

INITIATIVE ‘MICROENTERPRISES AND RISK ASSESSMENT (KUG 2)’ IN GERMANY: SUPPORTING OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE (CASE DE4)

Introduction

Promotion of effective occupational safety and health (OSH) practices is a key element of safer and healthier workplaces. Improving arrangements and practices for managing OSH across a whole range of industry sectors and firm sizes — large, medium and small — is stimulated, supported and sustained by a range of institutional actors and processes both internal and external to firms. Scientific research highlights, among others, the critical role that state regulators for OSH, such as labour inspectorates but also prevention services, can play (EU-OSHA 2021). This case study is part of a research project¹ conducted in Germany to provide further insight into this topic.

In this case study an initiative targeting SMEs is presented. A project was set up to test a way to increase the number of SMEs assessing the risks and the quality of these risks assessments with limited action from the OSH authorities. Therefore, SMEs were to be contacted in advance with a specific letter. It was initially decided that companies that did not respond to the letter would be actively visited.

The organisations involved in this initiative were the following:

- Occupational Safety and Health Administration North Rhine-Westphalia (ASV NRW);
- District Government Arnsberg,² Düsseldorf³ and Münster;⁴
- Federal State Institute for Occupational Safety and Health (LIA);⁵
- Ministry for Work, Health and Social Affairs of the State of North Rhine-Westphalia (MAGS NRW);⁶
- State Association West – German Social Accident Insurance (LV West DGUV);⁷
- German Social Accident Insurance Institution for the trade and logistics industry (BGHW);⁸ and
- German Social Accident Insurance Institution for the raw materials and chemical industry (BG RCI).⁹

Description of the case

Every company in Germany is a compulsory member of a statutory accident insurance institution (UVT). The German Social Accident Insurers (*Berufsgenossenschaften*, BGs) cover the private sector, while the Public Sector Accident Insurers (*Unfallkassen*, UK) and the Municipal Accident Insurance Associations (*Gemeindeunfallversicherungsverbände*, GUV) are responsible for the public sector. In the dual OSH system in Germany, monitoring practices are carried out by the federal state OSH authorities on the one hand and the UVTs on the other.

¹ The full report is available at: <https://osha.europa.eu/en/publications/germanys-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>

² See: <https://www.bra.nrw.de/>

³ See: <https://www.brd.nrw.de/>

⁴ See: <https://www.bezreg-muenster.de/de/index.html>

⁵ See: <https://www.lia.nrw.de/index.html>

⁶ See: <https://www.mags.nrw/>

⁷ See: <https://www.dguv.de/landesverbaende/de/wir-ueber-uns/lv-west/index.jsp>

⁸ See: <https://www.bghw.de/>

⁹ See: <https://www.bgrci.de/>

‘Micro enterprises and risk assessment 2 (KuG 2)’ — carried out between 2021 and 2022 — was about testing the success of monitoring activities in SMEs when the relevant enterprises are requested in advance by letter to carry out a risk assessment.

The predecessor project ‘Micro enterprises and risk assessment 1 (KuG 1)’ dealt with some field services of labour inspectors of some district governments of the federal state OSH authority of North Rhine-Westphalia and labour inspectors of the UVTs in North Rhine-Westphalia. One finding from the study was that an adequate risk assessment in SMEs could only be achieved if the inspection in these companies was increased.

In KuG 2, therefore, SMEs were to be contacted in advance with a specific letter. It was first determined that companies that did not respond to the letter would be actively visited. The project was divided into two steps and carried out accordingly. The core project consisted first of sending out the letter and the subsequent company visits. Then in a second step an ‘SME risk assessment’ checklist was created as an aid to action for the implementation of a risk assessment in SMEs and tested in the companies afterwards (see section 0).

Aims

The central objective was to increase the monitoring pressure on SMEs with the lowest possible input. An increase in terms of the number of SMEs assessing their risks was pursued. The sending of cover letters as well as the simplified introduction to risk assessment should strengthen compliance and safety awareness in SMEs.

In addition, the question arose as to what conclusions could be drawn from the feedback for monitoring practices. How truthfully do the companies actually react and answer to the letters? And, is it possible that a written request is sufficient to promote the enforcement of OSH regulations in companies?

Target group

The letter was initially addressed to 100 companies with 2-19 workers (main target group of companies) and a maximum of up to 49 workers (‘headcount’ of workers, not the number of full-time equivalents).

Of these, 80 companies were members of the BGHW and 20 were insured with the BG RCI.

The following criteria were defined for the selection of establishments:

- no specified sector (within the two BGs);
- no retail trade;
- no establishments that had been inspected in the last three years;
- business should have existed for at least three years; and
- no establishments known to already have a good OSH organisation.

The implementation of such a project requires the creation of appropriate recruitment procedures plus a specific selection of enterprises. In addition, the project must be managed and controlled.

On the side of the companies, the areas of responsibility must be clarified in order to be able to react straightforwardly and appropriately to the incoming letters.

What was done, and how?

First, a one-page letter was written and a corresponding feedback form intended for the companies was prepared. The chosen language of the cover letter was friendly but straightforward. At the same time, information about the status of the risk assessment in the company was requested, which had to be confirmed with just a signature from the company.

Once the cover letter had been drawn up, the 100 SMEs in question were contacted. The federal state OSH authorities and the BGs each took over half of the companies. On receipt of the completed feedback forms, the LIA NRW was able to start the first evaluations. At least half of the companies were then to be visited. The following criteria were used to select the companies to be visited:

- The company did not report back.
- The company did not have a risk assessment.
- The company provided inconsistent answers.

- The company did not have an updated risk assessment (last updated two years ago).

Nevertheless, it was decided to visit a limited number of companies that positively met the audit criteria. During these visits, the primary focus was on examining the risk assessments and the organisation of OSH in the company. A specially developed survey questionnaire served as an authoritative guideline and basis for the documentation. The completed questionnaires were centrally recorded and evaluated by the LIA NRW.

The project has been completed. Nevertheless, the federal state of North Rhine-Westphalia is planning to implement a similar project, possibly with a letter to a total of 500 SMEs.

The approach has a preventive character through the improvement of OSH standards in the companies. Nevertheless, the approach, precisely because it makes the selection of the companies to be visited more efficient and well-founded, proves to be a helpful instrument for improving consulting and monitoring activities as well.

In addition, the project was continued through the second part 'SME Risk Assessment'. The idea here was to make it easier for SMEs to get started with risk assessment. The first printed version of the 'Quick-Starter' was then produced and tested in a pre-test in 25 companies.

At the beginning, existing products and resources to support risk assessment from various UVTs were reviewed, including the risk assessment app of the UVTs for the building trade. Based on the findings and results from the KuG 1 and KuG 2 projects, the objectives for the Quick-Starter were defined.

The Quick-Starter was intended to provide a simple introduction to risk assessment, which at the same time encourages reflection. Instead of rigid checklists, open questions were deliberately used to help companies continue the process independently. The focus was particularly on companies with a low-risk potential, such as offices or shops selling flowers. In developing the Quick-Starter, consideration was also given to potential users who had not previously been reached by the existing tools due to lack of time or problems of understanding. Therefore, the following objectives were set for the layout and language:

- use of simple and concise language;
- reducing the length of the text to the most necessary;
- avoiding the use of technical terms ('OSH jargon') and taking care in properly explaining the terms where appropriate; and
- supporting the texts with visual elements such as pictures.

Based on these defined goals, a first draft with a short introduction and three questions was developed and made available in printed form. The response of the companies to the Quick-Starter was mostly very positive. The printed version was perceived as user-friendly. The questions on workers' opinions were particularly well received. Many suggestions around psychological risks and stress were also given and considered. In many cases, it inspired communication processes within the companies.

The labour inspectors noted that the solutions found by the companies are sound. However, it occasionally happens that hazards and risks are not properly identified or simply overlooked. This may be due to different perceptions and limited OSH knowledge.

Degree of innovation

The impressively high response rate of over 80% of the feedback forms clearly shows that SMEs can be successfully reached through a targeted and binding letter. It is gratifying to note that the feedback forms filled out by the companies often contained correct and honest answers, even if this meant admitting to a breach of the rules.

The project also found that the official letter was an initial impulse for OSH in the companies. Many SMEs responded by taking active OSH measures, they updated their risk assessments and enquired with their respective BG or their external prevention service. These preparatory measures already implemented by the companies as a result of receiving the letter made on-site monitoring much easier in many cases.

In view of the limited resources of the labour inspectors (federal state OSH authorities and UVTs) that make it impossible to visit or contact all SMEs in person, this project has shown that targeted letters and requests for feedback are a promising approach to increase the number of companies assessing

their risks and to improve the quality of these risk assessments and then to improve OSH in these enterprises. The response and response rate of the companies can be used to specifically control which companies should be visited by the federal state OSH authorities or the UVTs. For example, the companies that did not respond to the letter were specifically visited and inspected.

What was achieved?

The response rate among SMEs was impressively high, with more than 80% returning the feedback form or contacting the organisations involved in this initiative. It is particularly positive that most enterprises filled in the forms completely and honestly.

During the company visits it was found that for the most part the companies provided truthful information, including disclosure of deficiencies. However, some information was found to be incorrect or misleading due to difficulties in understanding. About 75% of the statements in the feedback forms were assessed as correct. The companies that reported back and provided information on their risk assessment were adequate in quality in most cases (in about 63% of the cases).

Success factors and challenges

The results show that it is important to visit the companies that did not report back, as many of them were found to have significant deficiencies during the company visits. This also applies to the companies that stated that they had not carried out a risk assessment and do not receive safety consulting.

Transferability to other EU Member States

It was a successful initiative that required relatively small resources. In its simplicity, the concept can easily be applied to other country-specific contexts.

Further information

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