

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

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## List of abbreviations

AD	additional interviewees
AfA	occupational safety and health authority labour inspectorate of the City of Hamburg ( <i>Amt für Arbeitsschutz</i> )
ASD	medical and technical service departments ( <i>Arbeitsmedizinische und Sicherheitstechnische Dienste</i> )
BAuA	Federal Institute for Occupational Safety and Health ( <i>Bundesanstalt für Arbeitsschutz und Arbeitsmedizin</i> )
BG Bau	statutory accident insurance body for the construction sector
BGE ETEM	statutory accident insurance body for the energy, textile and electronic sector
BGHM	statutory accident insurance body for the metal and wood working sector ( <i>Berufsgenossenschaft Holz und Metall</i> )
BGN	statutory accident insurance body for the hotel, restaurant and catering sector
BIT e.V.	Berufsforschungs- und Beratungsinstitut für interdisziplinäre Technikgestaltung e.V.
BMAS	Federal Ministry for Labour and Social Affairs ( <i>Bundesministerium für Arbeit und Soziales</i> , BMAS)
BG Verkehr	statutory accident insurance body for the traffic, postal logistics and telecommunication sectors ( <i>Berufsgenossenschaft Verkehrswirtschaft Post-Logistik Telekommunikation</i> )
DEHOGA	German Hotel and Restaurant Association ( <i>Deutscher Hotel- und Gaststättenverband</i> )
DESTATIS	Statistisches Bundesamt
DGB	German Trade Union Confederation ( <i>Deutscher Gewerkschaftsbund</i> )
DGUV	German Social Accident Insurance
EM	representatives of employers' associations
EU-OSHA	European Agency for Safety and Health at Work
FAW	<i>Fortbildungsakademie der Wirtschaft</i>
GDA	Joint German OSH Strategy ( <i>Gemeinsame Deutsche Arbeitsschutzstrategie</i> )
Horeca	hotel, restaurant and catering
HWK	regional craft chamber ( <i>Handwerkskammer</i> )
IGM	trade union of the metal industry ( <i>Industriegewerkschaft Metall</i> )
IHK	industry and trade chamber ( <i>Industrie- und Handelskammer</i> )

INQA	New Quality of Work Initiative ( <i>Initiative Neue Qualität der Arbeit</i> )
Komnet	occupational safety and health knowledge database coordinated by the State Institute for Industrial Engineering of North Rhine-Westphalia
MSEs	micro- and small enterprises
NAK	National Occupational Safety and Health Conference ( <i>Nationale Arbeitsschutz Konferenz</i> )
NGG	trade union of the food sector ( <i>Gewerkschaft Nahrung-Genuss-Gaststätten</i> )
OS	external occupational safety and health intermediaries
OSH	occupational safety and health
RE	regulators
WO	representatives of workers' associations



# 1 Introduction

This report aims to provide information on the national OSH context for micro- and small enterprises (MSEs) in Germany, with a special focus on the role and function of external OSH stakeholders working with such enterprises. The report presents general information on the German context and the specific results of a study conducted with German OSH stakeholders (intermediaries, representatives of unions and employer associations, regulators, and other stakeholders concerned with OSH) to inquire about their experiences when working with MSEs. To provide more detailed information on the German situation, we start with a brief description of the economic context of Germany in which MSEs operate. Furthermore, we introduce available statistics on occupational accidents in German enterprises. To better pin down the results of our interviews, we also highlight the specific context in which OSH stakeholders operate by introducing its main actors and authorities, their roles and the regulatory context of German national policies for MSEs with impact on OSH. The second part of this report aims to provide information about the results of the study the German research team undertook to answer the overall research questions of the project (see EU-OSHA, 2017a) in order to investigate barriers to and enablers of good OSH practice in MSEs in Germany.

## 1.1 Economic profile and organisation of MSEs in Germany

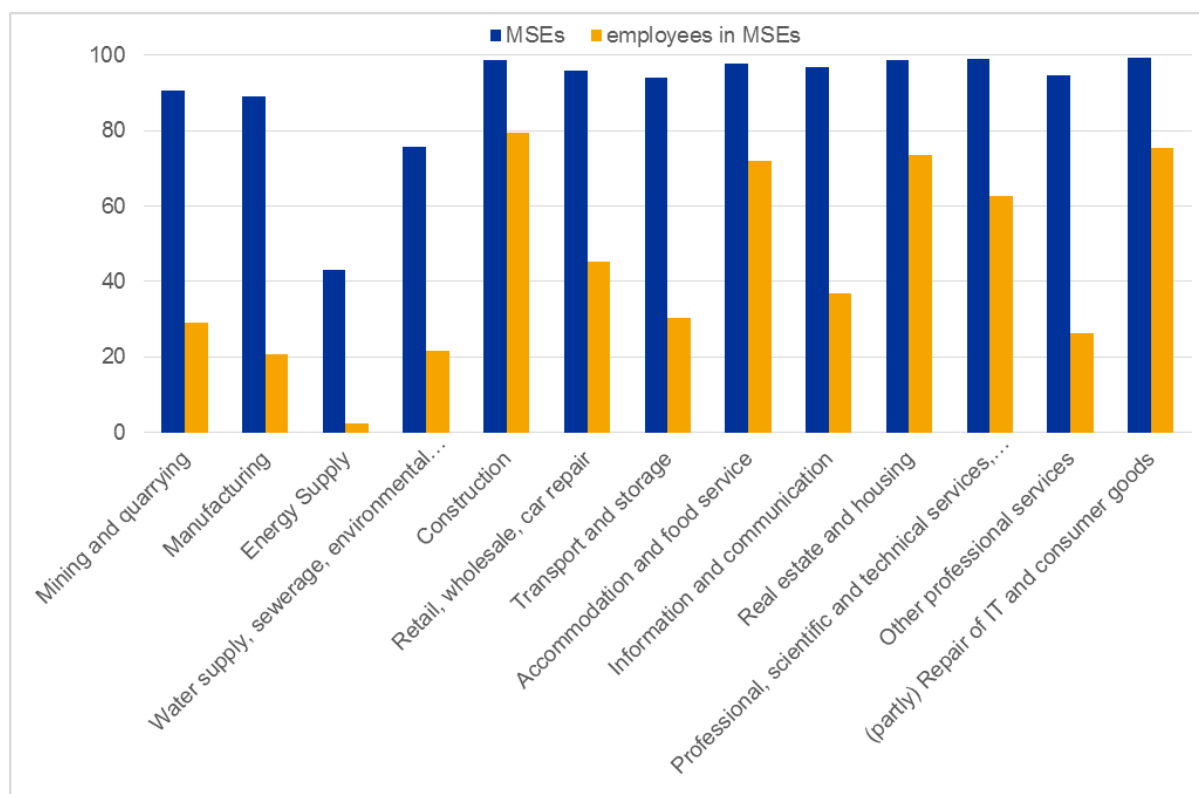
In 2015, there were 2.4 million companies registered in Germany (DESTATIS, 2017). They are represented by chambers (*Kammern*, mandatory membership) and employer associations (*Verbände*, voluntary membership). In Germany, there are 53 regional craft chambers (*Handwerkskammern*, HWKs). They represent the regional craft businesses (*Handwerk*) which make up a huge part of the MSEs in the construction (including specialised and ancillary services) and manufacturing sectors. Furthermore, there are 79 industry and trade chambers (*Industrie- und Handelskammern*, IHKs) where all other types of private companies are organised (for example hotels and restaurants, retail, wholesale and industry) as well as professional chambers for freelance professions (for example for lawyers, physicians and pharmacists). The chambers are self-governed public bodies and fulfil legally defined tasks, such as general representation of interest, advice and support for the member companies and the regulation of training and examination of the workers. The chambers are not social partners and not responsible for collective bargaining, which is usually done by the employer associations.

Recent data from the national statistical office (*Statistisches Bundesamt*, DESTATIS) on the share of MSEs in certain sectors (see also Figure 1)<sup>1</sup> show that, in 2015, 96 % of the enterprises in these sectors were MSEs, with fewer than 50 employees<sup>2</sup>. Out of these sectors, repair of consumer goods is the sector with the biggest share of MSEs compared with the total number of enterprises (99 %), while in energy supply only 43 % of the enterprises are MSEs.

<sup>1</sup> Data available for 'mining and quarrying', 'manufacturing', 'electricity, gas, steam and air conditioning supply', 'water supply; sewerage, waste management and remediation activities', 'construction', 'wholesale and retail trade; repair of motor vehicles and motorcycles', 'transport and storage', 'accommodation and food service activities', 'information and communication', 'real estate activities', 'professional, scientific and technical activities' and 'administrative and support service activities'. Excluded are agriculture and sectors with a high share of public establishments, such as public administration and defence, education, human health and social work, and arts, entertainment and recreation activities.

<sup>2</sup> Classification according to WZ2008 which is the national standard based on the Statistical Classification of Economic Activities in the European Community (NACE) Rev. 2 (DESTATIS, 2008). Micro-enterprises, max. nine employees and max. EUR 2 million annual turnover; small enterprises, max. 49 employees, max. EUR 10 million annual turnover, and not categorised as micro-enterprises (DESTATIS, 2017).

Figure 1 Percentage of MSEs and employees in MSEs per sector, 2015



Source: DESTATIS, 2017.

In 2015, MSEs in Germany contributed to 28 % of the gross added value and generated 18 % of the overall turnover, which illustrates that MSEs make an important contribution to the German economy. However, the turnover per employee was only 35 % of the sector average in micro-enterprises and 51 % in small enterprises, compared with 79 % for medium-sized businesses and 170 % for large enterprises. These values can be seen as indicators of the economic position of businesses in relation to their size. The bigger the company, the higher the turnover per employee. As micro- and small enterprises especially have a rather low turnover per employee, it can be analysed that particularly smaller companies might face greater economic challenges leading to company strategies of strict budgeting and relinquishment. This backs up the previous findings of the SESAME project (EU-OSHA, 2016) that pursuing such a low road business strategy<sup>3</sup> and a weak economic position can be found in many MSEs.

Table 1 Number of MSEs by sector in Germany, 2015

Company size classes	Sectors according to German classification WZ2008	Number of enterprises	Number of employees	Annual turnover (million EUR)	Turnover per employee (EUR, rounded)
Micro-enterprises	B: Mining and quarrying	868	3,309	527	159,255
	C: Manufacturing	129,916	482,149	34,994	72,578

<sup>3</sup> Low road MSEs are those MSEs that adopt well-recognised bundles of organisational and business strategies that increase pressure on wages, working conditions and so on in the fight for the survival of their business.



Company size classes	Sectors according to German classification WZ2008	Number of enterprises	Number of employees	Annual turnover (million EUR)	Turnover per employee (EUR, rounded)	
	D: Energy supply	371	531	321	603,783	
	E: Water supply, sewerage, environmental services	1,531	5,157	1,482	287,290	
	F: Construction	276,455	878,223	62,363	71,010	
	G: Retail, wholesale, car repair	473,871	1,371,302	135,377	98,721	
	H: Transport and storage	71,255	215,129	14,517	67,481	
	I: Accommodation and food service	171,010	617,628	19,991	32,368	
	J: Information and communication	105,395	215,764	16,512	76,526	
	L: Real estate and housing	116,943	217,167	26,094	120,157	
	M: Professional, scientific and technical services, freelancers	435,672	923,260	62,486	67,679	
	N: Other professional services	154,646	386,053	21,979	56,932	
	S (partly): Repair of IT and consumer goods	11,205	23,053	1,219	52,884	
	<b>Total (rounded)</b>	<b>1,949,137</b>	<b>5,338,723</b>	<b>397,860</b>	<b>74,523</b>	
	<b>Small enterprises</b>	B: Mining and quarrying	772	13,647	2,449	179,472
		C: Manufacturing	52,743	1,017,382	107,342	105,508
		D: Energy supply	517	4,592	2,672	581,856
E: Water supply, sewerage, environmental services		2,546	44,951	9,669	215,092	
F: Construction		51,599	870,325	92,297	106,049	
G: Retail, wholesale, car repair		102,748	1,537,463	266,560	173,377	
H: Transport and storage		23,966	462,506	39,585	85,588	
I: Accommodation and food service		54,142	949,199	31,801	33,503	
J: Information and communication		11,670	225,446	26,526	117,660	
L: Real estate and housing		8,540	82,407	24,757	300,422	

Company size classes	Sectors according to German classification WZ2008	Number of enterprises	Number of employees	Annual turnover (million EUR)	Turnover per employee (EUR, rounded)
	M: Professional, scientific and technical services, freelancers	37,879	653,332	60,695	92,901
	N: Other professional services	24,583	485,290	28,476	58,678
	S (partly): Repair of IT and consumer goods	455	8,010	683	85,233
	<b>Total (rounded)</b>	<b>372,161</b>	<b>6,354,549</b>	<b>693,511</b>	<b>109,136</b>
<b>All enterprises</b>	<b>Total*</b> (selected sectors only, rounded)	<b>2,408,194</b>	<b>28,257,235</b>	<b>6,061,319</b>	<b>214,505</b>

\* Total values include all enterprises of micro-, small, medium and large size.  
Source: DESTATIS, 2017.

## 1.2 OSH and MSEs — stakeholders, programmes and OSH performance in MSEs

### 1.2.1 Main actors and institutions

The German OSH legal system is characterised by the so-called ‘dualism’ of governmental stakeholders and public authorities on the one side and the statutory accident insurance on the other.

The first pillar of governmental stakeholders and public authorities is further divided between the federal government (national level) and the authorities of the 16 federal states (the *Länder*, regional level). The national Parliament (*Bundestag*, *Bundesrat*) has legislative authority over OSH; the Federal Ministry for Labour and Social Affairs (*Bundesministerium für Arbeit und Soziales*, BMAS) prepares laws, prepares and enacts ordinances and supervises authorities. The Federal Institute for Occupational Safety and Health (*Bundesanstalt für Arbeitsschutz und Arbeitsmedizin*, BAuA) is a research and advisory body subordinated to the Federal Ministry.

The authorities of the 16 *Länder*, that is their ministries and labour inspectorates, are responsible for the enforcement of labour law and labour inspections in their territory. As a consequence, there are 16 labour inspectorates, one for each *Land*, which are in charge of supervision and inspections. In addition, there are special authorities for the mining and seafaring industries. The labour inspectorates enforce OSH issues, working time regulation, protection of young workers and maternal rights, product safety, medical products, environmental safety and in some federal states also issues of consumer protection. In practice, MSEs are not inspected frequently, but there are sector disparities. As a rule, it can be said that, the smaller the company is and the less injury-prone the activities of the company are, the less likely it is to be inspected. An example can be given from the OSH authority labour inspectorate of the City of Hamburg (AfA). According to their data (AfA, 2016), there was the following distribution of inspections per size class: in 2015, only 792 of the 25,633 smallest establishments (1-19 employees) were inspected (about 3 %), but 730 of 7,669 establishments with 20-499 employees (about 9.5 %) and 81 of the 256 establishments with more than 500 employees (about 31.6 %).

The second pillar is made up of the sector-oriented statutory accident insurance institutions. The insurance bodies are constituted as self-governing bodies under public law (*Unfallversicherungsträger*, UVT) and supervised by public authorities. Their mandate includes the prevention of work-related ill-health and enables them to decide on their own prevention initiatives and regulation, to run their own research centres and to inspect their member companies. In addition, the accident insurance bodies also initiate prevention campaigns and some of them support the companies with their medical and technical service departments (*Arbeitsmedizinische und Sicherheitstechnische Dienste*, ASD). Every

company in Germany with one or more employees is obliged to be a member of an accident insurance body.

The National OSH Conference (*Nationale Arbeitsschutz Konferenz*, NAK) is the top-level coordination body consisting of representatives of the different institutional stakeholders and receiving advice from the social partners. The National OSH Conference is responsible for the strategic steering and agenda setting of the Joint German OSH Strategy (*Gemeinsame Deutsche Arbeitsschutzstrategie*, GDA). The Joint Regional Coordination Bodies of *Länder* and accident insurance institutions (*Gemeinsame Landesbezogene Stellen*, GLS) are responsible for agreements on joint programmes and inspection strategies.

Trade unions and employer associations are also represented on the steering committees of the GDA and in the bipartite assemblies and boards of the statutory accident insurance institutions. They also advise the National Parliament in the law-making process and the Federal Ministry for Labour and Social Affairs, for example in the committees that enact technical rules.

### 1.2.2 National policies for MSEs with impact on OSH

In Germany, there are not many OSH programmes which exclusively target MSEs. Still, many programmes which target all sizes of companies are also very popular among micro- and small enterprises.

Since 2002, the New Quality of Work Initiative (*Initiative Neue Qualität der Arbeit*, INQA) has been active in promoting good OSH practice among companies. Small and micro-enterprises especially have been at the focus of the activities. INQA started as a joint initiative of governmental OSH stakeholders, social insurance institutions, social partners and other interested parties under the presidency of the BMAS and the advice of the BAuA. A specific feature of INQA's activities is that the initiative strives to bring OSH stakeholders and companies together. During the last 15 years, INQA has established specific network collaborations targeting and with the participation of small enterprises, such as 'Offensive Mittelstand', 'Offensive Gutes Bauen' and 'Offensive Gesund Pflegen'<sup>4</sup>. INQA has also supported the development and promotion of good practice tools for small enterprises (EU-OSHA, 2017b).

With the current strategy period of the GDA (from 2013 to 2018), the NAK partners also started to promote aids and guidelines for companies. In the context of the strategic programmes on reducing psychosocial risks and on better OSH organisation of companies, The GDA has issued recommendations and guidelines to integrate psychosocial risks into the risk assessment and to improve the organisation of OSH management<sup>5</sup>. GDA-ORGCheck enables MSEs to review and improve their OSH organisation in order to ensure health and safety of the employees. Variable modules are processed, comparable to the employers' checklists. The NAK partners also promote guidelines for OSH management systems. Despite being sector oriented and open to companies of all sizes, they have also been very popular among MSEs (EU-OSHA, 2017b). The statutory accident insurance bodies and OSH authorities of the federal states were also partners in the promotion of the management systems, and supported the implementation with different forms of incentives (for example financial incentives for implementation and certification).

Survey data show that many small establishments do not comply with the rules on mandatory preventive services. Every company requires the services of an occupational physician and an OSH specialist (generalist). Their roles are legally defined and both must advise the employer on safety and health prevention and training measures. Their annual service hours depend on the size and the risk profile of the company and are specified by the sector accident insurance bodies (DGUV, 2011).

The statutory accident insurance bodies also address and support MSEs with campaigns and other measures. Some accident insurance bodies automatically include OSH services in the membership fee, especially *Berufsgenossenschaft Nahrungsmittel und Gastgewerbe* (BGN, accommodation and food service sector) and *Berufsgenossenschaft der Bauwirtschaft* (BG BAU, construction sector), both of

<sup>4</sup> These translate as 'Offensive/campaign for small and middle-sized enterprises', 'Offensive/campaign for better construction' and 'Offensive/campaign for healthy care'.

<sup>5</sup> GDA-ORGCheck. Available at: <http://www.gda-orgcheck.de/daten/gda/index.htm>

which have many MSEs as members. The idea is to have better coverage of preventive services in MSEs. BG Verkehr (transport sector) offers free training for employers whereby employers can get basic OSH information and information on how to qualify internal safety officers or can catch up with shared state-of-the-art OSH knowledge and measures. MSEs especially profit from such offers.

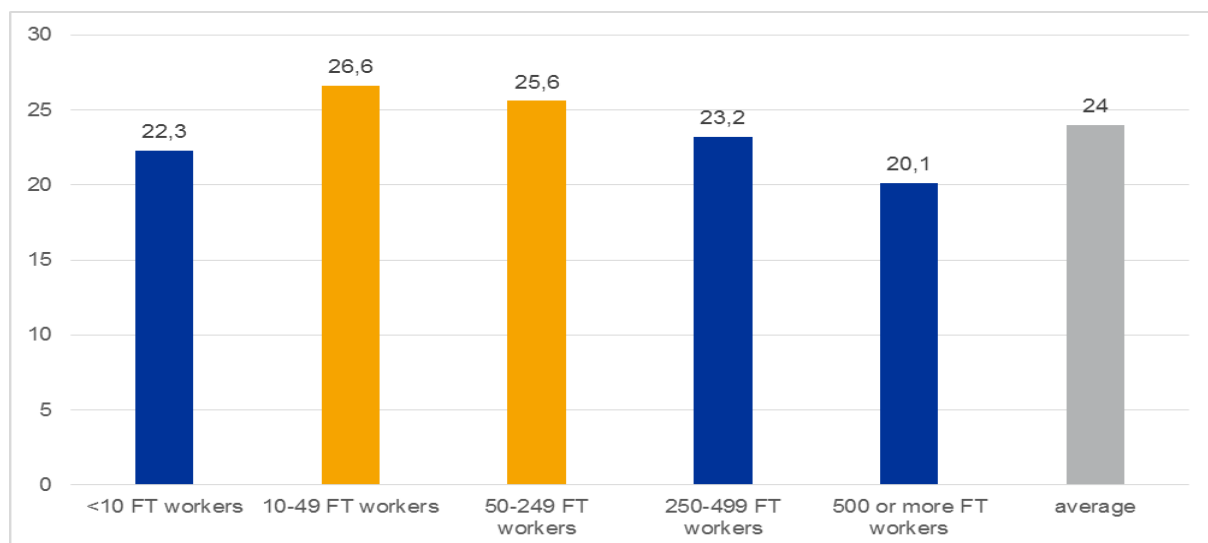
Regulation 2 (V2, *Betriebsärzte und Fachkräfte für Arbeitssicherheit*) of the German Social Accident Insurance (*Deutsche Gesetzliche Unfallversicherung, DGUV*) establishes additional prevention service models for MSEs (DGUV, 2011). In companies with up to 10 employees, the employer can participate in the sector model (*Branchenbetreuung*). The sector model includes free consultation provided by service centres of the different accident insurance bodies. In companies with up to 50 employees, the employer can participate in the employer model (*Unternehmermodell*). In the employer model, employers must attend a free OSH course, which qualifies them to carry out certain OSH measures in the company. The employer may thus reduce the service hours of the mandatory OSH services (occupational physicians and OSH specialists), whose services can — and in some cases defined by Regulation 2 must — still be requested when required. The employer model is heavily promoted by the accident insurance bodies.

### 1.2.3 Occupational accidents in MSEs

In 2012, 63 % of the MSEs did not have an occupational physician and 40 % neither had an OSH specialist nor participated in the employer model (Lißner et al., 2014: 88 ff). In addition, many owner-managers of MSEs lack even basic OSH knowledge: 60 % do not know that they are obliged to carry out a risk assessment (Sczesny et al., 2014: 62 ff). Workers' training on safety and health at work is provided in the majority of enterprises and also in MSEs. The overall percentage of workers who were provided with training in all establishments was around 85 % in 2012 (Lißner et al., 2013: 83). Moreover, the majority (83 %) of the owner-managers of MSEs were aware of their obligation to train the workers (Sczesny et al., 2014: 62 ff).

The data on OSH measures presented in the previous paragraph might also imply an impact on the accident rates in the enterprises, making it more likely for MSE to have higher rates. In fact, according to the statistics of the statutory accident insurance institution (DGUV, 2015; agricultural sector not included) and as illustrated in Figure 2, the accident rate in small companies (10-49 employees) in 2014 was the highest of all the size classes, with 26.6 accidents per year per 1,000 full-time equivalents. In contrast, the accident rate in micro-enterprises was below average, with 22.3 accidents per year per 1,000 full-time equivalents.

Figure 2 Accident rate per 1,000 full-time (FT) worker equivalents by company size, 2014



Source: DGUV, 2015

While German occupational accident statistics are usually referred to as reliable (Eurostat, 2001; Kurppa, 2015), it is still possible that the relatively low rate of accidents in micro-enterprises is (partly) due to underreporting. As the literature study of Walters and Wadsworth shows (EU-OSHA, 2016: 40 ff with further references), a number of research reports indicate size effects in accident reporting. It could be observed that numbers fatalities and serious accidents tend to be higher in micro-enterprises, while the general incidence rates are lower. It can be argued that, beyond coincidence, such effects demonstrate underreporting of non-fatal occupational accidents in MSEs. Unfortunately, there are no known studies of such effects in German enterprises.

There are no data available on rates of work-related or occupational diseases, early pensions due to work-related accidents or diseases, or fatalities by different size classes.

## 2 Design of the data collection

Although a lot of effort was spent, the research team had difficulties in organising the three workshops originally planned for this project. In total, about 160 OSH stakeholders, intermediaries, and company and worker representatives were contacted and invited to participate in the planned workshop. However, fewer than 10 of the persons invited definitely confirmed their participation. Because of the lack of participation, the sector and expert group coverage could not be reached. To gather relevant data for this project, as a fall-back option the research team applied the alternative solution suggested in the guidelines for the project and facilitated group interviews as well as individual interviews with the stakeholders who had already been contacted for the workshop. In total, 28 interviews (group and individual) with stakeholders were conducted. A list of all interviews can be found in Table 2 (see Appendix).

Thirteen representatives of OSH regulators were interviewed, of whom two were from the OSH authority in Hamburg, six from the BAuA, two from the statutory accident insurance body for the hotel, restaurant and catering (Horeca) sector (BGN), two from the statutory accident insurance body for the construction sector (BG Bau) and one from the statutory accident insurance body for the energy, textile and electronic sector (BG ETEM). The interviewees represented the main groups of stakeholders in the complex system of institutional stakeholders in Germany.

Six interviewees represented industrial chambers, employer associations and attached bodies. Three of them worked for a craft chamber (HWK), two for the German Hotel and Restaurant Association (*Deutscher Hotel- und Gaststättenverband*, DEHOGA) and one for a training institute (*Fortbildungsakademie der Wirtschaft*, FAW) owned by employer and industry associations. FAW provides professional training for workers and consultancy for employers (for example on the prevention of psychosocial risks, leadership and occupational health management) and runs projects in the context of safety and health at work. The researchers approached various representatives of chambers and employers' associations. While representatives of the HWKs showed commitment and were active partners in OSH networks of the construction and manufacturing sectors, it was particularly difficult to find qualified interviewees in the area of accommodation and food service.

The five interviewees who represented the workers were either from trade unions (*Gewerkschaft Nahrung-Genuss-Gaststätten*, NGG; *Industriegewerkschaft Metall*, IGM) or training providers and consultants for workers and work councils. One of them was also a trade union representative at the statutory accident insurance body of the metal and wood working sector (*Berufsgenossenschaft Holz und Metall*, BGHM). Several of the interviewees stated that trade union contacts in companies mainly work through work councils, which are common in companies with 50 workers or more, but rare in MSEs<sup>6</sup>. In the micro- and small companies, contact is often possible with only single trade union members.

Six interviewees were OSH specialists. This group of interviewees includes representatives of institutions that promote OSH, but that do not have regulatory tasks. These include OSH services,

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<sup>6</sup> However, according to the German law, a workers' council can technically be set up by every enterprise that employs at least five workers.

research institutes, project facilitators and network coordinators. Therefore, these interviewees represent a great variety of professions, experiences and individual approaches to MSEs.

Four additional interviews were conducted with OSH stakeholders that could not be assigned to one of the other categories or which did not fully meet the criteria in terms of contacts with MSEs or sector specificities. One was an independent OSH consultant, two were experts from the industry and trade chambers (IHK) and one was an expert working for the German Trade Union Confederation (*Deutscher Gewerkschaftsbund*, DGB).

Most of the interviews were held face to face and others by telephone. It was decided to conduct group discussions whenever possible, but the decision mainly depended on the availability of the experts. The interviews that were conducted in groups followed a focus group approach in which relevant information was gathered through problem-based discussions among the participants, who shared their views and reported shared understandings and divergences of their everyday routines. An interview guideline, especially developed for the interviews to be conducted in the framework of this project (group and individual interviews alike), guided the interviewers through the conversation. All interviews were audio-recorded; anonymity was assured for all participants. After five interviews, the guideline was further adapted. All interviewees were asked about their role, function and experience in the field of OSH with regard to working with MSEs as well as about barriers and enablers of good OSH practices. In general, the German research team aimed to talk to equal shares of regulators/facilitators, employer representatives (associations), worker representatives and OSH services (for example OSH consultants). The three sectors of interest (construction, manufacturing and Horeca) should be covered by at least three experts from each group. Additional interviews were conducted with experts who did not meet these characteristics, for example because they did not work directly with MSEs or worked in other sectors.

The interviews lasted from 45 minutes to more than two hours, depending on the level of expertise of the stakeholders and number of interviewees. Group interviews lasted 90 minutes on average. Only one telephone interview was limited to 20 minutes because of time constraints of the interview partner. During the interviews, the value of workshop and group discussions became apparent, as, whenever there were more experts involved, the interview turned into a flowing conversation rather than just responding to questions that were asked using the interview guideline. Nevertheless, the guideline helped to assure that all relevant information was gathered during the interviews.

After audio-recording, the interviews were transcribed in German. As some interviews were not audio-recorded, a transcript in abbreviated form was written up using field notes instead. The transcripts of all interviews were then imported into MaxQDA 12<sup>7</sup> and analysed using inductive coding techniques. After all interviews had been analysed, a second round of axial coding was performed in order to search for patterns in the material regarding facilitators of, enablers of and barriers to good OSH advice. By doing that, a coding tree emerged that proved to be useful to give information briefly about the analysed themes and codes at a glance. As some of the emerging themes were analysed frequently throughout most of the interviews, we considered those themes to be shared understandings of the OSH stakeholders interviewed for this study. Examples given in the following section were translated into English by the German research team. In the following chapter, we will report our findings in greater detail.

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<sup>7</sup> MaxQDA, software for qualitative data analyses, 1989-2016, VERBI Software. Consult Sozialforschung GmbH, Berlin, Germany.

## 3 Findings

### 3.1 Role and function of intermediaries in OSH improvements in MSEs

In this section, we discuss how the various intermediaries we identified as relevant work with the MSEs. Anonymised abbreviations of the interviewees are applied, using letters to give information about the professional background of the interviewee (RE for regulators, EM for representatives of employers' associations, WO for representatives of workers' associations, OS for external OSH intermediaries and AD for additional interviewees) and consecutive numbers.

#### 3.1.1 OSH regulators

The group of regulators in our sample included a labour inspectorate (AfA Hamburg) and the BAuA, which gave us group interviews, as well as different statutory accident insurance bodies (BGs). Two persons from the OSH authority and labour inspectorate of the City of Hamburg (*Amt für Arbeitsschutz*, AfA) were interviewed together. The AfA enforces OSH legislation in Hamburg and inspects companies in order to check if they are obeying OSH provisions. Both interviewees had long-time experience in inspection. Companies are inspected systematically according to their risk profile and size, because it is not possible for the AfA to visit all companies in Hamburg. Bigger companies with a high risk profile are inspected more often than small companies with a medium to low risk profile. Some companies are inspected only when an incident is reported to the AfA. Even though the interviewees did not mention it directly, from their statements it can be assumed that MSEs are inspected less frequently but still in considerable numbers<sup>8</sup>. Especially in smaller companies, some questions are treated in less depth, as they are not always relevant to them. The interviewees emphasised that they do not consult the companies, but only observe if they are obeying legal obligations. Sometimes the companies are not aware of that and expect more support. The AfA aims to increase the number of MSEs with a good OSH organisation. The targeted number was not specified in the interview. Asked about further contact points with MSEs, they also reported that the AfA cooperates with other institutions in projects and networks to develop tools and guidelines for MSEs, and they directly contact disseminators of OSH knowledge. Regarding their experiences with MSEs as opposed to bigger companies, an interviewee stated:

*In general, in MSEs OSH is not as well organised as in larger firms with an established OSH system or management. But on the other hand, we observed that, depending on the leadership, there are MSEs who have good OSH, not as perfectly organised or documented, but who have professional processes. Another observation is that the OSH-related support by professionals or physicians is of high relevance, depending on sector and focus. (RE1)*

The other person added: 'Sometimes companies with fewer than 10 employees, I don't want to fix it to the number 10, but the smallest companies are better than companies that exceed a certain number. Because there is more closeness of those responsible to the employees' (RE1).

A group interview of six experts was conducted at the BAuA. The BAuA is a federal agency subordinated to the BMAS. The institute does not enforce OSH but provides research, advice to the ministry and information on safety and health at work, for example by providing a help desk for employers and employees. It also represents the federal government on national and international OSH committees and gives advice in the regulatory process. The BAuA also initiates and supervises OSH-related networks. For example, in 2002, when the New Quality of Work Initiative was started, the BAuA became the coordinating and scientific advisory body. The interviewed experts are members of a department which focuses on the transfer of knowledge on OSH. The six interviewees belong to the scientific staff of the BAuA and do mainly intermediary work, for example training of disseminators of OSH knowledge and OSH specialists, information for interested parties, and supervision of and advice to various sector networks. Each year they organise about 25 events for special sectors or networks and organise meetings, events and training courses for disseminators to enable them to convey their knowledge to the MSEs. As disseminators, they identified inspectors, employers, OSH consultants, occupational

<sup>8</sup> For the inspections per size class, see section 2.1. In 2015, the labour inspectorate of Hamburg inspected some 800 establishments with less than 20 workers. It can be assumed that newly founded enterprises are less likely inspected because the newly established company is not obliged to report their opening to the labour inspection.

physicians, the chambers of crafts and health insurance bodies. The interviewees have only limited direct contact with MSEs through networks, where sometimes company representatives attend meetings. When they described conditions in MSEs and how they could be reached, they mainly referred to feedback gathered from networks and disseminators.

In total, five interviewees represent the statutory accident insurance bodies. Every company in Germany is obliged to be a member of the statutory accident insurance body, which is organised sector-wise. The accident insurance bodies are self-governed and have regulatory tasks regarding OSH. According to the law, they are obliged to prevent work-related ill-health, and they do their own research and also inspect their member companies in order to check their compliance with OSH regulation. Some BGs include OSH services in their fees for the member companies and help them in finding service providers. All interviewees had frequent contact with MSEs, which is especially true of BG Bau (construction sector) and the BGN (Horeca sector) representatives, as both include a high share of MSEs. The BGN for instance has about 400,000 member companies, of which 95 % are MSEs. The member companies of the BGN have an average of 4.2 employees.

The statutory accident insurance bodies are the main information providers for the companies. They offer written information to their members, and especially to MSEs, whereas personal consultation is usually provided by external experts, who are seldom contracted by MSEs. The statutory accident insurance bodies have access to their member companies and support them with training, information, campaigns and preventive services. Also in the interviews in the enterprises which were carried out as a part of this project, many owner-managers referred to the statutory accident insurance body as their main source of information.

Furthermore, the INQA network and the BAuA have relevance especially in supporting specialist networks, developing practical guidelines and promoting good practice examples. The BAuA also has a help desk for employers and workers. KomNet — an OSH knowledge database which is published and coordinated by the State Institute for Industrial Engineering of North Rhine-Westphalia (*Landesinstitut für Arbeitsgestaltung Nordrhein-Westfalen*) and supported by other OSH authorities — has a help desk and a database of frequently asked questions. In some sectors and industries, social partners and professional networks play an important role in providing OSH information for their target groups. However, their role is not as active as in the Scandinavian countries.

One interviewee (RE4) from the BGN had a leading role in prevention which included inspections, but also an educational role to inform member companies about OSH topics. This interviewee also stated that they are obliged to inspect all member companies, which is difficult because companies in the sector frequently start up and shut down, especially cafés and restaurants. Thus, the BGN visits companies at intervals that are determined by several factors (size, number of accidents, number of occupational diseases, participation in awards). By doing so, the BGN aims to reach out to companies with the biggest needs, but also visits companies when they ask for help. The interviewee stated: 'With the resources we have, we are trying to reach the companies with the biggest needs and where we can achieve the most. At the same time, when companies ask for help, we are also there. So, we have those ones that are good and ask for help and we target the poor ones' (RE4). The BGN has elaborated a special form of the employer model for micro-enterprises: the owner-managers participate in long-distance training on occupational health and safety-related issues, and in case of special needs they can address specialists at the regional competence centres of the BGN. The costs for this 'sector model' (*B Branchenmodell*) are already covered by the fees the company pays to the BGN. Companies insured with the BGN also have the possibility to receive services free of cost via ASD\*BGN, which also includes an occupational physician and a safety expert<sup>9</sup>. The interviewees conclude that MSEs are sufficiently supported by the BGN: 'It means no one is falling through the cracks, every company is supported on safety and by an occupational physician' (RE4). Nevertheless, she also mentioned some constraints when dealing with MSEs in the Horeca sector: OSH is often not a priority because the companies are economically insecure and there is a high fluctuation of companies and thus it is hard for the BGN to provide in-depth support for all of them. The interviewee also explained that the BGN employs a staff of

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<sup>9</sup> Although this free-of-cost service can be used by all member companies, a large number of them do not make use of it. Despite these efforts of BGN, the subsector of hotels and restaurants especially still reports low rates of using occupational health and safety services (see Lißner et al., 2014: 90ff). In addition, OSH experts state that there is a lack of service providers in the market, which also affects the Horeca sector (Kirsch, 2015).



its own specialists to facilitate a systematic view of risks: psychologists, chemists, microbiologists, physicians and dieticians. At the moment, they are considering involving even more professions because of positive experiences with this approach. Interviewee RE3 (also BGN) works in the department for organisational development and organises seminars and tools for the members of the BGN and has a focus on stress and other psychosocial strains due to her background as a psychologist. She considers that about 90 % of the companies she supports are MSEs, partly because this size is typical for the Horeca sector. She has contact with companies that have contacted the BGN to ask for support. Therefore, she stated that she is not able to provide general information about the motivation of companies to deal with OSH, because of her biased view. As reasons why companies contact the BGN, she mentioned conflicts in the company, stress, high workload, poor working atmosphere and problems between employers and employees, and some companies also state that they need help because they have been inspected by the trade body. The interviewee also stated that several companies are not aware of the role and function of the statutory accident insurance body. Especially when they never experience occupational accidents, diseases or other problems, they do not receive any support and are not aware that the possibility of this support is already included in their mandatory membership fee. Thus, they get the impression that they are paying without having a benefit, because of lack of knowledge.

The two interviewees from the BG Bau both work for the BG in northern Germany. One of them is a regional branch manager (RE6) and has been working for the BG Bau for 29 years. He coordinates the inspection staff and also does inspections himself. According to the interviewee, 10,000 companies are members of the BG Bau and the vast majority of them are MSEs. He stated that they visit the member companies when the companies contact them, when a problem becomes apparent (for example high numbers of accidents) or when someone has reported that there are problems in a company. Thus, this rather reactive approach of the BG Bau leads to the fact that some companies are never visited. This is partly contrary to the statement of an interviewee from the BGN (RE4), who claims that at least a minimum level of OSH support is provided for every company through the BG by covering the costs of the occupational physician, although not every single MSE is visited regularly. Hence, it can be assumed that there are differences in inspection routines between the different sectoral statutory accident insurance bodies. The interviewed branch manager of the BG stated that MSEs are harder to reach and to support because they lack OSH knowledge. He elaborated: 'The bigger the companies, the higher the likelihood that the companies get in contact with us and that they are interested in OSH. But it also depends on what I said earlier: the higher the qualification of the employer and the better the educational level, the better I can talk to them about OSH' (RE6). As another contrast between MSEs and bigger companies, he mentioned that bigger companies are able to plan for the long term while MSE are focused on the near future. The second interviewee (RE7) from the BG Bau is responsible for consultancy to member companies on ergonomics. The interviewee visits companies only when they ask for help or when an inspector of the BG Bau asks her to contact a certain company. She then organises meetings with the employer, but more importantly with the whole team. Usually, the companies have 20 to 50 employees. For her work, it is of high importance that the employer or manager is convinced that an ergonomic consultancy is necessary. To avoid unnecessary visits, she talks to the manager in question and ensures in advance that the manager is convinced that the consultancy is necessary. RE5 from the BG ETEM is also responsible for ergonomics and visits the member companies on request. This interviewee stated that he only occasionally gives consultations to small enterprises and that mainly medium-sized to large companies ask for his services. He also said that his services are voluntary and that he has no executive power in the sense of supervision or control.

### **3.1.2 Employers / employers' associations**

The group of employers in our sample includes chambers, employer associations and training providers which are run by chambers or employer associations. Two interviewees (EM9 and EM10) work for the craft chamber of Hamburg. The chamber has about 15,000 member companies in Hamburg, which have on average between seven and eight employees. Both interviewees said that they were well aware of the needs of MSEs. EM10 works as an OSH consultant for the member companies. He stated that there is a huge difference in consultancy for MSEs and for bigger enterprises: Based on his experience, MSEs are more likely to lack OSH structures and therefore in consultancy he has to start by explaining the

basics. In bigger enterprises, there is often a stronger focus on improving already existing structures rather than establishing them. EM9 represents the chamber in a local OSH network, which is a joint initiative of the OSH authority in Hamburg, the chamber of crafts, accident insurance bodies and the federation of trade unions that aims at improving the quality of cooperation between relevant OSH stakeholders in Hamburg. EM9 stated that they have run several projects that aim at the improvement of OSH organisation in MSEs. But they also have projects with a wider scope; currently they are focusing on involving refugees and migrants in the work of MSEs. In general, the interviewee has only limited direct contact with MSEs as a consultant, but works together with them in projects. He stated that each consultant at the HWK is approached by about 80 companies per year. Most of them contact the HWK via telephone or mail and have health- or environmental-related questions or want to know how they can find an occupational physician. The questions are mainly short and precise and have a limited scope. In addition, the HWK provides a monthly newsletter to their member companies in order to inform them about OSH. But the interviewee stated: 'It is difficult to convey the information to MSEs' (EM9). He added that the newsletter also includes further and non-OSH related information and has a length of 40-50 pages. According to him, MSEs especially have no time to read it and thus it remains difficult to provide information to them. At the end of the interview, we confronted him with the statements of other experts, who described the HWKs as having the best connection to the companies because all 'Handwerk' companies are members of them. He stated that this is not the case because it is still difficult to get in contact with MSEs. Even when HWKs try to contact them in order to involve them in projects, few of them participate because they have no time or willingness to do so.

EM8 is a consultant at the craft chamber of Osnabrück. He has a focus on demography management and worker retention and is active in a local network which advises MSEs on aspects of safety and health. Subsequent to a project (concerning health promotion in MSE), he regularly supports and advises about 50 companies, which are mainly MSEs, and visits them at regular intervals. He visits the companies to support the inclusion of OSH in the overall organisation. The aim is to enable the MSEs to manage their OSH without external support. As long as the company needs his support he provides it, but he stops supporting them when it is considered unnecessary. In general, the companies are aware of the need of OSH organisation and he has to organise their ideas rather than motivate the employers. He added that especially MSEs with about 30 employees need more help because at this stage the employer is not able to perform the work on his/her own any more.

Two interviewees work for DEHOGA. DEHOGA is an employer association for hotels, restaurants and catering businesses with 17 regional branches. Interviewee EM12 is a high-level executive at the federal DEHOGA association, with OSH as one part of his/her portfolio. As the federal association does not directly contact MSEs, the interviewee has only limited direct contact with MSEs and works as a disseminator and policy advisor. The interviewee emphasised the relevance of his/her role by stating: 'The accident insurance body has the addresses, but we have an emotional access to the member companies.' It was assumed that the companies experience the statutory accident insurance body and other official insurance institutions as opponents because they are legally obliged to be members and to pay a fee. EM13 is a manager of a regional branch of DEHOGA and stated that the branch currently has 1,400 member companies of various sizes. The interviewee works frequently together with the statutory accident insurance body, because they exchange information about the sector and DEHOGA also gathers information that can be summarised in a newsletter for their members. DEHOGA also cooperates with the trade union in a project on working time models in the sector.

The sixth interviewee works in a training institute which is owned by employers' and industry associations. He mainly focuses on demographic change and working time arrangements. He is also a member of 'Offensive Mittelstand', an initiative that aims at improving the situation of and the working conditions in small to medium-sized companies in Germany. With other partners he initiated, conducted and supervised several projects on working conditions in MSEs and on the promotion of workability for workers from different sectors, including construction, manufacturing, and accommodation and food service. From his point of view, the collaboration of different actors (for example guilds and associations) is of high importance in order to get in contact with as many MSEs as possible. According to him, MSEs are reached not by cold calling, but by using networks. Especially in rural areas it is hard to get in contact with the MSEs. As an example of how to get in contact, he stated that the training institute organised an 'employer-evening' in collaboration with the mayor of a town in a rural area. With this approach, they were able to get in contact with 40-50 employers. All in all, the building of trust is a long-term process

and it was described as important to convey the message as simple as possible and 'to speak the language of the employers' (EM11).

### **3.1.3 Workers' associations (including trade unions)**

This group includes trade union representatives and training and consultancy providers who typically work for trade unions or work councils. Two of the six interviewees in this group work for the NGG, the trade union for the Horeca sector. With around 200,000 members, the NGG is part of the DGB and is the oldest trade union in Germany (NGG, 2017). WO15 is a trade union secretary (*Gewerkschaftssekretär*). In this function, he visits and maintains contact with works councils and trade union members in the companies. The smallest company he supports has about 20 employees. WO16 is the general manager of a regional branch of the NGG. He stated that they emphasise general labour conditions and wages because the workers rarely focus on OSH when they contact the NGG. Thus, OSH is conveyed indirectly into the companies but overlaps with working time arrangements and work-life balance, as the two topics are ongoing areas of conflict in the sector. Both interviewees commented that mainly work councils contact the NGG and that they do not very often have contact with MSEs because only few MSEs have work councils. WO16 stated that there are some employees of companies with fewer than 50 employees who are members of the NGG. He considers that there are fewer than 100 of these employees. They became members because they hope to have legal protection in case of problems. Asked for ways to contact these employees, the interviewee stated that they send out a regional newsletter that also gives information about OSH news and provides phone numbers of contact persons. He stated that OSH is not a topic of major interest for their members.

WO17 and WO18 are both working for the IG Metall (IGM), a trade union with more than 2.2 million members from the metal, electrical, iron, steel, textiles, wood, crafts and services industries (IG Metall, 2017). WO17 is the secretary for the construction sector and also has contact with metal and electro-industry companies. He supports employees, especially regarding problems with their contracts. He stated that it is difficult to provide consultations to MSEs because they lack organisational structures and thus it is hard to get in contact with them. In bigger companies, there are more structures and more people responsible for OSH and thus he is able to use other tools and develop other strategies than with an MSE. According to him, in an MSE everything depends on 'the good will of the employer' (WO17). WO18 also works at the IG Metall but is also an OSH consultant and trade union representative at the accident insurance body for the metal- and woodworking sector. He stated that about 280,000 companies are members of the statutory accident insurance body, of which about 250,000 have fewer than 50 employees. He added that, in the accident insurance body, those companies that have a higher probability of accidents have to pay a higher fee than others, but according to him this has no effect on the OSH motivation. He also admitted that MSEs are rarely visited (about every fourth to fifth year) by the accident insurance services, and that inspectors focus more on bigger companies. As a possibility way to get in contact with MSEs he mentioned that the spouses of the employers have a huge impact because they are often responsible for the accounting and organisation of the company. Regular meetings of the spouses of the employers that are organised in some regions can be used to convey OSH information, for example by the statutory accident insurance body.

Two interviewees, who were interviewed together (WO14), work as OSH advisors for employees, work councils and companies at a local non-profit organisation (*Beratungsstelle Arbeit und Gesundheit*). The organisation was founded in 1989 and receives funding from the authority for health and consumer protection (*Beratungsstelle Arbeit und Gesundheit*, 2017). The two interviewees have long experience in the field of OSH as consultants and former work council members, and one of them is already retired but still works as a freelancer. As the contact with the companies primarily comes through the work councils, they do not very often have contact with MSEs as part of their consultancy work. 'Actually, we do not provide consultations to MSEs, even though we do not refuse it, but there is no employer of an MSE who calls us!' (WO14). Nevertheless, he has frequent contact with employers of MSEs because he is in a working group where good practice examples are presented. Both interviewees agreed that health insurance could be a further way to establish contact with MSEs, but they did not elaborate further on it. Regarding the situation of workers in MSEs, his colleague stated: 'Hamburg, for example, has many woodworking companies, and the people only work and are not confident enough and accept the conditions. That is a problem' (WO14).

### **3.1.4 OSH services (for example OSH advisors and other intermediaries)**

This group of our sample includes all OSH intermediaries that do not belong to any of the previous groups. Before focusing on the role and function of various OSH services as presented in the interview data, it must be added that there seems to be a lack of preventive services on the market, which makes it especially difficult for MSEs to contract OSH specialists and occupational physicians. Consequently, some statutory accident insurance bodies already explore possibilities for additional specialists such as medical assistants, physiotherapists, ergonomists and psychologists to take over some preventive tasks from occupational physicians (see Kirsch, 2015).

OS19 is a member of the steering committee of 'Offensive Mittelstand', a network that focuses on promoting working conditions in small and medium-sized companies with up to 250 employees in Germany. According to the interviewee they aim at companies with fewer than 50 employees, but as there is no size restriction a few of the members have up to 1,000 employees. There is no sector specificity and the interviewee stated that especially the smallest companies require support in implementing good OSH measures. The interviewee supports projects for SMEs and MSEs by coordinating and developing different activities. He used to work as a consultant and had direct contact with companies, but nowadays the contact is mainly indirect, through the transfer structures of 'Offensive Mittelstand'. He still has direct contact with MSEs when he tries to contact them in order to try to involve them in its projects for testing the tools that have been developed. As an example of how they are trying to get in contact with MSEs, he stated that they trained tax accountants to use the checks that 'Offensive Mittelstand' developed. Almost every company has a tax accountant and thus they have frequent contact with MSEs, including in rural areas. Therefore, they were identified as significant disseminators.

OS20 is an OSH consultant and project coordinator at a tripartite centre of expertise (*Rationalisierungs- und Innovationszentrum der Deutschen Wirtschaft, RKW*), where specialists from different fields work together with companies to find solutions for future problems: innovation, development of companies, finding professionals, improving work organisation and working conditions. They work together with companies from various sectors as project coordinators and consultants. RKW also does research studies and is financially supported by the Federal Ministry for Economic Affairs and Energy. The interviewee had experience in working with MSEs of the different sectors from projects on working conditions. She said that RKW has about 100 direct contacts with companies and the majority of them are MSEs. The interviewee is also the coordinator of a network that provides information and support for companies which need to reintegrate workers after long-term sick leave. The interviewee mentioned that there is a lack of structures to get in contact with MSEs. She highlighted the relevance of networking between associations, institutions and other OSH stakeholders. These networks can facilitate the process of getting in contact with MSEs that are not members of, for example, guilds.

OS21 is a freelance OSH consultant and safety engineer. As a safety engineer, he works for companies but he also provides training for works councils. As a trainer, he mainly works with companies with more than 50 workers, as smaller ones only seldom have worker representation. As a safety engineer, he also provides services to MSEs.

Another interviewee (OS22) works for BIT e.v., a non-profit organisation that does research and projects in the field of OSH. The interviewee explained that BIT e.v. follows a holistic approach on OSH, including workplace health management and reintegration management. The interviewee is an OSH consultant and safety engineer and has worked in the field of OSH for 10 years. He is also a member of the INQA Gutes Bauen network of the construction sector. He has frequent contact with MSEs, with a focus on painters, carpenters, drywall and sanitary installation businesses, but also with small manufacturing companies. For the interviewee, the most important aspect when trying to motivate an employer of a MSE to engage in OSH is face-to-face contact rather than by mail or telephone. OS23 is also a long-time researcher and OSH consultant of BIT e.v., who at the moment primarily works in companies with more than 150 employees. He has past experience of MSEs and is currently also working on a project about demographic change in the construction industry. He also initiates and coordinates projects with a focus on small craft companies and sees them as the best path for his institution to get in contact with them. He summarised: 'As consultants, we are relatively small; acquiring small "handwerk" companies in the wild would be frustrating' (OS23). As a better way to reach more MSEs, he also emphasised the importance of establishing regional networks, good education and collaboration between different actors: 'What you really need is manpower. It is useless to send a leaflet, you have to go there. As there are

many MSEs it would be the best to use already existing structures and to strengthen regional networks and supporting structures' (OS23).

OS24 is the owner of a business consultancy that works for differently sized enterprises including MSEs. It primarily does strategic projects in order to prepare the companies for future demands and has a technical focus (optimising the premises, the machines and so on). OSH is often not the main focus, but is always included in the consultancy. It consults for four to six companies at a time and usually operates worldwide, but currently has only clients from Germany. The smallest enterprise it supported had 20 employees. The interviewee is also an active member of a regional OSH network which supports small construction companies.

### **3.1.5 Additional interviews**

AD25 is a freelance safety engineer and OSH consultant who closely cooperates with the statutory accident insurance body of the health care sector. Her second focus is on the educational sector. She has frequent contact with MSEs and is also active in the German society of safety engineers and in OSH networks, especially in INQA networks, where she supports the development of new tools. For her work as an OSH consultant she uses GDA-ORGcheck to get a systematic overview about the situation of the company. She rarely contacts companies herself, but the statutory accident insurance body or the companies contact her. The interviewee was able to contribute valuable information regarding working with micro- and small enterprises, but was lacking expertise in the sectors we were targeting.

Two of the interviewees work for a regional trade chamber. Both confirmed that they had contact with MSEs but did not see OSH as part of their consultancy portfolio. They mainly advocated general business interests of the member companies and gave advice on specific fields. AD26 organises events and provides information for MSEs on wellbeing and workplace health promotion and mainly works with companies in the health and wellness sector. AD27 gives advice on hygiene in the accommodation and food service sector and was available for only a short telephone interview of about 20 minutes. She stated it is difficult for the employers of MSEs to come to events the trade chamber offers because they rarely have time. This was said to be more the case for restaurants and less for hotels because employers of hotels often have a deputy. It is also difficult to gather companies from the different subsectors; whereas restaurants are busy preparing lunch from 10am to 1pm, cafes have their main business activities starting at around 2pm, which makes it difficult to bring those together. She also stated that hygiene and food safety inspections place great pressure on the companies. The companies are visited according to a points system whereby good companies are inspected less often. Despite that, only few MSEs contact the chamber of trade to ask for OSH advice. But she considers that, if there are problems, they will do so.

AD28 works as a high-level executive for the DGB. She recently got appointed to a new position in the field of finance and organisational development. In her former position, she used to represent her organisation in OSH networks and initiated and coordinated meetings between the trade unions and other institutions such as the statutory accident insurance body or OSH authorities. She rarely has direct contact with MSEs and provided a more general overview across sectors from a political perspective.

## **3.2 Barriers to and enablers of intermediaries**

### **3.2.1 Barriers related to preventive action among MSEs**

During the interviews, we asked the interviewees for their assessment of typical enablers of and barriers to OSH in MSEs. It was notable that several interviewees predominantly referred to barriers rather than enablers and we had to scrutinise for the enablers more often.

We analysed three broad groups of barriers that were mentioned most often by the interviewees: lacking OSH knowledge and/or motivation of the management and of the employees; restricted time and financial resources that impede OSH management; lacking infrastructure (both in the companies and regarding legal regulations). Only a few barriers were mentioned that do not fit in one of these categories.

- **Lacking time and financial resources**

Several interviewees explained that lacking time resources and also financial resources impede the possibility of adequately dealing with OSH management. Time constraints regarding OSH management are said to be more relevant for the smallest companies: 'A classic barrier in MSEs: the head is full of other stuff' (WO14). The experts explained that the employer is often involved in the daily business and thus has less time to do managerial tasks. This aspect was described as coming along with financial problems, as illustrated by an intermediary: 'Most MSEs are often overwhelmed by daily business. And then they only deal with keeping their head above water' (RE6). In addition, other interviewees stated that the demands from clients had also increased in recent years, which increased the level of stress and the time pressure (for example OS23, WO14, EM8, WO17). OSH is then often not treated as a priority because it is more important to fulfil the needs of the clients and hence to remain competitive rather than manage OSH (WO17, OS19). This view is displayed by the following quotation: 'Usually the business is more important than OSH. At the same time, they want to satisfy their clients, which increases the work, the overload and the number of accidents' (WO17). Another expert confirmed this view by adding that the employers would like to have more time for OSH: 'Many employers I know and who trust me say that they would like to have more time for strategic or managerial tasks' (EM8). An intermediary who works for the sector association of the Horeca sector (EM12) was not in agreement with this assumption and stated that in the Horeca sector the owner-managers rarely have the willingness or the time to care about OSH, and they consider that they have more important tasks than OSH. In addition, meetings among the employees with OSH on the agenda are impeded because of lacking time. She stated: 'It is not easy to convince an MSE to deal with such a topic. It requires effort and it is likely to be delayed. The MSEs of the Horeca sector are characterised by a lack of willingness to read [OSH related, but also other information]' (EM12). Besides the involvement of the manager in the daily business, increasing demands of clients and the fact that OSH is often not treated as a priority, bureaucratic efforts were also said to cause time pressure (for example AS28, OS22, EM12, RE3). This means for example written OSH documentation that includes psychosocial strains, or exhaustive risk documentation in general (RE1).

Besides the time constraints, financial constraints were also said to be a significant barrier to OSH management in MSEs (for example AD25, OS24, RE7, OS19, OS21, AD26, OS22, EM12, RE3). An intermediary who works for the Horeca sector association stated that some managers do not value OSH because it is connected to increased bureaucratic demands in combination with monetary costs (EM12). Therefore, the expert suggested giving monetary incentives to combat this problem and to make OSH more attractive for MSEs. For lack of time and in order to comply with the requirements, some companies have to hire an external consultant. An interviewee from the statutory accident insurance body of the Horeca sector elaborated on the connection between the economic situation and the time constraints: 'To achieve legal compliance, they have to hire external consultancy. Due to the lack of occupational physicians and their high hourly wages you have the problem, which is an economic factor' (RE4).

It cannot be stated whether time or financial resources are more of a barrier to OSH, but it is most likely that it is a combination of both: when the monetary resources are lacking, the owner-managers have to spend more time on rescuing the company from difficulties. An interviewee who provides OSH-related training to employers of MSEs summarised: 'We have to be at eye-level with the MSEs, only then we can win. Even when a project is cost-free, I still want their most valuable good: their time' (EM11).

- **Infrastructural barriers**

Infrastructural reasons including high fluctuation of MSEs, low entry barriers, unclear OSH regulation and the absence of inspections or sanctions by authorities were also often named as barriers to effective OSH management in MSEs (for example OS22, WO15, WO14, RE6, RE2, OS21, AD28). Experts that are active in the Horeca sector (for example EM13) stated that seasonal work is an important problem in the Horeca sector because many employees have seasonal contracts, which worsens the situation of the employees but which is also difficult for the employers. Each year they have to hire new staff and are afraid of losing qualified staff but see no possibility of changing the situation. Therefore, they rarely have time to engage in OSH. Another interviewee added: 'I think Horeca is the most difficult sector. Bad working conditions, no work councils ... In the Horeca sector there is nothing! Bad working conditions, no collective agreements, unpaid extra hours. And most importantly they are not organised, very bad to

create new structures. ... There are no structures of resistance in the Horeca sector' (WO14). Besides the turnover of employees, as described before, the starting up and closing down of enterprises was also named as a barrier. Especially interviewees who have contact with MSEs in the Horeca sector, but also less frequently in the manufacturing or construction sector, stated that the high fluctuation of MSEs is a problem (for example RE6, WO18, RE3, RE1, RE7). For example, an interviewee (RE7) described that it is difficult to reach the employees with ergonomic consultancy because of the high staff turnover.

The high fluctuation of MSEs goes along with another barrier that was frequently mentioned by the interviewees: according to them there are no or only limited entry barriers for people to start their own business 'even though it is complex and dangerous' (RE6). For example, an interviewee from the Horeca sector (RE4) explained that many people perceive that it is easy to 'sell a Coke' and start their business: 'Our member companies have a high fluctuation, you don't need an apprenticeship, we are multicultural and have high cultural and language barriers' (RE4). But, as the interviewee explained, especially the smallest and newly founded companies (for example cafes or restaurants) have problems because of high costs and a lack of customers. Therefore, there is a high share of companies that close very soon after opening and it is hard to keep track of them for the statutory accident insurance body and other authorities (for example RE6). An interviewee (WO14) stated that this is not a new development, but that already in the mid-1990s it was discussed that there should be something like a driving licence for people who want to open a business, irrespective of the sector they are active in. The experts from the OSH authority in Hamburg (RE1) added that they wished that the statutory accident insurance body would guide new employers to provide an overview about OSH. An intermediary summarised this factor as follows: 'When I want to drive a forklift, I need training, when I want to handle a crane, I need training, but when I want to open a business with 20 employees, then I can simply do it' (WO18).

Furthermore, the lack of entry barriers was said to affect another barrier: for several owner-managers OSH regulation is not clear (for example AD28, OS22, OS23, EM13, RE6, RE3). An expert who is a consultant to companies and also does research in the field of OSH (OS23) stated that there are too many OSH regulations that are too complex and do not clearly state what is allowed and what not. Therefore, he admitted that even he as an expert is uncertain how to decide. He added that the MSEs need clear regulations they can stick to: 'We used to have a clear regulation regarding prevention of accidents that clearly stated what you have to do and what not. The individual responsibility of the employer is increasing and simultaneously their insecurity. ... The regulations should be adjusted to each other. That way you don't have the problem of competing regulations' (OS22). Another expert (RE6) said that OSH regulation needed to be simplified in order to meet the needs of the employers. However, according to him it is not possible to simplify OSH regulation, but he did not elaborate on the reasons for it. As an example of unclear OSH regulation, it was mentioned that some employers perceive the statutory accident insurance body as an opponent because they have to pay a mandatory fee without seeing a benefit (EM12). This unclear role of the statutory accident insurance body leads to another problem that was mainly mentioned by interviewed regulators from the statutory accident insurance body: the access to MSEs is restricted because there is no chance to do inspections in all companies. Several MSEs that are struggling and need help do not get in contact with them proactively because they are not aware of the role of the statutory accident insurance body. So it was stated that there are some companies that are never inspected or talked to because there are too many member companies to visit all of them. Interviewees from the statutory accident insurance body for the construction sector (RE6, RE7), for example, explained that they inspect companies only when accidents have occurred or when someone has reported that there are problems. According to another interviewee this can lead to problems: 'In the 40 companies I know, I think, there hasn't been one inspection by the statutory accident insurance body within the past 30 years, only when an accident happened. And when they are there, they ask the employers why they haven't done A, B or C. But the employer has no clue about it, he only wants to earn money to pay the employees' (OS22).

Interviewee WO14 added that the problem with lack of inspections by authorities has increased in the last few years because the staff numbers in the statutory accident insurance bodies and other institutions were reduced. Some experts also mentioned that they wished that there were more penalties or sanctions for not satisfying OSH law (for example OS22, WO15, WO14, RE6, RE2,). For example, RE6 stated that he sees the need for penalties to create pressure, not in order to punish companies but to motivate those companies to develop good and systematic OSH. Other interviewees confirmed this view, for example by stating: 'You always ask for incentives, but I think you have to write force behind it.

Sanctions are helping and they are protecting the employees. Especially in MSEs, because there are grievances' (WO16).

- **Lacking OSH motivation/knowledge**

Another factor that was mentioned by almost all interviewees is the crucial role of the owner-managers. This includes their motivation to care for OSH in their company, but also their level of knowledge and education. All three aspects were said to influence each other. The motivation of the owner-manager especially was said to be crucial for the basic OSH management (for example OS24, RE2, OS22, WO15, WO14, EM9, EM11, RE6, RE5, RE1). It was stated by several experts that, when managers do not see any benefit, they are not interested in looking after OSH: 'It is difficult to find companies that participate in projects, even though they have a benefit and do not have to pay for it' (OS22). To combat this problem, the suggestion was made to talk about issues that are relevant to the companies and to 'sell them OSH like the Trojan horse' (OS22). As an example of low interest, especially from managers of MSEs, two consultants (WO14) stated that they are rarely contacted by them for consultancy.

Besides the motivation, the interviewees from the OSH authority in Hamburg (RE1) stated that the attitude is also important. They said that some managers are highly motivated and thus detect even small risks while others are not willing and do not understand the need to look after OSH. As an effect of low motivation, they described that some owner-managers hire an external OSH consultant to comply with legislation but also to try to shift all responsibility towards this person, which is said to have a negative effect because the managers obviously do not understand their responsibility for OSH. Similarly, interviewees from the Federal Institute for Occupational Safety and Health (RE2) explained that some employers try to shift all responsibility to their employees (for example by providing them with PPE) so that it is their individual mistake when an accident happens rather than a complex and organisational problem: 'Currently, I am observing that the employers try to get rid of their responsibility. They are saying that they are doing everything they can and that there are no gaps and that gaps develop due to the lacking motivation and the violation of OSH regulations by their employees' (RE2). According to the interviewees from the BAuA, it is easier to shift the responsibility to the employees than to be responsible as employer. OS21 added that a manager who is not motivated is still a (possibly negative) role model for his or her employees.

In conjunction with the motivation of the owner-manager, the level of OSH knowledge was also said to be of high relevance, because, even when an owner-manager is motivated, if he or she has no clue how to deal with OSH only a limited positive effect can be expected (for example AD26, OS22, WO18, WO14, EM9, RE6, RE1). An interviewee from the statutory accident insurance body of the construction sector elaborated on the relevance of education: 'The bigger the companies, the higher the likelihood that the companies get in contact with us and that they are interested in OSH. But it also depends on what I said earlier: the higher the qualification of the employer and the better the educational level, the better I can talk to them about OSH. ... When we are talking about long-latency risks which are not acute, then you have problems in talking about OSH in companies with a low educational level' (RE6).

As an example of the impact of lacking OSH understanding, an interviewee (EM11) stated that a manager (roofer) wanted to reduce the level of stress among his employees by offering them vouchers for massages. But besides this no additional measure was taken and thus OSH was tackled unsystematically. An OSH consultant (OS22) added that lacking experience of accidents or incidents can also be a barrier because only a few managers have experienced accidents in their companies and thus the others do not see the necessity to implement OSH-related measures.

In all three sectors, language barriers were reported due to a high number of foreign workers (for example OS22, WO14, RE6, RE3, RE1, RE7, OS19). According to OS22 the employer is obliged to provide OSH information to the employees which is understandable to them — it is not clear if the employer has to translate the risk assessment. An expert from the Horeca sector stated: 'We have an international audience in the Horeca sector, in bakeries they have many different nationalities and the Ordinance on Industrial Safety and Health is even hard to understand for native speakers' (RE4). The same interviewee (RE4) added that working time arrangements and wages are more relevant to employees than OSH.



On the other hand, working time arrangements are also OSH relevant and some of the regulators said that especially in the Horeca sector the lack of knowledge of the workers, and of the young workers in particular, helped employers to exploit them (RE2). In the same interview, the lack of understanding of the employees about their rights regarding safety and health at work was said to be a barrier to effective OSH management in general: 'Many employees lack knowledge. They don't ask for it and, as a consequence, there is no OSH.'

The OSH authority (RE1) stated that some employers have problems with employees because they are not aware of the hazards or are not willing to change their behaviour. Therefore, the interviewees emphasised the relevance of OSH education for employees (for example during training).

### 3.2.2 Enablers related to preventive action among MSEs

One major aim of this study was to determine enablers related to preventive action among MSE. Those enablers could be analysed when questions about tools and incentives for good OSH consultation were answered but also in responses to other questions which asked about methods that fostered good OSH advice or about preconditions that were deemed necessary to achieve good OSH outcomes.

In general, four different categories of enablers or four main areas where enablers can be located were analysed: owner-manager, external factors, measures and staff/employees. We will concentrate on the most common themes, which we consider to be shared understandings, as they were mentioned frequently throughout our interviews.

The most common theme analysed as a clear 'enabler' for good OSH consultation in our interviews was the personality and character of the owner-manager of the enterprise, although this is rather a precondition than an enabler. However, almost every interviewee responded that a supportive owner-manager or an owner-manager who actively engages in OSH was the *conditio sine qua non* for good OSH consultation. As an illustrative example one interviewee stated: 'There's only one optimal precondition: The owner-manager must be convinced and motivated to engage in OSH. This person must be open-minded for change and has to deal with it. That's the pivotal point' (EM8). This result corresponds well with the observation that many interviewees stated that owner-managers who are not interested or engaged in OSH 'need' to experience a (fatal) incident first, before they start to apply OSH measures in their companies, as stated by RE7: 'The owner-manager who has had to deal with a fatal accident is much more motivated. In many cases, a change in behaviour does not take place until the owner-manager is personally affected' (RE7).

The determining role of the owner-managers was also mentioned in other contexts, for example when the importance of trust between the owner-manager and the external OSH specialist was mentioned as crucial for good consultancy outcomes (EM8). One intermediary also highlighted that her company invented a specific measure aimed at owner-managers in which owner-managers cooperate within a workshop to exchange OSH experience. This measure was assessed to be a feasible approach for the target group: 'Well, they [the owner-managers] do not necessarily want to be told how to improve their OSH precautions but they want to learn from each other. This mutual exchange at regular gatherings works pretty well' (OS20).

As all these examples illustrate, the open-minded owner-manager aware of occupational risks is a relevant precondition, not to say fertile ground on which good external OSH consultancy can spread.

Besides this, some other relevant preconditions for good outcomes were mentioned and analysed, especially how the topic could be addressed and owner-managers be persuaded. An expert reported: 'It is about active persuasion, meaning no mail but active persuasion on site. I think the personal communication, the personal discourse is most relevant' (OS22).

Better outcomes were also reported if the OSH specialist has *specific communication skills* to sell the topics. A woman working for the statutory accident insurance body for the construction sector emphasised: 'It's all about communication: Listen first, don't rush in with your own ideas. ... As an elderly woman approaching an enterprise, I have to know how to behave. I have to talk in an authentic and easy-to-understand manner at eye level. I have to prove every time that I know what I'm talking about' (RE7).

As this example shows, a woman especially must fight for her credibility in a male-dominated sector such as construction when she wants to convince her clients about necessary changes to improve safety and health in the establishments. However, similar experiences were reported by a male intermediary, who stated: 'Having experience in production is pretty helpful; having done certain things myself helped a lot. When I'm talking to a bricklayer about OSH, it's very helpful that I worked in construction myself, simply to be accepted' (OS24).

One regulator who trained intermediaries and disseminators also confirmed that sector specificity was important in order to address the target group successfully: 'Didactic knowledge is needed, also specific knowledge. We need to know what to talk about. ... It is important to break transfer down to sectors. ... you have to be sure with terminology and environment, otherwise you stick to platitudes, you lack credibility' (RE2).

Next to the OSH experts' communication skills and their own work experience, we analysed the educational level of the owner-managers as a relevant precondition. However, it was assessed differently. While some of the interviewees reported a clear dependency between educational level and OSH level (EM9, RE3, AD28, WO18, RE6), others deemed work experience and time more important for the companies' OSH level (RE2, OS19, EM8). Whereas one interviewee from the statutory accident insurance body of the construction sector said 'The higher the qualification of the employer and the better the educational level, the better I can talk to them about OSH' (RE6), another intermediary denied it: 'It's not the educational level. It's rather the experience of the people involved' (OS19).

When it comes to measures that foster OSH implementation in MSEs through external OSH experts, two measures were reported as very effective. First, on-site advice through external OSH experts was assessed as an effective way (EM9, RE7), and also a small-step strategy for implementing OSH was deemed to generate success (AD25, OS20).

The interview guide also asked about specific tools and incentives that external OSH consultants use to reach better OSH outcomes. Especially in this section of the interviews, the specific role of the statutory accident insurance body in Germany and INQA (see section 2.2) became apparent. These stakeholders provide certain tools and checklists to implement OSH better in the daily routines of MSEs. Several of these tools were mentioned in interviews by interviewees from stakeholders who used these tools especially for small and micro-enterprises which value tools 'for free': 'I really like to work with the stuff from INQA because those things are freely available for the owner-manager and do not cost any extra fees' (AD25).

Another checklist mentioned frequently in our interviews was GDA-ORGCheck (for example AD25, OS20, RE1). This checklist integrates psychosocial risks into the risk assessment and improves the organisation of OSH management because it enables MSE to review and improve their OSH organisation to ensure the safety and health of the employees. It was especially mentioned by one intermediary who also mentioned tools provided by unions but preferred the tools from public stakeholders instead: 'There are good tools created by employer associations or trade unions. But to offer these union's tools to the owner-managers is scaring them away' (OS20). GDA-ORGCheck was instead perceived as a 'neutral' tool that was agreed on by several parties involved and thus perceived as more trustworthy than the tools from the social partners (OS20).

When asked about incentives that can help to implement OSH measures in MSEs, some interviewees mentioned the idea of reduced insurance premiums or payback options for good OSH performers. Especially, because membership of the statutory accident insurance body is mandatory for companies in Germany but often perceived as expensive and thus burdensome for MSEs, reduced premiums appeared a way to raise awareness for OSH in small and micro-companies (WO17, RE2): 'If the occupational illness and accident rates decline, so the premiums for the statutory accident insurance have to be reduced as well. This would certainly be an incentive because one can save money. We need to find a way to reach owner-managers and bring it into their heads' (WO17). Correspondingly, an interviewee working for the statutory accident insurance body of the Horeca sector reported that such measures do already exist and stated: 'We do have a bonus agreement. It proves pretty well to approach small enterprises because one can save money. Firms have to take certain OSH measures to receive reduced premiums or bonuses' (RE3).

This view was confirmed by the other interviewee from the statutory accident insurance body (RE4). Another interviewee assessed similar measures as useful and effective when reporting about statutory health insurances (OS19). As another way of providing a monetary incentive, an intermediary summarised: ‘You have to change the culture. An incentive always pays off, everything in connection with money works’ (WO14).

Some of our interviews also made strong calls for the statutory accident insurance bodies to impose penalties on companies that do not take OSH measures (WO16, RE2, RE6, WO14). Calls for more pressure to comply with OSH regulations were made by regulators as well as workers’ association representatives. To put pressure or penalties on non-compliant companies was thus seen as a last resort strategy for those companies that are not reachable with other measures or incentives. At the same time, avoided penalties were so seen as another enabler to engage in OSH (OS24) or pressure from the insurance companies was assessed as an effective way to foster compliance with OSH regulation in MSEs.

Another way to improve OSH outcomes was reported as being if good OSH practice applied by the MSEs is honoured in public. In total, there were more than five different occasions (OS24, AD25, OS20, RE1, OS19) when our interviewees mentioned this measure as very effective. A typical statement for this category was: ‘Especially for MSEs it appears tempting if they could put a sign above their door stating “This establishment has been accident-free for the last 365 days”. This raises awareness as well’ (OS24).

The last area for which enablers could be analysed was the category ‘staff/employees’. For small enterprises, the company size was deemed an advantage because for these companies better cooperation between staff and management was assumed to enable better and direct communication about OSH. As one interviewee puts it: ‘So, this close cooperation of management and staff is simply more likely in smaller companies’ (OS20). For both owner-managers and staff, our interviewees mentioned regular staff meetings as enablers for good OSH outcomes. A regular occasion to get informed about OSH matters and discuss them either with other owner-managers or with staff was seen as an essential measure for good practice (EM9, OS20).

Another aspect was added when one interviewee reported that close informal relationships within the company have positive effects on OSH: ‘Togetherness is different and there’s more caring for each other, the sympathy for each other becomes different and especially OSH-relevant details or PPE are taken into consideration: “Mate, you forgot to wear your PPE!”’ (AD25).

Especially for OSH consultancy, we analysed that staff value being considered before new OSH measures are taken (for example OS20, AD25): ‘The inclusion of staff is very conducive for the implementation [of OSH improvements]’ (AD25). A small-step strategy that is explained to the staff before new measures are taken can thus be seen as another effective enabler of better OSH outcomes.

At the end of this section on enablers for good OSH outcomes, we have to mention an important peculiarity of the German MSE context. As already mentioned in the national policies section, owner-managers of German MSEs with up to 50 employees can participate in the employer model (*Unternehmermodell*). When participating in this model, employers must attend OSH training to carry out certain OSH measures in the company. The employer model was also discussed with the experts of our sample and their reaction was twofold. While most of our interviewees appreciated the employer model for several reasons, there were also some who appreciated it but also saw some drawbacks of the way the employer model is applied. A typical statement about the benefits of the employer model was given by OS23: ‘I think the employer model is good in so far as people get sensitised and receive training to a certain extent’ (OS23). Although it was appreciated, quite a few of our interviewees mentioned that the employer model indeed helps to raise awareness for OSH in MSE but either it lasted only for a short amount of time just after the employer received the training (RE1, AD25) or the expertise of a trained employer was markedly less than the expertise of external OSH specialists (WO17).

However, asked for reasons why owner-managers participate in the employer model, a typical reply was that employers can save money through participating in the model (RE2, RE3), so the monetary incentive can be seen as a triggering factor for the model. As already mentioned at the beginning of this section, the outcome of the employer model was assessed to be highly dependent on the owner-manager (WO18, WO14, RE1, AD28). If the owner-manager is interested in OSH and willing to learn,

the employer model was reported to be a suitable measure to implement OSH standards in MSEs. However, some interviewees also mentioned that there are also cases in which the employers participate in the model only to get their risk assessment done and file it in the designated folder, with no further measures applied (AD25).

To conclude, the employer model is seen by our experts as a special way to train employers on relevant OSH basics without spending huge amounts of money. Research on MSEs in Germany shows that enterprises with up to 49 employees whose employers have participated in the employer model are more likely to do risk assessments than those enterprises of similar size which contract external OSH experts only (Sczesny et al., 2014). However, our results show that it is highly dependent on the respective owner-manager who participated in the employer model whether OSH measures are continued and constantly reviewed and updated, or whether the model is mainly used by the MSEs in order to save money.

### **3.2.3 Common understandings among and divergences between the stakeholders**

#### **▪ Low end versus high end of the spectrum**

The vast majority of the interviewed experts stated that MSEs are hard to reach, both to include them in projects and for consultancy. As described in the previous section about barriers, the experts explained that MSEs lack monetary and time resources and thus are often unable and/or reluctant to hire external experts for support. In general, as some interviewees reported, MSEs that have a structured approach towards OSH and a basic understanding of it are more likely to participate in OSH-related projects or to seek external help, whereas MSEs that lack OSH knowledge and are struggling financially and would thus need help are less likely to participate in projects or have no time or willingness to search for help. An expert elaborated the difficulty of including an MSE in a project: 'But I think, now we are at a point I mentioned earlier: we only had MSEs with the best practices! When they are willing to change and are open for such a project, it usually works. But it is not the butcher around the corner, because he has not thought about it' (OS22).

The tendency that OSH projects primarily address the middle to better end of the spectrum was observed by other interviewees, too. In group interview RE2, the experts explained that the projects and networks under their roof tried to tackle this deficit by strategically involving partners that have access to all companies and by integrating the OSH message in general improvement measures raising the interest of all kinds of companies.

With regard to the low end of the companies, especially non-compliers, some interview partners referred to inspections as an appropriate measure. When considering the role of inspections by the authorities, the interviews estimated that MSEs are often not visited frequently. For example, RE6 (who works for a statutory accident insurance body in the construction sector) reported that, the bigger the company, the higher the probability that it will get in contact with the statutory accident insurance body. The insurance body performs inspections only when there has been an accident or when someone has reported that there are deficiencies in a company. In contrast, an interviewed expert from the Horeca sector (RE3) reported that they frequently visit MSEs because they perform 'risk-based' inspections (based on several attributes). Thus, she stated, no companies are missed out, even though there are many emerging enterprises in this sector. As no other expert confirmed this view, no additional statement about differences between the sectors can be made.

Other interviewees also mentioned that control pressure was not high for MSEs (RE2), referring to statutory accident insurance bodies and to public authorities likewise. As a consequence, MSEs are seldom inspected, which led to the situation where the 'black sheep' got away too easily (RE2). This view was confirmed by other experts (for example WO18, OS23). Examples were given from road safety and hygiene inspections. Some interviewees implied that a higher control pressure and an elevated threat of penalties on these fields contributed to high compliance levels (RE2, AD27). A contrasting view was given by an employer representative (EM10), who saw a possible solution in more information for companies from authorities and less in restrictive measures or control.

In summary, it can be stated that MSEs with the worst OSH conditions, especially non-compliers, seem not to be reached by OSH projects and initiatives. There was the perception that in the current system, with only random checks by inspectorates, the weakest companies lack support and guidance.

#### ▪ Sector observations

Most of the interviewed experts represent more than one sector; in particular, manufacturing and construction share the same experts. This can be the case because many activities for micro- and small companies address *Handwerk* (craft) businesses. In German, the term *Handwerk* includes small craft businesses in the construction sector as well as the manufacturing sector, but to a lesser degree. Only a few experts made a distinction when providing information about the specificities in these sectors and therefore we cannot always clearly refer to one or the other. Nevertheless, some differences between the two sectors were mentioned on request, which are elaborated below.

In general, four of the experts (two OSH consultants and two employer representatives) stated that accident vulnerability and OSH measures are sector dependent, for example because, when the probability of an accident is low, it is less likely that an OSH measure is taken, or because, when the sector is more dangerous, there is said to be better OSH information or sensitivity (OS21, OS24, EM8, EM10). Another expert (EM8) added that, the more dangerous the sector, the better the OSH information, for example in the field of electrical engineering.

As a difference between the construction and manufacturing sectors, several experts stated that in the manufacturing sector companies mainly work in their own facilities, while many construction enterprises work on changing premises and construction sites: 'In construction it looks totally different. Meaning, I have constantly changing conditions that do not make OSH easier' (OS23).

Another interviewee added that the situation for companies that work on changing premises is worse: 'When you have machines, you have different possibilities like carrying tools over the construction site when it is rainy or snowy. In construction, you have more difficult conditions: working on ladders, building or removing scaffolds. Of course, you don't have it in manufacturing' (OS19).

A further OSH consultant (OS22) emphasised this point by stating that changing work sites in construction hinder good OSH standards because they lack possibilities to organise OSH. As an additional factor, he elaborated that the trip to work is also extended when working on varying sites, which is another specific problem of the construction sector. Thus, from the interviews it can be assumed that intermediaries carrying out OSH consultancy assume that there are other risks for MSEs active in the construction sector, due to changing premises, than for companies in the manufacturing or Horeca sector that do not change their work sites. As a result, the intermediaries assess the process of implementing OSH measures in the construction sector as more difficult.

When asked for sector specificities, almost all of our interviewees referred to varying degrees of organisation or structure between the sectors. An OSH consultant (OS19) stated that the manufacturing sector has a better structure than the construction sector, because the former has industrial processes. Only a few experts referred to how they actually define a lack of structure or organisation; as examples, they gave the existence and degree of organisation of trade unions, the general obligation of documentation in a sector, regular inspections by the labour inspectorate or the existence of work councils. But from their explanations it can be summarised that good organisation within the sector has positive implications for OSH while a lack of structure needs to be accompanied by more OSH-related measures (for example by training the foreman). As an example, the experts from the OSH authority in Hamburg (RE1) stated that a well-structured sector has a positive impact on the conduct of risk assessments: 'But I think it depends on how used the managers are to documentation' (RE1).

An expert who is active in all three sectors (OS20) also mentioned that the manufacturing sector has a good organisation and stated that it has a positive impact on OSH awareness. According to her, OSH awareness in the manufacturing sector is higher than in other sectors because the existing unions provide a structure. A worker representative (WO14) and an expert from the German Trade Union Confederation (AD28) confirmed this view. The latter added that in some manufacturing sectors, such as electrical engineering and chemistry, a better sector organisation is related to the existence of a bigger number of medium to big companies.

Looking at it from the other side, a lack of structure in the construction sector was said to have a negative implication that leads to the need to teach construction employees OSH basics: 'Therefore it is even more important to increase the awareness of construction employees by educating their foremen in order to have a healthy construction site' (OS19).

As a specific feature of both sectors, construction and manufacturing alike, the attitude of the employees and of some employers towards risks was named. According to interviewees from a worker representation organisation (WO14), the work culture encourages risky behaviour, especially in MSEs: 'Construction is shaped by typical men who are not sissies and who endure their work and also carry heavy loads. And everyone who moans or wants to improve something is a sissy' (WO14).

Even though we initially had problems finding experts from the Horeca sector (which in itself suggests the weaker OSH organisation in the sector), the interviews we conducted provided valuable information about the specificities and the peculiarities of the Horeca sector.

Just as the interviewees assessed the degrees of organisation and structure in the construction and manufacturing sectors as different, so for the Horeca sector the experts referred to organisation as a relevant sector specificity. According to several interviewees the degree of sectoral organisation in the Horeca sector is very low (for example WO16, WO14, AD28). This includes a lack of associations and trade union organisation, low numbers of work councils and an absence of structures of resistance against bad working conditions among the workers, in contrast to the manufacturing and construction sectors (WO14). As reported by some experts, the coming and going of companies is high in the Horeca sector, which was elaborated in more detail above (see section 5.1). An interviewee from a Horeca association (EM13) stated that there is a difference between the areas of the Horeca sector. According to him there is a difference between hotels and restaurants: hotels are mainly bigger and thus have more structures than a restaurant, where the owner participates in the daily processes rather than being active in OSH management.

Besides these structural problems, the experts mentioned other sector-specific problems. Two intermediaries (AD28, WO14) summarised that the working conditions in the Horeca sector are worse than in other sectors. As a main reason in the sector, the irregular working times were identified: 'For the employer in the Horeca sector the working times are of interest only in so far as the employees have to be efficient even after 8 hours of work' (EM12).

In addition, the interviewees from the OSH authority in Hamburg stated that they typically look at working time when inspecting companies from the Horeca sector, because unpaid overtime is known to be a huge problem.

Besides the frequent extra hours, the seasonality in the sector was also said to impair the health of the employees (for example EM11, WO16, EM12, EM13). In the winter months, about one-third of employees are said to lose their job because their enterprise closes at that time. Therefore, numerous qualified employees leave the sector, which increases the problems of the MSEs in finding new staff for the next season (WO16). This matches the observation that good practice projects from the sector mainly address working time arrangements. The special needs of clients and sometimes also violence of clients were named as reasons for bad OSH conditions in the Horeca sector. The negative implication of dealing with customers as a potential source of mental strain, especially in service industries, was mentioned by one employer representative (EM12).

In addition, low wages, changing shifts (WO14) and a lack of OSH knowledge on the part of the employers were considered to be specific problems of the Horeca sector (RE1, RE3, RE4, AD24). As an example, the intermediaries from the OSH authority in Hamburg stated that often premises are rented that do not fulfil the OSH requirements. According to them the new owner-managers focus only on the space for customers but not on the size of the kitchen, and they lack knowledge of work processes and OSH consequences. The expert stated: 'And again, there's this lacking awareness [of the managers] about some aspects such as work procedures ... which is of essential importance for the well-functioning of the everyday business, but which is however often forgotten' (RE1).

In summary, it can be stated that the location of the work, the degree of organisation in the sector, the familiarity with structures (such as frequent documentation) and other specific problems were identified as divergences between the sectors. In general, the Horeca sector was described as the sector with the worst OSH conditions, followed by the construction sector. Of the three sectors included, the

manufacturing sector was described as the sector with the best OSH conditions and the best sectoral organisation.

#### ▪ Observations by stakeholder groups

It was not easy to identify clear contrasts between stakeholder groups. In contrast to other EU Member States, the German OSH system is carried by strong institutional stakeholders, where each institute fulfils a specific role. Social partnership and collective bargaining play less of a role in OSH. Social partners are represented on governmental committees, strategic steering groups and the governing bodies of the statutory accident insurance institutions. As a consequence, many decisions, including the preparation of good practice approaches, are prepared by long-lasting negotiations including all partners. But, as the representation of social partners and in particular of trade unions is low in MSEs, it appeared particularly difficult to identify interviewees with deeper expertise in OSH in MSEs who represented the employers and workers. In addition, the way the interviews were conducted made it more difficult as there were no disagreements which might have appeared in workshops.

The broad consensus can be perceived as a strength, which helps in accessing companies. As an OSH expert stated, neutrality of instruments and measures is essential, and trade union or employer association instruments would scare the other side (OS20).

Among the smaller obvious differences that could be identified was the point of how to treat non-compliers within the group of MSEs. While some worker representatives, OSH experts and regulators pleaded for more inspections in order to reach the low end of the companies (WO18, OS23, RE2, RE6), this was not shared by employers' representatives. Some of the employer representatives would prefer more information and active advice from authorities as a possible solution (EM10).

### 3.3 What works for whom and why?

This section describes what have been identified as good practice examples causing better OSH outcomes. Good working examples have already been specified in section 5.2. We thus highlight a few, which were assessed by the project team as common examples of good practices. Such good practices could in general be found in the categories 'tools', 'incentives' and 'measures'.

In general, as already mentioned in section 5.2, we could identify that **tools** (in particular, management tools) invented by INQA (New Quality of Work Initiative, see above) were deemed to be very effective when MSEs were consulted regarding OSH. INQA offers a variety of aids for different sectors and on different topics but the so-called INQA Checks were overall assessed as very useful. When asked why these INQA tools were considered to be so effective, one intermediary answered 'The checks [checklists] were developed with broad agreement from all stakeholders and therefore many consultants especially watch out for these checks' (EM11), and other experts agreed: 'Yes, the INQA tools are excellent, regardless of which INQA subdivision publishes them. They are all validated internally' (OS22) or 'The tools provided by INQA are useful to raise attention for certain things. They're very handy to set themes and if people are interested you can specify those themes' (RE2). As INQA does not restrict its services to certain sectors, one can assume that those INQA tools are used throughout the sectors, especially in construction and manufacturing, where sector networks exist. Accommodation and food services are not covered to the same extent, but are not excluded. Other tools were also assessed to work well, such as *Bausteine*, an OSH information leaflet which depicts OSH elements (mentioned by RE6) for the construction sector. An OSH handbook compiled by the chamber of crafts was mentioned frequently (for example by WO14, EM10, RE1) as a good tool to provide necessary information for the manufacturing sector. This handbook is not available in print any more but is still frequently requested and downloaded from the internet, which shows that easily accessible information material proves to be good at delivering key aspects of OSH into MSEs. Several interviewees also mentioned other information leaflets as key enablers to transfer relevant OSH knowledge into MSEs; especially if these leaflets are tailored to the needs of micro- and small companies (WO14), they were assessed as inductive elements of good OSH consultancy.

Besides tools, **incentives** were also mentioned frequently (RE4, OS24, OS22, EM12) in all sectors as causing good OSH outcomes. As already mentioned in section 5.2, monetary incentives especially provide the chance to save money, which is very attractive for financially struggling MSEs, as a few intermediaries stated: ‘Money works always very well, so to say: avoided penalties. Or reduced premiums for insurances, something like that’ (OS24). ‘I already named one major key aspect: money’ (EM12). ‘It’s all about building bridges: “If I invest something, I’ll receive a monetary benefit” ’ (RE4).

Next to premium reductions for the statutory accident insurance, specific OSH premiums were mentioned as good working incentives, meaning that companies do not receive premium reductions for fewer accidents but are subsidised if they decide to buy OSH-fostering equipment such as ergonomic appliances for their companies (RE6, RE2): ‘For 5 years, we offer OSH premiums and try to push good practice with them: that is, if an enterprise decides to buy something, we subsidise it. Mostly, we subsidise working appliances’ (RE6).

When it comes to further **measures** that were described as working well, workshops for owner-managers, regular staff gatherings and information events by the BAuA must be highlighted as relevant. As already mentioned in section 5.2, workshops in which owner-managers have the chance to talk to each other, exchange experiences and do some group work on OSH topics were named by, for example, RE2 as working very well: ‘Some feedback shows that other formats are also requested: workshops, for example, where something is discussed or group work is done, exchange experiences. That’s what is asked for even more’ (RE2).

The statutory accident insurance body provides another information brochure that guides through regular staff gatherings, named ‘ideas gathering’ (*Ideentreff*). In this brochure, checklists help to assess the current situation of the company before it provides step-by-step guides on how to conduct staff gatherings and to discuss recent problems. This measure was described as working well because staff value the opportunity to gather and discuss relevant topics that influence their regular workflow, of which OSH matters are just a small part. This measure was mentioned as successful by RE7, for example: ‘They [the gatherings] were very successful, particularly in one case, as I can report delightedly. It’s a circle consisting of employees who talk about their problems by themselves. It significantly raises the likelihood that employees actually take care of their problems and that the employer solves them if the people concerned participate in this process.’

As these examples show, the German OSH experts named quite a few different approaches as working well and making their daily work easier for them. However, it became evident that, especially for MSEs, a lot of basic information campaigns are still needed to raise awareness that the implementation of OSH measures is not just something that helps to comply with legislation, which is sometimes perceived as burdensome by MSEs. As it also helps to reach even better business outcomes, it allows the MSEs to keep their staff healthier and helps to create a working environment that is perceived as less accident prone. Once again, we have to mention that these campaigns should first target the owner-managers, who have a pivotal role for OSH matters in the German MSEs.



## 4 Conclusion and summary

This report has highlighted the German context in which external OSH consultancy for micro- and small enterprises is located. Therefore, certain specifics of German legislation, regulations and the national situation were introduced. The second part of this report drew on a study consisting of 28 expert interviews (group interviews as well as individual interviews) that were conducted with different intermediaries concerned with OSH in Germany (employer associations, regulators, worker unions, external OSH specialists).

Already during the research into good practice examples in Germany, it became obvious to the project team that it was more difficult to identify good practice examples or networks for some sectors than for others. While a lot of publicly supported initiatives and projects target small craft and construction companies (*Handwerk*), other sectors are less focused on. Another main area of OSH-related activities could be identified in the healthcare sector. The impression was supported during the contact phase for the workshop, respectively for the interviews. It proved more difficult for the research team to find interviewees from the accommodation and food service sector than for construction or manufacturing. Several representatives from employer associations of the field said that OSH was not on their agenda. In addition, EM12 and EM13, who finally agreed to an interview, stated that the BGN (statutory accident insurance body) was mainly responsible for advising companies on OSH. Interviewee WO14 stated that the Horeca sector is lacking structure and is not well organised.

Because of time constraints of the external OSH consultants, we had had to follow the alternative option by concentrating on expert interviews instead of workshops. These interviews were conducted using a semi-structured interview guideline and analysed in a way that allowed comparison of their results. If similar categories emerged in different interviews with different intermediaries, we considered these results similarities; if certain topics were described contradictorily, we considered these results divergences.

A shared understanding in most of our interviews was the pivotal role of the owner-manager when it comes to OSH implementation in micro- and small enterprises. If owner-managers reported valuing their employees, they were usually more motivated to also implement OSH standards, with better general outcomes for all employees. If the owner-manager is not motivated, other enablers become more relevant, such as external support, pressure from legislation, sanctions and experiences in the company (for example when an accident happens).

The role of the external OSH consultant was also analysed as crucial for good OSH outcomes. Therefore, the relationship between the OSH consultant and the employers was mentioned as relevant. Better consultancy outcomes were also described when the experts had certain communicative skills such as certain language codes that enabled them to approach employers on an equal footing. Other experts reported that not using the term 'OSH' had unexpected good effects for the consulting process. In this context, some stakeholders also reported their positive experience of bringing the message to MSEs by involving unusual contacts, such as tax accountants, local governments or employers' spouses.

Certain tools and incentives were also mentioned as enablers for good OSH outcomes. A central role was played by checklists that were provided by public stakeholders. These tools have to be easy to understand and short so that using them contributes to better and more comprehensive risk assessments. Those checklists were reported to assist consultants or authorities to assess OSH situations in the enterprises. Some bonus systems of the statutory accident insurance bodies were mentioned as good incentives, especially for MSEs who consider mandatory membership of the insurance scheme cost-intensive and burdensome. An effective incentive was reported when good OSH performers received premium reductions.

Some difficulties in external OSH experts approaching MSEs were reported. Thereby, company size appeared to influence the accessibility of enterprises: bigger MSEs are more likely to have work councils, which simplifies the process of approaching MSEs and in particular employees. The absence of work councils in MSEs across all sectors makes it difficult to advise and contact workers.

As a barrier to frequent OSH inspections of the statutory accident insurance body or other authorities, the high replacement rate of MSEs (due to bankruptcy or outsourcing) was reported by experts active

in all three sectors. In addition, they frequently reported that there are language barriers, especially among employees from the Horeca sector.

The experts also reported lacking time and financial resources as a relevant barrier to better and more systematic OSH management. The intermediaries added that this barrier is more prevalent in MSEs because the owner-managers often participate in the daily processes and thus have less time to fulfil managerial tasks. The barrier was described as even more of an impediment if it was combined with economic problems in a company.

Two divergences became apparent during our analysis. While some of our interviewees considered the role of the education of owner-managers crucial for the level of OSH in their establishments, other interviewees considered this role subordinate and emphasised other factors, such as time to look after OSH or work experience, as important for the level of OSH.

Another divergence could be observed when different intermediaries assessed the employer model (*Unternehmermodell*; see section 2.2 for more details). While some of the interviewees assessed this model as beneficial for the respective owner-managers, others had a more differentiated perspective and stated that this model causes positive (long-term) effects only if the OSH knowledge is constantly reviewed and updated, which according to them was not always the case.

The main divergences between the sectors that we saw were the location of the work, the differing degrees of OSH structures in place (such as frequent documentation) and the degree of organisation in the sector. When it comes to OSH, the Horeca sector was described by our interviewees as being the most difficult to work with because it has the worst status quo of OSH conditions, followed by the construction sector. Of the three sectors included, the manufacturing sector was described as the sector with the best OSH conditions and the best sectoral organisation.

To conclude overall: the best OSH outcomes were reported if external OSH consultants and motivated owner-managers cooperated in order to raise the OSH level in the enterprises to a satisfactory level and minimise occupational incidents and accidents.

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## 6 Appendix

Table 2 List of interviews

No	Role	Institution	Sector	Number of participants in the interview
RE1	Regulator	AfA — OSH authority of the City of Hamburg	Construction, manufacturing, Horeca	2
RE2	Regulator	BAuA — Federal Institute for Occupational Safety and Health	Construction, manufacturing, Horeca	6
RE3	Regulator	BGN (statutory accident insurance body)	Horeca	1
RE4	Regulator	BGN (statutory accident insurance body)	Horeca	1
RE5	Regulator	BG ETEM (statutory accident insurance body)	Construction, manufacturing	1
RE6	Regulator	BG Bau (statutory accident insurance body)	Construction	1
RE7	Regulator	BG Bau (statutory accident insurance body)	Construction, manufacturing	1
EM8	Employers' association	HWK Osnabrück (Chamber)	Construction, manufacturing	1
EM9	Employers' association	HWK Hamburg (Chamber)	Construction, manufacturing	1
EM10	Employers' association	HWK Hamburg (Chamber)	Construction, manufacturing	1
EM11	Employers' association	FAW training provider	Construction, manufacturing, Horeca	1
EM12	Employers' association	DEHOGA (sector association)	Horeca	1
EM13	Employers' association	DEHOGA (sector association)	Horeca	1
WO14	Worker representation	PAG (training and advice for workers and works councils)	Construction, manufacturing, Horeca	2
WO15	Worker representation	NGG (sector trade union)	Horeca	1

No	Role	Institution	Sector	Number of participants in the interview
WO16	Worker representation	NGG (sector trade union)	Horeca	1
WO17	Worker representation	IGM (sector trade union)	Construction, manufacturing	1
WO18	Worker representation	BGHM (Trade union representative at the statutory accident insurance body)	Construction, manufacturing	1
OS19	OSH service	INQA Mittelstand/FHM Bielefeld	Construction, manufacturing, Horeca	1
OS20	OSH service	RKW	Construction, manufacturing, Horeca	1
OS21	OSH service	Independent OSH consultant	Construction, manufacturing, Horeca	1
OS22	OSH service	BIT e.v.	Construction, manufacturing	1
OS23	OSH service	BIT e.v.	Construction, manufacturing	1
OS24	OSH service	Independent OSH consultant	Construction	1
AD25	Additional interview	Independent OSH consultant	Health care, education	1
AD26	Additional interview	IHK, workplace health promotion specialist	Health care	1
AD27	Additional interview	IHK, hygiene expert	Horeca	1
AD28	Additional interview	DGB (German Trade Union Confederation)	General	1

Note: RE stands for regulators, EM for representatives of employers' associations, WO for representatives of workers' associations, OS for external OSH intermediaries and AD for additional interviewees.

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