

NORWAY'S INTER-AGENCY ANTI-CRIME COOPERATION: SUPPORTING OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE (CASE NO2)

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.

The inter-agency anti-crime cooperation originated from the Norwegian government's strategy in 2015 to combat work-related crime (Ministry of Labour and Social Inclusion, 2015). An inter-agency approach was initiated to address the challenges posed by 'social dumping' and 'work-related crime' due to the multifaceted nature of these phenomena. The two terms are closely connected. While social dumping is especially directed at foreign workers who perform their work in Norway under considerably worse working conditions and for lower wages than Norwegian workers, work-related crime describes actions purposely breaching laws on working conditions and wages, social insurance, taxes, rates and dues (Action plan to combat social dumping and work-related crime, 2022²; Norwegian Labour Inspection Authority, 2022). Work-related crime refers to a situation where someone in the labour market intentionally breaks the law to reduce their production costs (Bergsli, 2017). In connection to working conditions and wages, work-related crime often takes the form of employers supplying their workers with insufficient work and safety equipment, as well as not complying with OSH regulations such as the Working Environment Act (WEA).

Description of the case

Aims

The agencies involved in the inter-agency anti-crime cooperation (the Labour Inspection Authority, Tax Administration, Norwegian Labour and Welfare Administration (NAV), and the police) have formulated three central goals for the cooperation:

1. central actors who pose a threat have had their capacity and intention comprehensively reduced;
2. foreign workers are able to safeguard their rights and fulfil their duties; and
3. employers and consumers do not contribute to work-related crime when purchasing goods and services.

Here, our focus is the Labour Inspection Authority's work with OSH. This can be instances related to OSH legislation, such as regulations on working hours, safety equipment, safety training and living standards in employer-provided housing. When wages or other benefits are unacceptably low in comparison to what Norwegian workers usually receive, or when employers do not follow generally applied collective agreements in industries where these apply, it can also be related to risk factors for OSH, for instance by increasing stress among workers or leading to social isolation.

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.

² The action plan to combat social dumping and work-related crime was worked out in 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.

While work-related crime often concerns punishable infractions, this is not always the case for social dumping (Ministry of Labour and Social Inclusion, 2015). Often, there are correlations between social dumping and breaches of the laws that regulate working life, but not always. Most of the time, efforts to combat social dumping are broader than efforts to combat work-related crime. Nonetheless, there is some overlap between the two phenomena.

Inspectors often experience that foreign employers or employees are unfamiliar with arrangements related to compliance with Norwegian OSH legislations (primarily the WEA with the applicable regulations). One example is being unaware of requirements related to the occupational health service (see [case NO5](#)³ for more detailed information on the occupational health service).

One inspector who works at one of the anti-crime centres emphasised that actors who operate on the edge of the law in relation to work-related crime typically do not follow OSH regulations. Another one of the inspectors interviewed reported that the centres typically see breaches in OSH regulations that generate profit, such as the lack of scaffolding, safeguarding and safety equipment, the lack of documentation and the lack of risk evaluation in the enterprise. These are areas where OSH work is closely connected to work-related crime.

Organisations involved

The inter-agency anti-crime cooperation is a collaboration between the Norwegian Labour Inspection Authority, NAV, the police and the Norwegian Tax Administration. A representative from the Ministry of Labour and Social Inclusion was interviewed, as well as members representing the social partners in the Council of the Labour Inspection Authority, who provided perspectives at the central level. In addition, regional safety representatives were interviewed, who work actively with OSH in high-risk industries, and workers and inspectors at the anti-crime centres representing the Norwegian Labour Inspection Authority, NAV, the police and the Norwegian Tax Administration.

What was done, and how?

Basic structure

The inter-agency anti-crime cooperation started as a local measure in Bergen in 2015, the second largest city in Norway, located on the western coast, and was developed into a national measure from there. 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 Inspection Authority who work with work-related crime work at anti-crime centres. About half of the inspectors work at the centres or in parts of the country where there are no centres but where contractual cooperation agreements have been established between the same agencies. The other half work in the Labour Inspection Authority with irresponsibility and social dumping in the labour market, not crime (even though the topics are interconnected).

There are six sections in the work-related crime division — one national section, which has more of a coordinating role, and five geographical sections. The inspectors who work at the centres always cooperate with other agencies. In the Labour Inspection Authority, remote work has generally become more and more common, but this is not the case at the centres as one purpose of the cooperation is the co-location of different agencies.

The centres consist of two main groups — knowledge groups and control groups — in addition to a local steering group. The steering groups meet with the knowledge and control coordinators, who account for the inspections that have been conducted by the control groups and the analyses that have been performed by the knowledge groups. The local steering groups decide what industries and actors to follow up on. The centres follow semi-annual action plans.

Representatives from the different agencies receive steering models from 'their' ministry. Our informants reported that inspectors from the Labour Inspection Authority and the Norwegian Tax Administration participated most often in inspections. Inspectors from the Labour Inspection Authority also have the authority to enter workplaces without giving a reason. Our informants also reported that workers from NAV typically perform their controls digitally.

³ Case NO5 is available at: <https://osha.europa.eu/en/publications/norways-occupational-health-service-supporting-occupational-safety-and-health-compliance-case-no5>

The centres receive tip-offs from employees, safety representatives, union representatives and others through the cooperating agencies. The control groups carry out inspections in specific industries, or of specific businesses, based on the information they already have through tip-offs or from previous inspections. Moreover, inspections are carried out based on information gathered by the knowledge groups. The inspections are generally very target-oriented.

The centres' knowledge groups receive orders from the steering groups regarding which industries to prioritise or specific actors to report on. The knowledge groups then gather information and give the steering groups an account of the phenomenon to enable them to initiate measures. The knowledge groups are often divided into several smaller groups that work on different missions in parallel. All the missions are inter-agency based, and all groups therefore consist of actors from several agencies.

Workers in the control group check their agency's systems for further information. For instance, a worker from the Labour Inspection Authority will check the Authority's register of tip-offs from workers, safety representatives and others. Sometimes, the knowledge group orders inspections from the control group to get more information about specific workplaces or enterprises. In these cases, the knowledge group sends specific orders to the control group on the type of documentation they need and often gives the control group a presentation on the industry/actor beforehand so that the inspections are carried out as effectively as possible. The amount of time it takes for the knowledge group to gather information and present the steering group with a report depends on what type of information the group is after. Sometimes, the steering group wants information on an entire industry and other times solely about one specific enterprise.

When out on inspections, inspectors try to avert the development of active risks when entering a workplace. One of the inspectors interviewed, used workers on roofs without safety equipment as an example. Often, employers avoid providing safety equipment (for example, personal protective equipment) to save money, and this is a typical situation where OSH and work-related crime collide. In accordance with the WEA, inspectors from the Labour Inspection Authority then have the authority to stop the work if it poses a risk to the workers' health or lives. The inspector told us that other OSH-related matters that are typically checked during these inspections are the improper use of working equipment and tools and the lack of safety equipment connected to these, for instance the use of drilling tools without hearing protection. These types of incidents are often corrected during the inspection while the inspectors are still present. In cases where it is considered relevant, inspectors can also check whether businesses are linked to an occupational health service and verify the implementation of the safety work in the enterprise. They also ask the workers how they perceive the systematic OSH work in their enterprise. One aspect that is checked is whether workers have elected a safety representative. The inspector told us that even if the size of the enterprise is below the limit that requires it to have a safety representative, they can impose sanctions if the risk is considered so great that a safety representative should be in place.

Further, when entering a workplace, inspectors bring tablets with them to fill out forms and answer specific questions. Inspectors from the Labour Inspection Authority typically lead such conversations and ask employers OSH-related questions, for instance about the enterprise's OSH plan. The aim is to see if they can get information that supports the hypothesis the knowledge group has provided. OSH-related questions are often asked, even if controlling OSH is not the initial aim of the inspection.

Geographically, the anti-crime centres are organised in accordance with the Norwegian police districts.⁴ The police's role in the anti-crime cooperation is currently under discussion (KPMG, 2022). The police used to be part of both the control and the knowledge groups, but it was decided by the Criminal Police Centre that the police did not have the legal authority to carry out inspections. Hence, the police are no longer part of the control groups. While the police no longer actively participate in inspections, they can be present if it has been determined that there is a security risk for the inspectors. The number of workers from each agency represented at the centres varies. Interviewed informants underlined that the participation of all agencies is important, as they all have specialist competencies.

As for external cooperations, the centres cooperate with the Service Centre for Foreign Workers (SUA),⁵ a cooperation between the Labour Inspection Authority, the police, the Norwegian Tax Administration and the Norwegian Directorate of Immigration that also participates in the information and coordination

⁴ There are 12 police districts: Agder, Finnmark, Innlandet, Møre og Romsdal, Nordland, Oslo, Sør-Vest, Sør-Øst, Troms, Trøndelag, Vest and Øst.

⁵ See: <https://www.sua.no/en/>

meetings. Further, the centres typically cooperate with the municipalities, the Food Safety Authority and the Public Roads Administration.

Several of the inspectors interviewed also reported that the cooperation receives a lot of tip-offs from Fair Play Bygg, a cooperation between the social partners that works towards ensuring a safe working environment in the construction industry.⁶ Among other goals, Fair Play Bygg states that the industry must, together with the social partners and public agencies, acknowledge its responsibility to contribute to building competencies, preventing accidents, and ensuring a good working environment with diversity and gender balance, and secure permanent employment opportunities (Fair Play Bygg, n.d.).

Improvements

In 2022, assigned by the Ministry of Labour and Social Inclusion, the Ministry of Finance, and the Ministry of Justice and Public Security, a consulting company carried out an evaluation⁷ of the inter-agency anti-crime cooperation and found that a central barrier to the cooperation was the lack of sharing of confidential information between the participating agencies. Being unable to share information between the participating agencies in an efficient manner impedes the co-location of relevant information on industries and actors the centres have decided to prioritise. The same concerns were raised by some of our informants:

"The flow of information is not good enough, but we do everything we can to compensate." - **Worker, work-related crime centre.**

"The sharing of information between agencies is still a major challenge. They cannot share freely, which prevents a lot of things from being discovered as they cannot tell each other what they know." - **Representative, trade union.**

Earlier 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 (akriminformasjonsforskriften, 2022). The aim of this regulation is to ensure the access that is necessary for sharing and other management of confidential information to establish an effective cooperation to prevent and combat work-related crime. One recommendation made by the consulting company was to clarify how to build knowledge and use shared information based on this regulation through common IT systems (KPMG, 2022). It was emphasised that the sharing of confidential information has been especially difficult for NAV. Some of our informants implied that the new regulation has helped but there are still some challenges.

Lastly, during our interviews, it was discussed that it is not possible to reach the centres/the cooperation through a common email address or phone number and that all tip-offs and enquiries must go through one of the participating agencies. One of the suggestions included in the evaluation report was for the cooperation to consider establishing a joint point of contact and a sharper identity with a dedicated website, phone number and postal address to make it easier for external actors to contact the cooperation (KPMG, 2022).

Target groups

As described, the aim of the inter-agency anti-crime cooperation is to deter actors who pose a threat of performing social dumping or conducting work-related crime in Norwegian working life. In addition to actors who pose a threat, foreign workers are a target for the cooperation, which aims to enable them to safeguard their rights and fulfil their duties in the Norwegian labour market.

Degree of effectiveness / success factors

One of the informants from the Ministry of Labour and Social Inclusion stated that although the cooperation is beneficial, there are also some challenges related to this type of cooperation. On the one hand, it was emphasised that it is difficult for four different agencies to work together in a coordinated manner, but on the other hand, the agencies and their competencies are also highly complementary.

For instance, the Labour Inspection Authority carries the OSH perspective of the cooperation and might stop the work at a construction site if inspectors consider that it poses an immediate danger to the

⁶ See: <https://fairplaybyggoslo.no/>

⁷ See: <https://www.regjeringen.no/globalassets/departementene/aid/dokumenter/2022/evaluering-av-etatssamarbeid-mot-arbeidslivskriminalitet.pdf>

workers' lives or health. Further, the Norwegian Tax Administration might discover that the employer at the same worksite has not paid their taxes, and the inspectors could easily notify their colleagues from the police if they discover that someone is working there illegally.

Based on the interviews, one central factor of the cooperation's success could be considered the co-location of the different agencies as it makes the sharing and exchange of information at the local level very effective. Involved staff get to know each other well, making it easier to ask each other for help, and decisions can be made in a more efficient manner.

During their inspections, the inspectors from the anti-crime cooperation meet with people representing a number of different nationalities. Being able to communicate in different languages is therefore also a central factor for success. Through interviews, it was noted that workers at the centres typically have a range of different language skills, and that SUA is very helpful in this matter. Nevertheless, our informants also mentioned that the digital translation systems the inspectors have access to are a bit limited at times and could be developed further.

Supervision/sanctions or prevention?

The inter-agency anti-crime cooperation first and foremost represents a supervisory approach as it targets specific industries and actors considered to pose a threat in terms of social dumping and work-related crime. Based on tip-offs from workers, safety representatives, union representatives and others, the knowledge groups at the centres collect and collate information about these specific industries and actors while the control groups carry out inspections. With different legal authorities, the agencies are then able to impose sanctions on actors who breach legislation applicable to the authority of the participating agencies, such as breaches of the WEA or tax fraud. For instance, the Labour Inspection Authority has the authority to check working conditions and wages, including OSH requirements, when the employer is responsible for workers' accommodation. Further, the police, the Norwegian Tax Administration and the Labour Inspection Authority have the authority to check whether workers carry OSH cards.⁸

Influencing factors considered in the supervisory institutions and prevention services

As presented by way of introduction, the establishment of an inter-agency anti-crime cooperation is based on the notion that social dumping and work-related crime are multifaceted phenomena. The consideration was therefore made that there is a need for a number of different competencies to address the challenges and threats posed by certain actors in Norwegian working life. In addition to the agencies that always formally participate in the cooperation, external agencies, including the municipalities, the Food Safety Authority and the Public Roads Administration, are involved when it is considered relevant.

Degree of innovation

The co-location of agencies whose competencies complement each other to work for the same goal provides a great degree of innovation. Moreover, as presented above, innovations such as a common IT system for information sharing or a joint point of contact for external actors to reach the cooperation have proved to be difficult. One reason for this is the challenge of sharing confidential information between the agencies as the agencies have different legal authorities. Nonetheless, regulations have been implemented to ease these challenges, and a common IT system is under development.

Results / What was achieved?

Despite the challenges that have been pointed out in relation to the sharing of confidential information and the lack of a common IT system for the participating agencies, there have also been several notable achievements in the work of the inter-agency anti-crime cooperation. In an evaluation conducted by a consulting company (KPMG, 2022), several successes of this cooperative arrangement were identified. Some of these include:

- The cooperation has strengthened the fight against work-related crime at a strategic level.

⁸ All enterprises offering cleaning services or carrying out work within car services, the changing or storage of tires, or on building and construction sites are to ensure that all workers have a valid OSH card. The card shows who the worker is and what company he or she works for (Norwegian Labour Inspection Authority, n.d.).

- The cooperation has helped shed light on the complexity of the work targeting work-related crime and the challenges of cooperation between agencies characterised by different cultures.
- The cooperation has carried out several successful cases through the use of good data sources, actions and effective use of sanctions.
- The co-location of the various agencies in anti-crime centres has contributed directly to better cooperation.

One of the inspectors from an anti-crime centre who was interviewed emphasised that, in general, the inter-agency cooperation aims to clear the way and remove actors with dishonest intentions who do not follow any of the agencies' regulations from the labour market. When the agencies are present among these actors and clamp down on breaches of these regulations, fewer actors are tempted to take shortcuts and compete on an unfair basis. Hence, the general standard in the labour market is lifted. It was emphasised that the inter-agency's work with OSH through the work of the Labour Inspection Authority and the aim to prevent breaches of regulations connected to working conditions is one central component of this cooperation.

Transferability to EU Member States

One of our informants noted that the advantage of being co-located should be noted when discussing transferability to EU Member States as this is one of the factors making the cooperation beneficial:

“When you work together with other agencies, you get more knowledge on OSH and work-related crime, to a larger extent than within the scope of a single agency. Working closely together and sharing the information that can be shared is very useful.” – Informant.

It was also noted by another informant that agencies from several EU Member States have been in Norway to visit and learn about the cooperation. As reported, the visitors were generally positive but also had a lot of questions about how the cooperation is organised and how inter-agency issues are solved and they also identified the practical weaknesses of the cooperation.

The Norwegian Labour Inspection Authority is currently cooperating with the Lithuanian Labour Inspectorate on a pilot project in Lithuania concerning an inter-agency anti-crime cooperation similar to the Norwegian model.

Further, one of the informants emphasised that more transnational cooperation on topics related to social dumping and work-related crime would be useful to learn from one another while addressing similar challenges. It was noted that most of the challenges encountered in Norway would also apply to Member States. Therefore, it could be useful to exchange knowledge to work to prevent these recurring issues.

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