

## ENFORCEMENT AND GUIDANCE ACTIVITIES CARRIED OUT BY THE NORWEGIAN LABOUR INSPECTION AUTHORITY – CONSIDERATIONS AND TRANSFERABILITY

### Introduction

Improving the extent and quality of compliance with occupational safety and health (OSH) regulations and improving OSH are longstanding objectives at the European and national levels. Improvements to arrangements and practices for managing OSH are stimulated, supported and sustained by a range of institutional actors and processes both internal and external to firms.<sup>1</sup> The latter include state regulators for OSH, such as labour inspectorates and the ministries or departments of which they are a part. The Working Environment Act (WEA) is the most central regulator on OSH in Norway, and the Act has a guiding role for the activities of the Labour Inspection Authority. However, they are not limited to regulators and ministries. This policy brief<sup>2</sup> presents three central enforcement and guidance activities carried out by the Labour Inspection Authority in Norway, namely its risk-based strategy, the inter-agency anti-crime cooperation, and the call service. Further, some lessons learned from the COVID-19 pandemic are discussed.

### The Labour Inspection Authority's risk-based strategy

The Norwegian Labour Inspection Authority supervises more than 220,000 enterprises with employees. In addition, 430,000 enterprises without employees have statutory duties under parts of the working environment regulations. The enterprises are characterised by a number of different working environment challenges, and varying degrees of ability and willingness to address them. As the Authority is incapable of carrying out inspections in all enterprises within a reasonable time frame, it has implemented a risk-based strategy to reach the industries, enterprises and parts of the workforce characterised by the greatest risks (Dahl et al., 2018). The risk assessments are concerned with the workers who face the highest risk of becoming ill, being injured or being exploited because of their working conditions.

The Labour Inspection Authority is a governmental agency under the Ministry of Labour and Social Inclusion. In their annual allotment letters, the ministry states the objectives to be prioritised by the Authority in the following year. Every year, the Authority also develops an overview of the parts of the Norwegian labour market that are characterised by the highest risks in a document called 'risk picture'. Together, the risk picture and the ministry's prioritised objectives create the basis for the Authority's inspection priorities.

The Authority uses several sources of data to evaluate the risks in different enterprises. These sources include findings from: previous inspections; tip-offs from employers, safety representatives, workers and others; notifications on work-related illnesses (RAS);<sup>3</sup> and data from the national statistical institute of Norway (Statistics Norway), as well as from the National Institute of Occupational Health in Norway (STAMI). Different risk factors are included in that analysis, including psychosocial risks.

Based on these sources of data, the Authority has developed a prediction index, where enterprises are sorted into four different risk categories. Risk category 1 includes businesses predicted to have the lowest risks, and risk category 4 includes businesses predicted to have the highest risk. The index is used for planning inspections. The inspection departments receive risk-based lists and are told to carry

<sup>1</sup> EU-OSHA – European Agency for Safety and Health at Work, *Improving compliance with occupational safety and health regulations: an overarching review*, 2021. Available at: <https://osha.europa.eu/en/publications/summary-improving-compliance-occupational-safety-and-health-regulations-overarching>

<sup>2</sup> This policy brief is part of a research conducted in Norway to provide further insight into this topic. The research report is available at: <https://osha.europa.eu/en/publications/norways-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>

<sup>3</sup> RAS notifications are notifications on work-related illnesses. All doctors must report illnesses they believe to result from their patient's work situation (Norwegian Labour Inspection Authority, n.d.).

out inspections in businesses in a certain risk group, with a certain number of employees and in a specific industry.

The Authority has used regression analysis to calculate the probability of the risks. Machine learning is used, where the machine is trained to identify businesses that have characteristics that are repeatedly linked to high risk. The Authority considers the accuracy of the predictions to be about 80%. Characteristics from similar enterprises are used for this classification, and all variables that affect predictability are used. The Authority then defines an independent variable and tests the contributing variables to increase the level of explanation.

Interviewed inspectors emphasised that in addition to the prediction index, the use of their own experiences and local knowledge is highly important. Many of the inspectors have long experience from carrying out inspections in different industries and with different aims (from psychosocial to musculoskeletal working environment factors). Further, the inspectors have local knowledge about enterprises and their activities. Generally, the inspectors expressed that the prediction index, with local knowledge, tip-offs and RAS notifications, complement each other to obtain the most risk-based inspection practices.

In its annual reports, the Authority has shown that inspectors uncover and correct a larger share of working environment challenges through inspections carried out in enterprises considered high-risk than in enterprises considered lower risk. The Norwegian Labour Inspection Authority considers the risk-based strategy's effectiveness to be high when all available measures are utilised. These measures include: the Authority's data from previous inspections, registered in the organisation's administrative IT system; tip-offs; RAS notifications; and statistics from STAMI and Statistics Norway, together with the inspector's local knowledge and insights based on previous experiences.

It was noted by several of the informants that certain aspects of the Authority's risk-based strategy are valuable considering similar solutions in EU Member States. It was also noted that the Norwegian Labour Inspection Authority looked to neighbouring countries when developing its approach. Nonetheless, some informants also noted that priorities and tools used in the strategy are based on nationally determined processes, such as directions from the Ministry of Labour and Social Inclusion, and that a lot of the data that are used as a basis for the prediction index are based on research from national research institutes. Therefore, informants emphasised that whether a similar approach could be used in other European countries, would depend on what tools and sources of data the country in question has available.

## The inter-agency anti-crime cooperation

The inter-agency anti-crime cooperation is a collaboration between the Norwegian Labour Inspection Authority, the Norwegian Labour and Welfare Administration (NAV), the police and the Norwegian Tax Administration, originating from the Norwegian government's 2015 strategy to combat work-related crime (Ministry of Labour and Social Inclusion, 2015). The cooperation provides a good example of a combined strategic inspection and enforcement model in Norway. An inter-agency approach was initiated to address the challenges posed by work-related crime and social dumping due to the multifaceted nature of these issues. Social dumping is the practice whereby foreign workers are given considerably worse working conditions and wages than Norwegian workers, while work-related crime refers to actions where the law is purposely breached to reduce production costs (Action plan to combat social dumping and work-related crime, 2022;<sup>4</sup> Bergsli, 2017). However, there are a number of OSH implications as well, in terms of breaches of laws on working conditions and wages, such as employers who supply their workers with insufficient work and safety equipment or non-compliance with OSH regulations in the WEA.

There are currently eight inter-agency anti-crime cooperation centres spread around the country, in Oslo, Bergen, Stavanger, Kristiansand, Trondheim, Bodø, Tønsberg and Alta. Not all inspectors in the Labour Inspector Authority who work with work-related crime work at anti-crime centres. About half work in the inter-agency cooperation, and the other half work in the Labour Inspection Authority on issues of irresponsibility other than social dumping in the labour market. The centres consist of knowledge groups

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<sup>4</sup> The action plan to combat social dumping and work-related crime was worked out in a cooperation between the Ministry of Labour and Social Inclusion, the Ministry of Agriculture and Food, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Justice and Public Security, and the Ministry of Trade, Industry and Fisheries.

and control groups, as well as a local steering group. The steering group decides what industries and enterprises to prioritise based on information it receives from the two other groups. The knowledge group gathers information on industries and enterprises while the control groups carry out inspections. Workers at the centres check their agency's systems for further information. For instance, a worker from the Labour Inspection Authority can check the Authority's register of tip-offs from workers, safety representatives and others.

In 2022, a consulting firm carried out an evaluation of the inter-agency anti-crime cooperation and found that a central barrier to the cooperation has been the difficulty in sharing of confidential information between the participating agencies. The same concerns were raised by our informants. The sharing of confidential information has been especially difficult for NAV. The same year, a regulation was implemented on the sharing of confidential information and the management of personal information in the inter-agency anti-crime cooperation aiming to establish a more effective cooperation. Some of our informants have stated that the regulation has eased the cooperation, while emphasising that there are still challenges with information sharing.

The interviewees reported that one of the most central success factors for the cooperation is the co-location of the different agencies. It could be assumed that this co-location makes information sharing and the exchange of information at the local level very effective. The workers get to know each other and one informant noted that the advantages of co-locating several agencies should be emphasised when discussing the cooperation's transferability to other European countries. This is one factor has been highlighted by several of the informants as a major benefit of the cooperation.

Furthermore, according to key informants, agencies from several EU Member States have visited Norwegian authorities to learn about the cooperation. The impression from the workers who have been involved in these visits is that the visitors were generally positive but also had a lot of questions concerning the practical aspects of the cooperation and about how inter-agency issues are resolved. As previously described, these are some of the concerns that have been raised through evaluations in Norway as well, especially the difficulties with the sharing of confidential information between the agencies. It was also noted that a pilot is currently being carried out in Lithuania to establish an inter-agency anti-crime cooperation similar to the Norwegian model.

## The Labour Inspection Authority's call service

The call service is the Labour Inspection Authority's guidance and counselling service. The call service operates at the national level and provides information and guidance on OSH-related matters in accordance with the WEA, the General Application Act and additional regulations within the scope of the Labour Inspector Authority. By providing employers, employees, safety representatives and others with advice and guidance on working environment issues within the scope of the legislation, the service aims to equip relevant actors with the right knowledge and tools to comply with the regulations.

The call service was initiated at the local level by what used to be the Authority's department in the northern region of the country<sup>5</sup> around the turn of the millennium. It was decided that the service would become a national arrangement as it proved to be effective at the local level. Because of this, the unit is located in Bodø. Today, the unit is part of the Authority's department of communication and user dialogue.

The call service receives questions related to everything from psychosocial to musculoskeletal working environment issues. Therefore, the unit's employees have a number of different occupational backgrounds. Twenty-one people are permanently employed in the service: the staff includes lawyers, educators, police, nurses, engineers and social scientists. The service collects data on all the enquiries the unit receives and aims to group them all by categories based on different topics. Altogether, there are 80 different categories, portraying the broad range of enquiries the unit receives. Working hours is the topic that recurs most frequently. However, it only accounts for about 10% of all enquiries.

The employees in the call service alternate between answering enquiries by phone, by chat and by email. Questions for the call service come through the Authority's website, where it also receives many tip-offs on questionable working conditions. These tip-offs are not the responsibility of the call service and are sent to another unit. Part of the call service's work involves answering questions related to

<sup>5</sup> In 2020, the Labour Inspection Authority was reorganised from a geographically based organisation model to a function-based organisation model.



working environment issues at the webpage 'ung.no ('young.no'), which is a website that provides quality-assured information to young people.<sup>6</sup>

The service offers written guidance in English, Romanian, Lithuanian, Russian and Polish. The service's guidance in different languages is developed in close cooperation with SUA, which is the Service Centre for Foreign Workers — a cooperation between the Labour Inspection Authority, the police, the Norwegian Tax Administration and the Norwegian Directorate of Immigration. Informants from the call service noted that SUA and the service complement one another as the former provides language skills, and the service has a lot of competence related to OSH regulations. Since 2015, there has been a real emphasis on developing the Labour Inspection Authority's webpage, which consequently receives a lot of visitors. Part of the call service's work is to continuously update the Authority's webpages to be more precise and accessible to the public.

The call service introduced a chatbot in January 2023, which is expected to answer more than 60,000 enquiries in 2024. The chatbot is based on an algorithm and uses a database to recognise words in the question before finding the correct answer in a database of prewritten answers. It cannot formulate answers on its own, and if it is not able to answer the question, the person who asks the question is forwarded to a chat with a worker in the service.

The call service had a high degree of effectiveness as the unit consists of a team with a variety of occupational backgrounds providing guidance in several different languages through phone, chat and emails. The introduction of the chatbot has further improved the call service's effectiveness. Informants emphasised that transferring the call service's work to EU Member States should be possible. Nonetheless, it was stated that the level of transferability would depend on the arrangements available to each Member State. The reason for this is that a premise for having a nationwide counselling guidance would be an arrangement for guidance within the existing legal framework.

## Lessons from the COVID-19 pandemic

At the beginning of 2020, the world was hit by a novel coronavirus that causes the disease COVID-19. In the years that followed, Norway, like other countries, imposed extensive measures to limit the spread of the disease. The virus and the consequent measures had a massive impact on the Norwegian workforce. For instance, all employees who had the opportunity worked from their homes during this period. According to the Confederation of Vocational Unions, nearly 40% of employees in the Norwegian workforce worked from home for extensive periods (NOU 2021: 6). At the same time, the remaining 60% of the workforce had to work from their regular workplace under strict rules for infection control. The Norwegian COVID-19 regulations contained several measures to reduce the risk of spreading the virus. The Norwegian Labour Inspection Authority was given the task of following up on employers to ensure that they complied with all the relevant requirements in these regulations.

It is difficult to assess the degree of effectiveness of the Authority in an extreme and severe situation like the pandemic. The situation lasted for approximately two years, and in that relatively short amount of time, the Authority turned their inspection practice around, still managing to carry out thousands of inspections to ensure that employers followed the rules for infection control. The number of inspections carried out by the Authority dropped to just under 10,000 in 2020, compared to 12,000 the year before (Norwegian Labour Inspection Authority, 2021). However, this number increased back to nearly 12,000 again in the following year. Further, the number of virtual inspections increased from 55 in 2020 to 331 in 2021.

The Authority established an approval scheme for quarantine accommodations provided by employers to their employees upon entry. The scheme was introduced in February 2021, and through 2021 they received over 7,000 accommodation applications. Seventy-seven per cent of the applications were approved, while 11% of the applications were rejected because they did not meet the requirements in the regulation. The remaining applications were withdrawn by the businesses themselves.

During the pandemic, there was a lot of coordination between the Labour Inspection Authority and other authorities to ensure that they provided the public with the same information and answers. There is room for improvement in any situation, but through supervisory activity and proactive guidance, the

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<sup>6</sup> This webpage is external, and not administrated by the Labour Inspection Authority.

Labour Inspection Authority contributed to both preventing and detecting situations in Norwegian working life where infection was a risk factor.

The pandemic taught the Authority an important lesson about the importance of providing information to employers, workers and safety representatives. This activity has been described as a central means of sorting out and explaining what rules concerning infection control and changes to these rules were implemented during this period. It also includes coordination between public authorities to make sure that information is presented in a unified way to the public. The use of digital platforms like Microsoft Teams and Zoom for inspections, guidance and communication in general were also cited as an important strategy for the Authority during the pandemic and still characterises the Authority's work to a certain degree.

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This policy brief was commissioned by the European Agency for Safety and Health at Work (EU-OSHA). Its contents, including any opinions and/or conclusions expressed, are those of the authors alone and do not necessarily reflect the views of EU-OSHA.

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