

NORWAY'S EXPERIENCE AND LESSONS LEARNED FROM THE COVID-19 PANDEMIC: SUPPORTING OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE (CASE NO3)

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 other things, the critical role that state regulators, such as labour inspectorates but also prevention services can play in OSH (EU-OSHA, 2021). This case study is part of a research project¹ conducted in Norway to provide further insight into this topic.

At the start of 2020, the COVID-19 pandemic hit Norway. In the following years, Norway, like other countries, imposed extensive measures to limit the spread of the virus. The Norwegian COVID-19 regulations contained several measures to reduce the risk of spreading the infection. Among other things, all workers who had the opportunity to work from home were encouraged to do so. Surveys show that about half of the population worked from home during this period. Nonetheless, the other half continued to work from their regular workplace, where infection control and national guidelines were focal points.

The 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.

Description of the case

Aims

The aim of the Labour Inspection Authority in this case was quite straightforward: to reduce the risk and limit the spread of the virus in Norwegian workplaces.

Organisations involved

This case is based on interviews with representatives from the Labour Inspection Authority, hereunder three leaders and three inspectors. Further, the case is based on interviews with two regional safety representatives: one from the construction industry and one from the cleaning industry.

What was done, and how?

According to the annual report for 2021, the Norwegian Labour Inspection Authority carried out just over 7,200 inspections where one or more conditions related to infection control was inspected. On average, the Authority uncovered one or more breaches of the infection control regulations in 26% of the inspections (Norwegian Labour Inspection Authority, 2021). The regulations regarding COVID-19 were mainly decided by the government following advice from the Directorate of Health and the Institute of Public Health. The Labour Inspection Authority had to 'translate' this advice into work regulations, which it did in coordination with the health authorities.

In addition to supervising, the Authority also provided guidance and information to the businesses that were not supervised. The Authority received a great number of questions about infection control in the workplace during the pandemic from employers, workers and safety representatives. Therefore, the

¹ The full report is available at: <https://osha.europa.eu/en/publications/norways-approach-supporting-occupational-safety-and-health-compliance-role-labour-inspectorate-and-prevention-services>. Other case studies can be found in the report.

Authority developed a dedicated section on their homepage providing information on measures employers had to implement to ensure infection control. The page was continuously updated throughout the period and was also available in English.² It had close to 103,000 visitors in 2021.

The EU enlargements in 2004 and 2007 led to a rapid increase in labour immigration to Norway from eastern and central Europe, especially from Poland and the Baltic States. The numbers of labour immigrants were especially large in the construction, fish processing and shipbuilding industries. When the pandemic hit Norway, the government imposed a series of quarantine rules for border crossings into Norway. These rules also applied to labour immigrants. Further, in February 2021, the authorities introduced requirements for accommodation provided by employers for entry quarantine to be approved in advance by the Labour Inspection Authority.

Basic structure

According to the Labour Inspection Authority, there were three focal points for their inspections during the time of the pandemic. The Authority was to inspect whether employers had:

- implemented measures and/or prepared a plan to remove or reduce the risk of spreading viruses;
- mapped and assessed the risk of exposure to the coronavirus; and
- implemented routines to detect, prevent and possibly correct violations of requirements laid down by the Working Environment Act (WEA).

The Labour Inspection Authority also had to provide employers and workers with advice and information during the pandemic. Initially, the Directorate of Health and the Institute of Public Health received this assignment from the government. Nonetheless, the Labour Inspection Authority also made sure to get involved, as regulations within their scope were affected. There was a lot of coordination between authorities to ensure that they all provided the public with the same information and answers.

Target groups

The aim of the Labour Inspection Authority during the pandemic was to make sure that employers and workers took the measures necessary to reduce risk and limit the spread of the virus in the workplace, in compliance with relevant requirements in the pandemic regulations. Employers and workers therefore comprised the target groups.

Degree of effectiveness / success factors

It is difficult to assess the degree of effectiveness in a situation as extreme as the pandemic. The situation lasted for approximately two years, and in that relatively short amount of time, the Labour Inspection Authority completely turned their inspection practice around, managing to conduct thousands of inspections to ensure that employers followed the rules for infection control.

Through the years, construction has been the single industry with the most supervision, partly due to its size but mainly due to the high OSH risk. The Labour Inspection Authority reported that this was also the case during the pandemic (Norwegian Labour Inspection Authority, 2021). The Authority stated that this was related to the prioritisation of infection control supervision and that several control points in construction could be combined with infection control. In other industries, inspectors prioritised infection control over other control points as there was a need for quick feedback to reduce the risk of infection. These supervisory themes therefore became a reduced priority during the pandemic when infection control supervision was the main priority. The Authority also reported on the changes of methods of supervision and guidance implemented to reduce the risk of infection both for businesses and for their own employees. The Authority adopted digital platforms to a larger degree to reach their target groups. This was a development that had started before the pandemic but which accelerated during these years. The inspectors also carried out a significantly larger proportion of document inspections than before the pandemic.

As previously mentioned, the Authority established an approval scheme for accommodation in cases where the employer provided employees with accommodation during the entry quarantine. The scheme was introduced in February 2021, and in that year the Authority received over 7,000 accommodation

² See: <https://www.arbeidstilsynet.no/en/safety-and-health/corona-virus-information-for-workers-and-employers/>

applications. Seventy-seven per cent of the applications were approved, while 11% were rejected as they did not meet the requirements outlined in the regulation. The remaining applications were withdrawn by the businesses themselves. In general, there was also a lot of coordination with other authorities to ensure that they provided the public with the same information and answers. There will be room for improvement in any situation, but through supervisory activity and proactive guidance, the Labour Inspection Authority contributed to both preventing and detecting situations in Norwegian working life where infection was a risk factor.

Supervision/sanctions or prevention?

The Labour Inspection Authority's approach during the pandemic was dual. The Authority used several measures to ensure that businesses had proper infection control for their employees. First, through inspections, the Authority played a supervisory role that was considered necessary to ensure adequate compliance with the infection prevention regulation (Norwegian Labour Inspection Authority, 2021). In addition, it played a preventive role by providing enterprises, safety representatives and workers with the information necessary to maintain sufficient infection control.

Degree of innovation

During the pandemic, the Labour Inspection Authority started using digital solutions as part of its supervision method. The accommodation approval scheme required that they perform inspections at a selection of places. The Authority partly met this requirement by conducting virtual inspections, where employers filmed around the premises, kitchens, the number of bedrooms and so on. As one of the leaders in the Labour Inspection Authority stated:

“Digital inspections are here to stay. This does not mean that it is suitable for every situation, but as part of a supervision – preparation meetings, settings where you need to gather information etc. became more common. Everyone is a little more used to using digital solutions after the pandemic.” - Department leader, Norwegian Labour Inspection Authority.

Results / What was achieved?

In 2019, the last year before the pandemic, the Labour Inspection Authority carried out over 12,000 inspections. During the first year of the pandemic the number dropped to under 10,000, while in 2021 they were back up to nearly 12,000 inspections. In its annual report, the Labour Inspection Authority described that due to reasons of infection control, a larger proportion of the inspections carried out in 2021 was document supervision and virtual inspections with infection control supervision as the main priority. The degree of reaction in infection control inspections was also significantly lower than in normal risk-based supervisory activity. In 2021, 50% of the inspections resulted in one or more reactions, whereas in 2019, 67% of the inspections had a reaction. The Authority suggests in its annual report that this shows that most employers took infection control seriously and had carried out measures that were considered good enough (Norwegian Labour Inspection Authority, 2021).

One of the leaders in the Labour Inspection Authority pointed out that one of the most important lessons from the pandemic was the importance of collaboration between different authorities. While the situation with COVID-19 was more or less over when we conducted our interviews, it had opened their eyes to crisis preparedness for situations where a crisis affects working life. The leader explained that the pandemic had prepared the Authority for future crises and that the Authority is now concerned with keeping these structures in place.

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