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Labour inspection: a public service in crisis



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Editorial

Expertise, power and inequalities

Laurent Vogel

ETUI

The European Commission took decisions on two important matters in June 2016. These related, on the one hand, to setting criteria for identifying endocrine disrupters and, on the other, deciding whether to ban glyphosate, a herbicide used widely in Europe and throughout the world.

Both matters raised a number of issues that frequently occur in the regulation of industrial risks: contradictory scientific opinion and sophisticated estimates of the hypothetical economic impact of such decisions. To this must be added the massive investment of the industrial groups affected in discreet but effective lobbying. The wealth of expert opinion creates an apparent depoliticisation of the final decision. There is rarely any clarity with regard to the values, social projects or political choices that underpin it.

As regards endocrine disrupters, the Commission acted unlawfully. It should have adopted identification criteria no later than December 2013. This situation has prevented the full application of specific regulations on biocides, pesticides and cosmetic products.

The criteria proposed by the Commission last June are largely in line with the expectations of the manufacturers, who are selling a multitude of products containing endocrine disrupters. Rather than adopt an approach consistent with the level of concern raised by these substances, which have multiple impacts on health and the environment, the Commission chose criteria that would be slow and difficult to implement, and which would permit no more than a small number of already identified endocrine disrupters to be regulated. According to these criteria, priority will need to be given to epidemiological studies that establish a link between damage to health and the actions of these substances. This means using human beings as guinea pigs once more. In fact, fairly long periods of time may pass between the marketing of a new substance and the clear identification of a negative health impact. Moreover, it will

Behind the mountains of reports, expert opinions and second opinions, arises a key political issue: an acceptance that the profits of some can be achieved through the sacrifice of others.

be necessary to demonstrate that this negative impact is itself caused by action on the hormonal system.

The unions, health and environmental organisations, along with most public health researchers working on these issues, think differently. They feel that a principle of precaution should be applied and that endocrine disrupters should be identified by adopting the same basic principles as those in place for substances that are carcinogenic, mutagenic or toxic to reproduction. This means that it would have been necessary to define criteria enabling endocrine disrupters to be classified into three groups: proven, assumed and suspected. The first category would cover substances for which there is already scientific knowledge demonstrating a negative impact on human health. The second, those for which there is knowledge based on animal experimentation. The third, substances for which there is partial data enabling such an effect to be suspected. In practice, the criteria established by the Commission will limit regulation to those that would have been included in the first category.

For glyphosate, the debate was all the more strained because of the totally contradictory expert opinions. The International Agency for Research on Cancer has identified glyphosate as a probable human carcinogen. The European Food Safety Authority (EFSA) has concluded, in contrast, that "glyphosate

poses no carcinogenic hazard to humans". EFSA's expert opinion is based primarily on studies produced by the manufacturers themselves. It prioritises issues of food security and does not address the question of occupational health in relation to workers using the herbicide or exposed populations living near its areas of use. Basically, EFSA's report states that eating foods treated with glyphosate will not cause cancer. This may be the case but the regulation should have addressed the other risks run by workers and nearby residents.

The Commission has reached its decision. It proposes extending glyphosate's authorisation for an 18-month period and calling for further expert opinions before taking any possible decision to ban it, asking them what new factors they could bring to the table. You could be forgiven for thinking that this delay is above all intended to enable the adoption of a decision favourable to the pesticide producers once the media interest has died down.

Behind the mountains of reports, expert opinions and second opinions, arises a key political issue: an acceptance that the profits of some can be achieved through the sacrifice of others. And this breakdown of "some" and "others" is in no way random. It is not a lottery but the brutal expression of the domination of the privileged classes over the rest of society. ●

Cancer at work: more needs to be done to achieve better legislation

Putting more than 10 years of paralysis behind it, in May 2016 the European Commission officially launched a review of the Directive on the prevention of occupational cancers. The proposal is minimalist but it has resulted in an unblocking of the legislative process. What is at stake?

Laurent Vogel

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More than 15 years after the film *Erin Brockovich* was released, the European Commission is finally gearing up to adopt a limit value for hexavalent chromium with a view to protecting workers.

Image: © Belga



Riky Hesse is a quiet, elderly lady with sparkling eyes. She appears on the screen doing day-to-day tasks around her home¹. When she looks at the camera, a soft smile appears as if to apologise for being the bearer of bad news. She has mesothelioma (a pleural cancer caused by exposure to asbestos). She knows she has no more than three years to live. She is determined not to be overcome by emotion. At the age of 16, she began working in a factory that made insulation materials. That was in 1956. People were already aware of the dangers of asbestos. Her bosses said nothing to her throughout the three long years she worked in that factory. She remained unaware until the day, two years ago, when a doctor gave her the diagnosis. Riky Hesse appeared on the big screen on the first day of the conference organised in Amsterdam by the Dutch Presidency of the European Union at the end of May 2016. Her testimony was followed by that of Rik van Gompel, who is suffering from cancer of the nasal cavities linked to the manufacture of furniture, a trade he practised from the age of 18. In a composed voice, the Belgian researcher Lode Godderis emphasises that this is not a tale that has been consigned to the history books. Around one in five workers in Europe are still exposed to carcinogenic agents today.

Netherlands wins the first battle

From the outset, the participants in the Amsterdam conference understood that they were not attending one of the usual occupational health meetings organised every six months by the Member State that holds the Presidency of the European Union. A grassroots union member generally feels completely out of place at one of these. The language used is often a consensual one focused on rather vague issues where nothing is said about the reality of worsening working conditions, or the paralysis that has characterised EU policies since 2004 in an area that is of such great importance to us all.

This time, the Netherlands wanted to highlight the importance of the issue. Their government had the European Commission with its back against the wall. It was demanding a concrete legislative initiative for the first half of 2016. It was intending to launch a more ambitious programme of legislative improvement with regard to occupational cancers.

The first objective was achieved. Some days prior to the Amsterdam conference, the European Commissioner for Employment,

1. The short documentary involving Mrs Hesse can be viewed at <https://www.youtube.com/watch?v=n9rTB0rGb4U#t=39> with subtitles in English.
2. National Institute for Public Health and the Environment (2016) *Work related cancer in the European Union. Size, impact and options for further prevention.*

Marianne Thyssen, announced a limited review of the existing directive. Annex III to this directive should now increase from three occupational exposure limit values (OELVs) to 14. There are to be 11 new OELVs while 2 OELVs already in force are likely to be lowered. At Amsterdam, Mrs Thyssen also undertook to establish a second list of 12 OELVs by the end of 2016 and a third list of 25 OELVs in 2017 or 2018.

A minimalist review

The content of the proposed review is minimalist given the need for effective work to prevent occupational cancers. The most important factor in this, however, is of a political nature: the paralysis that had previously blocked all European legislative initiatives in this regard has been overcome. It has taken years of difficult campaigning on the part of unions, public health organisations and patient associations to unblock this situation. Important gaps have been identified in this legislation since 2002. The Commission, however, had other priorities: a need to "simplify", to reduce the weight of legislation on corporations, to conduct interminable "impact studies" on the hypothetical economic consequences of each legislative proposal. Once an impact study was complete, it would become apparent that new, more sophisticated and impractical criteria now required a new impact study to be conducted! In Community jargon, this is what is known as "better regulation".

The health disaster caused by occupational cancers leaves little room for doubt: more than 100 000 deaths a year in the European Union. It is the number one cause of death, a result of insufficient prevention within companies. These cancers alone account for around 53% of all deaths caused by poor

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working conditions. The cost of these occupational cancers is estimated at 334 billion euros a year, according to a recent study by the Dutch National Institute for Public Health and the Environment².

Faced with these figures, there is cause to wonder exactly what is delaying their prevention. The cost to the companies responsible for these cancers remains minimal. These costs are borne largely by public health systems, social security, the victims and their families. The time lag between the period of exposure at work and the appearance of cancer often prevents a link from being made between the disease and the workplace, hence the overriding need for a detailed legislative framework on preventing occupational cancers. Expecting companies to take voluntary action based on goodwill is illusory.

Community legislation for the most part dates back to 1990 (with partial amendments adopted in 1997 and 1999). At that time, the Directive on carcinogens in the workplace was more progressive than the legislation of many Member States. The intention was to update it regularly, adapting it to changing circumstances and to take account of prevention experiences.

Over time, significant weaknesses became evident. The possibility of revising this directive was noted in the Community health and safety at work strategy for the 2002-2006 period. Initial discussions and consultations were organised at that time. The revision process began to slow down, however, from 2004 onwards. The European Commission came under pressure from employers. Under Barroso's two presidencies, from 2004 to 2014, occupational health was presented as an excessive cost for companies.

Gradually, different Member States felt that the Commission's inertia was becoming unjustifiable. National legislation on prevention had, in many cases, been improved and

extended beyond the minimal requirements of the directives. Suddenly, a number of European employers decided that progress in legislation would create the conditions for a more level playing field. The united front of employers against the directive being revised began to break down. The Dutch employers' confederation came out clearly in favour of adopting stricter OELVs, and the sectoral employers' organisations followed. They felt that the absence of binding European rules on occupational health would increase the "risk" of being subjected to the authorisation processes of the REACH regulation.

Ongoing union action to raise awareness of the extent of occupational cancers has also contributed greatly to this changing balance of power, as has the mobilisation of associations of cancer sufferers. For its part, the European Parliament has come out in favour of strengthened legislation on several occasions over the last five years.

The proposals put forward in May by the Commission offer only very limited reforms. They do, however, open a path by which to reinstate the political debate: the European Parliament and Council of Ministers will now be able to amend these proposals. In fact, the Commission has a monopoly of legislative initiative within the European Union. No legislation can be adopted without its initial proposal and this obstacle has thus now been removed. Both Parliament and the Council will be able to amend the text from now on. Improvements are thus possible provided they have been agreed between these two institutions.

Cancer represent around 53% of all deaths caused by poor working conditions.

3. Roberts G., Thyssen rules out adding reprotoxins to workplace law, *Chemical Watch*, site visited on 12 July 2016.

4. When a binding OELV is established at European level, Member States retain the possibility of adopting or maintaining an OELV that provides better protection of workers. Nonetheless, this does tend to become the country's OELV in many Member States.

Preventing risks to reproductive health

Since 2002, the Commission has recognised the need to expand the field of application of the Directive on carcinogens to that of reprotoxins. In fact, there is much to be gained by a consistent organisation of all substances of greatest concern. Reprotoxins have two effects. On the one hand, they affect human fertility. On the other, they cause diseases among the children of those who have been exposed: birth defects, child cancers, developmental disorders, etc. Some Member States have already included reprotoxins in their national legislation on occupational cancers, establishing a duty of improved prevention identical to that adopted for carcinogens. The absolute priority here is to find replacements for these substances. When substitution is impossible from a technical point of view then work that involves them needs to be carried out within a closed system. Failing this, the level of exposure needs to be minimised. Records need to be held in order to make it possible to monitor the consequences of exposure.

The current Commission is opposed to extending the scope of application of the Directive on occupational cancers to reprotoxins. On this point, Commissioner Thyssen relies on the traditional political cant of the supporters of "better regulation". In her opinion, the impact evaluation of this proposal "did not sufficiently clarify the potential costs and benefits"³. In short, until the Commission has quantified in euros the tragedy of miscarriages, birth defects and other impacts of reprotoxins, it does not intend to make a move.

Essential amendments

A policy of fragmented prevention, on a company-by-company basis, is inefficient. Action on the part of the public authorities, both national and European, is therefore crucial. This involves establishing programmes to encourage the substitution of carcinogenic substances. These were, broadly, the initial conclusions of the report of Prof. Joel Tickner from the Lowell Center for Sustainable Production (US), presented in June 2016. This study, commissioned by the European Chemicals Agency (ECHA), highlights the weakness of the programmes established in Europe to substitute the most dangerous chemical products. It notes that leaving the initiative to industry has not resulted in any great success. Public policies should also establish priorities in line with the developments observed in the different sectors of activity.

For this public action to take place, the relevant information needs to be gathered.

The European directive currently provides that companies in which there is a risk of cancer must gather this information and make it available to the relevant authorities in their country. Member States, however, are not making use of this invaluable resource. An ignorance has grown up due to the apathy of the public authorities. In most European countries, there is data available on work-related exposure to carcinogens dating back more than 20 years. The directive should establish an obligation for Member States to gather data from companies and present a summary of it in the report they submit to the European Commission every five years. It should also require the Commission to consolidate this information at European level.

The current directive only anticipates monitoring health for the period in which workers are exposed to carcinogens. And yet most cancers appear long after the end of this exposure. Early detection of cancer often makes all the difference between recovery and death. Some countries have put health monitoring systems in place that enable all people exposed in the past to benefit from this. This should become the rule in Europe.

Annex I to the Directive lists the production processes that result in carcinogenic exposure. It covers numerous situations in which people are not working with substances identified as carcinogenic as such but where it is the processing of the substance during production that causes the risk of cancer. Wood, leather and rubber are thus not in themselves carcinogenic but the dust released when they are cut, sawn or processed is. The same goes for most oils used in the machining of metal parts. They degrade under the effect of heat, resulting in the formation of carcinogenic substances. Annex I covers only a small number of these situations. It therefore needs to be completed. The Commission's legislative proposal anticipates including crystalline silica. This is significant progress against which many employer organisations have fought tooth and nail, advocating, as an alternative, a plan of voluntary initiatives to control exposure. This plan, established by an agreement signed in 2006 within the context of the social dialogue, has had no proven results.

Limit values: method of use

The Commission's proposal focuses on occupational exposure limit values (OELVs)⁴. The current directive only establishes three OELVs: vinyl chloride monomer (used in the manufacture of plastic substances), benzene and hardwood dusts. Even if you take into account the binding OELVs in other directives (asbestos and lead), fewer than 20% of current situations of exposure to carcinogens are covered by a European OELV.

For the majority of carcinogenic agents, there is no safe exposure. Even very low levels of exposure can cause cancer. By contrast, minimising exposure levels does reduce the risks. This is the main objective of OELVs for carcinogens. This requires that OELVs are set at a level that is clearly lower than the current one. And even if exposure does not exceed the OELV, the companies should undertake to reduce it if a replacement product cannot be envisaged. By establishing OELVs, which involves establishing collective prevention measures (extraction systems, for example), legislation is encouraging substitution. The more complex and costly the measures, the more investment there will be in technological innovations enabling the use of carcinogenic substances to be avoided.

There is no uniform methodology for determining OELVs in Europe. Member States often work on a case-by-case basis. An OELV is a political compromise between the need to protect health and how much employers are willing to invest in prevention. In some countries (primarily the Netherlands and Germany), a more consistent methodology does exist. This consists of determining, in advance, a health protection objective to be achieved on the basis of a quantitative model that links a certain level of cancer risk with a certain level of exposure. In practice, this methodology often results in lower (and thus more protective) OELVs than in other countries.

At Community level, the Directive on cancers establishes no methodology. Only the starting point is defined: a specialist committee of experts⁵ proposes a limit value on the basis of a summary of available scientific work. Then the Commission makes a proposal, which may be far removed from the initial recommendation. In practice, the Commission has adopted – without any legal basis – the approach advocated by the British government. For each OELV, it undertakes a cost-benefit analysis. This methodology is based on assumptions that are largely unverifiable. The costs of occupational cancers attributable to each substance, taken in isolation, along with the costs of prevention depend on extrapolations that involve enormous margins of uncertainty. This results in highly unequal levels of protection. In fact, for some substances, the cost of prevention may be low. This is the case when current exposure is not very far off the proposed OELV. For other substances, the costs are higher and the cost-benefit analysis then tends to result in an OELV that allows a significant risk of cancer to remain.

The proposed revision of the directive does not resolve the problem. It applies a method that contradicts a basic principle of Community legislation, namely that prevention must not be subordinate to economic concerns.

In most European countries, there is data available on work-related exposure to carcinogens dating back more than 20 years.

5. The Scientific Committee on Occupational Exposure Limits is known by its English acronym SCOEL.

The most flagrant consequences concern two substances to which millions of people in Europe are currently exposed. For crystalline silica, the OELV proposed by the Commission is 100 mcg per cubic metre even though several European countries and the US have already established an obligatory OELV of 50 mcg. The difference between these two levels would result in several hundred deaths a year, according to US estimates. Thanks to the success of the film *Erin Brockovich*, the general public are no longer unaware of the dangers of hexavalent chromium. Despite this, occupational exposure to this substance affects around a million workers in European workplaces. The OELV proposed by the Commission (25 mcg per cubic metre) equates to one case of lung cancer for every 10 workers exposed, which is an enormous level of risk. Such an OELV would only marginally improve the levels of exposure already observed in companies. By way of comparison, the OELV in France is 1 mcg per cubic metre.

What next?

The Council of Ministers and European Parliament now have to amend the proposal that has been submitted to them. The legislative debate will probably run from autumn 2016 to spring or summer 2017. The European Parliament has given a Swedish (Socialist) MEP, Marita Ulvskog, the task of drawing up the report that will guide the discussions on this issue. She wants to fight for substantial improvements in the Commission's proposal. She is convinced that she can get a majority of parliamentary members on board in this regard. Within the Council of Ministers, several states have already indicated the same aim. The discussions there will be more strained, particularly as they will take place behind closed doors, out of the control of public opinion. There will be intensive corporate lobbying of some Member States to get them to favour the Commission's minimalist approach.

Alongside this, future revisions of the directive need to be prepared. With regard to limit values, it will be necessary to both ensure respect for the timetable of the two new lists announced (12 and 25 OELVs respectively) and to ensure that the OELVs proposed enable real improvements in prevention. There is also a need to go beyond the list of OELVs and improve the directive's other provisions.

When the European Commission presented its proposals in May, it announced that their application would enable 2 000 lives to be saved per year. Each year, more than 100 000 people die of an occupational cancer in the European Union. We therefore need to go much further than this modest objective, which would reduce mortality by scarcely 2%. All occupational cancers can be avoided. This is what is at stake in the important political battle that is currently being waged. ●

Further reading

Two important reports can be found on the website of the Dutch National Institute for Public Health and the Environment (<http://www.rivm.nl/en>): *Work related cancer in the European Union. Size, impact and options for further prevention, 2015.*

Identifying prevalent carcinogens at the workplace in Europe, 2015.

The following are also of particular relevance and can be found on the ETUI site (<http://www.etui.org> > Publications):

Mengeot M.A. (2014) *Preventing work cancers. A workplace health priority*, ETUI.

Mengeot M.A. (2008) *Production and reproduction*, ETUI.

Musu T., Vogel L. and Wriedt H. (2016) *Cancer risks in the workplace: better regulation, stronger protection*, ETUI.

Takala J. (2015) *Eliminating occupational cancer in Europe and globally*, ETUI.

Wriedt H. (2016) *Carcinogens that should be subject to binding limits on workers' exposure*, ETUI.

Labour inspection: a public service in crisis

Special report coordinated
by Laurent Vogel and David Walters

It is no exaggeration to state that over the last decade, labour inspection services across Europe have been going through an existential crisis. With few exceptions, workforces have been reduced while inspectors have been assigned more extensive duties.

Faced with these transformations in the world of work – most notably, the “digitalisation of the economy” – and with the emergence of new risks such as nanotechnologies, psychosocial risks, etc., the sheer scale of their mission can leave labour inspectors feeling powerless.

This is a mission, moreover, that is becoming increasingly difficult to fulfil in a context of hostility towards state regulation and monitoring of companies.

The ideological dominance of neoliberalism, as much at the European as at the state level, has ensured the general acceptance of the idea that social legislation impedes the growth and development of business. Occupational health and safety regulation has been a particular target of this dogma; perhaps most notably at the hands of the British media and government at the beginning of the 2000s, when a large campaign was launched to promote deregulation. Given the title of “Better Regulation”, this agenda went on to have a significant influence across Europe.

In many European countries, labour inspectorates have been told that their priority is to combat undeclared work, a mission that places them in an ambiguous position between defending workers and defending arguably xenophobic public policies. Monitoring the enforcement of health and safety legislation has meanwhile taken a back seat. With limited manpower, the inspectorates now only focus on monitoring those companies which are considered high risk. The threat of severe sanctions no longer carries much weight, only really applying to those who explicitly flout the basic rules. Elsewhere, inspectors are encouraged to play the role of “coach” or advisor to companies. The United Kingdom again presents itself as a prime example: in several cities, some of the duties of public authorities have now been entrusted to the private sector.

Confronted with the changing nature of their mission and lacking political and public support, labour inspectors sometimes feel that they are walking a tightrope. It is becoming increasingly difficult for them to find the right balance between upholding their image of impartial civil servants and working to serve the needs of society – for many of them a deeply sincere endeavour.



Image: © Martine Zunini

Labour inspection and health and safety in the EU

British expert David Walters presents a comprehensive review of the main systems of labour inspection that exist in the European Union. Faced with profound transformations in the world of work, the emergence of new risks, and generally unfavourable policy shifts, labour inspectorates have been forced to rethink their strategic approach to protecting workers' health and safety.

David Walters

Professor of Work Environment and Director of Cardiff Work Environment Research Centre (CWERC)

Targeting health and safety inspections solely at "high-risk" companies is a trend which can be observed in many European countries.
Image: © Belga



Since the advent of industrialisation in Europe, regulatory inspection has played an important role in helping to achieve safe and healthy work. Originating in the specific provisions of a UK Factory Act in 1833, requirements specifying the nature and functions of labour inspection gradually developed in parallel with the spread of industrialisation throughout Europe during the 19th and early 20th centuries. In 1947 the International Labour Organization (ILO) adopted its Labour Inspection Convention (No. 81), which outlined broad principles concerning the structure and functions of national inspection systems and which most countries in the European Union have since ratified. Despite the acceptance of such common principles, the structure and functions of different national inspectorates, as well as their position in the legal system, vary considerably between different EU countries. Inspectorates are usually regarded as either generalist or specialist, with the former having a broad mandate that addresses elements of employment and industrial relations issues – including working conditions, health, safety and welfare – and the latter usually restricted to occupational health, safety and work environment¹.

The variety of labour inspection models

Generalist inspectorates are typical of Latin European countries like France, Spain and Portugal and are also found in part in other countries, such as the Netherlands and the Baltic States, where their responsibilities embrace working conditions, employment relations, aspects of wage and social security administration, legal and illegal work, health and safety, and welfare. They tend to be managed centrally and be accountable to central government, although they often have regional structures. They are also sometimes separated into divisions that have different functions with, for example, one dealing with occupational health and safety (hereinafter OHS), another with social security and a third with employment and wage matters.

Specialist inspectorates that have developed according to an Anglo-Scandinavian pattern are mainly responsible for securing compliance with requirements solely concerning health, safety and welfare at work (and sometimes with certain requirements on general working conditions). They tend to be responsible to tripartite boards and, through them, to central government. They are typical of the UK and Scandinavian countries but also characterise elements of other systems, such as those found in the Netherlands or, more specifically, the insurance-based *Berufsgenossenschaften* in Germany (although these latter inspectorates are not state bodies but agents of bipartite insurance organisations; see article p. 30).

In some countries that have federal political and legal administrations, such as Germany, generalist inspectorates function in a federal pattern, their powers delegated to state levels. In other countries, the development of increased political autonomy at regional level has led to a degree of movement from centralist to more such federal patterns; in Spain, for example, responsibility for labour inspection has been taken over by the regional government in Catalonia.

In many countries, in addition to a main labour inspectorate there may also be smaller specialist and associated inspectorates with responsibility for securing compliance in relation to particular economic sectors or technologies. Typically there are separate such inspectorates for seafaring, fire safety, railways and mines. In some countries, however, some or all of these are incorporated within the overall labour inspectorate.

Therefore, while the structure and functions of national inspection systems broadly fit this typology, it is not rigid and in many countries the pattern is somewhat mixed. For example, the overriding system might be broadly "generalist" but, at the same time, it may contain elements that are more specialist or administered in different ways, such as within a federal system. In Italy, for example, until quite recently a centrally organised generalist labour inspectorate played a relatively minor role in the surveillance of health and safety at work in comparison to the regionally administered public health agencies, the ASL (*Aziende Sanitarie Locali*). In the UK, the practice of delegating

1. von Richthofen W. (2002) *Labour inspection: a guide to the profession*, Geneva, International Labour Office.

enforcement powers in so-called "low risk premises" to local authority public health inspectors (environmental health officers) means that most small firms (and indeed most workplaces) are inspected not by the central specialist inspectors of the Health and Safety Executive (HSE) but by inspectors of local authorities, who also have many other public health functions on matters such as food hygiene and sanitation. In Germany, the overlapping inspection responsibilities of the sector-based *Berufsgenossenschaften* and the geographically based labour inspectorates of the federal states (Länder) make for a very complex dual system.

Different functional combinations

Bearing these caveats in mind, it is possible to employ five functional areas – as suggested by the ILO – to describe the range of responsibilities for labour protection delivered by inspectorates in the EU:

1. occupational safety, health and welfare (and sometimes hours of work);
2. general conditions of work and sometimes wages;
3. industrial relations;
4. employment-related matters such as illegal employment, vocational training and employment promotion;
5. social security issues.

Labour inspection systems can also be seen as single, dual or multi-functional in so far as they deliver one or more of each of these functions. Single function systems are typically found in such countries as the UK, the Republic of Ireland, Denmark and Sweden. Different forms of dual systems are found in Germany, the Netherlands, Bulgaria and the Baltic States where, as well as health, safety and welfare, a range of matters under general working conditions are also covered. Finland and Norway are somewhere in between, with a main focus on OHS but also covering some additional broader tasks in which they address, for example, undocumented/undeclared work. More multifunctional systems are typical of Latin countries such as France and Spain where – in addition

to OHS – industrial relations, social security and employment-related matters are all covered to varying degrees.

These different functional combinations and their relative balance in different Member States also have a significant influence on the way in which labour inspectorates have been able to respond to change and to address emergent trends and risks. For example, in many EU countries there is currently significant concern regarding undocumented/undeclared work. There is clearly a set of risks to the health, safety and wellbeing of workers involved, arising largely from the undocumented/illegal nature of the work, the limited provision made by employers for health and safety management in such circumstances and the tendency for such work to include tasks and working conditions that would not be acceptable in properly documented employment.

However, the way in which these issues are addressed by labour inspectorates in different countries varies according to which aspect of such work falls within the remit of the national requirements for regulatory inspection. Thus, in countries such as Spain, Greece, Portugal, the Baltic States and the Netherlands, in which multifunctional inspectorates operate, efforts to identify the extent of undocumented work and take actions to reduce it are a significant feature of current labour inspection strategies. Meanwhile, in Member States such as the UK, where such employment-related matters are beyond the jurisdiction of the inspectorate, interest in undocumented work is largely restricted to the extent to which it affects arrangements for the occupational health and safety of the workers involved. In other countries, such as Sweden and Denmark, inspectorates do not supervise the legality of employment themselves, but they may alert other state authorities about these matters when they come across them.

Some observers have suggested that the broader differences between generalist and specialist inspectorates may result in some inspectorates being better equipped than others to respond to consequences of structural economic and labour market changes, such as increases in undocumented

2. Teague P. (2009) Reforming the Anglo-Saxon Model of Labour Inspection: The Case of the Republic of Ireland, *European Journal of Industrial Relations*, 15, 207-225.

work, migrant workers and the informal/illegal economy. For example, Professor Paul Teague of Queen's University Belfast² has argued that since responses of labour inspectorates to change are circumscribed by the nature of their remit for inspection, this makes specialist inspectorates such as those in Ireland and the UK – which are based on a narrow organisational pattern – less suited to address the consequences of such change than those inspectorates concerned more broadly with social and employment affairs. However, empirical research evidence in support of this argument is lacking.

The character and qualifications of inspectors

In most countries of the EU, labour inspection is a profession in its own right, in which individuals, usually with some graduate-level qualifications in legal, engineering or technical subjects, are recruited (often after quite intense competition) to a national corps of inspectors. They subsequently receive further training in the particular skills of inspection. Inspectorates have a career structure that encourages inspectors to remain with them for significant periods of their working life; although as the inspectorate is usually part of the national infrastructure for public administration, career opportunities may be pursued by inspectors in other branches of public service.

The nature of the qualifications required and the orientation of subsequent training to a large extent reflect whether inspectorates are generalist social labour

Psycho-social risk remains a relatively minor cause of prosecution cases for labour protection offences.

inspectorates or specialist OHS ones, as well as the more general character of the public administration infrastructure. Generally, qualifications reflect traditional concerns while additional training of varying extent and quality is provided to address "new" ones; in Sweden, for example, attempts have been made to recruit inspectors with the skills and experience suited to dealing with psycho-social risks.

In recent years there has been an increased turnover of inspectors, brought about by budgetary constraints in many older EU Member States and relatively low salaries in some new Member States. This has resulted in a movement of inspectors towards professional health and safety jobs in commercial organisations.

Regulatory inspectorates for OSH in EU Member States have a similar set of powers, broadly in line with those laid down in Articles 12 -13 of the ILO Convention 81. They may, for example, enter and inspect premises, seek information from employers and workers and remove items for further analysis. They either have direct authority to require changes to workplaces, plant and work methods to remedy defects they believe represent a threat to the health or safety of workers, or the right to apply to the appropriate authority to require such actions. They are also generally the authority to which notifications of accidents and diseases must be made in accordance with national regulatory requirements. There are minor variations in their powers in different EU countries but none that are especially significant.

The situation regarding the sanctions available to inspectorates for addressing instances of non-compliance is more complicated, reflecting as it does the relationship between inspectorates and the different national styles of regulation and legal administration in which they are variously embedded in EU Member States. Thus, while most inspectorates have administrative powers to impose requirements for health and safety improvements or to stop work operations they deem to be unacceptably risky through serving notices on duty-holders, their exact means of doing so varies. Some have a limited capacity to themselves impose sanctions

such as administrative fines, while others have no such powers. There has been an increasing trend in the number of financial penalties upon conviction, but considerable variation remains between countries in the practice of imposing penalties and most convictions still result in comparatively small penalties. It is also notable that most violations that result in prosecution and conviction involve the mismanagement of "conventional" risks, rather than "new" or "emergent" ones. Thus, for example, despite its current widespread recognition as a major cause of work-related ill health, psycho-social risk remains a relatively minor cause of prosecution cases for labour protection offences. Technical and legal difficulties in bringing such cases are often cited as an explanation for why this is so.

Challenges to the traditional approach

Nowadays, it is widely accepted that, in practice, labour inspection is limited in its reach. That is, given the imbalance between the resources available for inspection and the number of workplaces, employers and workers subject to inspection, there is little practical possibility that face-to-face contact between them and labour inspectors will occur in more than a minority of cases. This is one good reason why most inspectorates have organisational plans and strategies to focus attention where they believe it will have the biggest impact³. However, the extent to which inspectorates have the resources to match the tasks they are obliged to perform is a critical issue and there has been growing concern about the increasing mismatch between the two. Such concern is not only reflected in critical research but also in reports from international inspection bodies such as the Senior Labour Inspectors' Committee (SLIC) which, in its 2008 audit of the Work Environment Authority in Sweden, "found some indications that the recent cuts have resulted in a reduction in continuing professional development, in communication between specialists, and in training of established inspectors. ... There were also

3. Denmark presents an interesting possible modification of this approach, with its strategy of screening all workplaces where there are employees in order to categorise workplaces according to risk and the arrangements in place to address it.

some indications that the necessary training of established inspectors is declining due to the cuts in financial resources".

There is a well-established trend of continuing reduction of public expenditure on regulatory inspection, in keeping with the general neoliberal economic policy orientation of many Member States, which aims to reduce "regulatory burdens on business" while claiming to seek a better competitive advantage for EU businesses in both national and global contexts. In keeping with this general trend are other elements of current regulatory/political strategy, such as an increased emphasis on voluntary/private regulation and a greater advisory and informative role for inspection, which a growing body of critical research has found wanting; this indicates that such approaches generally fail to secure effective coverage or meaningful enforcement and have serious shortcomings in terms of governance.

While the critical literature provides compelling evidence that the deregulatory and resource reductive trends of neoliberalism offer little support for the preventive and protective role of labour inspection, it also acknowledges that the situation is complex. Firstly, an advisory role for inspectors and increased emphasis on private regulation are frequently, but not always, found together. Secondly, while there is a general trend towards reduced resourcing of inspection, which goes hand in hand with a "lighter touch" for inspection practices in many EU Member States, not all labour inspectorates have experienced such reduction; indeed, some have increased their resources during this period. For example, funding of the Irish Health and Safety Authority (HSA) almost doubled between 2002 and 2007. Similarly, the number of Polish labour inspectors grew substantially between 2002 and 2009. There are further indications that resourcing has favoured some elements of labour inspection activities but not others. For example, greater resources are being devoted to employment-related matters – reflecting concerns about undocumented work etc. – while, at the same time, there is still concern about reduced resourcing for health and safety inspection in countries such as Spain and the Netherlands.

Moreover, while labour inspection strategies that emphasise the provision of advice and information are evident in some countries, it may be over-simplistic to interpret them as part of a strategy of reduced formal regulation. They are, in part at least, a direct response to the challenges presented to regulatory reach by the restructuring of work and employment. Overall, work may have become less obviously physically hazardous as a consequence of these changes but, at the same time, its pace has increased. It is more intensive, insecure and prone to uncertainties regarding its restructuring, reorganization and the greater demands made for its "flexibility". The nature of employment and the employment relationship has also changed for many, with much evidence of increases in precarious, outsourced and undeclared work. Situations requiring surveillance or intervention in this kind of work present challenges to traditional labour inspection practices, whether "generalist" or "specialist". Reaching them and intervening in them therefore stretches the limited resources available to inspectorates, which in any case may have become even more limited as a result of the "removal of administrative burdens on businesses" by neoliberal governments. At the same time,

they are complex situations in which the nature and extent of legal responsibilities and suitable preventive strategies are themselves often unclear. Of course, risks created by the reorganisation and restructuring of work and employment have also changed the risk profile of work, leading to a greater presence of psycho-social concerns that are not easy to either manage or regulate by conventional means and therefore pose further challenges for traditional inspection practices. As a result, current regulatory inspection policies and practices on health and safety have struggled to address the emergent challenges of the so-called "new economy", having to make the best use of dwindling resources in a political environment that is often hostile to state regulation of business.

Alternatives to workplace inspections

Some regulatory agencies have adopted alternative strategies to workplace inspections, which have generally declined in many countries along with the number of inspectors and level of enforcement. In the UK, for example, an interest in using "multiple tools" to achieve improvement in the "atypical work

There is a well-established trend of continuing reduction of public expenditure on regulatory inspection, in keeping with the general neoliberal economic policy orientation of many Member States.

scenarios of the new economy" has been prominent in policy documents of recent decades, which advocate communication, the use of intermediaries, the identification of business benefits and so on. Similar developments are evident in other EU countries, especially in Finland, Sweden, Denmark and the Netherlands. However, evaluation of all these initiatives has been inconclusive concerning their success.

In some cases legislation has been amended. For example, the duty of care has been extended to supply chain responsibilities in construction, and inspectors now have a regulatory framework to guide their surveillance and efforts to achieve compliance that is more appropriate to the organisation of the industry and its work activities.

Attempts to achieve greater engagement with peak bodies in the economy such as trade and employers' organisations, insurance associations and sometimes trade unions, are features of the outreach policies of national inspection authorities. They thus seek to exploit the roles of organizations and individuals in intermediary positions between the regulatory agencies and those thought to be beyond the reach of conventional inspection: hard-to-reach small firms, temporary workers and migrants. The aim is to "cascade" good practices to situations that are difficult to access through conventional inspection. Belief in the success of these initiatives is strongly held by some regulatory authorities in such countries as the UK, Sweden and Germany, despite criticism that they are in fact a result of substantial cuts in the inspectorates' resources and political pressure for more "business friendly" inspection strategies.

In parallel, new public sector management initiatives that place greater emphasis on "evidence-based" strategies and require the evaluation of performance against targets have prompted a strategic interest among regulatory authorities in measurable outcomes. To some extent this is also indicative of the overall trend towards "risk-based regulation", or strategies which "involve the targeting of enforcement resources on the basis of assessments of the risks that a regulated person or firm poses to the regulator's objectives"⁴. For inspection, it has meant an

increased focus on surveillance in relation to measurable performance targets; addressing, for example, the more prevalent forms of occupational injury or ill health, as well as high-risk sectors or particular activities within them. As a result, in many cases regulatory authority strategies set quantitative targets for inspection of particular work activities. This sometimes leads inspectors to feel less able to act on the full range of risks they may encounter during an inspection⁵. Such targeted approaches are evident in the UK, Sweden, the Netherlands, Denmark and in 15 other EU countries.

Of course, the implications of most of these changes for worker representatives are that state inspection services may be even less "hands on" than previously, consequently reducing the degree of enforcement interventions at the workplace level. On a more positive note, since worker representatives are themselves known to be effective "intermediaries", the policy rhetoric of labour inspection should encourage inspectors to engage more willingly and effectively with worker representatives than has been the case in the past. However, there has not yet been any strong evidence of this in practice.

Inspectorate compliance promotion strategies that place increased emphasis on private regulation may be in part an acknowledgement of the reduced relevance of conventional regulatory inspection in restructured business contexts. However, they are also a pragmatic attempt to exploit business relationships and orientations in order to improve compliance with health and safety regulations in these situations. There are some suggestions that suitable regulatory mixes may be found which exploit both public and private regulation to the benefit of health and safety; as, for example, with supply chain regulation.

It seems that under the combined influence of the restructuring and reorganisation of work in recent decades – together with the further effects of the hegemonic neoliberal political and economic strategies that have helped drive these changes – labour inspectorates have been obliged to rethink their strategic approach to helping protect workers from harm.

4. See for example, Black J. and Baldwin R. (2010) Really responsive risk-based regulation, *Law & Policy*, 32 (2), 181.

5. Risk Solutions (2003) *Evaluation of FOD's topic-based inspection*, HSE Contract, Research Report 368, Sudbury, HSE Books.

As we have seen, their responses have mostly constituted efforts to increase reach and influence, while at the same time trying to make the best of reduced resourcing in a political environment in which state inspection is required to better support business needs. What this means for most workers and their trade union representatives is that the likelihood of being in a workplace that is subject to inspection is much reduced, as is the likelihood of being able to easily contact labour inspectorate for advice or support. However, it is possible that these new approaches to their role in regulating OHS may have produced some useful outcomes, especially in addressing new and emergent risks and reaching work scenarios that are acknowledged to be difficult to monitor with more conventional inspection. It is hard to be entirely certain about this however, since there is very little independent evaluation of these activities and their true effectiveness remains to be seen. In the end, it seems fairly clear that while such approaches may offer innovative additional strategies for regulatory enforcement, there is no evidence to suggest they are an effective alternative to the role of regulatory enforcement in protecting the health and safety of workers in the EU. ●

Inspection and unions: "convergence and maybe more..."

The fact that labour inspection bodies are independent does not necessarily mean they are neutral, which would in fact be unrealistic in practice. Such inspection has relied from the very start on the unions' daily work within companies in order to ensure its effectiveness. There is now an overriding need for this link to be strengthened.

Laurent Vogel

ETUI

The vast majority of small businesses fly under the radar of labour inspection bodies.

Image: © Belga



Valeria¹ inspects health and safety conditions in the leatherwork industry in Tuscany. This region, located on the Arno River near Empoli and Val d'Els, to the west of Florence, has an age-old tradition of leatherwork. Activities range from the tanning of skins through to the production of bags, shoes, jackets and other items. The finished products are of a refined elegance that belies the harsh working conditions. Their price tag puts them out of the reach of those who have made them. The production chains are often controlled by luxury multinationals, for example the Kering Group, owned by the French (billionaire) Pinault family and which holds the Gucci brand name among others.

The ethnic division of labour has become more pronounced in recent years: increasing numbers of people from Senegal in the tanneries, and from China in the cutting and manufacturing sectors. The risks are numerous: chemical products, the carcinogenic effects of leather dust, ergonomic problems, insufficient machine safety, the long working hours and fast pace of work. Some of the workshops are located in dilapidated buildings with no fire protection. On occasions these serve both as a place of work and as makeshift housing.

Valeria talks passionately to me about "her union team". This consists of two kids of 12 or 13, originally from South China and who speak Italian with a strong Tuscan accent. They act as her primary intermediaries, gathering information and passing on messages within the Chinese community, where the adults have less understanding of the local language. They are also reluctant to admit that they may actually have understood everything Valeria says. And who can blame them? Their distrust of the state is the result of bitter experience. How do you distinguish between an inspector supporting health and safety at work and other officials, police officers and bailiffs, for example?

"Union team": it is a good term but the reality is rather different. These resourceful kids do not belong to any organisation, apart perhaps from their local football team supporters club. They have decided to help Valeria because they can see whose side she is on. And therein lies the rub: the work of labour inspection relies on commitment. Sometimes it involves walking a tightrope between a role entrusted by the state, one's

Throughout Europe, the right to worker representatives is insufficient in terms of inspection.

professional independence and a desire to combat exploitation and social inequality as effectively as possible. For Valeria, independence has nothing to do with neutrality, which would be impossible to ensure. It would be impossible for her to do her job in the form of some lone vigilante. She sees her work only in relation to the autonomous mobilisation and organisational capacity of the people intended to benefit from it. This necessary link with the world of work first appeared with the creation of the initial labour inspection systems in Europe.

19th century: worker-elected inspectors

The first professional labour inspection bodies appeared in Europe during the second half of the 19th century. They were the result of a very simple observation: that it was pointless adopting legislation to protect the working environment if you did not monitor what was happening in practice, discreetly, within businesses.

Very soon, it became clear that the system would be incomplete unless the workers' movement was able to play a role in these inspection systems. This was due to the large number of scattered workplaces, issues of a formidable complexity, and the workers' mistrust of these officials, unsure whether they were coming to monitor their conditions or to punish them at a time when unionisation was being severely repressed by the state.

The United Kingdom was a pioneer in this regard. Following revelations in a parliamentary commission that highlighted the appalling working conditions being suffered down the mines, initial legislation was passed in the form of the 1842 Mines Act. It took the deaths of 26 children (11 girls between the age of 8 and 16 and 15 boys between 9 and 12) in the Huskar Colliery in Silkstone (Yorkshire) in 1838 for this law

1. Name changed at the request of the individual.

to be adopted. The Act remained largely dead letter, however, as Parliament had no desire to create a system of inspectors with the power to conduct visits without the prior consent of the employers. An inspection body was finally established by a further Act of 1860 but this was scarcely any more effective. In 1867, Marx noted that there were just 12 inspectors covering more than 3 200 coal mines. This equated to one coal mine inspection visit every 10 years. The legislation was clearly little more than empty words.

A further law was adopted in 1872. For the first time, legislation established the possibility of passing prison sentences on employers convicted of serious safety offences. The law set out detailed and prescriptive measures, particularly with regard to the lamps to be used (to avoid firedamp explosions). For the first time, the workers' movement won miners the right to appoint their own representatives, tasked particularly with inspecting the mines and identifying failings. This was the first law to have a real effect and enable improvements in mine safety (as regards health, however, they would have to wait for several decades more...).

The example spread. The workers' movement and unions in many other European countries began to demand the same rights. Delegate/inspector systems began to be established. In France, a law was passed on 8 July 1890, following five years of turgid parliamentary debate. It took the Verpilleux and Saint-Louis pit disaster in the Loire Valley (in which 214 miners died) to smooth its passage. The justification for this legislation was explained by Michel Rondet, leader of the miners' union at that time: "We demand legal recognition for miners' delegates with responsibility for accompanying mine guards to the site of accidents and drawing up joint reports.

2. For more information see: Wiklund H. (2011) Sweden: regional safety representatives, a model that is unique in Europe, *HesaMag* 3, 32-35.

3. 14 inspectors are appointed by the unions and 14 by the employer organisations.

4. 14 inspectors are appointed by the unions and 14 by the employer organisations.

These reports are very often produced to benefit the companies, either through corruption or a lack of practical knowledge or works implemented after the accident." One parliamentarian who was particularly committed to this law was Jean Jaurès.

Michel Rondet's arguments remain true to this day: a lack of inspection staff, the need for people who understand the reality of the working conditions, and the political significance of the mandate given to their representatives by the workers.

The current situation in Europe is mixed but nowhere are worker representatives' rights sufficient in the area of inspection.

Union delegates with inspection powers

Some positive practices can be seen, however, demonstrating that alternative methods do exist.

In Poland, a social inspectorate complements the state's inspection work in the area of health and safety. It is formed of representatives elected by the workers who are attentive to infringements and who can impose safety measures on a company. They only exist in businesses that have functioning union representation, however. Unfortunately, it seems clear that, over the last 20 years, the number of companies involved in this has fallen and the role of the social inspection teams has declined.

In the Nordic countries (Sweden, Denmark, Norway and Finland), union health

and safety representatives are able to call a work stoppage if they note an imminent danger. Moreover, in Sweden, there is a system of regional safety representatives covering very small enterprises that do not have their own². These regional delegates sometimes participate, alongside the labour inspectorate, in sectoral campaigns monitoring legislative compliance.

A number of interesting initiatives can also be observed outside the European Union, the most surprising of which is in Switzerland. A law was passed in Geneva canton in November 2015 establishing a joint inspection system³. This followed an intensive union campaign launched in 2010. The system's responsibilities relate to the application of labour laws (which set out the main provisions on working hours as well as essential health and safety requirements). Geneva's 240 000 private sector employees will benefit from the work of this new inspectorate. Joël Varone from the main Swiss trade union, Unia, considers it "an important victory that will give unions access to many companies in which union rights do not currently exist."

In Australia, despite what is often considered ultra-liberal labour legislation, the occupational health laws adopted over the last 15 years in most of the states⁴ give union occupational health and safety representatives the right to take necessary measures in response to a breach of legislation. Employers are required to adopt these measures unless they can obtain their repeal through the state inspectorate system or the courts. This system of "Provisional Improvement Notices" (PIN) enables some 30 000 health and safety representatives to act with greater authority within companies. A PIN can even shut a workplace down temporarily if there is an immediate risk. According to a survey conducted by the unions in 2004, 21% of health and safety representatives had invoked this right and 88% felt it was extremely effective in resolving problems.

In some states, external union representatives are able to enter a company if there

is a suspected violation of health and safety regulations. Case law establishes that this places an implicit obligation on the employer to answer questions raised by the union representatives and to provide them with the necessary documentation. In New South Wales, such representatives are even able to initiate prosecutions for detected contraventions. The representation systems established in some states are not restricted to company employees alone: sub-contracted workers and even freelancers working long-term within a company may also be covered.

Internationally, the exceptional experience of the merchant navy is worthy of note. The International Transport Workers Federation has, in fact, managed to establish a system of union inspectors who monitor vessels during port stopovers. There are some 100 inspectors working full-time around the globe. Their organisation has been able to obtain recognition of this right through the signing of collective agreements with different transport companies. This position of power has been achieved by getting sailors and dock workers to threaten to boycott those companies that refuse to be monitored or to abide by the rules. Union inspectors are able to intervene not only on health and safety issues but also in relation to the rules governing pay. Unique in this approach is the absence of any supporting national legislation and the successful networking of unions globally, across different countries and different professions (sailors and dock workers). ●

Further reading

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The work of labour inspection relies on commitment. Sometimes it involves walking a tightrope between a role entrusted by the state, one's professional independence and a desire to combat exploitation and social inequality as effectively as possible.

Serbia's labour inspectors tackle the "shadow economy"

As in most Eastern European countries, the economic fabric of Serbia is dominated by small and micro-enterprises. Some are not even declared to the authorities. Under those conditions, undeclared employment flourishes. The Government has set labour inspectors the task of remedying this situation. It is not easy to motivate understaffed teams who are paid a pittance and are poorly regarded by the people in general. Yet some of them try to rise to the challenge.

Barbara Matejčić
Freelance journalist

Photos:
Marko Drobnjaković



A dark blue Ford cruises through the streets of Belgrade, the capital of Serbia. It slows down as the driver and co-driver carefully check the house numbers before driving on. It is 12.30 p.m. on 8 July 2016. They set out from an impressive building in what is known as the "brutalist" style, an architectural movement characteristic of the former communist countries. It once belonged to the Yugoslav Government but now houses several public institutions, including the Ministry of Labour, Employment, Veteran and Social Affairs, which is responsible for the Labour Inspectorate. The Ford finally comes to a halt outside a restaurant. A man and a woman go in; it is early for lunch, and the restaurant is almost empty. The two sit down at a table. A young waiter comes up and asks what they would like, assuming they will order food and drink.

"Your identity card", the man in the white polo shirt calmly replies. He and his colleague – Igor Popović and Olena Todorović – are labour inspectors and, during this week in July, they are turning up unannounced to inspect small businesses in the search for undeclared workers. In 2015, Serbia passed a law on inspection oversight procedures. Under this law, which entered into force in April 2016, the employer must be given advance notice of an inspection. That was not the case before, and it complicates and slows down the inspectors' work. Nonetheless, if there is a suspicion of undeclared work, the inspection may be conducted without notice.

The purpose of the new legislation is to combat the major problem of the shadow economy in Serbia more effectively; this is a priority of the Government and, therefore, of the Labour Inspectorate. Around 30% of GDP "disappears" into the grey economy. Translated into monetary terms, this means that the grey economy "swallows up" an estimated €8 million a day, according to a survey conducted by the National Alliance for Local Economic Development (NALED), an organisation that aims to make the regulatory environment more attractive to investors¹. Many citizens can survive only by selling smuggled goods, while a large number of entrepreneurs, especially the owners of small and medium-sized enterprises, will say that it is the high taxes that drive them into the shadow economy.

At this point, there are three employees in the restaurant: the waiter, the cook who is cooking chicken steaks, and the waitress



serving at the bar. A strong young man comes up to the inspectors, carrying a thick red file. He is the owner. He riffls through the many papers but cannot find his three employees' labour contracts. He says that the cook's contract is with the accountant and that the waitress started work only the day before, which is why he has not yet declared her.

In an organic café

Serbian law gives employers three days to declare an employee. That is why many of them exploit this situation: when the inspectors come in, they tell them that the employees have only just started working there; then they simply declare them later. There has even been a case where an undeclared worker was declared as employed after having suffered a fatal accident. The inspectors are therefore calling for the law to be amended so as to ensure that workers are declared from their very first day of work.

Last year's inspections revealed 16 408 undeclared workers, and immediately afterwards 12 250 were finally declared by their boss. Acting in cooperation with other institutions, inspectors can follow up the steps taken by the employer, which gives them an idea of the impact of the oversight. For example,



¹. This organisation is supported by the European Union Delegation in Serbia and governmental institutions of Western states (in particular, the United States, Canada, Germany and Switzerland). For more information, see: <http://www.naled-serbia.org/en>.

thanks to the Central Registry of Compulsory Social Insurance, they know whether workers were declared following an inspection.

On the other hand, only 10 or so days later, many employers unsubscribe these same workers from the compulsory social insurance. That is what has happened in this restaurant too. The owner, looking crestfallen, turns to the inspectors and asks what steps he needs to take, and the inspectors patiently explain them to him, although they know he is well aware of the law and how he has breached it. This is the second time it has happened to him this year.

Last year's inspections revealed 16 408 undeclared workers.

- "Are you going to declare the waitress?" Inspector Igor Popović asks him.
- "Yes, I will," he replies.
- "Who else is working here?"
- "Nobody, just those three," he replies unconvincingly.

The situation is clear to everyone. The workers whom the inspectors have not found in the restaurant are also working illegally. As for those who have been caught, the owner will declare them not more than three days later, to avoid having to pay a fine ranging from 6 000 dinars (€50) to 2 million dinars (€16 230) per undeclared worker.

The inspectors move on to an organic café with a rather hipster feel to it. Six workers in black T-shirts emblazoned with "Fit house" are crowded into a small space. A muscular young man comes up very quickly and introduces himself as the owner. A scared-looking young woman with long yellow-painted nails searches through the thick file. She shuffles the papers from start to finish, looks towards the owner as though expecting help and finally says quietly: "I can't seem to find the contracts." The owner rapidly adds: "We took them to the accountant's today."

- "How many workers do you employ?" asks Inspector Popović.
- "I'm not exactly sure."
- "You said you are the owner, and yet you don't know how many employees you have? There are six here right now."
- "I'll tell you; just a minute," he says and goes out to telephone. He comes back quickly: "Two. There are quite a lot of customers just now, which is why others stayed on."

The inspectors tell him too about the legal time limit for declaring workers and the level of fines. The owner looks surprised, as though hearing all this for the first time. In fact, the labour inspectors had already investigated his establishment some months before when they had also found illegal workers there. This day they discovered, from the only contract they could find, that the employee in question was earning €24 a month. In this café, a protein shake costs €3. Inspector Olena Todorović looks at the wage level and asks: "Is this a joke?" The young women say nothing and shrug their shoulders. Olena Todorović and Igor Popović leave.

They make up some of the 242 labour inspectors in Serbia, a country of 7.2 million inhabitants with 337 927 registered trading entities. That means that there are 1 396 trading entities per inspector, plus responsibility for those that are not registered. In Serbia, over the period from the beginning of 2016 to the end of July that year, there were found to be 463 unregistered entities, mainly in the sectors of commerce, the catering industry and services to individuals.

"If each inspector visited a registered company every day, it would take us nearly four years to visit them all. But there are not enough of us, which is why certain priorities have been established. We go to places where it has been reported that something is not right," we are told by Ilija Jović, aged 54, who has been a labour inspector for the past 20 years.

On a building site

On a very hot day in late August 2016, we followed him and Inspector Miloš Čiča on an unannounced inspection of a building site in the Voždovac district of Belgrade. Ilija is an engineer, Miloš a lawyer. Inspectors often join forces because they have complementary skills.



Željko Veselinović,
union leader





The periphery of the site is not completely fenced off, and the barrier is too flimsy, but the inspector concludes that overall this is a "well-secured site".

towards the upper levels of the building in the shovel of the mechanical digger. Ilija takes note of the breach of safety at work standards. Eight workers leave without a word when Miloš asks them for their identity card. That is common practice. When they see the labour inspectors' yellow fluorescent jackets, undeclared workers simply leave the site, and the inspectors have no powers to stop them.

"For them, it is more important to keep their job, even if it is undeclared and pays them a pittance, than to regularise their workers' rights," Miloš explains. Ilija goes up to some middle-aged workers who are on a break. They are sitting and smoking in the shade. The inspectors check their identity and ask them for their work contracts. Three drivers and a digger operator all have their papers in order. The worker on the crane says that he had started work that very day, 29 August. The usual excuse.

210 inspections a year per inspector

There are about 30 workers employed by four companies on the site. They work for a minimum wage of 22 000 dinars (€180); the remainder of the money is paid to them cash

Occasionally, labour inspectors come across unpleasant employers, some of whom will not let them into their company premises, but Ilija and Miloš have not experienced that situation. They both work in the labour inspection department of Pančevo, a town half an hour away from Belgrade. It is quite frequent to find inspectors from one region working in another region, especially when there is less work in their usual region, but also to avoid possible connections between inspectors and employers in local environment.

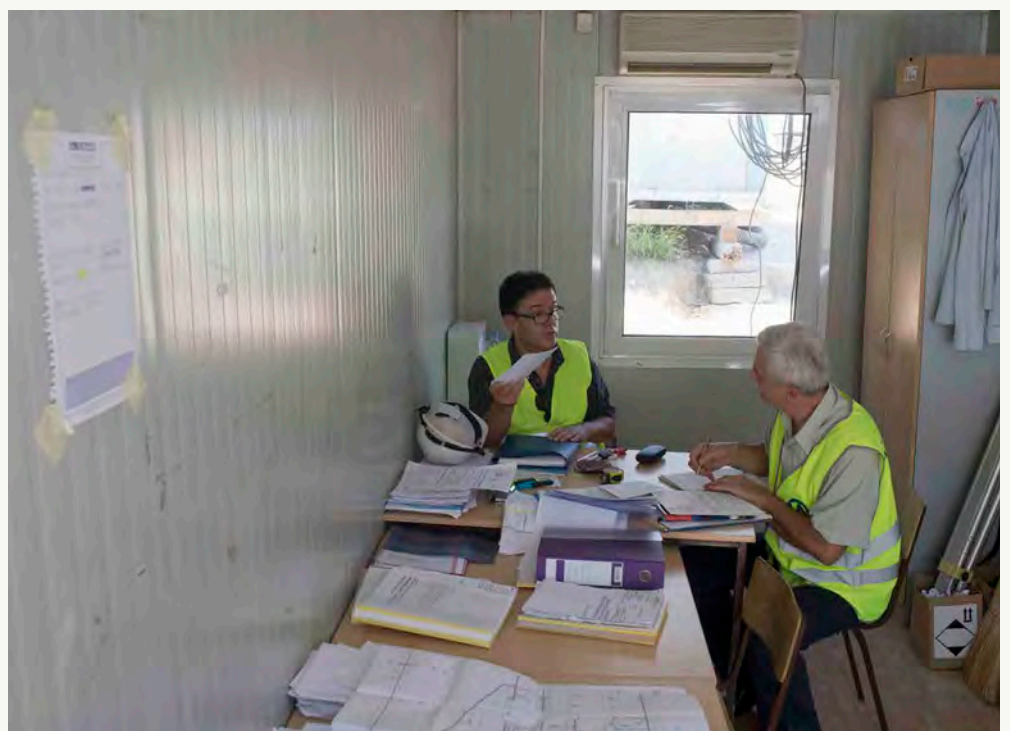
Like the other inspectors, Ilija and Miloš carry out 15 to 20 oversight inspections a month. In summer, the season of construction work, staff numbers are increased, and since 2014 they work in two shifts.

Building sites are a major "source" of undeclared employment. Today's site is one of the largest currently operating in Belgrade. Here they are building a block of offices and flats covering 17 000 square metres. The flats will be sold at a price of €1 700 per square metre. The labour inspectors could not afford flats at half that price, even with loans. On average, they earn 52 000 dinars (€422) a month, only slightly above the minimum wage in Serbia (€373). This income is even less than the average monthly shopping basket (€544), according to data from the Confederation of Independent Trade Unions.

One trade union source told us that the inspectors' low earnings encourage corruption. Ilija and Miloš deny this and explain that there are too many witnesses to the inspections, which means that there is little chance of bribing inspectors, although they do not deny that some cases exist. Serbian

civil servants are all on low wages, and the inspectors are no exception. Yet they have never organised any strikes to improve working conditions and wages. "We are aware of the situation in the country, and we are patient," Miloš tells us, in a conciliatory tone, while we walk around the humid site.

Sweat is dripping under the workers' hard hats, the trucks are droning away, a worker is being lifted from the base of the site



in hand. The workers include some pensioners who cannot survive on their pension and therefore continue to do manual labour. Ilija tells the foreman that the periphery of the site is not completely fenced off, and that, in some places, the barrier is too flimsy, but he concludes that overall it is "a well-secured site".

"What we have just seen is above average, both from the point of view of safety and in terms of undeclared work, even though we realise that some of the workers have fled. Sometimes we find that the site empties almost entirely," Miloš explains. At this site, there is only one worker without an employment contract.

The employer will have to pay a 100 000 dinars (€812) fine. If he pays within 8 days, he will be charged only half the amount. This is a new measure and one that is showing results, for the employers are paying up. The inspectors would prefer it if the fines were not so high but imposed and collected more efficiently. The legislator believed that the fines would have a preventive effect, but in practice companies sometimes hire good lawyers who slow down the procedures. "If the fines were smaller, they would pay them," the inspectors believe.

Most accidents at work, including those with the most serious consequences, are concentrated in the construction industry. Between 1 January and 31 July this year, the tally was 13 fatal accidents. The technologies used are often obsolete and the workers less and less well-trained. Sometimes workers are found operating machinery they have never used before.

Yet it has been found that, since 2014, the number of accidents has fallen, partly because industrial production has declined, with fewer building sites following the financial crisis, but also because preventive measures are being taken and more inspections being conducted.

On 31 July, it was found that 32 695 inspections had taken place since the beginning of 2016, of which 8 818 related to health and safety at work. A total of 553 inspections were carried out following injuries at work, of which 17 because of fatal injuries and 11 because of serious injuries leading to death. "In accordance with the annual standard, each labour inspector must conduct 170 routine labour legislation inspections and 40 that also cover health and safety at work. So the minimum is 210 annual visits per inspector, and on top of that we carry out exceptional



checks," Ilija explains. "We manage that, but it is a very tough requirement. Anything more than 10 inspections a month is too much if we are to do a good job. In larger undertakings, it actually takes 2 days to conduct an in-depth inspection, but we have only a few hours in which to do so," he adds.

In the 1990s, when Ilija started working as an inspector, most firms were still public undertakings. That means that they were also better regulated. The inspectors carried out only five or six inspections a month and could therefore investigate in more depth. Then, in the late 1990s, during the transition from a socialist to a market economy, a number of private undertakings were set up. The inspectors' workload rose significantly, and working conditions declined.

Donations of cars

Ilija and Miloš leave the site in their official car, a Škoda Fabia dating from 2006, one of the best of the 77 vehicles provided for the 242 labour inspectors in Serbia. In fact, the situation improved few years ago when the Inspectorate received gifts of cars. Until then, not only were there few cars but the inspectors were driving cars manufactured in 1990.

One of them was the Yugo, a small, cheap Yugoslav car which was voted the worst car of all time in many surveys.

Some regard this practice of donating cars as proof that the Inspectorate is corrupt. For example, in 2013, the Labour Inspectorate was given two KIA cars, at a total value of €30 000, by the South Korean Yura Corporation, a company that employs 5 000 workers in its Serbian factories. The Yura company caused a great public scandal when its serious infringements of workers' rights came to light. As the investigation showed, the Labour Inspectorate itself asked for car donation.

"Our union has no trust in the labour inspections or their objectivity, and we feel that they have sold out the workers for these €30 000. The inspectors carried out around 20 inspections in the Yura company and never found any irregularities, whereas we have received a number of reports and complaints from workers on the grounds of illegal sacking, inhumane treatment of employees and a ban on forming unions. The inspections were carried out under controlled conditions and, in addition, the Inspectorate asked for a donation from Yura, which is quite evidently a conflict of interests," says Željko Veselinović, President of the SLOGA trade union, which was accused by the Serbian Prime Minister

of driving away foreign investors and putting jobs at risk.

"A campaign is being waged against an investor that employs thousands of people in Serbia. If there were problems, they should have been resolved with the management of Yura," declared Serbian Prime Minister Aleksandar Vučić following the scandal surrounding Yura.

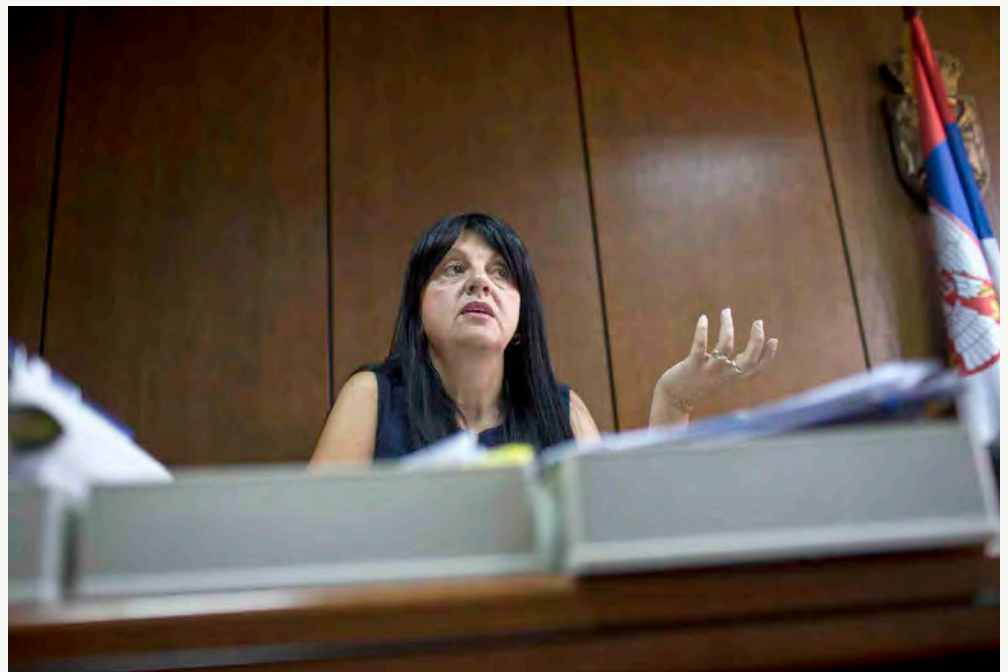
Željko Veselinović believes that the Labour Inspectorate does not have enough powers, which is why it cannot do its job properly. "In small communities, people do not want to or cannot accuse the big employers of collusion between politicians and employers who blackmail them in terms of jobs. That is why the inspections punish small employers like bakers and restaurant owners but don't touch the big capitalists," Mr Veselinović objects. He also raises the problem that the Labour Inspectorate includes people "hired for political reasons who do not act in the workers' interests". "How is an inspector supposed to punish an undertaking whose director belongs to the same political party as the director of the Inspectorate, and maybe to the same party as the actual inspector? Impossible. Inspectors, especially in small communities, are hired according to their membership of a political party. The only case where this does not apply is for the 'elders' of the Inspectorate," the trade union leader assures us.

Lack of trust among citizens

The data on inspectors' affiliation to political parties is obviously not public. Nonetheless, we take all these open questions to the Department of Research and Analyses. It is department at the "heart of the Labour Inspectorate", Vesna Jovanović, coordinator for the analysis and improvement of inspection oversight, tells us. She receives us at 4.30 p.m. in an empty building, since the Inspectorate's eight-hour working day ended an hour ago.

Vesna Jovanović is very willing to talk, but says she has no data at all on the corruption of inspectors and suspicious gifts offered to the Inspectorate by private companies. So we ask her about the problems encountered by the inspectors.

The Inspectorate wants the new law on inspections to be amended in view of the principle of giving employers advance notice of visits (see beginning of article). Furthermore, many applications to the courts are decided



Vesna Jovanović,
coordinator

Inspectors earn €422 a month, only slightly above the minimum wage in Serbia.

within the limitation period. "A few years ago, the courts tried only 12% of our applications. The judges deal with about 100 cases a month – they are overloaded. Moreover, they often impose penalties on employers that are below the legal minimum," Vesna Jovanović acknowledges. And, of course, the Inspectorate is short of human resources.

Even if the number of trading entities changes, as does the amount of work and the number of regulations to be applied, the number of inspectors remains the same. In fact, it is falling. In 2008, there were 346 labour inspectors; today, there are 104 fewer. According to the list of jobs, there should be 264, but Mrs Jovanović thinks the optimum number would be another hundred or so.

"From the point of view of the number of inspectors, we are close to the European standards, but there is more work to be done in countries in transition because of their unstable economy," she says. Yet she is pleased with the results of inspection oversight, especially in terms of tackling illegal work, where the number of declared jobs has risen. She believes that this is thanks to the inspections.

This optimism is not necessarily shared by all. The report on Inspections in the Republic of Serbia drafted by the National Alliance for Local Economic Development (NALED) and published by the United States Agency for International Development (USAID) in September 2014 states that the large number of regulations, frequent changes not only to the regulations but also to the inspectors' area of competence, poorly equipped inspections, inadequate human resources and lack of transparency create a poor image of the inspectors' work and are another reason why citizens do not trust the country's inspection system and regulatory framework; this results in regrettably large numbers of people working in what is known as the shadow economy. If you ask the trade unionists their opinion, they will agree. If you ask the Labour Inspectorate, obviously not. ●

The degradation of labour inspection in the UK

Regulation to mitigate the worst excesses of capitalist production first emerged in Great Britain in the early 1800s. Always a site of struggle, this regulatory regime has in recent years come under sustained political attack, particularly in the economic context of austerity. The result is a transformation – some might even say the end – of a system of social protection for workers.

Steve Tombs

Professor of Criminology at The Open University

The United Kingdom – the first country in the world to enact legislation on workplace safety – is in the process of privatising its labour inspection system.

Image: © Belga



In his classic book *The Condition of the Working Class in England*, Friedrich Engels refers to "social murder": the systematic, routine deaths of workers and citizens in the emergent horrors of industrial capitalism.¹ The conditions of this system not only generated social murder but also provoked inter- and intra-class struggle over the need for laws to regulate business and to mitigate their profit-driven, harmful effects. It is no coincidence, therefore, that a system of social protection through regulation was put into place in Britain during the 1800s.

The first formal realisation of social protection came with the passage, in 1802, of the Health and Morals of Apprentices Act, designed specifically to regulate the working conditions of "Poor Law" apprentices in the textile industry. Then, from 1831 onwards, a series of Factory Acts were passed which regulated the hours and conditions of children and women across industries and workplaces of different sizes, and culminated in the consolidation of existing legislation in the Factory Act of 1878.

Of course, the nature and level of business regulation has long been a site of contestation. The Victorian regime was chronically under-staffed, but it formed the foundations for a system of health and safety regulation eventually consolidated, updated and extended in the Health and Safety at Work Act of 1974, which also brought all existing health and safety inspectorates into one over-arching body, the Health and Safety Executive.

Since then, and particularly in the wake of the discursive onslaught of neoliberalism against state interference with private capital, regulation has become widely derided, a dirty word now equated with red tape, rules, burdens and bureaucracy. Yet we would do well to recall that regulation of business emerged ostensibly as a way to provide some level of "social protection" for citizens, consumers and communities from the worst excesses of the industrial revolution. Furthermore, it is worth emphasising that the phenomenon of "social murder" is not only a matter of historical record: the scale of contemporary harm is significant. There is now strong evidence that around 50,000 deaths per annum in Britain are work-related.²

Enter "better regulation"

Despite eighteen years of Conservative governments that had regulation in their sights, it was the second New Labour government which most zealously set about the task of transforming regulation and enforcement.

In 2004, Sir Phillip Hampton was appointed by Chancellor Gordon Brown to oversee a review of 63 major regulatory bodies as

There is now strong evidence that around 50 000 deaths per annum in Britain are work-related.

1. Engels F. (1845/1969) *The Condition of the Working Class in England*, Moscow, Panther.
 2. Tombs S. (29 October 2014) Hard evidence: are work-related deaths in decline?, *The Conversation*. <https://theconversation.com/hard-evidence-are-work-related-deaths-in-decline-33553>
 3. See Tombs S. (2016) *Social protection after the crisis*, Bristol, Policy Press, 111-6.

4. Hampton P. (2005) *Reducing Administrative Burdens: Effective inspection and enforcement*, London, HM Treasury/HMSO.
 5. BBC News (24 May 2005) *Brown pledges law to cut red tape*, http://news.bbc.co.uk/1/hi/uk_politics/4574229.stm
 6. But more generally, for example across food safety and pollution control, see Tombs S. (2016) *idem*, 137-180.

well as 468 local authorities, with a remit to propose ways to reduce regulatory "burdens on business". The review came during a period in which anti-regulatory rhetoric had been considerably ratcheted up amongst senior echelons of government and the civil service, as well as across a range of print and broadcast media outlets. "Health and safety", it was widely claimed, had "gone mad".³

Hampton's subsequent report⁴ proved to be a turning point in the trajectory of business regulation and enforcement across Britain. It marked the consolidation of what had already been termed "better regulation": a formal policy shift away from enforcement and towards advice and education, a concentration of formal enforcement resources away from the majority of businesses onto so-called high risk areas, and a consistent effort to do more with less. Gordon Brown summed up this new approach to regulation and enforcement pithily: "Not just a light touch but a limited touch."⁵ Health and safety regulation and enforcement, the *bête noire* of the neoliberal consensus against state interference, was singled out for the most vehement attack.

Five years later, by the time of the 2010 general election, changes to law coupled with downward pressures on inspection and formal enforcement meant that, both nationally and locally, much in the regulatory landscape across Britain had been transformed. Of course, in the intervening years, the financial crisis had erupted across much of the world, not least in Britain, resulting in massive bank bailouts and a tide of criticism against the low

level of their regulation. Yet, quite remarkably, the political consensus (at least in Britain) maintained that business was over-regulated, and all three mainstream political parties campaigned on manifestos to further reduce regulation. Over the following five years, the Coalition government acted on that commitment with a feverish intensity. The current Conservative government shows no sign of slowing down the attack on health and safety regulation and enforcement – quite the opposite, in fact.

The effects of better regulation can partly be seen via reference to some headline data on enforcement trends in occupational health and safety.⁶ Occupational health and safety regulation is divided between the Health and Safety Executive (HSE) at national level and Health and Safety Environmental Health Officers (EHOs) at a local level; the division is based on the main activity of any premises. Thus, in terms of enforcement trends, between 2003/04 (which marked the rolling out of the "better regulation agenda" in Great Britain) and 2014/15 (the most recent year for which data is available) we find, at national level, that HSE inspections fell by 69% and HSE prosecutions fell by 35%; meanwhile, at local level, EHO total inspections fell by 69%, EHO preventative inspections fell by 96% and local EHO prosecutions fell by 60%. Two observations are worth making on this data.

First, while the trends in relative declines are uniformly striking, the data also indicates some absolute low levels of enforcement activity; for example, in 2014/15, HSE only conducted about 18 000 inspections and undertook 650 prosecutions.

Secondly, these are also very low relative levels of enforcement. HSE enforces the law across about 900 000 workplaces; meaning that, on the basis of 18 000 inspections per annum, the "average" workplace can now expect to be inspected just once every 50 years.

Better regulation plus austerity equals further degradation

During the latter half of this period (2003/4–2014/15), it is clear that the politics of better regulation became substantially over-determined by the "economics" of austerity. The macro-level trends pointed out in the

previous section are of great significance, yet beyond stating that they create greater freedom from oversight for private business, and thus facilitate greater harm in the workplace, their effects are often hard to gauge. One way of examining what these new politics of regulation mean in the context of continuing austerity, however, is to focus on enforcement capacity at the local authority level.

What we find here is in fact a virtual collapse of enforcement capacity. In some local authorities there are now no dedicated health and safety inspectors – even, for example, in a city the size of Liverpool where in 2010 there had been four such inspectors. In general, health and safety regulatory bodies are haemorrhaging staff, and particularly experienced staff. They are under pressure not to take enforcement action, are demoralised even while being aware that worker and public protection is at risk, and, more generally, are witnessing the transformation of their enforcement function, to the point of being uncertain about how long that function will even continue to exist.

Recasting regulation

This transformation of health and safety protection is not simply about non-enforcement; it also involves a concerted effort to change the relationship between the state, the private sector and regulation. A paradigmatic example of this is the Primary Authority (PA) scheme, introduced by the Labour government in 2009 but given considerable impetus by the coalition government from 2010, notably following the establishment of the Better Regulation Delivery Office (BRDO) in 2012, for which oversight of the scheme was a key priority.

PA allows a company (and, since April 2014, franchises and businesses in trade associations) operating across more than one local authority area to enter into an agreement with one specific local authority to regulate all of its sites, nationally. Thus, for example, a supermarket like Tesco may have stores in every one of the local authorities in England and Wales. Under the PA scheme, it can reach an agreement with one local authority to regulate its systems for complying with a relevant body of law (occupational health and safety or food hygiene, for example) across all of its stores in every local authority. To regulate its systems, the company makes a payment to the specific local authority, agreed through contract. The benefit for the company, of course, is the absence of effective oversight in the vast majority of its outlets. These can be visited in other areas, but any enforcement action needs to be undertaken in consultation with and with the

agreement of the local authority which is the PA. Should a local authority wish to prosecute a company in a PA agreement, for example, it can only do so with the permission of the local authority which is party to that agreement. Then, under the scheme, any consideration of a potential prosecution must entail prior notice being given to the company; the company can then request that the matter be referred to the Better Regulation Delivery Office (BRDO) for determination.⁷

The scheme has mushroomed in recent years. In April 2014, 1,500 businesses had established PA relationships across 120 local authorities; by October, 2016, there were 16,757 "partnerships" across 179 different local authorities.⁸ Moreover, PA now applies across a vast swathe of regulation areas, including food safety and pollution control, and a wide range of regulators, from EHOs and trading standards to fire and rescue services and port authorities. However, it is most significant in the context of occupational health and safety. It is a classic better regulation initiative and, at local level, is the agenda's key formal initiative. It "marketises" regulation, basing it upon contractual relationships with financial incentives for local authorities and the incentive of protection from enforcement for businesses.

While the PA scheme is instituting marketised regulation across local authorities, some have taken this process even further. A handful have now formally privatised their environmental health regulatory functions, all of which include the health and safety function. In October 2012, North Tyneside Council⁹ announced the transfer of 800 employees to the consultancy companies Balfour Beatty and Capita Symonds. Alongside full scale privatisation, outsourcing of services is becoming increasingly common; "outsourcing" being an umbrella term which includes diverse arrangements such as the use of Strategic Service Partnerships (SSPs), Joint Venture Companies (JVCs), shared services and collaborative outsourcing. In August 2013,

the "One Barnet" model was unveiled by Barnet Council, which entailed certain services being outsourced to Capita: "business services" in a ten-year contract worth £350m, and others, including regulatory services, in a £130m ten-year contract. In January 2016, Burnley Council's environmental health services were outsourced to Liberata, a company that provides business process outsourcing (BPO) services to UK central and local government agencies. Meanwhile, councils in Bromley, Chester West, Cheshire and Wandsworth have all publicly considered wholesale privatisation of regulatory services.

The end of social protection?

Taken together, the trends set out above may mark the beginning of the end of the state's commitment to, and ability to deliver, social protection. They send a message to business that poor and dangerous working conditions will be tolerated. Moreover, since regulation can always get "better" (or "worse", depending on one's perspective), there is no logical end point to "better regulation". It is no exaggeration to say that we are witnessing the transformation of a system of regulation – social protection – which has existed since the 1830s. Despite its political framing, however, this is not a story about rules, regulations or red tape. It is a story about social inequality and avoidable business-generated, state-facilitated violence: that is, social murder.

Of course, the best guarantor of workers' health and safety has always been the collective organisation and activity of workers themselves, within and beyond workplaces. But a crucial element of pro-health and safety struggles has been and must be the ability to call upon an independent inspection function with credible enforcement capacities; something that is now almost entirely absent from the British occupational health and safety landscape. ●

The "average" workplace can now expect to be inspected just once every 50 years.

7. Williams C. (10 April 2013) Tesco gave green light to prosecution, *Environmental Health News online*, www.ehn-online.com/news/article.aspx?id=8790

8. Primary Authority Register, at <https://primaryauthorityregister.info/par/index.php/home>

9. The local authority of North Tyneside in the North East region of England.

Is Germany's dual system fit for purpose?

Both the state authorities and the accident insurance funds carry out workplace inspections in Germany. Even though the latter are bankrolled by the companies themselves, they appear to be no less efficient in their work. Yet is there any real need for this duplication of work?

Deborah Berlioz

Journalist

Germany's occupational accident insurance funds play a similar role to a labour inspectorate, but would rather disseminate information and raise awareness than impose enforcement measures.

Image: © Belga



Martin Wuttke's morning to-do list includes an inspection at Arxes Tolina, a company based in the north of Berlin which employs 145 people. According to the energetic 30-something, his task is "to check that they are complying properly with all the different laws and regulations on health and safety at work." Yet although he calls himself a workplace inspector, he is not employed by the state. He belongs to the "oversight team" of an employer's liability insurance association.

Workplace inspections are not the sole purview of the public authorities in Germany. Although the *Länder* operate their own federal workplace inspection services, the accident insurance funds – which were established in the Bismarck era (see box) and operate as independent bodies under public law – also oversee what goes on in companies. Their main task is to indemnify companies against all civil liability in the event of an industrial accident, and their funding stems exclusively from company contributions, unlike health or retirement insurance schemes.

They are organised according to the different sectors of industry, with a total of nine *Berufsgenossenschaften* (employer's liability associations for the various segments of the private sector) and 25 *Unfallkassen* (for the public). Yet objectives such as risk prevention, the rehabilitation and reintegration of victims of industrial accidents or occupational diseases and compensation payments are common to all of them. "Supervising and inspecting companies forms an integral part of risk prevention," explains Sabine Herbst from the umbrella association German Social Accident Insurance [*Deutsche Gesetzliche Unfallversicherung, DGUV*].

One inspector for 5 000 companies

Martin Wuttke is employed by *Berufsgenossenschaft Handel und Warenlogistik*, the employer's liability insurance association for the trade and logistics industry. He is responsible for around 5 000 companies within a neighbourhood of Berlin. "That includes plenty of tiny shops with only one or two employees. Even so, it's impossible for me to visit them all every year," says the young inspector with regret. Although the fund dictates his schedule to a certain extent, he nevertheless has an element of freedom in terms of the establishments he visits. "I try to drop in on companies where several accidents have

happened in a row, and I might arrange a time in advance or pay a surprise visit. Whichever is the case, the business owner is obliged by law to allow me to enter his premises," explains Wuttke.

His inspection this morning was on the schedule provided to him by his employer. "I pay an annual visit which is organised in advance, so it's really just a question of ticking boxes," he assures me. Arxes Tolina develops and markets software used to test the strength of steel by ultrasound. "Most of the people who work there have office-based roles, and accidents are rare – four of the five accidents that took place last year happened during people's commutes. Although accidents of this kind are covered by our fund, they cannot be attributed to any failing on the part of the company. They are also far from uncommon, since half of the 84 fatalities which occurred in 2014 in our sector took place when people were driving to or from work."

When he arrives at the Arxes Tolina offices, Wuttke is welcomed by the company's safety officer. As the former explains, "All companies with more than 20 employees must appoint a safety officer who is responsible for checking compliance with safety and protection regulations on a day-to-day basis. They are expected to perform this role in addition to their normal tasks." The two men kick off the inspection with the necessary paperwork, and Wuttke casts his eyes over the risk assessment – a mandatory document for every company. "It lists all of the health and safety risks potentially faced by employees and the measures taken to mitigate these risks, for example the number of fire extinguishers, the provision of first aid training to certain employees and much more."

Duplicating the efforts of the federal inspectors?

The visit proper can then start, and Wuttke checks that the emergency exits are not blocked, that the lift meets the relevant standards and so on. "There's a great deal more for me to do in a supermarket," he says. "There don't tend to be any problems on the shop floor, because everything is tidy and neatly arranged for customers. What happens in the warehouse is much more interesting, however. The first thing I look at is always the path travelled by goods right through from when they are unloaded to when they are put

on the shelves, and I take a particular interest in how pallets are lifted by employees, which machines they use, whether they are at risk of falling objects and so on."

Martin Wuttke's job is therefore similar to that of a federal labour inspector in many respects, and he freely admits that 90% of the checks they carry out are identical. According to Wolfhard Kohte, Professor of Law at the Martin Luther University of Halle-Wittenberg, however, "the employer's liability insurance associations are limited to a certain extent in their scope of inspection. They have no competence in the field of working time, for example – which is a shame, because this is a critical issue at a time when work is becoming increasingly digitised." The remit of a federal inspector also extends beyond employee protection alone, since they also monitor compliance with environmental legislation.

Oft-forgotten psychosocial risks

Wuttke does not uncover any major shortcomings during the morning's visit to Arxes Tolina, and his only finding is the subject of his closing comments: "Your risk assessment is missing an analysis of psychosocial risks. I don't expect it to throw up any major concerns, but it's important to get it done as soon as possible." Many companies fall down in this area, even though mental health problems are extremely common in the commercial sector. "Stress is ever present – unpredictable work schedules, the impossibility of achieving a work/life balance and so on." The accident insurance funds have accordingly

"Our main job is to provide business owners with advice and information on regulations and help them achieve compliance."

Harald Müller

been taking more interest in this subject over the past few years. "We provide business owners with training in this field, and people are becoming increasingly aware of the risks. Assessing these risks is a difficult task, however. When someone is asked to carry a heavy load, the effect that this will have on their spine can be calculated scientifically. It's impossible to measure stress and its effects in the same way."

Wuttke is optimistic that Arxes Tolina will remedy this problem without delay: "I won't need to put any pressure on them," he assures me. He does have ways and means of encouraging less law-abiding companies to comply with the regulations, however; in particular, he can enforce the temporary shutdown of machinery or even whole businesses which he believes to be dangerous. He can also impose fines of up to EUR 10 000,

but he claims to do so only very rarely. "Companies in the services sector do not generally pose any challenges. Fines are imposed much more frequently in the building and construction sector," he explains.

Challenges specific to the services sector

Compliance with health and safety standards is not always a matter of course in the commercial sector, however: "Discount retailers in particular are notorious for precarious minimum-wage jobs, and they expect employees to work rapidly and efficiently around the clock. A safe workplace can be achieved only if you put the time in, and many employees just don't have that luxury."

Lena Rudkowski, Professor of Law at the Free University of Berlin, believes that, "labour inspections are more challenging in the services sector than in any other. Many people have unconventional employment arrangements – irregular work schedules, part-time work and so on. Many people also work on a temporary basis at the same time as studying, for example in the catering industry, which means a high level of staff turnover." This makes it more difficult to put in place the necessary measures and monitor compliance.

Harald Müller, who works for *Berufsgenossenschaft Nahrungsmittel und Gastgewerbe*, the employer's liability insurance association for the food and catering sector, is an expert on these matters. As he sees it, the most pressing problem is the short lifespan of companies: "It's not uncommon for restaurants in Berlin to vanish only a year or two after opening. This makes it hard for me to establish a working relationship with business owners, which is far more effective than sanctions in terms of persuading them to take steps to protect workers."

Advice rather than action

As was the case for Martin Wuttke, punitive measures are therefore a last resort for Harald Müller. "Our main job is to provide business owners with advice and information on regulations and help them achieve compliance," he stresses, and inspections are only one facet of that role.

Wuttke backs him up; "I spend between 90 and 100 days each year inspecting

companies, and I run training courses the rest of the time. Insurance bodies are responsible for providing training to in-house safety officers, but we also offer more targeted training to business owners or HR managers, on electrical hazards for example."

Wuttke and Müller also investigate instances of occupational disease. "My job is to find out whether an employee's illness is a direct result of his work," explains Wuttke. "This involves looking back over his entire working career – in the case of back problems, for example, we need to know exactly what he carried on how many occasions and how he carried it. This involves a lot of work, but fortunately we have databases full of very useful information, such as working practices in the port of Hamburg in the 1950s."

Wuttke enjoys being an inspector and has no regrets about leaving his job as an engineer at Siemens four years ago. "Engineering was better paid, but I wanted to be at home more for my children," says the father of two. Many of the inspectors employed by the insurance funds come from similar backgrounds. "Lots of them were previously engineers or physicians," says Wuttke. "Large companies often operate technical facilities, and the general trend for automation means that we need to be able to understand how all these different machines work. At the same time, however, more and more psychologists are being employed by the insurance funds in view of the importance of psychosocial risks."

Harald Müller also trained as an engineer before working as a labour inspector in the former East Germany. He applied for jobs with the insurance funds after reunification, and – like Wuttke – completed a two-year training course provided by his new employer. As well as in-depth training on workplace safety legislation, inspectors have to find out how to put their new-found knowledge into practice by accompanying experienced inspectors on visits to many different companies.

A leading role for trade unions

The fact that an organisation tasked with inspecting companies is funded by these very companies may appear to be a contradiction in terms, but Horst Riesenberger-Mordeja, who works for ver.di, a trade union for service workers, sees nothing wrong with it: "The accident insurance funds have a joint management structure, with business owners

GDA: a joint strategy for improved worker protection

The Joint Strategy for Occupational Health and Safety was published by the German government in 2008, and lays down shared objectives with a view to improving cooperation between the various bodies responsible for health and safety at work. Its implementation is overseen by the National Health and Safety Conference [*Nationale Arbeitsschutzkonferenz, NAK*] made up of representatives of the federal state, the *Länder* and the accident insurance funds.

The GDA sets out three priority objectives for the period between 2013 and 2018:

- improving health and safety at work from an organisational perspective, with particular reference to more effective risk assessments within companies;
- reducing the prevalence of skeletal diseases;
- stepping up measures to mitigate psychosocial risks.

The "Psyche" work programme was launched in 2015 with a view to reducing stress in the workplace and achieving the last of these objectives. One of its aims is to provide training for managers, HR representatives and labour inspectors on psychological risk factors.

"Every euro invested in health and safety in German workplaces provides a return of EUR 1.60. In economic terms, the figures speak for themselves."

Martin Wuttke

and employees represented on a 50/50 basis." Their boards of directors are appointed every six years in trade union elections. "Unlike the health or retirement insurance funds, most of the accident insurance funds have chosen a negotiation approach to elections," explains

Riesenberg-Mordeja. "Both business owners and trade unions have to agree on the division of seats on the basis of lists. A real election will be held only if an agreement cannot be reached. Unfortunately, this is complicated by the fact that the companies rather than their employees are insured by the funds, and we therefore have no direct access to the names of employees eligible to take part."

As well as taking decisions on budgetary allocations and risk prevention priorities, the boards of directors of the insurance funds can also lay down new safety and protection rules to supplement or clarify existing legislation, which must be complied with by companies. The trade unions are generally more enthusiastic than business owners in this respect. "Since each group holds half of the votes, it can sometimes take a while to push through new developments," admits Riesenberg-Mordeja. "When new standards are adopted, however, there's a high likelihood of compliance. Companies are also aware that it's in their own interests to avoid workplace accidents and industrial diseases." In the words of Martin Wuttke, "Every euro invested in health and safety in German workplaces provides a return of EUR 1.60. In economic terms, the figures speak for themselves."

that they are not subject to austerity measures in the same way as state-funded bodies, and their staffing levels remain stable." A further advantage: "The insurance funds are less removed from companies and in a better position to recognise problems and areas for action." Yet federal labour inspectors have a broader remit than the insurance funds, which means that they still have a vital role to play. According to Kohte, "It's also worth noting that the state bodies take a greater interest in psychosocial risks than the insurance funds."

This dual system can operate effectively only if both sides cooperate, however, which has not always been the case. In 2008, the government therefore carried out a far-reaching reform of German legislation on health and safety at work, resulting in the Joint Strategy for Occupational Health and Safety [*Gemeinsame Deutsche Arbeitsschutzstrategie, GDA*]. "The strategy lays down guidelines and objectives to be achieved, such as better protection against risks to mental health, which can then serve as a basis for aligning the efforts of the various stakeholders," says Kohte (see box).

"The GDA also provides for ongoing cooperation between our services and the federal inspectors," adds Martin Wuttke. "In theory, we are obliged to consult each other before visiting companies. In practice, however, I inevitably have to ask the companies themselves whether they have been visited recently by a federal inspector in order to avoid duplicating efforts." Sometimes he works together with his counterparts in the state-funded service: "I can ask a federal inspector to support me and even to accompany me on a visit if I come up against business owners who are genuinely resistant and refuse to comply with the legislation."

Although there is still room for improvement in terms of cooperation between the services, there appears to be an underlying consensus that this dual system is the right approach to labour inspections, and even the ver.di representative has no real bones to pick. However, Sabine Herbst, from the umbrella association DGUV, believes that changes are needed: "Only staff employed within a company are insured by our member bodies, and this model is a poor fit for the dawning era of Industry 4.0. Providing insurance for the ever-expanding ranks of self-employed workers is a huge challenge, but it is one that we must not neglect." ●

Bismarck's legacy

"What's known as the 'social question' became a matter of pressing concern in the late 19th century in Germany," explains Lena Rudkowski, Professor of Law at the Free University of Berlin. "The working class was expanding in step with the rapid industrialisation of the country, but the meagre pay and poor health of its members placed them in a precarious situation. An accident or illness could leave them with no income and nowhere to turn, and the government of the time realised the potentially explosive consequences of this state of affairs." It therefore set up a system of social insurance designed to protect workers against the risks of illness (1883), industrial accidents (1884), old age and disability (1889).

The arch-conservative Bismarck originally intended to alienate workers from the emerging trade union movement by making the state responsible for establishing, funding and monitoring social protection, but was forced to abandon this idea as a result of opposition from the federated states and powerful industrialists. This led to the situation we have today, where the German insurance funds are managed independently by boards of directors comprising employer and worker representatives in equal parts. What we now call the "Bismarck system" therefore has little in common with the original intentions of the celebrated Chancellor.

Plugging the gaps left by the federal inspection service

Yet the question which remains is whether there is any real need for two different labour inspection systems. Wolfhard Kohte believes that the insurance funds must do everything in their power to retain their inspection duties, not least in order to plug the gaps in state provision: "Back in 1995 there were 4 451 federal labour inspectors, but by 2013 there were only 2 935. The insurance funds are bankrolled by companies, which means

How labour inspectorates have responded to the crisis in the worst affected countries – the example of Greece

Severely affected by the fiscal consolidation measures in Greece, the labour inspectorate has been struggling against all odds to stimulate the development of a health and safety culture in the world of work. However, the priority given to the fight against undeclared work has had the effect of pushing the question of working conditions to the background.

Anyfantis Ioannis, Boustras Georgios, Karageorgiou Alexandros

Greek labour inspectorate

The rate of occupational accidents has plunged since the crisis, primarily owing to the collapse of the construction sector.
Image: © Belga



The collapse of the Lehman Brothers bank was the turning point that gave many European countries, at least those in the South that were not prepared for it, a sense of the changing and challenging austerity environment in which they had to operate.

The global financial crisis that erupted in 2008 revealed Greece's underlying fiscal and structural imbalances. It also revealed the "time bomb" caused by a multitude of factors, such as excessive expenditure, mismanagement in the public sector, an unregulated labour market, a predominance of self-employed workers, an obsolete pension system, a tax evasion mentality and a culture of clientelism.

Today, after five consecutive Greek governments and more than three consolidation programmes, Greece's working class is still negotiating its labour relations, pending additional reforms aimed at reducing labour unit costs in order to improve Greece's economic competitiveness. A further reduction of the minimum wage to bring it into line with salaries in Eastern Europe has been revealed as a key policy priority in the agreement with the International Monetary Fund (IMF).

Impact of the crisis on the labour market

Greece is probably the country that has been worst hit and it has remained in a deep recession for over eight consecutive years (2008–2016), accompanied by high unemployment. The cumulative decrease in GDP between 2008 and 2013 is estimated at 23.5%, almost a quarter of GDP. The biggest reductions

occurred in 2011 and 2012, with decreases of 7.1% and 7% respectively, while in 2013 the reduction was 3.9%.¹

In the same period (2008–2013), the labour market saw an explosion in unemployment: from 7.8% in 2008 to 26.5% in 2014. Unemployment rates are higher among women (rising from 11% in 2008 to 30.2% in 2014) than among men (23.7% in 2014), while youth unemployment has increased dramatically (from 21.9% in 2008 to 58.3% in 2013, although this figure fell to 52.4% in 2014). The economic crisis is like a black hole, engulfing enterprises, employees and human lives.

This economic and social crisis has had a significant impact on the labour market and resulted in a complete reformation, both in the private sector and in the public sector. Far-reaching changes to labour legislation have paved the way for a dramatic increase in "flexible" employment agreements. Despite that, undeclared labour has taken new, very troublesome dimensions and forms in an environment of expanding recession, given that one in three jobs is wholly undeclared.

If we take a more macroscopic look at the impact of the economic slowdown by investigating the Greek paradigm, it can be seen that economic slowdown has had a major impact on eight critical areas for Occupational Safety and Health (OSH): legislation, OSH in employers' organisations, OSH management and economics in enterprises, OSH from the point of view of employees, OSH from the point of view of employees' organisations, employer and employee participation, public expenditure, and the role and resources of the labour inspectorate.

1. www.eurofound.europa.eu

The response to the economic slowdown has included a number of structural reforms that have already been carried out and some that are yet to come in most sectors of the economy and public administration. The financial crisis has to date affected OSH primarily in areas such as: training, purchasing of new work equipment and innovation. In addition, sales of personal protective equipment have fallen dramatically in sectors hit by the recession i.e. the construction sector, according to the major production and retail firms. Nevertheless, even at the toughest stage of the financial crisis some businesses have been striving to survive and seeking to purchase better equipment for their employees. This is a consequence of the positive OSH culture that was embodied in previous years and the fact that employers have a better understanding of the consequences of a potential labour injury on the fragile economic state of their companies.

This continuously changing environment is also challenging the National Labour Inspectorate, which needs to redefine its role and operate in a new environment, accompanied by a significantly reduced budget. The Greek labour inspectorate consists of two major divisions: one that deals with labour relations and another that specialises in occupational safety and health (OSH). Budget cuts and retirements resulted in a 25% reduction in the number of inspectors from 2008 to 2014. The National Legislation covering OSH is fully aligned to the European Directives,

and Greece is an active member of the European Agency for Safety and Health at Work (EU-OSHA) and participates in targeted campaigns.

During the reference period, the number of occupational accidents, including fatal accidents, decreased by 17.5%, from 6 657 (2008) to 5 497 (2014). While this seems normal in absolute terms (due to the high unemployment figures), the same applies to the relative rates (accidents per 1 000 employers), giving some interesting results that warrant investigation. This trend does not mean that OSH has improved; on the contrary it reveals previous inefficiencies in OSH management and public enforcement. The reduction in occupational accidents during periods of economic slowdown could be justified by the fact that high-risk economic sectors such as construction had shrunk significantly. In addition, high unemployment rates indicate a trend towards keeping more experienced workers and avoiding recruiting workers with little experience (unemployment among the younger generations is almost 60%), a practice that is quite common in cases of booming construction and tight deadlines. Furthermore, there has been a dramatic increase in the under-reporting of non-serious occupational accidents due to the fear of dismissal, while undeclared (illegal) work is rising at a worrying rate.

Cardiovascular diseases have increase by more than 20% compared to the pre-recession period.

At the same time, there are a number of additional risk factors such as psycho-social issues. Job insecurity is reducing job satisfaction, disrupting social relations and breaking down organisational commitment. These factors form an unpleasant environment in which employees have to live and perform. Job insecurity has been cited by almost 85% of employees as the main contributing factor to these kinds of issues, while burnout has been cited by 70%. Even though no previous data are available (pre-2009), those figures are higher than the average European figures.

Furthermore, cardiovascular diseases have increase by more than 20% compared to the pre-recession period. This rise is mainly attributed to increased stress for both employees and employers in their professional and everyday lives. However, little attention is paid to such issues by stakeholders i.e. employees, employers, trade unions, labour inspectorates, etc. since the fear of unemployment is much more prevalent.

The labour inspectorate's responses

This complex, hostile and dynamic environment makes the role of the Greek labour inspectorate more challenging and demanding than ever and it has to cope with threats old and new. The situation is made even worse because of the major cuts in personnel and budget. In order to cope with that changing environment, the labour inspectorate has had to change too in order to operate in the modern dynamic labour landscape, shaped by transformation and emerging issues such as the posting of workers. As a response, several measures have been taken to improve the labour inspectorate's performance and capacity, either by providing services with added value of ensuring strict enforcement.

Specifically, a number of innovations, good practices and reforms have been carried out or are going to be in the future. Some of them have proved to be effective and added value while others have proved problematic.

The basic concept was that the labour inspectorate had to improve its performance, producing more outcome with fewer resources. This initially involved targeting

OSH inspections according to priorities (e.g. high-risk sectors, SMEs, etc.). A number of national campaigns have been run or are currently running in order to focus on high-risk sectors. Special attention has also been given to more vulnerable enterprises such as SMEs that lack a well-defined and structured OSH management system. The labour inspectors have attempted to promote proactive measures that raise public awareness in an attempt to further cultivate the safety culture that was developed in previous years.

Further partnerships have also been developed with other stakeholders and interested parties. The national labour inspectorates are a key cog in the mechanism that supports OSH and have the ability to interact and affect all other stakeholders, such as unions, employers' organisations, etc. In that regard, the labour inspectorate has attempted to create new competences and raise public awareness in order to further cultivate the safety culture. Close collaboration/development of partnerships with social partners, employers' and employees' organisations, research institutes, etc. could expand new competences, pinpoint major issues that need special attention and create a collaborative environment to cope with the latter. Through on-site inspections and the use of a variety of communication channels (such as media, printed material, etc.), the Greek labour inspectorate has attempted to promote proactive measures, information dissemination and technical advice, e.g. improving access to OSH information and raising awareness of the need for compliance with legal rules at a relatively low cost, thereby increasing effectiveness. This has also included the organisation of events such as "Open Days".

Despite the above actions and activities, the labour inspectorate has not changed its fundamental approach to inspection/investigation and continued with its existing enforcement policies. On-site inspections have been stepped up while new legislation has been introduced.

Apart from the new European Directives that were transposed into national legislation on OSH, the sanction levels have been reformed. In September 2013 a joint ministerial decision was issued, according to

which all labour inspectors (for both working relationships and OSH) were forced to impose huge fines (10 500 euros) for each undeclared worker that was discovered during their on-site inspections, in an attempt to fight undeclared work, which had taken on worrying dimensions, rising from 25% in 2008 to 31.7% in 2013. This practice seemed to work since the level of undeclared work fell to 13.85% in 2014, even though the real extent of undeclared work cannot be accurately calculated. However, a survey recently published by the general employees' union (GSEE) revealed that both employers and employees believe that these types of huge fines are not the most appropriate way to fight undeclared work, and that it would be more appropriate to focus on lowering social security costs, ensuring financial development/growth, carrying out more frequent inspections, etc. In addition, these kinds of inspections contradict the very nature of workplace OSH inspections and the way in which they are carried out.

Need for a better OSH culture

Over and above strict enforcement, OSH inspections are usually carried out in a cooperative manner, where employers and employees can participate constructively and help to identify potential risk factors and processes. Occupational safety and health does not apply to specific individuals and should cover everyone, instilling instead a suitable culture. However, refocusing the labour inspectorate's missions on tackling undeclared work has dramatically increased the tension surrounding inspections, since employers' main issue is now the huge fine (10 500 euros) imposed for each undeclared worker, thereby undermining the importance of OSH. Taking into account the high rates of undeclared work, this kind of concern is quite common and dismantles any attempts at cooperation. Finally, a recent court decision has called into question this joint ministerial decision and the final court decision is due to be handed down in the next few months, which will likely lead to further disputes with the labour inspectors.

Additional pressure has come from the significant cuts in the labour inspectorate's budget, accompanied by cuts in inspectors' salaries and a substantial reduction in personnel.

The public administration reforms have also affected the labour inspectorate since a new organisational structure was proposed and implemented at the end of 2014. This has included a reduction in the Inspectorate's organisational units throughout the country. Additional pressure has come from the significant cuts in the labour inspectorate's budget, accompanied by cuts in inspectors' salaries and a substantial reduction in personnel, since there has been no new recruitment to fill the posts of those who have retired. However, the total number of inspections has not changed significantly, revealing an actual increase in performance, which would suggest that the remaining personnel have to some extent dutifully absorbed some of the pressure.

Finally, a new Management Information System (MIS) has recently been implemented and put into operation by the Greek labour inspectorate. It seeks to enhance the targeting of inspections, reduce the time inspectors spend recording their work, reduce operational costs and provide a clear picture of OSH performance in a geographical region or economic sector. In that regard, performance could be measured more easily and accurately, while analysis and extended studies of work injuries could be facilitated in an attempt to learn from the past and determine good or bad practices with a view to shaping a safer future.

Nevertheless, there have also been a number of limitations that have posed a significant obstacle to all of those attempts as

well as a number of other potential aspects that have not been fully explored. No specialised training programmes were implemented to prepare labour inspectors to deal with the new environment and emerging risk factors. They were mainly acting on their own initiative and on the basis of their own experience. Nor was there any kind of motivation, with cases of aggression in the workplace rising significantly.

In this changing world and changing society with new emerging risks, the labour inspectorates have to evolve in order to become more effective, improve working conditions, tackle emerging risks and safeguard human lives. This requires structural changes, organisational programmes and the application of good practices. However, there are cases where this can be a reaction in the inspectors' attitudes. During the current crisis in Greece, considering the prioritisation of financial objectives, OSH considerations are not at the forefront of national policies or business strategies. In addition to enforcing compliance with the labour law provisions, it is crucial that Greece's labour protection policy succeeds in stimulating a better occupational safety and health culture. OSH investments are undoubtedly paying off but they focus on the long term. Even though such investments may be a luxury for enterprises operating in a hostile environment, they must protect themselves by fostering a sound OSH culture, since an "unfortunate event" could mean disappearing into a black hole. ●

How the Inspectorate handles chemicals in the workplace

The Netherlands has a well-developed chemical industry. Under the patronage of the Ministry of Social Affairs and Employment, the Inspectorate bearing the same name is responsible for keeping tabs on manufacturers of substances posing an increased risk to workers and the environment. One of the priorities for 2017 is ensuring that workers are better protected against hazardous substances.

Pien Heuts

Journalist

The Dutch labour inspectorate's policy on the prevention of chemical risks concentrates on large-scale facilities.
Image: © Belga



The national body responsible for workplace inspections in the Netherlands, the Inspectorate for Social Affairs and Employment (*Inspectie Sociale Zaken en Werkgelegenheid*, SZW Inspectorate for short), celebrated its 125th birthday in 2015¹. Back in 1890, a total of only three inspectors had to handle the task of preventing hazardous situations and fatal accidents. Nowadays the Inspectorate has a staff of 1 100 and oversees around 370 000 companies. Almost 400 of its employees focus their efforts on improving working conditions.

Three thousand people die every year in the Netherlands as a direct result of their jobs. Almost half of these deaths (1 350) are caused by cancers linked to toxic chemicals. Is a healthy working environment a mere pipe dream? Marga Zuurbier, Head of the SZW Inspectorate's Working Conditions Department, categorically rejects this assertion: "No, a healthy working environment is entirely achievable. These 3 000 job-related deaths can be avoided. The same is true for all industrial diseases caused by hazardous substances. Sometimes employers forget that health and safety in the workplace should be our number one priority. Year after year, we identify non-compliances in around 70% of companies where accidents have occurred. We need to do more to ensure that people can work through to retirement age without suffering any ill effects."

1. Rijkstoezicht op de Arbeid: <http://www.125-jaarrijkstoezichtarbeid.nl>.

2. This Directive is named after the Seveso disaster which took place in Italy. On 10 July 1976, a cloud of dioxin escaped from a reactor at the ICMESA chemical plant and spread over the Lombardy plain, causing significant damage to the local environment and wildlife.

The SZW Inspectorate carries out checks and safety inspections on the basis of both legislative provisions and risk assessments; for example, the chemical industry is subject to a strict safety management regime involving annual audits, and regular checks are also carried out on asbestos removal companies. Other businesses working with smaller quantities of hazardous substances can expect less frequent visits from inspectors but must nevertheless adhere to strict rules.

Prevention rather than cure

Almost 400 companies in the Netherlands are classified as high risk due to the fact that they use large quantities of hazardous substances. The consequences of a mishap in one of these companies – many of which manufacture chemicals – could be disastrous for both workers and the environment.

"We started rolling out a new hazardous substances programme this year, which incorporates all of the knowledge we have built up in this field. On top of that, one of our priorities for 2017 is to identify more effectively the substances or combinations of substances which may cause illness or ultimately death in workers who are exposed to them," explains Nicole Kroon, Head of the SZW Inspectorate's Major Hazard Control Department.

"Too many people fall ill or die as a result of exposure to hazardous substances of all kinds, and so we are making them more of a focal point for our inspections. This applies not only to high-risk undertakings but also to asbestos removal or welding companies, for example," adds Marga Zuurbier.

There are 400 companies in the Netherlands which fall under the scope of the Decree on the Control of Major Accident Hazards, adopted by the Netherlands in fulfilment of the EU's Seveso Directive². The aim of this piece of legislation is to prevent

The SZW Inspectorate in facts and figures

The SZW Inspectorate is an agency of the Ministry of Social Affairs and Employment, and monitors around 370 000 Dutch companies which employ more than two people to ensure that they comply with the regulations on illegal employment, fraud, counterfeiting and working conditions. This year, the Inspectorate has focused in particular on psychosocial issues in the workplace (pressure, stress, harassment and discrimination) and accidents linked to flexible working arrangements. Out of a total staff of 1 100, there are 400 inspectors who have the task of monitoring whether the law on working conditions is observed properly by companies, and more than 40 of these are tasked specifically with overseeing companies which present an increased risk due to the exposure of workers and the environment to hazardous substances. These companies are subject to "very frequent" inspections, whereas other companies are inspected on the basis of risk assessments and at intervals ranging from every three years to never in the case of companies and organisations whose operations are solely office-based.

major accidents which may have far-reaching implications for humans, the environment and infrastructure. Since 2014, the SZW Inspectorate has worked together with other supervisory bodies at regional, provincial and municipal level with a view to carrying out inspections and ensuring that companies adhere to the rules. This move was prompted by the realisation that problems which occur in the companies in question almost always have a direct impact on the surrounding area. The SZW Inspectorate is primarily interested in the health and safety of workers rather than of nearby residents, and carries out regular on-site checks – several times per year in some cases – which lend credence to its claims that it has records of all the hazardous substances used, manufactured and registered by these 400 companies. The inspectors also regularly visit around 100 companies which handle equally hazardous substances, but in smaller quantities.

"What do we know at present about the potential risks associated with the use of nanotechnologies, for example?"

Nicole Kroon

Risk-based approach

Chemical manufacturers and other companies which use hazardous substances are obliged to keep records of the substances which they use and which are released during the manufacturing process, as well as details of the measures required to provide a safe and healthy environment for workers.

"Nine out of ten Seveso establishments have procedures for registering hazardous substances and their limit values, which are adequate for the most part, and the same is true for their safety management regimes," says Nicole Kroon. "They are very risk-aware. At the same time, however, we have noticed that facilities are starting to show their age. Many chemical undertakings were established around 40 years ago, and the pipework in their factories is nearing the end of its lifetime."

The Inspectorate assesses the safety reports submitted by companies and carries out annual checks to ensure that compliance with statutory requirements is also achieved on the ground. Any company which fails these checks is issued a warning, which may be followed by a formal compliance notice, administrative fines, penalties, the shutting down of operations or even criminal proceedings.

Ever since the Law on Working Conditions was amended in 2007, employers and workers have shouldered a greater part of the responsibility for health and safety at work. Additional tools have therefore been developed with a view to identifying workplace hazards, and catalogues of working conditions (*arbocatalogus*) and risk inventories and assessments (*risico-inventarisaties en -evaluaties*, RI&E for short) are used ever more frequently by companies which belong to sectors other than the chemical industry but which use hazardous substances. These tools allow employers and workers within the various sectors to draw up their own inventories of the risks faced by their company or sector.

According to Marga Zuurbier, the voluntary drafting of a catalogue of working conditions is a good way of developing safe working practices on the basis of known emissions and

exposures during manufacturing processes. "Companies can use the generic safety measures listed in our approved catalogues of working conditions as a foundation for mitigating the risks associated with many substances originating from industrial processes, such as asbestos, welding fumes, ammonia in silos or quartz powder. Over 150 catalogues of working conditions have been published to date. We ultimately hope to have a catalogue for each industrial sector in order to identify all risks and the associated counter-measures, which means that trade unions and employers still have their work cut out."

With 50/50 hindsight

Several cases have emerged in recent years in connection with the exposure of workers to hazardous substances; for example, around 900 former defence workers have lodged claims against their then employer in connection with the health problems they have suffered after working with paints containing chromium 6 in the 1980s and 1990s. Employees of the Dutch rail operator were also exposed to carcinogens when sanding off layers of old paint. The former chemical giant DuPont (subsequently Chemours) has also been accused of excessive emissions of the carcinogenic chemicals PFOA and later GenX in connection with the production of Teflon. A number of residents of Dordrecht (near Rotterdam) have taken part in a health survey, and the results will be made public in spring 2017 (read the article on page 44). Lodewijk Asscher, Minister for Social Affairs, has also ordered an enquiry into the safety measures taken by the employer over the years in order to protect workers against exposure to PFOA. A criminal investigation is also in progress.

The same question is inevitably asked whenever the issue is debated in public: "Where was the SZW Inspectorate?" In the words of Marga Zuurbier: "Our job is to protect workers in the here and now and ensure that they benefit from safe working conditions. We take measures only if this is not the case. Many substances which are regarded as hazardous nowadays were previously in widespread use."

Nicole Kroon adds: "Sometimes a substance which is regarded as a cause for concern is not prohibited by law, and our checks must have a legal basis. In retrospect, and with the benefit of 50/50 hindsight, we sometimes discover that people have died or fallen ill as a result of exposure to certain substances. That does not always mean that their employer failed to take the relevant protective measures according to the rules in force at the time, or that the Inspectorate has shirked

its tasks. We have to look at the regulations which applied and the scientific knowledge available back then, and only then can we ask: 'Did the employer do everything that could have been done?' Awareness of the hazardous nature of substances can evolve very rapidly over time. To take just one example, what do we know at present about the potential risks associated with the use of nanotechnologies? Or the effects of the many new substances developed by the chemical industry?" ●

ILO case filed by trade unions

In 2012, the Dutch trade unions filed a case with the ILO on the grounds that the SZW Inspectorate had failed to comply with ILO Labour Inspection Convention No 81. The case, which related mainly to the number of inspectors, the frequency of their checks and their specialist knowledge and operating procedures, was declared admissible. Ever since 2007, when employers and workers were given chief responsibility for health and safety at work and the state authorities took a step back, the trade unions have seen a drop in the number and frequency of inspections paired with a decrease in compliance with statutory provisions and obligations. They believe that this pulling back by the authorities, and accordingly the SZW Inspectorate, has had an adverse impact on factors such as health and safety at work and the prevention of occupational disease.

The trade unions' case was duly acknowledged by the ILO, which in 2014 addressed a number of recommendations to the Ministry of Social Affairs and Employment, the lead agency for the SZW Inspectorate. According to these recommendations, the Inspectorate must cooperate more effectively with other labour inspection services. The ILO noted that the "self-inspection" system introduced in the Netherlands for employers and workers cannot replace the compliance and enforcement functions of the state authorities, and asked the government to ensure that the number and frequency of labour inspections are sufficient, including in sectors that are not considered to be high-risk. The ILO also requested improvements to the system for recording occupational diseases. In March 2015, Minister Lodewijk Asscher responded by saying that he was happy with the current policy on workplace inspections, but that he welcomed the recommendations and would keep the ILO informed by means of biannual reports.

"Too many people die as a result of being exposed to hazardous substances."

Marga Zuurbier and Nicole Kroon

Inspection and supply chains: the Australian experience

The growth of supply chains, which often entail elaborate national and international networks of subcontracting, have posed significant challenges for controlled occupational health and safety (OHS) hazards. This includes the growth of dependent forms of self-employed subcontracted work, temporary agency work, franchising and other non-employment work arrangements. There is also a growing informal sector (in agriculture and construction) relying on temporary or undocumented migrants.

Michael Quinlan

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Progressive legislation allowing action to be taken against violations of transport workers' right to safety has been abolished following a neoliberal counteroffensive by the Australian Government.
Image: © Belga



The tribunal highlighted the importance of the principle that minimum labour standards should apply to all workers irrespective of the contractual arrangements they are engaged under.

1. Walters D. *et al.* (2011) *Regulating work risks: a comparative study of inspection regimes in times of change*, Edward Elgar Cheltenham, UK.

2. For more details, read: Quinlan M. (2012) "Road haulage in Australia: keeping vulnerable workers safe and sound", *HesaMag*, 6, 48-51.

3. Australasia is a region of Oceania comprising Australia, New Zealand, the island of New Guinea and neighbouring islands in the Pacific Ocean.

Like Germany and the USA, Australia has a federal political structure with OHS laws operating at both state and federal level. As in the EU, these OHS laws contain general duty provisions establishing obligations not only on employers but on other parties too, including contractors, suppliers, designers, importers and manufacturers. In principle, this means that the laws cover supply chains or at least those within their jurisdiction. Indeed, in 2011 the legislative framework was enhanced in this regard under the model workplace health and safety (WHS) law, which replaced the terms "employment" and "employee" with the wider concepts of "work" and "workers". Rather than referring to specific duty-holders like "employers", "suppliers" and the like, the model legislation duties refer to "persons conducting a business or undertaking", which is wider in scope and essentially encompasses any person or organisation that influences WHS.

Furthermore, there is evidence that over the past 20 years regulatory agencies have devoted more attention to supply chain issues, including the provision of guidance

material/standards, targeted inspection and the enforcement of labour standards in subcontracting chains and agency work in industries like construction, road transport, mining and clothing manufacturing. Research indicated inspectors were also devoting more attention to supply chain and upstream duty-holder issues, such as agencies providing forklift drivers with inadequate skillsets or flawed equipment. At the same time, addressing supply chain issues is often logistically demanding and inspectors have also encountered difficulties where the service or goods were provided from outside their jurisdiction (interstate or overseas).¹

At the federal level, the national WHS Agency, Safe Work Australia, issued a discussion paper on supply chains and also made this topic a key element of its forward strategy. In 2012 there were also important regulatory initiatives to protect home-based clothing workers, heavy vehicle operators and particularly self-employed truck drivers, who were engaged in elaborate subcontracting arrangements that diminished working conditions and induced unsafe practices, including excessive working hours, speeding, cuts to maintenance and drug use (to combat fatigue). These practices threatened not only truck drivers but other road users too.

An industrial tribunal to secure truckers' rights

Critically, in road transport a federal industrial tribunal – the Road Safety Remuneration Tribunal (RSRT) – was established to set minimum rates for owner drivers, essentially mirroring the minimum payment regime that applies to employee drivers.²

This meant major shippers/clients or transport companies could not use subcontracted drivers to cut costs by reducing payments, not paying for waiting time and the like. The tribunal was the culmination of a prolonged (over 10 years) industrial, community and political campaign, as well as two government inquiries that established a clear link between economic pressures, subcontracting chains, low pay and hazardous work practices.

By removing the cost-advantage of elaborate subcontracting networks – with sometimes as many as six or seven steps between the client and the truck driver actually undertaking the task – the RSRT targeted the root cause of measures designed to evade mandated community labour standards. It set an important global precedent in several respects.

First, it provided a model for intervention and one that demonstrated that the most effective strategy to counter regulatory evasion by capital is to remove the financial benefits accruing to those devising and implementing these devices (i.e. those parties at the top of the supply chain). When the RSRT made a major determination in December 2015, major transport companies began to reconsider their preference for self-employed drivers over employee drivers. It also highlighted the importance of the principle that minimum labour standards should apply to all workers irrespective of the contractual arrangements they are engaged under. These moves would not have eliminated owner drivers but probably would have reduced their numbers and would have ensured that all truck drivers receive a minimum payment irrespective of how they were engaged.

Second, the intervention highlighted the connection between workers' pay and safety. This connection has been found to be significant across a range of industries (including garment making, agriculture/harvesting and construction) but requires regulatory interventions and union involvement which are anathema to neoliberal policymakers.

Third, as with the Fairwear and associated campaigns in Europe, North America and Australasia³, the campaign highlighted the importance of union/community alliances in securing crucial reforms and measures that protect not only workers but the wider community. These bodies also have a keen interest in ensuring that regulations are

4. For a link to a summary of some of this evidence see <https://theconversation.com/factcheck-do-better-pay-rates-for-truck-drivers-improve-safety-57639>

5. <https://www.theguardian.com/world/2016/apr/05/reports-contradict-ministers-claim-of-no-link-between-truckie-pay-and-safety>

6. Quinlan M. (2015) *The effects of non-standard forms of employment on worker health and safety*, Discussion Paper no. 67, International Labour Organisation, Geneva.

enforced, providing an important bulwark for the reforms. The Transport Workers Union of Australia played a pivotal role (even though many drivers were not union members) and promoted an international trade union focus on supply chains.

More recently, however, this increased regulatory activity on supply chains has been weakened by the election of neoliberal state and federal governments and consequent changes to inspectorate policies and resourcing.

Neoliberal counteroffensive

The Road Safety Remuneration Tribunal has been no exception to this. After several interim decisions dealing with issues like unpaid waiting time (trucks may spend hours waiting to load or unload), in December 2015 the RSRT made its first wide-ranging judgement on payments to self-employed drivers, which is due to come into force in April 2016.

This decision should have come as no surprise, as it was for precisely this purpose that the tribunal was established. However, over three months after the decision had been made a number of interest groups, including those representing users of road freight (the Australian Industry Group and the Logistics Council), owner drivers, the Australian Trucking Association, one major transport company and a range of right-wing/neoliberal political interest groups who had always opposed the tribunal, mounted a campaign to abolish it.

In April 2016 a scare campaign was launched, claiming that owner drivers would be forced out of business. This ignored the fact that a similar tribunal doing exactly the same task of making contract

determinations for owner drivers had been operating successfully at state level (New South Wales) for some years without owner drivers disappearing. A number of the most conspicuous campaign leaders also ignored or tried to refute a substantial body of scientific research pointing to an association between truck driver pay and safety.⁴ The connection was even confirmed by two consultants' reports commissioned by the neoliberal federal government elected in 2013.⁵ In the lead-up to the July 2016 federal election, the federal government was able to draw on support from a number of independents in the Senate to abolish the RSRT. The federal Labor opposition (and the Greens too) have pledged to reintroduce the RSRT should they be returned to government.

In a global climate dominated by neoliberal policy discourse, where even the most basic labour standards are under attack, it is hardly surprising that an innovative measure to make regulation of supply chains more effective should attract a significant backlash. Nevertheless, even if it were to prove short-lived, the legislation sets an important precedent. Historically, short-lived or flawed measures have often set the stage for many critical social reforms. Following on from the last point, sector-specific reforms can and have formed a base for more wide-reaching reforms. For example, the first minimum wage laws at the end of the 19th century in the Australian state of Victoria were initially confined to only six industries but became universal in just over a decade.

This being said, the rapid growth of supply chains and their increasingly global character sets especially demanding challenges for regulatory regimes.

In agriculture, for example, harvest work is increasingly undertaken by foreign workers – often temporary or undocumented migrants – whose vulnerability to exploitation is exacerbated by the subcontracting process and the international temporary employment agencies that supply these workers. This includes not just safety risks but exposure to hazardous chemicals.⁶ In aviation, the outsourcing and offshoring of heavy aircraft maintenance – often to countries with poor social protection and labour standard regimes and weak/non-existent unions – has also weakened safety measures for both workers and the travelling public. In the USA for example, offshore/outsourced maintenance was associated with seven serious aviation incidents between 1995 and 2009, including four multiple fatality crashes (resulting in a total of 169 deaths). Yet it is unclear if safety regulators in Australia (or elsewhere for that matter) have learned from these incidents and put more effective regulatory oversight into place. More generally, some provisions in free trade agreements (including that recently signed between Australia and China) essentially contain loopholes to enable Chinese workers to be imported in order to carry out work for Chinese projects at conditions below those pertaining to other workers in Australia.

While inspectorates have responded to the challenges posed by supply chains in Australia, the degree of activity has so far varied widely between different regions and industries. Some important initiatives warrant attention even if, as elsewhere, the combination of supply chain growth and neoliberal policies are creating problems at a speed and scale that is overwhelming current regulatory responses. ●

In agriculture, harvest work is increasingly undertaken by foreign workers whose vulnerability to exploitation is exacerbated by the subcontracting process.

"We didn't know how dangerous it was." **Former DuPont workers invoke the** **responsibility of the chemicals giant**

Dozens of former workers at the Lycra factory in the Netherlands have, with the support of their unions, engaged in a battle with the chemicals industry giant, DuPont. They hold the company responsible for numerous miscarriages, hysterectomies, stillbirths and cancers, all caused by their exposure to a solvent.

Pien Heuts

Journalist

Astrid Mussig and her daughter, Sandrina, who has been severely handicapped since birth as a result of maternal exposure to chemicals in the workplace.

Image: © Jeannette Schols



DuPont's Lycra factory in Dordrecht (20 kilometres south of Rotterdam) has long gone. It began producing Lycra fibre in 1964 but was sold in 2004 and closed its doors in 2006, leaving behind it a litany of problems suffered by women workers who had for decades been exposed to Dimethylacetamide (DMA), a dangerous reprotoxic solvent. This liquid solvent was used in the manufacture of synthetic fibres such as the elastic yarn, Lycra, which is particularly used in sports and swimwear but also in underwear.

This volatile solvent is easily absorbed through contact or via respiration. The harmful effects it has on both men and women of reproductive age were already known in the 1970s. They were also described in a DuPont manual dating from the 1980s which, moreover, indicated the need for certain protective equipment. Women who worked in the Lycra factory, generally without such protection, suffered miscarriages and stillbirths, not to mention fertility problems and cervical cancer. No link was established at the time. "How were we to know?" these women say today (see boxes). "DuPont seemed like a good company, they apparently took safety seriously, the salaries were high, and Dordrecht was happy to have a US employer of this size in the region."

It can't be down to chance alone

Jacob De Boer, a lecturer in environmental chemistry and toxicology at the Free University of Amsterdam, considers it unthinkable that no-one established this link. Working with the epidemiologist, Marijke de Cock, he intends to study the link between DMA exposure and the fertility and pregnancy problems suffered by these former workers and their children. This study could take two years but, according to Jacob De Boer, the link itself is not in doubt. "The fact that so many women complained of similar symptoms while working with DMA in an unprotected environment cannot be down to chance alone," he states.

In the 1970s, animal testing had already found that this solvent was harmful to the foetus and to the reproductive organs

(embryotoxic and teratogenic), and therefore a substance to which people of reproductive age should not be exposed. However, the European Chemicals Agency did not officially classify DMA as being of serious concern until 2014.

Jacob De Boer is horrified: as a company video from 1986 shows, staff generally worked in the Lycra factory without any

protective equipment. "It was known that DMA was absorbed 40% through skin contact and 60% through inhalation. These people were wearing no suits or face protection. They were directly exposed to the fumes being emitted by the reels of Lycra yarn. Regular medical examinations were no more than a facade. And there was a notorious absence of any monitoring on the part of the authorities."

"Was our daughter's brain injury the result of DMA?"

Name: Astrid Mussig

Age: 46 years

Lycra DuPont factory: 1989-2001

Exposure: DMA

On leaving secondary school, Astrid Mussig went to work in the Lycra factory. Her father had already been working for DuPont for more than 20 years. Her partner still works for the company, in the Teflon factory, where perfluorooctanoic acid, better known as C8, has long been used. Astrid was working in the spinning room separating the yarns when the reels came out of the machine. She also placed the reels, still giving off fumes, into boxes. 'I never really thought about my many miscarriages and fertility problems,' she explains. 'It only hit me this year when I saw a TV programme on the Lycra and Teflon factories and the consequences of exposure to dangerous solvents. And when I got in touch with other former workers via Facebook. I now wonder if our severely disabled daughter's brain damage is due to this. I was working in those fumes in the run up to her birth. How can it be that, 17 years on, the neurologists are still unable to give us a diagnosis for Sandrina? She can scarcely walk due to muscular weakness, has difficulty talking and has the intellect of a four-year-old. It is astonishing that, despite all this, she has managed to learn to swim.'

Astrid's father, Gerlof Meijer (69 years) worked as a chemical analyst in DuPont's laboratory for years (until 1999). During that time, his wife gave birth to a stillborn baby at six months, and their daughter Astrid weighed only 1040 grams at birth and was not discharged from hospital for six months.

'The reprotoxic effects of DMA are known,' he states realistically. 'But I wonder if DuPont Dordrecht actually knew. It was the first Lycra factory. We didn't have any health and safety signs giving information on the solvent. The company's head office in the US was, however, most probably aware.'

Astrid recounts how they often worked in shorts and T-shirts. Later, they received Nomex protective clothing. 'Safety was a priority for DuPont. That's what they said. There was a real American culture in place. Signs at the entrance gave the number of hours passed without an accident. If you noticed a slight risk or minor problem, you wouldn't say anything because you didn't want to negatively affect the safety record. We regularly underwent medical examinations. I never doubted the safety.'

When DuPont was preparing to sell the Lycra factory in early 2000, Astrid signed up for voluntary redundancy. Her second daughter, Faustina, was born in 2002 with no problems. 'I would like to know what influence DMA has had, particularly because there are still Lycra factories in Ireland, China and Indonesia, where workers of reproductive age are exposed to toxic solvents.'

"They could not talk about it at the time. DuPont was a world dominated by men."

Marian Schaapman, BBZ office

Inadequate monitoring

The Dutch toxicologist gives the example of the carcinogen C8 (perfluorooctanoic acid) used in DuPont's Teflon factory and to which workers and local residents were exposed. The link between this and the high percentage of cancers in the region has only recently been established. "The authorities

should monitor the chemicals industry more rigorously, and better identify all hazardous substances. The chemicals sector is creative: once a substance becomes regarded as a cause for concern, they modify its structure slightly in order to place an alternative on the market, and yet this presents the same dangers to health. It's a profitable business. I can't imagine what lies ahead of us."

The Dutch Minister for Social Affairs has called for an "in-depth investigation" into DuPont's actions regarding exposure to toxic substances. The role of the surveillance and monitoring bodies, such as the Social Affairs and Works Inspectorate (*Inspectie Sociale Zaken en Werkgelegenheid*, SZW), which reports to the minister, will also be examined. The Inspectorate is therefore going to investigate itself. When questioned about this, it stated that it was not interested in the historical aspect but rather in ensuring control of the chemicals industry in accordance with current regulations. "With the knowledge we have today, we can explain things that were

perhaps not banned at the time. But this is not our role. Until the results of the investigation are available, we do not wish comment on DuPont," they merely say. As for DuPont, they are sticking to a written statement in which they state that the DMA levels recorded in the Lycra factory were not considered dangerous and that they acted responsibly and in line with available information.

Serious negligence

Dozens of former workers from DuPont's Lycra factory have come forward and made themselves known to the FNV's Office of Occupational Diseases (*Bureau Beroepsziekten*,

1. For more information, see Heuts P. (2013) Dutch FNV union makes employers pay up for work-related diseases, *HesaMag*, 7, 35-40.

"They made money out of the lifeless little bodies of our babies"

Name: Yvonne and Ron Hemelrijk
Age: 51 and 58 years
Lycra DuPont factory: 1988-2002
Exposure: DMA



Image: © Jeannette Schols

To the outside world, DuPont, the giant of the chemicals industry, is well-known for its safety, its good salaries and its excellent staff conditions, as well as for being a significant

US employer in the Dordrecht region. Ron Hemelrijk was therefore happy to be offered a job there in 1988. He talks of the upper spinning room, where the 'paste' of liquid polymers containing DMA was mixed and sent along pipes containing nitrogen gas, from which the Lycra yarn would emerge further down the line. The fumes these pipes contained would escape as the yarn emerged and was wound onto reels.

Ron: 'In the upper spinning room, we wore heat-resistant gloves and face protection due to the intensive temperature, which could reach 50 degrees Celsius. This encouraged the absorption of DNA through the skin even more. Apart from that, at that time everyone wore the company's simple jackets and jeans. We were constantly shrouded in vapour. And if a machine broke down, we would find ourselves enveloped in toxic clouds.'

Yvonne: 'At home, everything was impregnated with Lycra. The paste stuck to Ron's clothes and was ground into the doormat. He would come home covered in finishing oil, which also contained solvents. We were never warned that DMA was reprotoxic and embryotoxic. And I was exposed to it via Ron. If you're given information then you can make informed choices. In actual fact, at that time we were thinking about starting a family. And we wanted a large one.'

Yvonne's first pregnancy passed off smoothly. Femke was born at the end of 1988. It was then a long time before their second child was born. Yvonne shows us an ultrasound image. 'I lost my baby at 11 weeks. The third and fourth pregnancies also ended in miscarriage, but the gynaecologists could find no reason for it. My pregnancy with Mathijs in 1992 was very difficult. I was so worried, despite 15 scans. The birth was normal. I don't know if Mathijs' autism is linked to DMA exposure or not. After that, I didn't want any more children.'

'Our urine was checked for DMA every fortnight,' explains Ron. 'If the rates were too high we would be sent to the lower spinning room for a week. But there were fumes there too. DuPont knew how dangerous it was. I feel very bitter when I think how we were reprimanded for leaving a drawer open or for going up the stairs without holding onto the handrail. Our medical tests were also window dressing. We were never told the results.' Yvonne: 'DuPont made a lot of money out of the lifeless little bodies of our babies.' Ron: 'From an economic point of view, the company had the wind in its sails until its closure in 2006.'

Yvonne and Ron feel that the world's 'safest company' should accept its responsibilities. This must all come out into the open, states Yvonne. 'They knowingly placed us in danger, both ourselves and our children. We should have been given the choice.'

BBZ). Marian Schaapman runs this office, the aim of which is to support union members suffering from an occupational disease or having been the victim of an accident at work to hold the company responsible and obtain compensation'. In the summer, the BBZ collectively invoked DuPont's liability with regard to the former factory workers, and this has had the effect of suspending the time limitation for legal action. Mrs Schaapman is also shocked by the scale of the affair. "Generally, speaking, when hazardous substances are not identified as problematic it is an issue of grave negligence. Although companies are required to register carcinogenic, mutagenic and reprotoxic substances (CMR), only 13% of them actually do so in the Netherlands."

Based on interviews and other sources, the BBZ will retroactively determine the working conditions that were current in the Lycra factory. With the help of Jacob De Boer, the causal link between DMA exposure and the health problems suffered will be demonstrated on the basis of the former workers' medical records. "We have a solid case but we still need to complete it with further evidence," states Marian Schaapman. "The consequences of DMA exposure are clearly described in the literature: miscarriages, stillbirths, bleeding and ovarian function disorders. The testimonies we have gathered from these women bear witness to a litany of suffering. They could not talk about it at the time. DuPont was a world dominated by men. On top of which, they had no idea of the risks to which they were being exposed."

Collateral damage

According to Marian Schaapman, the overriding objective of her clients is not to obtain compensation for damages suffered but rather recognition of the fact. And to contribute to further prevention. "It would be to DuPont's credit if it were to admit its liability. I don't rule out the fact that they may have under-estimated the risks. We are not seeking to prolong proceedings. A fund could be created, as was the case for 'the DES children' (offspring of mothers who took Diethylstilbestrol to prevent miscarriage and who were born with health problems, ed. note) and the victims of asbestos. These women and their children have a right to know exactly what happened."

Her 15 years of experience with BBZ have taught her that companies often have a blind spot when it comes to their workers' occupational health. "It's an aspect that is often overlooked; the workers come last. Their illnesses are considered collateral damage." ●

"The chemicals sector is creative: once a substance becomes regarded as a cause for concern, they modify its structure slightly in order to place an alternative on the market, and yet this presents the same dangers to health."

Jacob De Boer, toxicologist

"You never recover from the loss of a child"

Name: Romy Hardon
Age: 57 years
Lycra DuPont factory: 1977-1988
Exposure: DMA



Image: © Jeannette Schols

'Was I ever worried? How could I, a worker, know that I was working with dangerous solvents?' Romy Hardon wants to discover the truth of the matter. She wants justice, for herself and for so many other women, as well as recognition of the fertility problems they suffered due to the solvent DMA.

At the age of 17, she began working in the control department of DuPont's Lycra factory in Dordrecht. She was Toon's daughter. Everyone knew her father, as he had worked for DuPont since they opened their first (Orlon) factory in Dordrecht in 1962. He later worked in the Teflon factory, where the carcinogen C8 was used. 'On his death bed, my father, aged only 46, asked me to find out why he had suffered from so many malignant tumours.'

Romy was happy at DuPont. Old video footage from the 1980s shows how the women, their arms deep in reels of Lycra, would check them and package them into boxes. 'The stench was appalling: we would be working with solvents all day long,' she explains. 'The Lycra must have spread in the air. Protective equipment? No, of course not. DuPont was the safest company in the world; that's what we believed anyway. If you didn't hold the handrail, you got a warning. If you had to work overtime, there'd be a taxi to take you home. Safety prizes were awarded. And every so often we were given medical examinations, although we never received the results.'

Romy was constantly having to visit her gynaecologist. She suffered from continual bleeding and underwent several D&C procedures. In 1985, she fell pregnant. At eight months, there was a problem. Struggling to hold back her emotion, she talks to us of Wesley. 'All of a sudden, I felt really ill, my kidneys weren't working, my blood wasn't clotting, my liver wasn't functioning properly. I had pre-eclampsia. I gave birth to a stillborn baby in intensive care. I visit Wesley's grave every month. You never recover from such an experience.'

She went back to work at the Lycra factory. Her subsequent pregnancies were all plagued with difficulties and it seemed she would never be able to give birth. Then, in 1988, she had a little girl and, in 1993, a little boy. This was followed by a hysterectomy. 'It later became clear that all the women had suffered miscarriages, stillbirths, hysterectomies or cancer,' states Romy. 'My mother was also exposed to DMA by my father, and she gave birth to stillborn twins at six months. I am sure that DuPont knew of the dangers of DMA for people of reproductive age. It was well-known. FNV's BBV office has a solid case: there is an old video showing how we worked without any protection, many women suffered the same symptoms and the substance was known to have harmful effects on young men and women. Justice must be done, even if it takes 20 years.'

Canadian women crab workers: "empowerment" through ergonomics

Quebec ergonomist Marie-Eve Major, Doctor of Biology, has set herself a mission: the continual improvement of working conditions for seasonal workers. We followed her for three days around a crab-processing plant on the island of Newfoundland, on the east coast of Canada, and were thrown into a world of hardship and solidarity.

Emmanuelle Walter
Journalist

Photographs:
Emmanuelle Walter



Day one

It takes two planes to reach Newfoundland from Montreal, a day-long journey that transports us into a completely different world. We land under the grey and low-hanging sky of a winter that refuses to end. Crab season has just begun and will last four months. To accompany Marie-Eve Major to Newfoundland is to discover the island at its least touristic and most rugged, and to experience first-hand the lifeblood of this large landmass on the Atlantic: the fishing industry. It means being welcomed with open arms, as we are this Sunday in April at Gander International Airport by crab worker Kate, 53, who regards Marie-Eve as her daughter. This hidden world we are entering is full of warmth but unfortunately marred by the severity of its working conditions. Between 2004 and 2007, Marie-Eve carried out her doctoral research with workers at two Canadian crab plants: one in Quebec, in Côte-Nord, the other in the Newfoundland village of Valleyfield. The work for her thesis¹ was anything but solitary. "It was a research intervention, carried out in close collaboration with the workers and the management of the two plants," explains Marie-Eve. "My work was also supported by a group of trade unions, organisations and companies that take an interest in my approach. The thesis may be finished, but the work continues! It's a repetitive process. In each plant, there is a monitoring committee made up of representatives of workers, unions and management. We get together regularly to see how we can improve the working conditions. Here in Valleyfield, the 'conveyors'



The days can last 10 hours; sometimes, the workers work 20 days in a row.

1. Vézina N. (ed.) (August 2011) *Étude ergonomique du travail saisonnier et de ses impacts sur les stratégies et les troubles musculo-squelettiques de travailleuses d'usines de transformation du crabe*, Université du Québec in Montréal.

(the production lines) were modified in light of my observations and the work of the monitoring committee. At the Quebec plant, the management changed every one of them. And the health authorities of Côte-Nord hired an ergonomist."

The purpose of this latest in a long line of visits? To make a start on a new research project with one of her students from the *Université de Sherbrooke* (Quebec), Claudi-Ann Bourgeois. This time, the object of study is the impact of the employment insurance system

on musculoskeletal problems. The workers keep going despite the pain they suffer in order to make up the annual 420 hours needed to qualify for unemployment benefits. In Newfoundland, as everywhere in the north of Canada, the lack of local agriculture means that seasonal workers can only work part of the year. If they miss a season due to injury, it is not possible for them to make up the shortfall.

After travelling for two and a half hours through a landscape half-Irish (the rocky and craggy coastline, the dry expanses) and half-Canadian (the conifers and lakes), we find ourselves in Kate's white house, right on the waterfront and at the end of the factory car park. Lloyd, her husband, shows us pictures of another Newfoundland crab plant which recently went up in smoke. In this poor region where the sea is the only source of livelihood, this is a catastrophe. "That could have been us," says Lloyd, gesturing towards the large rectangular buildings where he spends his days. "I'm in the maintenance team; my wife is in production. If there was a fire, we wouldn't have any more work." The plant at Valleyfield provides a living to more than 300 workers, but also to fishermen and local trade. Thinking of the conquest of Newfoundland in the fifteenth and sixteenth centuries, Lloyd points out: "This whole story started with the explorer John Cabot and cod-fishing!"

It is 8pm and Kate receives a call from the plant assigning her her hours for the next day, fixed according to the weather conditions. She will start at 8.15am and finish at 4.45pm, with 30 minutes for her lunch break and two other 15 minute breaks. The days can last 10 hours; sometimes, the workers work 20 days in a row.

Day two

This plant, called Beothics, packages not only snow crabs, but also catfish, halibut, capelin and lobster. Charles is head of the "shipping and receiving" service at the plant. He showed me his world: the quay assaulted by ravenous seagulls, the fishing boats, the unloading of crabs that have arrived by truck from other parts of the island, the cold storage premises. Learning that I came with Marie-Eve, he says with a big smile: "I'm happy that her work is being recognised. It's great what she has done for us." In the corridors, Marie-Eve is assailed by hugs and warm greetings. Even the workers she has not collaborated with have benefited indirectly from her advice and interventions with management.

Marie-Eve and Claudi-Ann have completed a first series of interviews with some



of the workers. Kitted out like the employees in overalls and hairnets, all three of us enter into the heart of the plant and, in the cold, visit the different work posts: the tipping of the crabs onto the conveyor, the breaking into two, the sorting, the putting into containers for cooking, the weighing and the packing. There is also the position for removing the little shells that are attached to the legs, the one for sawing off the legs, and another for disinfecting them. Several Asian buyers circulate between the conveyors. The dexterity of the workers is fascinating. They talk among themselves without slowing their pace and sometimes all together burst into traditional Newfoundland songs (so I'm told). At the end of the shift, groups of women gather around the large sinks and plunge their overalls under water in choreographic movement.

Marie-Eve remarks: "On the face of it, the work does not seem very demanding: grabbing the crab pieces and depositing them in the container ... You wouldn't think that they are affected by pain. Some pressures

are 'invisible', but they are real and lead to musculoskeletal constrictions. Our analyses helped to highlight the extreme repetition of movement. Their work cycle is less than five seconds long. This combination of movements and extreme repetitiveness, seemingly insignificant, actually causes a lot of pain." The women in these plants suffer from tendinitis, carpal tunnel syndrome, inflammation of the joints, epicondylitis, back and leg pain, and arthritis. If the factory management cooperate willingly with Marie-Eve, it is because they need productive and healthy employees.

We find Kate, dressed completely in white. Her work is to take hold of the full containers of raw legs washed in soap and send them off to the disinfectant bath. It is a less demanding post than others she has known over the years, most notably putting the crabs into containers before cooking, and packaging them. "In 1999, the doctors told me that the cartilage between my right shoulder and arm had almost disappeared!" she recalls. Amid the loud din, she proudly tells Marie-Eve that she has asked her colleague, at the other side of the basin, to send her two containers at once in order to minimise her movements. She explains to me later: "Marie-Eve taught us to think about our movements, rather than just enduring the pain, and to ask for adjustments. When she filmed me, I looked at myself working and said to myself: 'What can I change to improve this?' For example, at one of my old posts, instead of pulling a crab piece towards me one at a



time, I started to grab hold of several at once with both my arms resting on the conveyor. I worked that out myself, to limit the movements that are too close together and repetitive." In North America, they call this capacity to take control of one's own conditions of life "empowerment". Here, it is empowerment through ergonomics.

Day three

It is the end of the morning. Brenda has just come out of the office where Marie-Eve and Claudi-Ann have been interviewing her. I follow her into the large hall where the workers take their lunch. Brenda is a beautiful woman of 63. It is her 39th season at the plant. I noticed her the day before at the conveyor: aloof, silent, efficient.

- "My job is to take hold of the containers of crabs and push them towards their cooking bath. I've also worked in packaging, quality control, cleaning..."
- "What has Marie-Eve being here brought you?"
- "Her work has changed a lot of things! It's the third time that I've collaborated with her..."
- "I heard you laughing together..."
- "Laughter is the best medicine! Thanks to Marie-Eve, management has improved my post by putting the surfaces that I place the container on (which weighs 15 kilos) at the same level so that I don't



have to lift up from one to another. They also enlarged the little platform that I stand on so I can move about more, which stops me having to stretch out my arms. Now, I take far less medication."

Brenda returns quickly to her post. She is part of the day team, the women aged between 45 and 65. At the end of the afternoon, I see women in their twenties and thirties arrive who will work up until midnight. The

work situation in the region will possibly push them towards the tar sands of western Canada, where many young Newfoundlanders work in the oil mines.

That evening, Kate and Lloyd take us to visit a charming little village, 15 kilometres from their own. Nestled among the fishing boats and brightly-coloured wooden houses that perch on the rocks is another Beothics plant, this one a miniature version. A small late iceberg floats into sight.

Day four

It is snowing when we leave Valleyfield. A storm has grounded all flights and we will arrive two hours late in Montreal. Marie-Eve protests and buries her head in her computer. I steal 30 minutes from her to complete my notes. What is her impact? "The management at the plants are very open to my observations and take them into account. I notice that the theme of occupational health has entered into their discourse. But the musculoskeletal problems, even if they have been reduced, aren't disappearing; among other reasons because the injured workers don't take sick leave, due to the lack of compensation. I would like to set up some roundtables with the government, trade unions and occupational health and safety committees to give this situation some more thought."

It is midday. At the plant, Kate and Brenda will soon take their break. We board a plane so tiny that it shakes in the wind. ●



People affected by chronic conditions: the "regulators of humanity" and their role in transforming work

The link between chronic disease and work is rarely considered. And yet it is an important reality in the workplace. In France, it is estimated that a quarter of the working age population is affected by a chronic condition. This equates to around 10 million people. It is likely that similar proportions would be found in other European countries. This book by occupational psychologist Dominique Lhuillier and sociologist Anne-Marie Waser focuses on the lives and work of these people. In this review, we will concentrate on the chapters dealing with work. Other areas regarding life experiences, the transformation of time, the role of patient associations and so on are of no less interest. A product of action research, the section devoted to work is based on three case studies in which the situation of companies in the cleaning, commerce and temporary worker sectors have been analysed.

A chronic disease often manifests itself in periods when the effects of a patient's symptoms and treatment may be acute, making it difficult or impossible for them to do their job, followed by other times when the consequences of the continuing illness are not serious enough to adversely impinge on their performance. To this changing physical situation must be added other factors that may make the situation even more complex: the psychological impact of the condition, as well as the social stigma, which is more marked for some illnesses than others.

In most cases, people who are affected by chronic conditions simply want to be able to hold down a job. This is, after all, an overriding economic need for most of them, if they are to avoid ending up in poverty. There is, however, also an interest in maintaining

social relationships. Work represents the symbolic guarantee of a possible recovery or even cure. It is, in any case, the indication of a certain ongoing normality despite the illness.

Provisions for keeping these people at work are often cursory: part-time working, flexible working hours, etc. They rarely go as far as to profoundly change the person's actual working conditions. They remain focused on an individual approach: it is the person themselves who is considered as being of functional impairment and who must make a request to the company, without any great guarantees in terms of rights. Moreover, numerous forms of informal support may be established on the basis of the generosity of their colleagues. But, there too, such essential support is rarely guaranteed by the company.

This book notes the weight of social inequality. The possibility of renegotiating working conditions that are appropriate to a situation of chronic illness depends on your place in the social hierarchy. For those who are already in a vulnerable employment position, there is a kind of "double burden". Two factors must be added to this initial inequality. Some conditions carry more stigma than others, depending on how they are viewed socially. In some cases, those affected are forced into a kind of secrecy (e.g. HIV). Strategies aimed at adapting their work to the particular condition thus end up being constructed from a situation of deep isolation and they are consequently highly fragile. In relation to cancer, they give rise to a fear of death. Finally, changes in the way in which work is organised have not been very favourable. On this point the study is clear: "The conditions of employment and salaried work, in the private

and public sectors, were identified by most participants as incompatible with maintaining or improving their health. The following were unanimously denounced: working to deadlines, ongoing assessment via simplistic indicators of the quantity and quality of work, the division of labour and focusing the aim of work on achieving the company's profitability targets".

One participant emphasises the importance of the experience of chronic disease when challenging the way in which labour is organised. Corinne lives with multiple sclerosis and the after-effects of breast cancer. Her comments are eloquent: "It is important that the working world recognises people with disabilities. They are the humanity regulators of our society. We're not robots! In the world of work, they just want you to be efficient, no more (...). Those who are ill form a sort of barometer. Others refuse to accept it, they turn their backs. But that's clearly wrong, no-one is invincible. People are under pressure at work these days, and that's a shame. It's time to humanise the world of work!"

— *Laurent Vogel*

Que font les 10 millions de malades? Vivre et travailler avec une maladie chronique

by Dominique Lhuillier and Anne Marie Waser, Toulouse, Erès, 2016, 344 p.

Inside an invisible industry

The real monsters of the seas have nothing in common with the ships which plough the Venetian Lagoon carrying thousands of tourists and an overabundance of crew members. Belying their XXL dimensions, these monsters are much more discreet and keep their distance from the shipping lanes along the coasts of antique Mediterranean islands and cities. Their true home is out at sea, traversing oceans or maritime corridors – the real sea, with all its tempests, 40knotplus winds and waves averaging 10 metres in height.

Despite boasting a length of 300 metres and a gross tonnage of 74 000 tonnes, the merchant ship *Kendal* is nothing but a middleweight when set against recent vessels with a length of almost 400 metres. It belongs to the Danish-owned Maersk, the world's leading container ship operator, and can carry around 6 000 containers. Latest-generation vessels accommodate almost 20 000, with capacities having almost tripled over the past 10 years.

"These ships and boxes belong to a business that feeds, clothes, warms, and supplies us. They have fueled if not created globalization. They are the reason behind your cheap T-shirt and reasonably priced-television. But who looks behind a television now and sees the ship that brought it? Who cares about the men who steered your breakfast cereal through winter storms? How ironic that the more ships have grown in size and consequence, the less space they take up in our imagination," writes Rose George.

The British journalist, who authored a book some years ago about human waste and the health problems faced by populations without access to sanitary facilities¹, was able to persuade the powerful Danish multinational to give her passage on the *Kendal* for a five-week voyage from Felixstowe in south-east England to Singapore.

Although it is easy to find images on the Internet of these behemoths of the sea battling through raging storms, it is hard to believe that as few as 20 crew members are needed to navigate their thousands of containers safely into harbour.

The *Kendal* has a 21man crew, including one woman with the role of chef. One third of its crew members are from the Philippines, demonstrating the apparently irreversible rollback of the West's former dominion over

the merchant shipping industry. Only the command positions are still reserved exclusively for Europeans, and even these are not safe given the increasing number of officers graduating from the new maritime training colleges set up in India.

George laments this development: "There are already more blue whales than there are British seafarers on British ships. The difference is that people are taking conservation measures to save the whale."

Around a quarter of a million sailors originate from the Philippines, with these Asian-born sailors making up over one third of a hard-working but discreet merchant navy which helps oil the cogs of global trade.

Given that they are responsible for transporting 90% of everything we consume, this is ultimately a very small number of people. When she boarded the *Maersk Kendal* one morning in June, George hoped to infiltrate this "invisible industry that puts clothes on your back, gas in your car, and food on your plate," to quote the front cover of *Ninety Percent of Everything*. "If *Kendal* discharged her containers onto trucks, the line of traffic would be sixty miles long."

The complex and opaque legal arrangements which underpin this entire branch of the economy mean that modern-day merchant shipping is a potent symbol of globalization.

It is a curious fact that the success of global trade hinges on the fact that the four largest merchant fleets in the world are registered in Panama, Liberia, Sierra Leone and Mongolia – the first of which is the world's most notorious tax haven, two of which feature on lists of the world's 20 poorest countries and the last of which has a capital located over 1 300 kilometres from the coast.

Flags of convenience allow unscrupulous shipowners to do business more cheaply while closing their eyes to employment legislation and environmental or safety standards, with the assurance of almost total impunity. Incredible as it may seem, abandoning a ship and its crew before they have reached their final destination is sometimes the most sensible course of action for a shipowner in financial terms.

George criticises this practice, writing that 57 ships and 647 sailors were abandoned in 2009; "If insurance premiums or port fees

are too high, or the company goes bankrupt, the owner disappears, leaving unpaid wages and a stranded crew."

Although George writes very convincingly about the failings of the maritime economy, her descriptions of the living and (in particular) working conditions she saw during her five-week voyage are somewhat lacking. After reading the book to its end, one has the impression that the journalist sought refuge on the bridge and avoided venturing down into the ship's hold.

She does not touch at all on the work carried out by the mechanics and labourers responsible for the upkeep and maintenance of the mammoth vessel, and after reading certain passages in the book, for example those in which she writes about the Filipino crew playing video games and indulging in karaoke – to say nothing of their alleged sexual quirks, which are foreign in the extreme – one could be forgiven for thinking that the *Kendal* was operated remotely from London, with its engines delivering their maximum output of 57 000 kW without any human intervention.

The overall feel is one of monotony, as if one were traversing an endless ocean as still as a millpond, under the heat of a scorching sun. George herself apparently succumbs to boredom, to the extent that she pads out the tale of her voyage with the second-hand adventures of other mariners. It is a shame that she was not able to do better justice to the rich gamut of human experience at her disposal.

— Denis Grégoire

Ninety percent of everything: inside shipping, the invisible industry that puts clothes on your backs, gas in your car, and food on your plate

by Rose George,
Metropolitan, 2014, 287 p.

¹ Rose George (2008)
The Big Necessity. The Unmentionable World of Human Waste and Why It Matters, Metropolitan Books, 288 p.