions aimed at MSEs in Romania, except for their role in the general social dialogue regarding OSH, which, in principle, affects all enterprises. It is hard to tell if the limited impact is due to a lack of (OSH) personnel, or because they are perceived more as a pillar of social protection, where they focus almost all their efforts. It could also be that trade unions do not yet have the strong OSH traditions of other countries, such as in Scandinavia.

### 3.4 Authorities

OSH regulators and authorities have a decisive role in drawing up and enforcing OSH legislation and policies. They carry out important support work in campaigns organised on different topics, some of them multi-annual. Companies (mainly small ones) have been the main target of the campaigns and projects, but other groups, such as high schools and external OSH services, have also been targeted. SMEs, including MSEs, were the explicit focus of several campaigns in the past years, as presented in section 3.4. MSEs were not directly mentioned as a priority in these campaigns, but the nature of the activities and the implementation were suited for such enterprises.

In the meeting with the external service providers, the participants considered authorities important because of their enforcement role. The inspectors who participated in the authorities focus group had the same opinion. However, the assessment of the research team is that this influence is mainly reactive and based on negative motivation. In the absence of (frequent) checks, this type of motivation becomes rather weak for MSEs, as we saw in many cases during the interviews with MSEs (EU-OSHA, 2018), even if it may still be the most effective motivation, in the context of the low interest in OSH among MSEs.

The Labour Inspectorate has carried out several campaigns with direct impacts on MSEs, as presented in the introduction. The data collected in the previous phase of the project (EU-OSHA, 2018) show that some MSEs have rarely been inspected by OSH authorities, while others have been controlled quite frequently. As mentioned, most of the campaigns of the Labour Inspectorate and territorial inspectorates

have limited funds integrated in their annual budgets. In 2012, however, the campaign organised by the Inspectorate (Labour Inspectorate, 2012) reached about 21,000 SMEs (including a high number of MSEs), which is a considerable number, considering the resources of time and money available. Participants in the meetings of the authorities focus group admitted that the most proactive MSEs are, in general, those that accepted the invitation, but measures were taken to organise meetings within smaller towns, with more problematic MSEs.

Members of the authorities group said that they also help MSEs improve their knowledge and awareness through the organised campaigns, even if detailed consultancy to companies, big or small, cannot be provided, in general.

It may be concluded that the OSH authorities are the main initiators of interventions aimed at SMEs, including MSEs. In most of the cases, the OSH authorities are also fully responsible for the campaigns or projects, including the financing, planning and management of these interventions. There are also cases where the authorities have collaborated with other intermediaries on OSH initiatives (for example education authorities, the INCDPM and universities), whether as coordinators and financial enablers or as partners.

### 3.5 Others

The group of 'other' intermediaries included those that do not have official duties regarding OSH, but still have to comply with OSH legislation applicable to them (for example as producers/distributors). However, their work may (occasionally) be related to OSH settings in MSEs, directly or indirectly. Moreover, their non-OSH activities may give indications of how MSEs think or act, contributing to a more realistic picture of these enterprises.

#### 3.5.1 Suppliers and contractors

The suppliers we contacted said that their clients show little interest in the OSH aspects of the products they buy. For example, in the field of cosmetics for hairdressers, there is limited interest in safer products; a slightly better attitude can be found in the larger salons, where clients ask for products that are safer for them. Most of the attention is given to client satisfaction; some of the newer products, with better quality related to their function (for example hair dyes), are also safer (or claim to be) for the clients and workers, the participant said. But they are generally also more expensive. The interviewee said that concern for employees is something only a few owners have shown. The personnel turnover is very high in hairdressing and a worker may realise that he or she acquired an occupational disease only after moving once or even twice to another workplace, said the participant.

Some contractors (mostly private but also public) have developed procurement procedures that include OSH criteria. Often, the OSH requirements are limited to requiring the implementation of an OSH management system that is certified (sometimes certification is not requested). Many MSEs may not be able to afford the effort to comply with such criteria. A regulation issued in 2011 (ANRMAP, 2011) clarified the use of criteria for public acquisitions, eliminating those that were seen as introducing unjustified limitations, such as implementing or even certifying OSH management systems. Even for those that meet the requirements, the real improvement of OSH is limited: in many cases there are initial improvements, which are not further developed, and the certification remains purely formal, as one participant in the dialogue meetings for authorities mentioned.

Large companies may provide OSH support for their contractors and subcontractors. One subcontractor, interviewed in the others focus group, told us about working for a contractor hired by a multinational company engaged in the oil industry in Romania. The contractor and the subcontractor were reimbursed for medical analyses at a laboratory selected by the company, and the personal protective equipment (PPE) was also provided, as was a car for individual transportation, which was owned and insured by the company, too. The subcontractors were trained in all the procedures of work, and OSH procedures were given a high level of attention. It was made clear that any breach of OSH procedures would be severely penalised, even by potential termination of the contract. The interviewee said that he could not observe any OSH monitoring by the oil company to enforce procedures, at least not in the area where his work took place. 'Enforcement was not very visible, but I would not have liked

to lose my job for not respecting OSH rules, which were clear and easy to observe anyway', he said. He did not hear of any case of sanctions being given in the months he collaborated with subcontractors like himself.

In the others focus group, we also talked to or sent questionnaires to consultancy firms, banks and one OSH magazine editor.

Consultancies help MSEs to access programmes that finance the development of their production or service capacities and of their human resource. The help of consultancy firms is needed because MSEs cannot cope with the massive amount of documentation required by the applications. The projects do not influence OSH directly; however, there tends to be an inherent improvement in safety and health when new, better equipment is purchased or when staff are better trained and organised.

Banks can support MSEs by granting loans for development. In the past 2-3 years, several banks developed special packages for SMEs/MSEs. The consultants and the banks confirmed the observation that MSEs do not like to search for information and prefer to get it directly, preferably via personal contact.

Even if they were assisted by consultancy firms or banks, many MSEs did not finalise their attempt to access funding by a project application or by getting credit; the medium-term effort seemed to discourage them. These observations are similar to those we made in our MSE interviews (EU-OSHA, 2018), when we could hardly identify any medium- or long-term measures/plans to address OSH problems.

The interviewed OSH magazine editor stated that MSEs are mostly interested in things that are clear and directly applicable in their business. She said the main channels for promoting the magazine are the authorities and the events they organise, but very few small enterprises subscribe to the magazine. This could be because of the cost of the subscription (though it is not high) or because they are not interested or used to this type of information source.

## **4 Barriers to and enablers of intermediaries for preventive activities in MSEs**

### **4.1 At company level**

During the dialogue meetings and the interviews, barriers and enablers were discussed and analysed together, meaning that, in most cases, barriers were paired with possible solution(s). Not all solutions were examples of things already put into practice but we recorded them all (distinguishing suggestions from real measures) and discuss both barriers and enablers in this section.

#### **4.1.1 Financial resources**

All participants agreed that the lack of financial resources is the main obstacle for MSEs in improving their OSH. This is why any help with funding is welcome, even if it is not dedicated to OSH. For example, money for better equipment may have a positive impact on OSH.

Free interventions are therefore particularly welcomed by MSEs and enable more of them to participate. Attending campaigns and training sessions organised by the authorities, or by projects, such as those in the Sectoral Operational Programme Human Resources Development (SOP HRD) — the OSHPC, COMPEFSAN, CULTURAL VALUES and ACCESS projects — was possible because of the financial support given to the participants. In the case of the SOP HRD projects, practically all the financial burden was taken off the shoulders of participants, which is typically not the case with the campaigns organised with the limited annual budget of the authorities.

Two of the participants in the dialogue meetings of the employers group and the others group said that in the case of MSEs the state should develop a system to subsidise OSH expenses, for example for PPE and other OSH investments. 'It is expensive for MSEs to buy PPE; they tend to buy the cheapest one, but because it is of poor quality it has to be replaced quickly; the one for hard work, such as welding gloves, gets damaged anyway, so it all adds up to considerable money and support is needed', the

employer said. The funds for such support could be obtained from the taxes paid as insurance for occupational risks. Another source could be obtained by reducing the taxes when the MSE could prove it had invested in measures that significantly reduced its OSH risks. When discussing the possibility to calculate the insurance rate based on the OSH performance of the company and not of the entire sector of which it is part (as happens currently), the general opinion in all groups was that it would motivate MSEs and allow them to save for further OSH measures. Bringing the basis for calculation closer to the enterprise's performance (if not at company, at least at subsector level) could, however, take long to analyse and eventually implement. Programmes are available to help MSEs purchase equipment that will improve productivity and, indirectly, also OSH. A lack of skills in writing project applications, which can be quite complicated, restricts the participation of MSEs — unless they can afford to pay for consultants. Simplifying the applications and allowing the consultancy firms to be paid from the project funding if the application is successful would be helpful for MSE participation.

#### **4.1.2 Human resources**

Many participants across the different groups mentioned the problems with human resources, in terms of both the numbers and the qualifications of personnel. Several respondents to the questionnaire for external services also pointed out the lack of personnel in MSEs. One respondent from the western part of the country said that in his region things are even more severe. There, the fast development of the local economy has not been matched by effective training programmes for future workers. Some of the workforce in the towns migrated to bigger cities in Romania or abroad. Those who remained were often not as well prepared and there was also a lack of workforce for the number of available jobs. Recruiters therefore hired massively from the neighbouring countryside: youngsters who often had very low levels of general education. The situation affects large companies/multinationals as well as MSEs, where the impact is even stronger. As one participant (from an external service in the OSH professionals group) noted, 'scarce, uneducated and undisciplined employees, besides being a problem in its own, consumes a lot of the owners' time and energy. There are also costs (for the initial medical check-up, for PPE, and so on) that are wasted because the new worker left shortly after, without any notification'.

The low level of general education was mentioned by several participants in all groups. In the case of new employees, this is a weak starting point for securing a good OSH setting, which the MSEs have to compensate for through their own efforts, and makes it hard to educate the new employee regarding work, including safe work. The low level of education in MSEs was also mentioned by respondents to the questionnaire, not only regarding employees but also regarding owner-managers.

The problem with human resources goes beyond OSH and threatens the whole Romanian economy. Programmes have been developed to stop this growing trend but they have been criticised for not correlating their actions (for example training) with the needs of the labour market and for their limited efficiency. The interventions that combined OSH and professional training, as in the case of the SOP HRD projects (OSHPC, COMPEFSAN, CULTURAL VALUES and ACCESS), attracted more participants because they could get information that was directly usable in the core activity along with information on OSH.

#### **4.1.3 OSH information and knowledge**

Another important barrier mentioned by the majority of participants (in the employers, workers and authorities focus groups) was the lack of OSH information and knowledge. The questionnaire sent to external service providers shows that respondents believe most managers have OSH information only from external services, and that the number of MSEs where owners are better informed than their employees is not very high. This could show a lack of interest of some MSE owner-managers in getting OSH information. As revealed by the questionnaires, this seems to be also the case with information about opening credit lines or participating in financed projects, in which MSEs would be expected to have a genuine interest, most likely greater than in OSH. Relying on a single and direct source of information seems to be preferred by many managers.

One participant in the authorities' focus group mentioned as an important enabler the workshops for training and raising awareness organised by OSH authorities. Such meetings were held nationwide by the Labour Inspectorate and territorial inspectorates. Workshops were not especially organised for

MSEs, but there were MSEs among the participants. General OSH issues were presented, but also specific topics, such as the risk assessment or the new legislation on chemicals (for more details, see the cases presented in EU-OSHA, 2017). OSH education to the young generation was seen as a strong enabler of increasing OSH attention.

Participants in the employers group, the workers group and the others group suggested that a web portal dedicated to SMEs/MSEs that would collect information from various sites could help, though it would probably be far from a *one-stop-shop* because of the huge variety of MSEs and their problems.

#### **4.1.4 Motivation, awareness, and responsibility**

One participant in the OSH professionals' focus group said that employers do not know in detail their obligations and the workers' rights. Some of them do not truly realise the extent of their responsibility regarding the safety and health of their employees, the participant said. Direct meetings and awareness-raising campaigns, such as those organised by authorities, could help, but so would more systematic law enforcement by authorities, as some other participants in the OSH professionals, authorities and others groups pointed out.

The questionnaire sent to the external services, which enquired about their perception of the owner-managers of MSEs, asked them to use scores corresponding to 'the majority', 'quite a lot' and 'few or none'.

In the paragraph below, the numbers in the brackets indicate the respondents that gave the specified scores.

The answers show that the majority of the 36 respondents think that:

- 'the majority' of owner-managers get information only from the external service (22);
- there are 'quite a lot' of owner-managers who are better informed regarding OSH than their workers are (20);
- there are 'quite a lot' of owner-managers that are more interested in OSH than their workers are (19);
- 'quite a lot' of owner-managers show interest in the technical aspects of OSH (28), in the medical aspects (25), in the practical aspects (25); four respondents considered that 'few or none' have interest in practical aspects of OSH;
- 'the majority' of owner-managers understand their legal responsibilities (24), the organisational measures entailed by legislation (25), the technical aspects of legislation (25), but only a minority understand what to do in their enterprises as a consequence of the legislation;
- 'the majority' of owner-managers think that the letter of the law should be applied (21);
- 'the majority' of owner-managers think there is nothing to do for OSH beyond legal compliance (19).

The answers seem to indicate that, according to the external service providers' perception, the owner-managers do not have a high level of interest in OSH. The fact that their interest in practical aspects of OSH is not high either may indicate that they consider OSH a theoretical obligation: something that is not related to and integrated into their work or business. This could also explain why their ability to see the practical consequences of the legislation for their enterprises is quite low.

The fact that some of the owner-managers are perceived as showing interest mainly in the technical aspects of OSH may be biased by the fact that most of the external service providers in Romania have a technical background, so they may be willing to discuss technical aspects more than others. The apparently lower level of interest in medical aspects may impede not only the understanding of risks but also the awareness of and motivation to combat certain risks. A closer collaboration between the technical and medical personnel would be beneficial, which is not easy because external services generally do not include physicians and collaborating with them is not permanent.

Participants in the authorities' focus group and one participant in the employers group mentioned the enabling importance of collaborations for MSEs with bigger companies that have higher standards for

OSH management, which can serve as examples for the MSEs. This was also suggested by an interviewed member of the others group who subcontracted work for a multinational company. The Labour Inspectorate had organised visits at the local level for SMEs/MSEs, where they could see the OSH accomplishments of other small companies. Such visits are a good way to share information and to show what is possible, members of the authorities group considered.

The role of enforcement measures was considered important by members of the OSH professionals' group and the authorities' group.

One member of the authorities group proposed publish a list of the MSEs with the best performance, to make their efforts acknowledged and to inspire others.

#### **4.1.5 Management**

Participants in the employers group and the others group said that the owners of MSEs are interested in short-term effects, which is understandable as many MSEs are short-lived and many of them struggle just to survive. This is enhanced by the fact that many MSE owners do not have formal management training at all and are not able to see the benefits of medium- to long-term measures, even when not related to OSH. Combining OSH and management training will help both of these topics and will contribute to a better integration of OSH in the core activities of the businesses. In the dialogue meetings, members of the employers group and the others group stated that simplifying management would be beneficial in their opinion. For instance, once implemented, having management elements with easily understandable and measurable goals, lists of things to do and checklists could increase OSH awareness and management.

## **4.2 At intermediary level**

### **4.2.1 OSH professionals**

External services are themselves typically MSEs, with very few employees (often only the owner), active in a field (OSH) that is not a priority for most of their potential clients. It is easy to open a business as an external service, since it requires minimal investments and authorisation is easy (see EU-OSHA, 2018). Competition is not (yet) able to exert much pressure. It can be said that most of the external services apply a 'low road' business strategy themselves: they offer low price services because MSEs (their main clients) are not able, or willing, to pay more; they make little profit and have limited prospects for development. For many of them, there is nothing to make them upgrade their business and provide better and more complex services to the MSEs: authorities have practically no power to control their work and clients are not able, and sometimes not interested, to take the time needed to check them.

The Labour Inspectorate initiated actions to help external services, and has organised meetings in which legal aspects are clarified, contractual recommendations are made (contracts are often vague) and obligations are explained. Real life examples of accidents are presented with video recordings, whenever possible. The external services are interested in participating in these meetings and their feedback is positive, as one inspector said. There are a lot of discussions that make it hard to go through all the planned issues, so that some topics are rescheduled for the next meeting, as one member of the authorities group said. She could tell the interest of external services also by the fact that, if an invitation was unintentionally omitted for one external service, that company might however show up, because other external services spread the news about the date of the meeting.

The National OSH institute (INCDPM) is limited in its actions by the scarce funds for OSH campaigns and OSH research. OSH is not a priority in the national research plans and the situation is the same with international research programmes. Not being paid from the state budget (as such institutions generally are), the INCDPM has to earn funds from the few available projects and by offering services directly to the industry and other sectors. Working for industry and others may bring the advantage of having direct contacts but may limit the institute's involvement in implementing the national OSH policy. The Ministry of Labour has the possibility of launching its own programme ('Sectoral Plan') for OSH projects. For example, the INCDPM used this opportunity to draw up and publish a set of guiding manuals that explain OSH legislation, helping enterprises, especially the small ones, such as MSEs or



the external services that work for them, to understand and implement it (INCDPM, 2013) (see EU-OSHA, 2017). More frequent launches of such programmes would be good, since there are a lot of problems to be addressed.

### **4.2.2 Employers' associations**

As mentioned previously (see section 1.2) the employers' organisations are focused almost entirely on the business side of their members. One member of the employers' focus group, a leader of a HORECA association, said it was very hard to mobilise their members; they found this very worrying and they had only little hope for success for initiatives of any type, including OSH, proposed by their association. Many of their members were reluctant to get involved in work and projects that were unpaid and that needed a lot of energy and perseverance. Only after several members committed themselves to hard work and obtained the first major success did the rest of the members start to trust the association and appreciate the advantages of being members.

Being hard to mobilise members for core business initiatives explains why is even harder to mobilise them for OSH. One member of a construction association said in the employers group that there should be more sector support in developing a 'matrix of measures' that have a real effect on OSH and productivity. He also said that new innovative methods to run the business might be needed, the old ones being obsolete and less able to cope with the new ways of doing business.

Another member of the same HORECA association said that the younger members are more enthusiastic, not only about the association, but about their work in the new businesses they have established.

### **4.2.3 Workers' associations**

MSEs are generally not unionised; there are no official data available, but discussions with the workers' representative in the dialogue workshop and interviews also suggested that there are typically no union members in MSEs. Two participants in the workers focus group said that workers in MSEs are discouraged by the employers from forming or joining trade unions. One participant in the employers' focus group mentioned some initiatives to form smaller trade unions by grouping several MSEs together, but the organisation of such groups was difficult to maintain. Moreover, as mentioned by participants in the workers' focus group, there is a shortage of personnel in trade unions that is well trained in OSH and has only OSH duties. The participants in the workers' focus group discussions said that OSH training for trade union members would be very useful. Members of the confederations have been trained in various subjects by colleagues in other countries and such experiences were positive, providing useful information and know-how. They said that further programmes and projects should be identified for OSH training, including inviting lecturers from Romania or from abroad to give presentations.

Members of both the employers' group and the workers' group said that better cooperation between their organisations — employers and trade unions — would be beneficial.

### **4.2.4 Authorities**

OSH authorities carry out campaigns and projects dedicated to SMEs, with high numbers of participants often being MSEs. The budget for such interventions is in general limited to the corresponding part of the annual budget of the Ministry of Labour, which is mostly dedicated to inspections. The activities are therefore limited by a rather tight budget if there are no additional funds (such as in projects funded by EU Social Funds). The number of inspectors complies with the ratio of inspectors to employees as recommended by ILO (ILO, 2006), as one of the inspectors told us. We argued that the efficacy of this ratio could be affected by the number of enterprises: it may not be the same to inspect 100 workers in one company and a total of 100 workers in 10 companies. Benefiting from their territorial organisation, the authorities for OSH and labour can reach MSEs in all the regions of the country, including some of the small and remote MSEs that are more difficult for other intermediaries to reach. However, when actions are organised in the capital city of a region (as is usually the case), those MSEs that are not

located in or near that city have to spend time and money in order to attend, which might be difficult for many MSEs, especially the most vulnerable ones. One inspector in the authorities focus group said that they also organise meetings in smaller towns to reach more of the enterprises that cannot afford to travel. Even so, it is likely that the participating MSEs are mostly those that are better organised and more receptive to OSH matters. Nonetheless, authorities seem to be better positioned than other intermediaries when it comes to reaching out to these MSEs with the lowest interest in OSH matters. They are able to use their contact data and their usual communication channels, such as direct contact through inspectors or through the external service providers registered at the territorial inspectorates. MSEs are more likely to respond to their call because of their authoritative status, which makes them more trusted by MSEs. Organising gatherings for OSH meetings might be less effective than a visit to the MSE, but it saves time and it avoids MSEs being worried about having an inspection at their premises.

#### 4.2.5 Others

Suppliers said that the main barrier is the fact that OSH is not a priority for MSEs and that MSEs rarely show any interest in improving their working conditions through their purchases. If the suppliers can directly influence client satisfaction, the interest is a bit higher. Banks say that, despite the fact that they simplified the procedures for loans to make it easier for MSEs to apply, many of them still need help or expect to be helped with the applications. MSEs do not seem to trust banks, said one participant in the others group: 'some of them do not trust banks with data on the enterprise required for granting credit'.

## 5 Contextual issues

### 5.1 Legislation

The participants in the meetings and interviews who had enough information on OSH legislation said it does not necessarily need to be reduced or changed, but there should be more support for MSEs in implementing it. Most of the participants said that, even though OSH legislation is reasonable, there are so many other pieces of legislation in general that it becomes confusing, inefficient and constantly changing. Hence the MSEs feel overwhelmed by the level and complexity of legislation in general. Some participants, referring to non-OSH authorities (which they knew better than the OSH authorities), complained about their 'unfriendly' approach. This may negatively affect the attitude of MSEs towards authorities in general, making them glad to be able to get rid (in their opinion) of OSH matters by outsourcing them to specialised services, as one participant in the employers group stated it.

### 5.2 Non-OSH costs

Several participants in the employers' group and the others' group mentioned the high administrative costs for non-OSH activities (for example the requirement for an authorised accountant) that are a financial burden for MSEs and reduce the available resources that could possibly be used for OSH, training, and so on. The employers' group also commented that a MSE needs about 3 years to 'take off' (to develop and stabilise at least to the point of survival). In these first 3 years, it would be good to have special policies that are more permissive for MSEs, with more relaxed fiscal duties and checks that are reasonable and supportive (in general, not only for OSH); these inspections should be more an occasion to learn and be guided or be given feedback than to be directly penalised, sometimes without being able to understand why.

One member of the others group said that support services (kindergartens, elder care, housekeeping and maintenance, and so on) which should help employees, such as working mothers, are underdeveloped and expensive. He said it is hard to be a working parent and to work, or even worse to run a MSE, including taking time for OSH duties when family duties are neglected because there is no help.

### 5.3 Education

All the participants mentioned the problem of well-trained personnel, at all levels. It is not only a problem of brain drain, with highly educated Romanians moving abroad (though this is a big problem), but also a problem for persons with vocational education, since many of the training schools in this field have been dissolved. One participant noted that vocational training is now done mostly by authorised companies, but they are profit-oriented and are not as good as the specialised vocational schools/high schools used to be. Their training is very superficial in general, including for OSH.

Most participants agreed that training, in general (including OSH), is often too formal. MSEs are reluctant to pay for a training course that will not really improve the abilities of the employees. Moreover, the employee may need to take days off from work for training and may eventually leave the workplace for good to get hired elsewhere with the help of the newly acquired diploma.

One participant in the employers focus group mentioned that managers' education is also very poor: owners very rarely have managerial education and sometimes they even lack education in the specific field of activity of their MSE, with the exception of some sectors (for example health) where the law explicitly requires a certain education. Such owners, the participant said, have no understanding of such things as market, strategy or managerial tools; he said 'they may be workers, just like the others (maybe more determined) or bureaucrats, but not managers'. The same participant said that managerial education should begin before the person is at the age that allows him or her to start a business. This will also educate him or her as a client and a consumer, which will contribute to the overall improvement of the free market culture, and will help in selecting service providers, including external OSH services, the participant said. Another participant in the employers group mentioned the need for young entrepreneurs to learn how to collaborate (for example in team projects or in other partnerships), because, he said, 'they learn to compete before they learn to associate'. After they start a business, it takes many years for new employers to begin to take part in the collective actions of associations.

### 5.4 Associating/networking

Very few of the MSEs we met in the current study and in previous projects and research are members of professional associations. Even some of those that are members told us that their associations were not very active. Participants in the employers focus group said that not many members of associations are willing to take on voluntary work for the changes their associations are aiming at, especially when the changes are long-term.

There are no active internet forums for OSH in Romania. The interviews carried out in the previous phase of the project (EU-OSHA, 2018) showed that very few MSEs used the internet for OSH information; however, the internet is used by enterprises if they have a problem of another nature, such as bank issues (the answers from the bank questionnaires also indicate this).

## 6 Target groups — which can be reached and which cannot

Discussions with participants showed that location and sector matters in reaching the MSE with an *average* interest in OSH. In principle, those that are interested in OSH get the news and participate in events, training, and so on. In the interviews with MSEs carried out in the previous phase of the project, we met a HORECA manager who had the initiative to develop relations with the local authorities in order to get informed and to ask for clarifications about (new) legislation. Otherwise, HORECA MSEs are not easy to reach, according to the opinion of the members of several of our focus groups.

The MSEs that are most problematic (low resources, low status, bad working conditions) are hard to reach even in big cities, probably in any sector. They might be more numerous in smaller towns, so events organised there might help to some extent. One participant in the authorities' focus group said the regional inspectorate she works for organises meetings also in smaller towns to reach the more problematic MSEs. The same participant mentioned the example of small MSEs in construction, working mainly in the villages (often building/renovating churches), for which special meetings were organised, close to their locations, to support them with OSH organisation so that severe accidents would be avoided.

Another key problem of reaching the MSEs still remains: some of them dissolve after 1 or 2 years, or change contacts (often the personal phone of the owner). Maybe measures applied directly to workers could help: training before workers are employed (in school) or while employed in bigger/better companies could ease the burden of vulnerable MSEs in which these workers may be later employed. Improved visibility of OSH through alternative channels with wider audiences might also help even if just for general messages meant to change the mind-set. Social media, for example, may work better for the younger generation but short TV messages may reach a broader audience, such as those about healthy diet or physical exercises, which have been broadcast regularly in Romania in past years as 'messages of public interest'.

## 6.1 Shared understanding and divergences identified among the stakeholder group

There were more common points of view than divergences among the participants of the current research. The importance of funding, and the scarcity of sources of funding and of the available funds, were agreed by all participants. MSEs do not have a lot of money and OSH is quite expensive, for instance having to pay for PPE and other equipment, and often having to pay for external services, including the required medical checks. The fact that human resource problems affect OSH was also generally acknowledged. Starting to learn about OSH in school was agreed by the participants to be an effective way to improve OSH in MSEs. However, the participants had more varied opinions on the ages and ways for learning to be conducted, ranging from primary school to secondary/vocational education (that is, before legal employment age) and from dedicated curricula to the total integration of OSH in learning activities (school practical activities, projects and laboratories).

It was generally agreed that measures proposed to MSEs are more effective if they are specific to the needs of the MSE and clearly show their capacity to solve the problem.

Mentality, as a combination of culture, values and interest, was generally considered very important and to be currently contributing in a rather negative way to the development of OSH.

The predominant opinion was that OSH legislation does not need to be changed for MSEs. One participant in the authorities focus group said that regulation has to comply with the minimum required by the EU provisions, so the legal basis will remain the same, and changes are possible only in detail. One participant in the workers' representatives group said that the 'law also educates'; therefore, detailed and demanding legislation can contribute to providing information and motivation for MSEs to achieve more.

**Formalism** of OSH actions (done without real added value or benefit) in MSEs was another key point agreed upon by participants in all groups. It has been agreed that in some cases this could be just a temporary stage, which is understandable and is 'better than nothing' as one participant in the OSH professionals group said. Others in the employers group and the workers group argued that formalism is long lasting and is mostly a result of a lack of good OSH training and of more stringent checks.

The important role of the OSH authorities was agreed by all groups, not only in their own actions but also in coordinating the OSH activities of others.

The contribution of the OSH criteria in procurement rules was considered important even if largely affected by formalism.

The current way in which OSH inspections are carried out, and how they ideally should be, was another point where there were some discussion. Participants in the employers group and the others group stated that the inspections are too severe for MSEs, while others, in the authorities group and the others group said inspectors are already less stringent with MSEs. There were also diverging opinions on whether inspectors should provide solutions or not, and, if not, who should then do so.

## 7 What works for whom and why

## 7.1 Key mechanism identified

### 7.1.1 Regulation

In general, legislation does not differentiate between MSEs and other companies; when there is a differentiation, it generally refers to SMEs and rarely goes down to the MSE level. The legal provisions, however, allow MSEs to be more flexible with their OSH structure, which they can externalise or organise internally (including the worker-elected OSH representative). Problems may occur when outsourcing OSH, which may give the owner-managers the impression that they have also externalised the responsibility, though the law (Law No 319/2006) says clearly they have the ultimate responsibility.

OSH legislation allows smaller enterprises to have their owner-manager in charge of OSH, provided all the following conditions are observed: he or she has at least the basic (40 hours) training in OSH and is frequently present at work, the enterprise has no more than nine employees (including the owner) and does not carry out one of the activities listed by legislation as having high risks (toxic or explosive substances, high-voltage electrocution, ionising radiation, and so on). Similarly, owner-managers can be in charge of OSH in enterprises up to 49 employees that do not have irreversible risks (defined by law as death or invalidity). For the risk assessment, more training is required, so that many MSEs need to collaborate with an external service at least for this. In general, the external services are used not only for the risk assessment, but also for all other OSH activities that they can perform.

One participant from the authorities focus group pointed out that the OSH law 319/2016, Article 12, mentions that regulation regarding the documentation and records (for risk assessment, risk management, accidents, and so on) could be adapted more specifically to the nature and size of enterprises by order of the Minister of Labour. Such an order has not been issued, so no more adaptations of the legislation specific to SMEs/MSEs have been made.

There are provisions of the non-OSH legislation for SMEs (including MSEs) that provide some advantages for these enterprises regarding fiscal obligations, acquisitions of former state-owned buildings or equipment, and so on.

### 7.1.2 Information and training

Authorities with competencies in OSH (the Labour Inspectorate and inspectorates) organise campaigns, training courses and meetings with companies in order to help them understand and apply legislation. In recent years, the Labour Inspectorate organised campaigns dedicated to SMEs, in which many participants were MSEs (Labour Inspectorate, 2008, 2009, 2010, 2011 and 2012). According to participants in the authorities' focus group, general legal provisions were presented during the campaigns, but discussions also included topics that were of particular importance to participants or were related to recent events (accidents, findings of the latest checks, new legal provisions, and so on).

One participant in the authorities' focus group mentioned that some topics, considered of particular importance, had their own dedicated campaigns, such as in the case of the risk assessment in SMEs/MSEs, the impact of the new chemicals legislation (Labour Inspectorate, 2012) or the risks of asbestos (Ministry of Labour and Social Justice, 2016). There were also information campaigns that focused on various sectors such as construction, forestry, agriculture, transportation, offshore oil platforms, and so on (Ministry of Labour and Social Justice, 2016), where specific problems were discussed.

Six pilot centres were established to give the opportunity for small enterprises to see examples of OSH measures that were successful in sectors such as construction, agriculture, transportation, furniture, textiles, leather and chemical manufactures (Ministry of Labour and Social Justice, 2016). Short visits, organised by the Labour Inspectorate and the territorial labour inspectorates, were occasions for exchange of information and impressions between the pilot SME, the visitors and the inspectors.

Programmes specifically dedicated to OSH and MSEs and financed from national or international sources were not identified. However, there were several projects that were mainly financed (95-98 %) by the European Social Funds, which financed OSH training through the Sectoral Operational Programme Humane Resource Development – SOP HRD ('POS DRU'). The projects targeted sectors in which MSEs are known to be very numerous: health care (COMPEFSAN Project, 2013), construction

and HORECA (OSHPC Project, 2013), and cleaning (ACCESS Project, AMPOSDRU, 2016). In these projects, OSH training and information sessions were organised and tools were developed to help MSEs to identify, evaluate and better control risks. The training in these projects was a combination of OSH and other topics, namely professional (COMPEFSAN Project) and managerial (OSHPC Project). The projects issued diplomas that were recognised by the National Authority for Qualifications. In the case of the healthcare project, the credits gained for graduating could be used to demonstrate the continuous training required by law for such personnel.

An interesting case of training that was carried out by one of the projects mentioned (ACCESS Project) combined professional courses and OSH courses for cleaning workers. The occupational standard for these workers has provisions regarding compulsory training that includes OSH. The occupational standard was proposed by a private company in the sector and became compulsory for qualified personnel after being approved by the authorities (the National Authority for Qualifications). Several projects were carried out for this type of personnel using funds from SOP HRD, with free participation, including transportation and accommodation being paid for by the organisers. The course provided the opportunity for a vulnerable group to be trained and to obtain the compulsory certificate that allows them to work as cleaners.

**OSH training for pupils in high schools** was organised by the authorities for OSH (the authority for public OSH insurance) in cooperation with authorities in education. The cooperation took place in the framework of a project co-financed by the European Social Fund (CULTURAL VALUES Project, n.d.). During the project, OSH manuals were drawn up and published, and training sessions were organised in order to familiarise future young workers with the principles and rules of OSH, before they are employed. The materials of this project are still used for training in technical high schools and as a bibliography for the national contest 'I Know and Apply', which has been held each year since 2009 for high schools (OSH National Competition, 2016). In this contest, participants who successfully pass the local competition stage gather in a national phase to be tested for theoretical as well as practical knowledge regarding OSH.

Participation in the training sessions or campaigns organised by the authorities and financed by their own annual budget were free of charge. However, the authorities could not afford to pay for auxiliary expenses (such as transportation and accommodation), so the organisation had to be regional. The participation in the SOP HRD projects was also free and the larger amounts of funding that were available allowed the accommodation and transportation of participants to be paid for, when needed. The contest 'I Know and Apply' is organised by the Ministry of Labour, the Labour Inspectorate and the inspectorate in Iași (eastern Romania), the Gheorghe Asachi Technical College and Gheorghe Asachi Technical University of Iași. Participation is free, but accommodation is not paid for by the organisers. In some cases, public and private companies offer financial or other support to participants and organisers, which is an example of collaboration between authorities, companies and schools (such examples are quite rare).

### **7.1.3 Tools and technical support**

National and international funds were used to develop several tools for OSH that are freely available to companies, including MSEs.

As mentioned, one SOP HRD project (OSHPC project) was dedicated to construction and HORECA, sectors that are known to have a high number of MSEs. Besides training and information sessions, this project developed and published management tools for OSH that are easy to use for MSEs. For example, the project produced checklists to identify risk factors, fact sheets with possible control measures for the identified risk factors, and safety instructions for activities specific to the two sectors included in the project. Participants had transport and accommodation expenses, as well as food, during the training sessions paid for by the project, which added up to a considerable amount of money that could not have been made available without the intervention of the EU Social Funds. The project was run by the National OSH Institute (INCDPM), as coordinator, and the Chamber of Commerce and Industry of Romania.

Another SOP HRD project mentioned (COMPEFSAN project) created a dedicated risk assessment method for enterprises in the healthcare sector. This was not developed especially for MSEs but could

be applied to them, too. The method has an IT application that might not be easy to use by MSEs but could be used by OSH providers working for them, such as the external services. The project was run by the National OSH Institute (INCDPM) as coordinator, with the Medical University Carol Davila in Bucharest, the Academy for Economic Studies in Bucharest, and a private company, as partners.

A project funded by the Sectoral Plan of the Ministry of Labour developed and published guides to help enterprises, especially small ones, to understand and apply OSH legislation (Labour Inspectorate, 2012). The project was coordinated and funded by the Ministry of Labour and put into practice by the National OSH Institute (INCDPM).

#### **7.1.4 Incentives**

We could not identify incentives specifically dedicated to OSH and MSEs except for the symbolic ones, such as diplomas and other types of recognition that are given on various occasions such as during the campaigns organised by EU-OSHA or other national or local events (OSH National Competition, 2016). No financial incentives for OSH have been identified.

The non-OSH programmes for SMEs provide financial incentives and support for businesses including MSEs, consisting in financial support to start or to develop an enterprise.

During the discussions with participants, several aspects were identified that seem to work for MSEs in general. Free help is important for MSEs, because of their limited resources, which makes it hard to incur expense for OSH while trying to survive in an unstable environment. For example, MSEs are not willing to spend on OSH training, especially in sectors with high levels of personnel turnover. Intermediaries that are somehow familiar to the MSE seem to make the enterprise more willing to participate in OSH; in the case of Romania, these are mainly authorities and other institutes at the national level that are known to the MSE. No private company has managed to gain a reputation that could compete with these. Combining OSH with professional issues seems to be able to attract a range of participants, from cleaners to MSE managers. This may happen because of the lack of resources, as explained above, but also because it makes more sense for MSEs to integrate OSH with other business issues.

When the MSE can see clear added value and immediate effects of any OSH interventions, it is more inclined to participate in events or training. For example, getting a certificate that is compulsory for certain qualifications motivates MSEs to participate in programmes.

Interventions related to training and information seem more numerous, maybe because the intermediaries are more able to undertake such activities than others (for example those related to policy, administrative or technical measures), or the types of available funding are more suited for these intervention.

Reaching MSEs and getting them involved works better for those MSEs that are already more interested and more developed. Changing locations or organising events in less developed regions could increase the number of less developed MSE that participate, as one inspector said.

## **8 Conclusions**

In this research project, we collected information from the main intermediaries involved in interventions meant to help MSEs to improve their OSH. In addition to those directly involved in OSH, we also contacted other organisations working with MSEs that could add information about MSEs. We also collected contextual information, which was helpful to understand the current situation of interventions for MSEs and how to improve it.

The problems MSEs face are very diverse, as highlighted in this study. They all need to be addressed, because, realistically speaking, the work environment cannot be improved on its own. The characteristics of MSEs and the way they think and act need to be taken into consideration when designing the specific interventions.

As presented above, the owner-managers of MSEs seem to perceive OSH as something rather theoretical instead of an issue that is integrated into their business. The discussions and the

questionnaires for external services and those for banks and consultancy companies show that most MSEs seem to prefer to be given direct and accessible information, rather than search for it themselves. MSEs prefer to apply ready-to-use solutions that they do not have to adjust, because they do not have the time and resources to do this.

The findings also indicate that quite a lot of owner-managers are perceived to be more interested in complying with the letter of the law rather than with the original intent of it.

The general opinion in dialogue meetings was that MSEs have problems with their management; the owner-managers of MSEs rarely have the required education in business management. This is also a problem for OSH, because OSH is not an easy issue to manage and MSEs cannot have good OSH management without good general management. Therefore, improving management knowledge and simplified management tools could be beneficial for MSEs in general, as well as for OSH.

Some MSEs are harder to reach through the use of interventions. This has to do with their volatility (they quickly appear and disappear, or change contact details) and also with their lack of interest in OSH, which makes them non-responsive to OSH initiatives. These problematic MSEs need special help to improve OSH. Addressing the medium-performing MSEs as well as helping problematic MSEs reach this level could also help. Acting at the worker level, training people before they enter employment, or while employed in bigger companies, may ease the burden on the problematic MSEs if the trained people will later work for them.

The main intermediaries for OSH interventions are, in principle, all of those included in our study groups: authorities, OSH professionals, workers' representatives, employers' associations and the group of others, who are not necessarily linked directly to OSH. However, most of the OSH interventions came from the authorities. They are the main initiators of OSH interventions at national level. In general, they also finance and execute the tasks. There were cases in which they collaborated with other intermediaries, but such cases are not numerous.

In some cases, large companies initiate OSH interventions for the MSEs they collaborate with, providing training and transfer of know-how (working procedures that include those for OSH), but also paying for medical surveillance and for personal protective equipment. However, as we know, these interventions tend to be limited to certain sectors of interest to large companies, take place in bigger cities and rarely involve the most problematic MSEs.

The rest of the intermediaries have OSH activities that are mainly based on roles established by law (for example discussing OSH in the social partners' dialogue). While discussing with social partners, representatives from the workers' group showed interest in OSH and said it is one of their priorities. However, they do not participate in OSH interventions as much as those in other countries, for example in Scandinavia, so their impact on the actual OSH setting in MSEs in Romania remains limited. The trade unions focus mainly on social protection while the employers' associations focus mainly on the business environment. Some professional associations can be assimilated into employers' organisations, because they represent more the interests of employers and their members are also mostly employers.

It may be said that there are not many initiators of OSH interventions in MSEs. The small number of initiators could be related to the two biggest problems, as confirmed in the dialogue meetings: the lack of funds and the lack of interest in, or visibility of, OSH. These two problems are related and, during discussions, the majority of opinions were in agreement that the lack of awareness and interest is causing the lack of funds and it is this problem that has to be solved first.

Most of the major needs of MSEs identified in our study have been addressed by interventions to some extent. Even though some of the interventions reached a considerable number of MSEs (for example the OSHPC project and the Labour Inspectorate campaigns), a lot of MSEs were not involved. Training (in OSH but not only in OSH) helps participants to identify and understand legislation, including the requirements for the risk assessment. Training also helps to develop tools for OSH management, and to understand procurement criteria related to OSH. The number of generic problems is still considerable but they need to be addressed. However, more specific, even tailored solutions for MSEs should be provided. Most of the interventions have been closely related to the legislation and its immediate consequences. Only one example addressed long-term objectives, such as improving OSH knowledge and awareness before employment age: the project for high schools that was financed by the programme for human resources (SOP HRD). The fact that the results of this project are still used in



the high schools' OSH contests shows that such measures can generate interest. We could not identify interventions that provided technical support for OSH, though help is needed here too.

The degree of success of these interventions is hard to establish clearly because of the lack of data on impact. However, several success factors have been identified regarding OSH interventions for MSEs. Trusting the source of intervention seems important. Interventions run by authorities or by national institutes or universities from Romania or by experts from abroad are considered more reliable. This may also show the deficiency of the market for OSH services, where, as yet, there are no prominent private providers except for the ones mentioned.

Low or no costs for MSEs are important, since they have very few resources and it is hard for them to get credit. The short-term benefits are more likely to be attractive to MSEs, which have, in general, a short-term approach. Even small gains immediately at the end of a project may be motivating, such as certification, especially if it has official recognition that allows further use of the newly acquired qualification. The practical aspects and benefits should be clear to MSEs. The specificity of actions is also important, since MSEs do not have the time, resources or interest to make adjustments themselves. Collaboration between intermediaries proved successful, since multidisciplinary and multi-institutional cooperation is strongly needed.

The way interventions are carried out depends on the framework within which they are developed (for example ministerial, national or international programmes). The planning stage can be rather short and simple, as in the case of activities of authorities that are carried out with their own budgets and personnel, or more complex, as when interventions are part of sectoral, national or international programmes. Most of the interventions we analysed in this study have in common the fact that feedback and sustainability are not always given the attention they deserve. It is therefore not easy to clearly identify strong points and weak points and to learn from them.

## 8.1 Recommendations based on the research

Acknowledging the importance of institutional support, we think OSH cannot be successful unless it is addressed simultaneously at individual, organisational and institutional levels. Individuals have to be willing to use and contribute to OSH measures without permanent enforcement. To achieve this, cultures and mind-sets might have to change.

Better cooperation between intermediaries is important. Formalising the way they cooperate, for example an annual/multi-annual plan for common interventions beyond the activities of the National Council, could motivate cooperation and clarify roles, so that overlapping and gaps are avoided or at least reduced.

The role of authorities is essential, but they are limited by their annual budgets and the number of personnel that they have to use for inspections and for other interventions. Training authorities to access other sources of funding could be useful.

The availability of human resources for the authorities is also important. The number of workers to be checked by an inspector, which is currently used to determine the number of inspectors in a region, may need to be revised, considering also the size and therefore the number of enterprises these workers belong to (the same number of workers could be gathered in one large company or spread across many MSEs).

Helping MSEs to help themselves by improving owners' managerial skills could help improve OSH, since there typically cannot be good OSH management without good general management. Cooperating with providers of management training or even adapting management systems to the needs of MSEs would be useful. Training MSEs to access sources of finance would also be useful, but it will be successful for only a limited number of MSEs if the documentation that has to be submitted for applications is not simplified, otherwise, the MSEs will have to use consultants to apply for funding. Making it a general rule that MSEs are allowed to pay consultants from the project (if the project is successful) could stimulate MSEs to access additional sources of finance from programmes.

Correlating the level of the insurance rate for occupational accidents and diseases to the OSH performance of the MSE, not to the performance of the whole sector that the MSE is part of (as it is now), could stimulate OSH improvements and could save money that could be used for OSH instead.

Training in OSH before the person's first employment would mean that MSEs would not have to start from scratch in training young workers. This would help especially the most vulnerable MSE but also larger companies. Some participants suggested OSH education should start in primary school to ensure attitudes and mind-sets about how to work safely are secured at an early age.

Helping external services develop and improve the quality of their offers would help MSEs, since external services are the closest OSH organisations to the MSEs and would be able to provide more specific and tailored solutions. Larger intermediaries tend to be more generic and cannot be there all the time for MSEs, unlike the external services, which generally have long-term contracts.

Improving the collaboration between OSH external service suppliers and the medical services (in Romania, these are authorised separately and remain separate in most cases) could improve OSH actions and make them multidisciplinary. Increased collaboration could also raise awareness, as health impacts can be more impressive for owner-managers and workers than legal or technical arguments.

Higher priority should be given to OSH in EU research programmes (Horizon 2020 and so on), or at least OSH should be included as an evaluation criterion, whenever relevant in any research area. This could stimulate more funds for research into, for example, the intrinsic safety of materials and products as well as of working systems and organisation. The efforts would focus more on those that have the means to 'create' safety and less on the users, such as MSEs.

Voluntary collaborations in OSH between large companies with high OSH standards and MSEs was seen by participants as being successful in general. MSEs can learn from this experience and be motivated to follow it, if the other conditions (such as resources, and competitive advantage) allow them to do so.

Collaborating better with non-OSH intermediaries (such as non-governmental organisations or professional communicators) could increase the interest in and visibility of OSH. An approach that is based almost entirely on legal obligations (which have their undeniable importance) may become formal, which we have seen in many cases. Raising interest can make MSEs more involved in OSH and more proactive.

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## Appendix 1

### ▪ Organisations represented in the workshops, interviews and the questionnaire

<b>OSH professionals</b>
External Services
<b>Employer associations</b>
National Employers' Association
National Confederation of Romanian Employers
HORECA Employers' Association
Construction Employers' Association
Paints Industry Association
Cosmetics and Detergents Association
<b>Worker associations</b>
Cartel Alfa Confederation
Blocul National Sindical
National Trade Union Confederation – Meridian
<b>OSH authorities</b>
Labour Inspectorate
Territorial Labour Inspectorate
<b>Others</b>
University of Petrosani
University Lucian Blaga Sibiu
Politehnica University of Bucharest
Consultancy
Bank
<b>Additional interviews</b>
Cosmetics distributor
Textiles distributor
Chemical formulations

Consultancy
OSH magazine
<b>Questionnaires</b>
Banks and consultancy companies

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