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CC: Ministry of Employment, Sweden

### **Statement and comments by the Swedish Trade Union Confederation (LO) regarding the application of ILO Convention C81**

The Swedish Trade Union Confederation (LO) has been given the opportunity to comment on the report made by the Swedish Government, in accordance with article 22 of the ILO Constitution, on the measures taken to give effect to the provisions of ratified conventions.

This statement deals with the Swedish Government's report concerning ILO Convention 81 Labour Inspection Convention (1947). In LO's opinion however, reference needs also to be made to adjacent conventions and to the EU Framework Directive on Occupational Safety and Health and Labour Inspection.

#### **Comments on the report by the Swedish Government**

In its report the Swedish Government maintains that Sweden complies with the ILO Convention C81 Labour Inspection Convention (1947) and the related recommendation R020 Labour Inspection Recommendation (1923). LO is of a different opinion and considers that Sweden today does not fulfill all the aspects of the Convention, nor the Recommendation.

Moreover, LO considers that Sweden does not comply with the related conventions 155 and 187 and the EU Framework Directive for Occupational Safety and Health (89/391/EEC), as regards labour inspection and consultation of the social partners.

*C 81 Labour Inspection Convention (1947), articles 2.1 and 5*

LO is of the opinion that Sweden does not comply with these articles.

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**The Swedish Trade Union Confederation**

*Article 2.1*

The article stipulates that the system of labour inspection shall apply to all workplaces where legal provisions on working conditions and safety of workers can be enforced by the labour inspectorate. LO believes that the Government's annual cost cutting of allocations to the Swedish Work Environment Authority, on-going since 2007, has had many negative consequences – in terms of the number of inspectors, quality of inspections, the forthcoming downsizing of the regional structure of the Work Environment Inspectorate. Therefore, LO is of the opinion that Sweden today does not comply with Article 2.1.

*Article 5 a - b*

LO wishes to highlight that the main purpose of the article is that the relevant authorities shall take measures to promote effective cooperation between the inspectorates and other existing public services.

The Government reports on collaboration with various public authorities, regarding inter alia workers posted on the Swedish labour market and how the labour inspectorate can cooperate better with other public authorities in this matter. Besides what the Government indicates in its report, LO's opinion is that for a long time there has been deficiencies in collaboration with other public authorities such as the Swedish Employment Agency and the Swedish Social Insurance Agency, in order to ensure a good working environment for the young, elderly and disabled designated to work on the Swedish labour market in various forms of vocational introduction, wage-subsidised employment etc.

Another negative impact has been the Government's 2012 abolition of the requirement for collective agreements for designated locations with wage subsidies. The Swedish trade union worker organisations have previously had the right to comment on workplaces to which those with wage subsidies were referred. The lack of collective agreements makes it difficult or impossible for trade union organisations to monitor environmental issues for this group of workers who are in particular need of a safe work environment.

*C81 Labour Inspection Convention (1947), 4, 6, 10, 16 and R020 Labour Inspection Recommendation (1923)*

LO is of the opinion that Sweden does not comply with Articles 4, 6, 10, 16 and the recommendation, and wishes to particularly highlight the following:

*Articles 4 and 6*

Article 4 stipulates that each Member State, based on their national circumstances, shall have consultations with relevant employer and worker

organisations to implement, formulate and review a coherent policy on health and safety. The purpose is to prevent work-related injuries / illnesses by minimising these through preventive measures and follow-ups.  
(See below opinion on consultation)

Article 6 states: "The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of Government and of improper external influences."

LO is of the opinion that cuts in the allocations to the Swedish Work Environment Authority, ongoing since 2007, have had a negative effect on the Authority's policy orientation – which subsequently leads to the fact that the obligations of article 6 are not fulfilled. The annual austerity constraint of 2% has the effect that the Work Environment Authority will, from 2014 onwards, only have five regional offices, each with one or two branch offices. Moreover, only 40% of future vacancies due to retirements will be refilled. In 2014, the allocation to the Work Environment Authority will be SEK 622 million. In the coming three years thereafter, the Swedish Government has not planned any changes in the allocation, which in practice means a further cut.

#### *Articles 10 and 16*

Article 10 stipulates that the number of inspectors shall be sufficient to secure the effective fulfillment of the duties of the inspectorate. The number shall be determined with regard to the dignity of the duties to be performed by the inspectors, in particular as regards the number of workplaces, the size of the enterprises, the number of workers employed on the labour market and the development in working life in terms of health and safety. According to Article 16, workplaces shall be inspected as often and as thoroughly as is necessary, in order to ensure the effective application of the relevant legal provisions.

LO wishes to point out that the Government's report fails to account for the number of workplaces that the Work Environment Authority is to inspect. During the years 2007-2012, the number of workplaces in Sweden increased from 1 020 084 to 1 214 217 and the greatest increase occurred in workplaces with 1 to 49 workers. The number of workers on the Swedish labour market was 3 952 507 in the year 2007 and in 2012 the number had increased to 4 227 711.

During the same period, the Government reduced the allocation to the Work Environment Authority by SEK 160 million, and the number of inspectors declined from 359 to 250. Moreover, the number of experts who are to be

available within each sector of the inspectorate, decreased considerably during the same period.

Already in 2007, the number of workers per inspector was 11 010 and it has since then risen to 16 991 <sup>1)</sup>. Nor does this meet the requirements of the ILO *Strategies and practice for labour inspection*, GB.297/ESP/3), in inter alia article 13, which recommends one inspector per 10 000 workers. The guidelines also establish, by virtue of article 10 in Convention 81, that the number of inspectors is to be sufficient and thereby that attention must also be paid to aspects such as the number and the size of the workplaces to be inspected as well as the size of the total workforce.

Furthermore, LO notes with concern that, on a purely statistical basis, the inspectors are exposed to stress as regards the number of inspections imposed by the Government and the Work Environment Authority. According to the Government's instructions, the main orientation of labour inspectors' activities should be mediation / training, rather than inspection.

In LO's opinion this is the wrong direction. A society founded on the rule of law requires a well-functioning authority for surveillance which performs quality-secured inspections in workplaces but which nevertheless does not assume the role of preventive occupational health care, i.e. guiding and training employers, safety representatives and workers in places of work.

#### *Current facts about injuries and ill-health at work*

In Sweden, 112 000 work injuries - mainly workplace accidents - were registered during the period from 2012 to the first quarter of 2013. All kinds of work injuries increased in 2012, except for accidents on the way to or from the workplace. 31 000 work injuries with sickness absence were reported. Work injuries without sickness absence increased considerably from 53 000 in 2011 to 58 000 in 2012. In addition, the number of reported cases of occupational disease increased from 9 800 to 10 300.

The number of reported work accidents has increased annually by 17% among young people between 16 and 24, as compared to 2% for all workers.

Reports on psychosocial problems at work have increased markedly over recent years. There are currently no binding rules for employers in Sweden, despite the fact that this is one of the largest problems related to work

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<sup>1)</sup> Source: The five-year report submitted by The Work Environment Authority to the EU Commission regarding the implementation of the Framework Directive on Occupational Safety and Health and specific directives

environment and it is on the increase. Another major problem is musculoskeletal and strain injuries. It appears from an extensive survey on living conditions carried out by Statistics Sweden that more than one in two blue-collar workers, i.e. 54 per cent, performs repetitive and monotonous actions at work, which can result in strain injuries.

### *Summary*

In the light of the above, LO considers that Sweden at present does not comply with:

- C81 Labour Inspection Convention, (1974) Articles 2.1, and 4,5,6,10,16.
- R20 Labour Inspection Recommendation (1923)

Nor are the following complied with:

- C 155 Occupational Safety and Health Convention (1981), article 9.1. stipulating that enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.
- C 187 promotional Framework for Occupational Safety and Health Convention (2006), article 4c stipulating that each Member State shall have mechanisms to ensure compliance with national laws and regulations, including systems of inspection.
- ILO Strategies and Practice for Labour Inspection (GB 297/ESP/3), Article 13. According to these guidelines, Member States should have the objective of ensuring that there is one labour inspector per 10 000 inhabitants. The document also stipulates, referring to article 10 in C8, that the number of inspectors shall be sufficient, and that, in this context, attention must be paid to aspects such as the number and the size of the workplaces to be inspected as well as the size of the total workforce.
- European Framework Directive on Occupational Safety and Health, 89/391/EEC, article 4 stipulates that Member States shall ensure adequate controls and supervision.


- Furthermore, article 11.6 stipulates that workers' representative for safety and health shall have the right to adequate consultation and support by labour inspection.

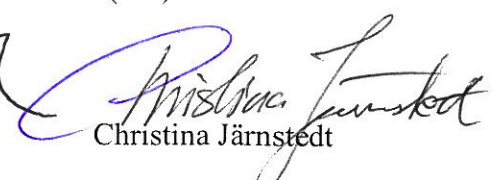
Finally, LO is of the opinion that Sweden does not fulfil the requirements regarding consultation with the social partners established in C 155 Occupational Safety and Health Convention (1981), articles 4.1 as well as 2 stipulating that Member States shall consult the social partners, in order to formulate, pursue and review a coherent national work environment policy, aimed at preventing the occurrence of work-related injuries/illness.

C 187 Promotional Framework for Occupational Safety and Health Convention (2006) stipulates that each member state shall, in consultation with the social partners, establish, maintain, progressively develop and periodically review the national system. LO considers, in the light of the above, that the tripartite meetings organized at present are mainly of an informative nature and are not conducted sufficiently frequently on a political level.

Sincerely

The Swedish Trade Union Confederation (LO)

  
Karl-Petter Thorwaldsson  
President

  
Christina Järnstedt