

**EUROPEAN
CONSTRUCTION
CAMPAIGN
2003**



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1. Summary

This report contains the results of a common inspection and publicity campaign in the construction industry in the 15 member states of the EU and Norway and Iceland. The campaign was initiated by the Senior Labour Inspectors Committee and carried out in May and September 2003. Both parts of the campaign were very successful. For the publicity campaign, supported by grants from the European Commission, a wide range of publicity material was produced by the member states and spread over Europe. Most employers, employers' federations, unions, intermediaries, but also a lot of workers were informed about the dangers in construction and the precautions to be taken. During the inspection campaign more than 36.000 sites all over Europe were inspected.

There is a strong belief that harmonization at EU level should not only concern legislation but also enforcement in order to meet the challenge of the Treaty. All with the aim of making European construction industry safer.

Chapter 2 refers to the Commissions' point of view regarding harmonization. This chapter, although theoretical and general applicable, forms the starting point for the inspection campaign.

Chapter 3 briefly explains the origin of the construction inspection and publicity campaign.

Chapters 4-6 set out the qualitative and quantitative results of the inspection and publicity campaign. Chapter 7 outlines the plans for 2004 and Chapter 8 sets out Recommendations for similar work in the future.

Based on the experiences of this campaign recommendations are formulated for future campaigns.

The annexes include a list of the members of the working group, the inspection form and additional information about the inspection campaign in 2003 and the overall results and charts of the inspection campaign 2003.

2. Introduction ¹

2.1 Background of occupational health and safety legislation

Prevention is the guiding principle for occupational health and safety legislation in the European Union. In order to prevent accidents occupational diseases EU wide minimum requirements for health and safety protection at the workplace have been adopted.

Instilling a culture of prevention rests on the double foundation that the minimum requirements provide a level playing field for businesses operating within the large European domestic market and provide a high degree of protection to workers, avoiding pain and suffering, and reducing the cost of occupational accidents and diseases to enterprises and the economy.

¹ The text of the introduction is largely derived from the communication report of the Commission: COM(2004) 62, on the practical implementation of the provisions of the Health and Safety at Work Directives 89/391 (Framework), 89/654 (Workplaces), 89/655 (Work Equipment), 89/656 (Personal Protective Equipment), 90/269 (Manual Handling of Loads) and 90/270 (Display Screen Equipment) and made suitable for the report on the European Construction Campaign 2003.

Statistical evidence as well as the national reporting on achievements point to an important improvement in terms of health and safety protection. They show that the implementation and application of the EU legislation played a crucial role in bringing down the figures. The data are convincing: a real structural change has been fostered. Preliminary estimations based on Eurostat data for 2000 highlight that the number of accidents per 100,000 workers, resulting in more than three days' absence from work, fell from 4,539 in 1994 to about 4,016 in 2000. The decline of this headline indicator clearly points to an improvement, even taking into account a shift in the economic structure and the typology of jobs as well as considering new risks. However, in absolute numbers, every year nearly 5 200 workers lose their life as a result of a work related accident. In total, there are still about 4.8 million accidents per year, about two thirds of which lead to an absence of more than 3 days at work. Almost 14% of workers suffered more than one accident in a year. Annually about 158 million days' work are lost.

High risk sectors as agriculture and construction industry are responsible for a disproportionate part of these figures. Construction is a particularly risky industry, with nearly 13 workers per 100.000 being killed in construction, as against five per 100.000 in the all-sector average². Concern about standards in this industry was, among other things, the reason for the Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile constructions sites.

A high level of protection of the safety and health of workers, which is the overriding objective of the Framework Directive 89/391 and Directive 92/57/EEC can only be achieved if all actors concerned in construction; client, designers, employers, workers, workers' representatives, national enforcement authorities, make the efforts necessary for an effective and correct application and engage in a co-operative interaction. The Communication from the Commission - Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006 contains clear indications in this regard.

The shift of paradigm imposed by the EU health and safety legislation – which mean to move away from a technology-driven approach to accident prevention towards a policy more focused on the organizational management of risk and human factors, is recognized as having had a major impact in the member states national systems. In transposing the Directives and their underlying principles, member states had to change from prescriptive detailed legislation to objective-driven law. This subsequently had repercussions in its interpretation by courts and in its enforcement.

Health and safety should be designed into construction, before, during and after the building phase. It is cheaper and easier to control the risks to workers in construction before work starts on site. Employers, with project supervisors, must co-operate to assess the risks and either eliminate them or put in place. Control measures to manage those risks that cannot be eliminated. Checks need to be made to ensure that the control measures are working and are meeting legal requirements. These aspects found their elaboration in the directive on temporary and mobile construction sites in the concepts of prevention, co-operation and co-ordination, by risk assessment, the preparation of a health and safety plan and appointment of coordinators.

As early as 1992, the Commission and member states initiated a series of actions, notably the 1992 European Year on Health and Safety at Work and the subsequent European weeks on health and safety as well as campaigns at national level to promote and raise awareness of new health and safety legislation and providing advice for the implementation of the directives at workplace

² Eurostat, Statistics in focus – Population and social conditions, Theme 3, 16/2001

level. Since its creation in 1994, the European Agency for Safety and Health at Work provides such information activities at the European level. Since the adoption of the directives, member states have undertaken extensive action plans intended to promote an active attitude towards prevention, to instill awareness of the concept of integrated prevention and develop practical guidelines to help employers and workers meet their obligations under the new legislation.

Despite the large volume of information material available, it has proved difficult to reach all target groups, in particular small- and medium-sized enterprises. The lack of understanding is explained by the nature of the provisions –establishing an objective – without providing at national level the appropriate information to help employers establish the adequate prevention plans addressing the risks detected in the risk assessment.

On the motivation of the employers, the only available empirical study as regards health and safety at work was carried out in the United Kingdom. It concluded that complying with the legal regulations is the most important reason for the employer to take new measures (80% of the employers). This so called ‘legalistic behavior’ is thus aimed at containing the implementation costs as low as possible to meet the legal requirements. However, there is also a group with a strong ‘intrinsic motivation’ and a group with an ‘external impetus’ to commit to occupational health and safety standards.

The implementation of the minimum requirements contained in the EU Directives across the European Union establishes a level playing field and prevent competition on low standards of working conditions. There are significant differences between the member states concerning the adjustments and investments that were needed for occupational safety and health due to divergent national levels of occupational safety and health before the implementation of the Directives.

The positive effects of investments into occupational safety and health tend to become tangible after a certain period, which calls for a cost-benefit analysis taking into account the short and long term dimensions. Therefore it is very difficult at the present moment to make any conclusive statements about the influence of occupational safety and health legislation on the competitiveness of the enterprises. For instance, in Scandinavian countries, the effects on the enterprises were very limited, given the prior standards already in place. In contrast, many enterprises in the Southern Europe, especially SMEs, needed to make more investments. As measures for the improvement of occupational safety and health in the beginning create more costs than benefits, the trade-off between costs and benefits needs time to become apparent.

As an overall conclusion, member states in their national reports generally indicate that health and safety at work measures contribute towards improved working conditions, boosting productivity, employment and competitiveness. Despite this, certain member states have made the point that they believe that the high level of protection at work and environmental protection create a situation which is not very competitive relative to Eastern European countries unless there is full transposition of the *acquis* and effective implementation in those states.

2.2 Organization and management of health and safety at work

Occupational health and safety protection is an ongoing and complex obligation, which requires a transparent and systematic approach. The management of occupational health and safety has to form an integral part of the overall management of the enterprise.

Increasingly complex work processes and changes in working conditions, together with the resulting new or changing types of risks, necessitate a new and comprehensive approach to health

and safety at work. Intelligent and methodical solutions are needed, which allow the employer to take account of occupational health and safety principles at all operational levels and for all activities and to convert them into appropriate measures. Such measures must play an increasingly important role in shaping working conditions, optimizing processes and procedures and influencing attitudes, so as to prevent work-related health hazards and further develop health promotion in organizations.

Very often enterprises justify the absence of health and safety management because of implementation costs. However, the legislator did not call for sophisticated management systems, but simply encouraged applying basic management principles to occupational health and safety. Many accidents on construction sites occur as a failure to observe simple safety precautions.

With the exception of large companies, there is a lack of proper organization and management of occupational health and safety considering it as an integrated feature throughout the organization. This constitutes an important obstacle for an adequate implementation of the health and safety legislation.

Over the last decade the average size of enterprises in the EU has been getting smaller with 90% employing less than 20 workers. Not only is the number of SMEs growing but there is also a huge turnover in these companies and an associated instability in labour conditions.

Most of these small firms also have an informal organizational structure. Often, the owner/manager of the firm manages all aspects of the business and has to deal with sales, marketing, finance, production, people, stock control and much besides – as well as being responsible for health and safety. Health and safety may often be seen as a costly extra rather than an integral part of managing a good business properly.

A key to reducing the level of accidents in these small firms must therefore be to successfully communicate all necessary information to those who run small businesses and persuade them that managing health and safety is an integral part of managing their business.

Unlike larger firms, many of the small firms have less history behind them and will not have experienced accidents. However, when accidents happen in very small firms, they often involve a worker who is a friend or relative and given the size of the company a key member of staff. Accidents may have severe consequences to the firm – possibly even putting it out of business.

A sector by sector comparison of small companies with larger companies in the same sector showed that risk levels were similar. The analysis performed showed that the risks were more dependent on the type of activity than on the size of the company. In other words, the size of a company is irrelevant for the intrinsic risk hazard.

Evidence shows that there are major shortcomings in complying with essential elements of EU Health and Safety legislation in SMEs, in particular as regards risk assessment, workers' participation and training, and these shortcomings are pronounced in the traditionally high risk sectors of agriculture and construction.

The main reasons for these low levels of compliance observed are ascribed to:

- lack of specific and comprehensible information and guidance
- poor ability and skills to manage health and safety
- lack of resources to ensure adequate basic training of staff and managers
- difficult access to specific and specialized competent technical assistance

When consulted on these issues, SMEs indicated that they can subscribe to these views. They also added the following comments:

- current legislation in health and safety assumed all companies had a management structure similar to large companies
- health and safety should cover all workplaces and all those who work (i.e. there should be no derogation based on small size)
- management skills (of which health and safety is seen to be a part) needed development
- all training must be at local level
- training and advice should be given by people who know the business and not by experts in “Ivory Towers”
- intermediaries, for example trade organizations, banks, insurance companies, etc. should play a major role in providing information and assistance
- there is no shortage of information available. What is needed is easily accessible, sector specific, targeted and jargon free information.

2.3 Enforcement of occupational health and safety legislation

To clarify misunderstandings and to correct any defective situation that may occur in the application of the legislation is an urgent task. Labour inspectorates have a crucial role to play here. According to Article 4 of the Framework Directive 89/391/EEC, member states should take the necessary steps to ensure that employers, workers and workers’ representatives are subject to the legal provisions necessary for the implementation of the Directive and, in particular shall ensure adequate controls and supervision. Therefore, consistent enforcement in all member states is essential not only to fulfill the obligations imposed by Article 4 of the Framework Directive but also to ensure that the provisions of the Directives are uniformly applied guaranteeing the same level of protection for workers throughout the European Union. It is therefore important to analyze the enforcement efforts of member states and the impact of the new EU legislation on the Labour Inspectorates and the efficiency of the enforcement action.

Traditional indicators used to measure the enforcement effort are the number of labour inspectors in each member state and the number of inspections performed per year. In the European Union, approximately 12 000 inspectors perform each year 1 400 000 inspections. The available data on the inspection effort and on the coverage of the working population (inspectors/working population) varies markedly from country to country depending on the socio-economic structure and the different nature of enforcement systems in place.

It is difficult to determine mathematically the efficiency of the Inspectorates action in terms of contribution to the reduction of occupational accidents and diseases. Only the effect of concrete actions like inspection campaigns or specific programs provide some indication of the effectiveness although even in those cases it is difficult to differentiate the effects due to awareness-raising from those produced by the improvement notices issued or sanctions applied.

It seems therefore essential that an appropriate methodology together with criteria and indicators for measuring the effectiveness of inspection are established at the European level. This would also provide an appropriate justification for the need of additional inspection resources. The

results of the work initiated in this area by the Senior Labour Inspectorates Committee (SLIC) are of particular importance.

The effectiveness of the Labour Inspectorates needs to be measured not only by the quantity and quality of inspections but also by their impact in the increasing of knowledge of actors and the changes brought about in attitudes and organization of companies for the improvement in the working environment. In particular, it is essential that the workers' and/or their representatives' right of appeal to the enforcement authority and the opportunity for the workers' representatives to submit their observations during inspections, are fully implemented.

The analysis performed shows that the action of the EU Labour Inspectorates actively contributes to the reduction of absenteeism due to occupational accidents and diseases but also to the behavioral changes of the actors of prevention at workplace level.

Some complaints received by the Commission provide some indication that improvements are still needed to improve inspection action as regards SMEs and high risk sectors of activity as well as to increase the dissuasive power of the improvement notices and other sanctions. In this sense, it would be advisable that the analysis between the proportion of sanctions proposed, imposed and confirmed is performed and the reasons leading to high disproportionality investigated.

A closer co-operation between the Labour Inspectorates and the judicial authorities would contribute to lower the proportion of unsuccessful proceedings or facilitate the application of sanctions in trans-national situations.

The co-ordination between the different authorities in charge of the different inspections at national level and the member states Labour Inspectorates need to be strengthened in order to ensure minimum standards of inspection across the EU. The Common Principles for Inspection of Health and Safety at the workplace established by SLIC should be the foundation for reaching effective and uniform enforcement of the EU Health and Safety legislation and avoiding competitive advantages for some companies.

The introduction of a form of "benchmarking" could be useful to overcome the observed and reported deficit of the activities of the enforcement authorities in some countries. However, it should be acknowledged from the outset that the enforcement authorities alone are not in a position to bring about equal conditions. Nevertheless, the labour inspectors have a crucial role to play as agents of change to promote better compliance, in particular in SMEs, first through education, persuasion and encouragement and through increased enforcement, where necessary. Also the use of guidelines, as indicated in the national reports can play a role in raising compliance.

It should be clear, however, that also in the future a certain degree of flexibility should be maintained to give the social partners and the persons responsible for occupational safety and health the necessary leeway and scope for adapting the implementation and application to a specific workplace. At the same time, it should be recognized that self-regulation and self-activation may not be equal to legal regulations and provisions. The experience made in, for instance, the Netherlands shows that the agreements between the social partners and other organizations alone may not suffice to guarantee the compliance with the provisions. Therefore, it will remain necessary for the independent enforcement authorities to have a continuing role in assuming that the objectives are met.

3. Construction Campaign

In order to increase the attention to health and safety in construction, the Senior Labour Inspectors Committee (SLIC) took the initiative to start a common campaign across member states. This initiative was supported by the European Commission.

A SLIC working group under Dutch chairmanship with participants from all the 15 EU member states was formed to plan and organise a European Construction Safety Campaign. In addition, Norway and Iceland joined the campaign and carried out site inspections, among other things.

The SLIC working group assembled for the first time in November 2001. When the campaign proceeded, it was agreed that the joint European construction campaign would be implemented in 2003 and preparations for the campaign would be made during 2002.

The working group was unanimous that the campaign should focus on certain concrete safety problems in construction, which were common to all EU countries. The most important issue was to prevent the risks of falling from height in construction work. Other serious problems were e.g. construction machinery and noise and dust. The prevention of falls was chosen as a central theme for the 2003 campaign.

It was noted that in all EU countries construction sites are shared workplaces with several employers where cooperation between the employers is especially important. The campaign should draw attention to the importance of the procedures of managing safety in building projects and the safety operations of all parties involved. Therefore, the campaign actions should be targeted at all parties in the construction sector as widely as possible. The so called social partners, such as labour market organisations, trade unions, insurance companies, etc. should commit themselves to implementing the campaign.

It was agreed that the campaign actions would be divided into an information and publicity section and a section of site inspections. The information and publicity section would start in spring 2003 and the inspections would be carried out in two-week sets in the second week of June and at the beginning of September. It was stated that this may be the first EU safety campaign for construction industry with site inspections which are carried out simultaneously and following the same pattern in all member states.

The working groups also agreed that application for support finance for the information and publicity section would be submitted to the Commission.

A common European basis was found in 'Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites'. The important elements of this directive are prevention, co-operation and coordination. These elements from the directive are linked in the inspection campaign to the specific problem of people falling from heights. The danger of falling is one of the most significant causes of accidents in the construction sector. Every year, thousands of employees in this sector in the countries of the European Union become the victims of such accidents, of which more than 1,300 are fatal. A lot of accidents are due to the temporary and mobile nature of the building site or are attributable to insufficient prevention, co-operation and co-ordination. These elements therefore formed the basis for the campaign. The inspection campaign was performed in two periods in June and September 2003. As there were no significant differences between the results of the two inspection periods the quantitative results and the qualitative results of both periods have been combined. The inspection form and the explanation are included in the annexes.

In anticipation of and in connection with the inspection campaign a publicity campaign was implemented in a number of countries. The publicity campaign focused on the entire construction chain from the customer via the architects to the construction company carrying out the work and lastly the employees and their environment. The focus of the inspection campaign was primarily on the situation at construction sites.

4. Inspection Campaign in Construction

4.1 Quantitative results

The next table shows the relation between size class and the amount of enforcement instruments used. Conclusion can be made that on bigger sites relatively more instruments are used than on smaller sites with an exemption for the use of on the spot fines and legal prosecution where the opposite is the case.

Size class	Number of sites	Verbal warning		Written warning		Cessation of work		Fine		Legal prosecution	
		number	%	number	%	number	%	number	%	number	%
unknown	108	143	132	44	41	6	5,6	2	1,9	0	0,0
1 -- 5	15990	3834	24	20714	130	1359	8,5	14094	88,1	481	3,0
6 – 20	14816	9235	62	20895	141	1496	10,1	9518	64,2	438	3,0
21 -- 50	3587	3017	84	5031	140	475	13,2	1358	37,9	115	3,2
> 50	1589	1545	97	2249	142	328	20,6	545	34,3	37	2,3
TOTAL	36090	17774	49	48933	136	3664	10,2	25517	70,7	1071	3,0

The results of the individual member states in the next table show that there is so much difference between the member states in enforcement policy that no other conclusions can be made other than to pose the question whether harmonization in enforcement policy is necessary.

Inspection results member state	Number of sites	Verbal warning	Written warning	Cessation of work	Fine	Legal prosecution
Belgium	732	340	308	29		2
Denmark	693	233	210	111	42	39
Finland	414	-	973	4	-	1
France	932	511	654	186	13	66
Germany	6489	9683	2971	400	158	0
Greece	2564	1122	2510	248	353	53
Iceland	166	175	232	4	0	1
Ireland	425	81	249	65	0	0
Italy	9721	-	18723	163	18647	322
Luxembourg	143	51	8	4	-	-
Netherlands	803	0	445	298	155	0
Norway	267	49	48	37	-	-
Austria	2381	-	1805	1	-	133
Portugal	965	63	564	847	1194	407
Spain	5780	5349	16483	644	4952	9
Sweden	814	117	384	29	3	7
United Kingdom	2801	-	2366	594	-	31
TOTAL	36090	17774	48933	3664	25517	1071

On the basis of the classification according to size range, one can conclude that the assumption that larger building sites ought to achieve much better scores than the smaller ones is true only to a limited extent.

With regard to compliance with the so-called system obligations from the Directive (compliance with the coordination obligation, health and safety plan, prior notification and health and safety file), there is a positive relation between the size of the site and the extent of compliance. Although on smaller sites the extent of compliance is more than 80% one can conclude that the larger building sites (> 50 employees) even clearly achieve much better scores, 90 – 98%

(see fig. 1. – fig. 4.).

Fig. 1. Appointment of Coordinators per size class on applicable sites

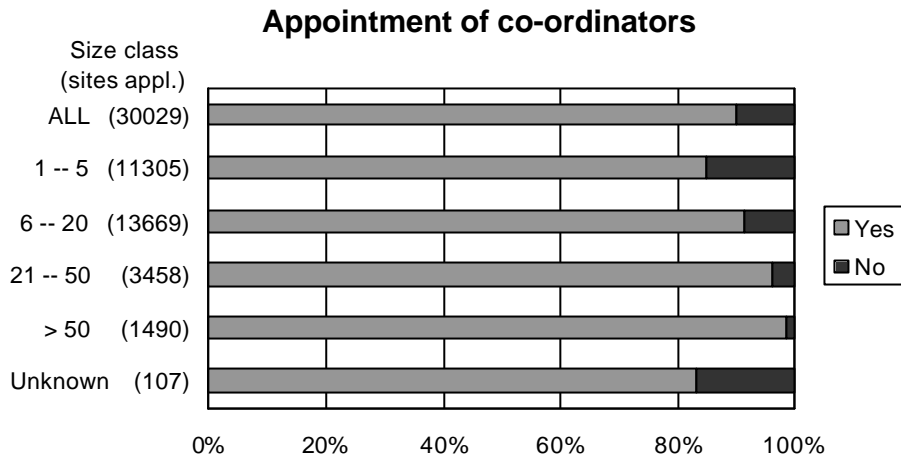


Fig. 2. Health and Safety plan per size class on applicable sites

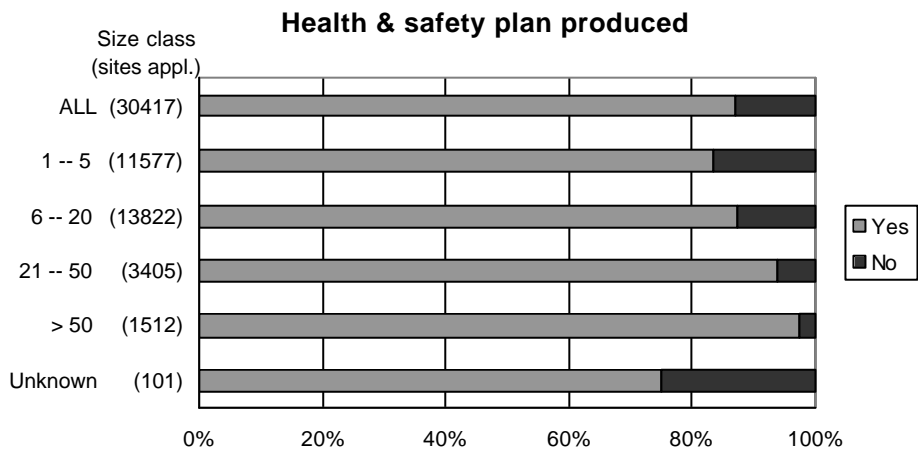
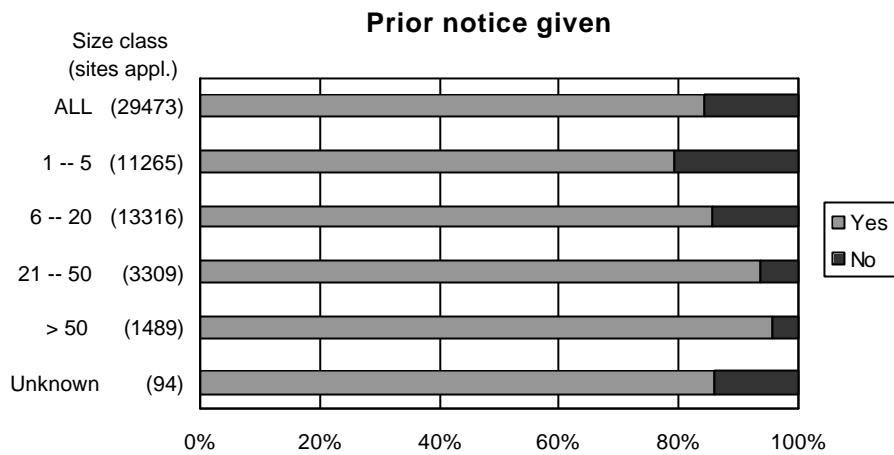
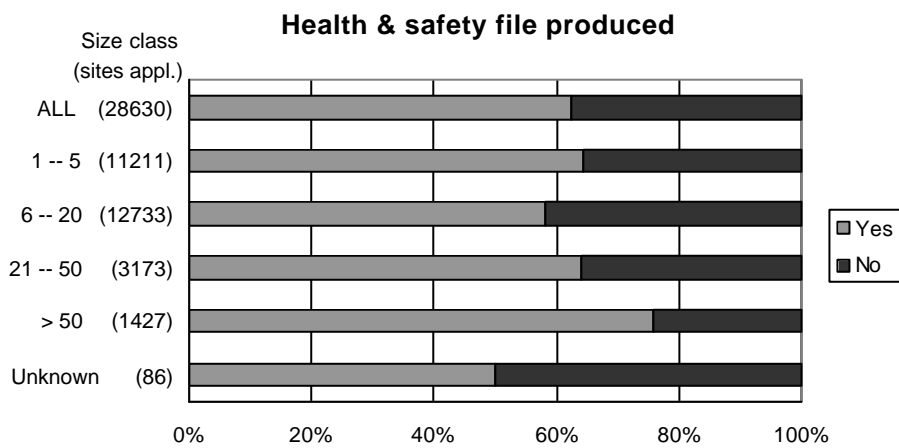


Fig. 3. Prior Notice per size class on applicable sites



With regard to the obligation in respect of the health and safety dossier, the question is to what extent this obligation has sufficient support (average infringement of ca. 40%) and whether the obligation should be reconsidered or given a different form (see fig. 4.).

Fig. 4. Health and safety file per size class on applicable sites



The concrete safety situation at the larger building sites may well be better than at smaller building sites but the level of compliance at 20–30% of these larger sites is insufficient (compared to 40–50% of the smaller building sites). (See fig. 5. – fig. 7.)

Fig.5. Identification of risks involving falls from height per size class on applicable sites

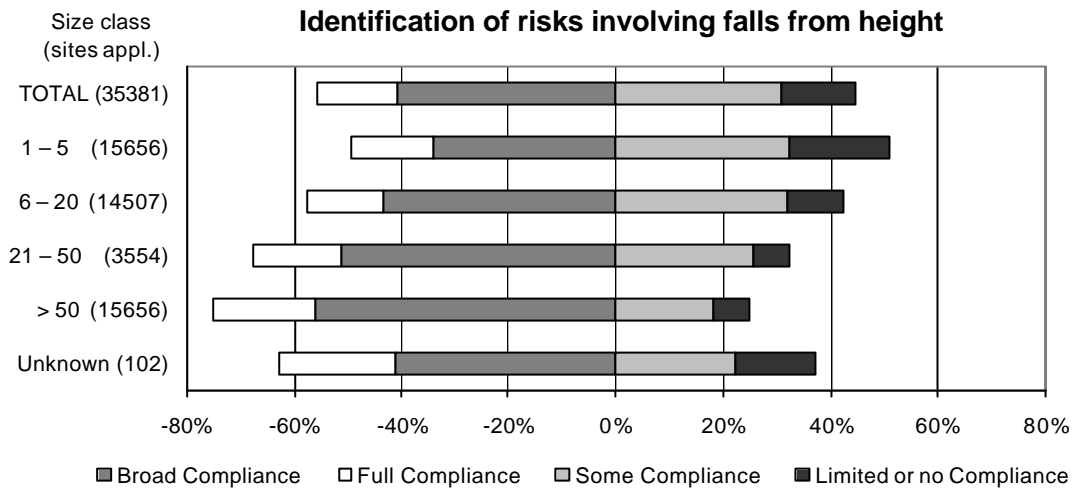


Fig. 6. Selection, use and maintenance of equipment per size class on applicable sites

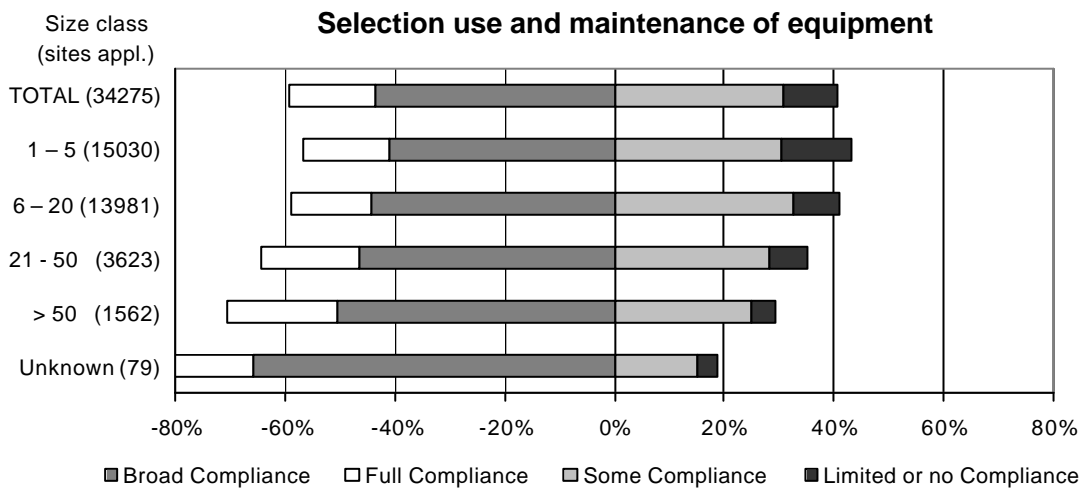
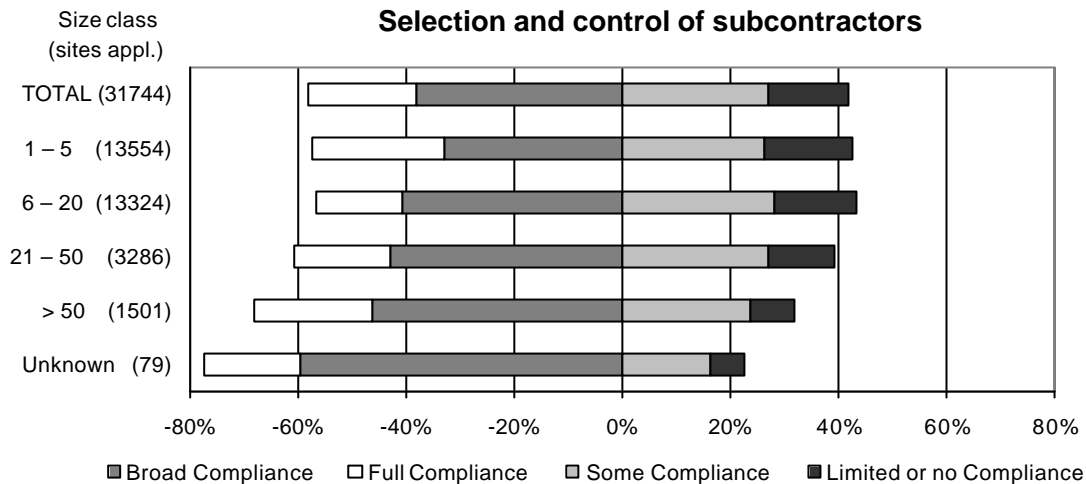


Fig. 7. Selection and control of (sub-) contractors per size class on applicable sites



The results of the various countries reveal a considerable spread of non compliance (see Annex, fig. 8 – 14). In addition to considerable differences in compliance, it is also noticeable that major differences exist with regard to the use of means of enforcement, which may be due to differences in inspection practices and culture. The information gained from the campaign can serve as a first step in the direction of understanding these differences which must under pin any drive to increase harmonization.

The initial results of the inspection campaigns do reveal that the campaign was badly needed and reconfirm the fact that the Labour Inspectorates need to focus on working conditions in the construction sector in Europe as a whole. The initial results easily justify the decision to repeat the campaign in 2004 and investigate whether the sector has learnt anything from the findings of the initial campaign.

A proposal to carry out the inspection campaign in the new member states in 2005 offers interesting opportunities to place the same issues firmly on the agenda in those countries. The campaign will show the extent of compliance with European and national obligations in Europe as a whole and in the various countries. The level of compliance clearly needs to be improved considerably in all countries. Companies are being given extra encouragement to improve working conditions and fulfill their obligations, in the interests of good working conditions for all employees in the construction sector in Europe.

4.2 Qualitative results

The quality of the coordination and planning of the safety and health aspects on construction sites was less than the quality of the technical provisions. Especially in smaller companies this forms the main problem. Where coordinators were present, they didn't always perform their duties, either because they lacked the necessary qualifications or time was not made available by the employer for this job. It's surprising that such high numbers of violations were found,

underlining the necessity of the focus from the labour inspectorates and the SLIC on the construction sector, but at the same time raising question marks on the effectiveness of the inspection activities until now.

Evaluation of this campaign in the absolute sense was never likely to be practicable. It was not possible to measure the situation beforehand to establish a baseline. No common criteria were developed for measuring the effectiveness of either the publicity campaign or the inspection campaign.

One method of evaluation would be to revisit the same company or site again after a certain period of time. However in some countries this is the standard procedure. But in other countries resources are not adequate for this, or it is accepted that in many situations the work is finished after a short period of time and a revisit would be to a completed project.

It is very important that the inspection activities and enforcement actions lead to structural changes in the companies.

In Germany the questions about the safety and health plan were developed further. The German report provides a good example for member states for the improvement of their activities on a systematic approach of safety and health on construction sites. The German inspection campaign investigated the relationship between the quality of the coordinator in the execution stage, the health and safety plan and the technical provisions on the sites. There proved to be a strong relationship between good quality of co-ordination, i.e. coordinator and health and safety plan, and good working conditions and technical provisions on the sites.

Differences between the June and September figures

Although there were some differences, most member states gave no significant differences between the June and the September figures.

In one country the figures for the second inspection period were slightly worse than those for the first inspection period. This might have been caused by a diminishing attention from the sector, as there had been a publicity campaign in 2002, organized by a joint industrial committee, - which is why the authority decided not to organize another publicity campaign.

In another country, where the same happened, this was explained by the life cycle of construction. A lot of construction work start in spring, so there would be more work at height after summer.

In some countries the results during the second inspection period improved. This might have been caused by the success of the publicity campaign. One country mentioned that the violations in the second period were less severe.

One country mentioned an improvement in the compliance of the system obligations, possibly caused by the publicity campaign, but at the same time a worsening of the factual situation, possibly caused by a greater focus from the inspectors on the risk of working at heights.

Harmonization of Enforcement

Most countries support the principle, at least as long term target, that not only the legislation, but also the enforcement should be harmonized for the reasons outlined previously. Most countries considered that this would be difficult, given all the structural, cultural and legal differences. One country however warned that this might not cause a worsening of the quality of the health and safety legislation and standards in some countries.

There still are many differences in legislation and enforcement procedures. That's why the results are not quite comparable.

Although the basic legislation is harmonized in all countries, there are still differences between countries in the detailed regulations and prescriptions, based on that legislation. In one country for example there is no legal obligation for a client to check the quality of the sub-contractors. One country suggested making an inventory of the different requirements, and making this public to international working companies.

Most countries accept or support the discretionary power of the inspectors using the different legal instruments. Some countries have codes of practice, which should be followed by the inspectors. There the inspectors have less or no hope to deviate from the standard procedures. Of course there will always be some subjectivity in the judgment of the inspectors in certain cases.

A lot of countries are not using or recording the instrument of verbal warnings. They only have written warnings or other formal legal instruments. On the other hand, in some countries the inspectors consider themselves to be advisers as well as law enforcers. They only use legal instruments in very severe situations. Normally the verbal warnings are not counted.

Some countries use on-the-spot fines, while other countries have to start legal procedures, which can last for several years, before a case gets a final judgment. Some inspectors may have reservations starting a legal procedure, caused by the administrative burden, the time involved and the uncertainty of the results.

Some countries prepare a report for every violation on a construction site and are counting them separately, while others combine all the violations on one site in one letter.

Also the number of inspectors is very important. If the risk of getting caught is very low, the fines should be very high and the legal procedures should be effective. Some countries suggested that the number of inspectors available for surveillance of construction sites should be analyzed. In Finland for example there are 50 inspectors for 3000-4000 construction sites a year, so in one month about 10% of all sites can be inspected. In Belgium on the other hand there is only one safety inspector for about 3000-4000 construction sites. So in one month less than one percent of the construction sites can be inspected.

The challenge is, as stipulated by one of the member states: "To get the best of the best and get rid of the rest".

Enforcement instruments

On-the-spot fines and cessation of work are very effective instruments. Most countries think that verbal warnings are not that effective. More severe instruments and direct working instruments seem to be the most effective. Publicity about the use of enforcement instruments i.e. cessation of work might also be very effective. But it was also emphasized that it was important not to use more severe instruments than the situation requires.

Cessation of work is especially effective with larger firms. Such firms also react better to written instruments. Larger companies are more receptive to a systematic and written approach as most of them have a more structured management policy and arrangements in place. Smaller companies may have less resources and less experience in working conditions and they may have more need for help than correction. A fine will hit a small company harder, but the risk of getting caught is much lower. Some inspectors may have reservations fining a small company.

Characteristics of construction sites, structural problems

Construction sites have structural features, which are relevant for inspection activities.

These include

- Normally they work for a short period on one place, on a mobile workplace
- Companies have to cooperate every time with different companies or sub-contractors
- There has been a larger number of mergers of big companies
- At the same time a lot of very small specialized companies were set up, some of them existing only for a very short period of time
- There are a lot of foreign workers, not able to communicate with their colleagues
- The situation on a construction site differs from day to day
- The kind of client, private person, company or government
- The kind of building under construction, sky-scrapers, tunnels, bridges, demolition, housing, factories, roads
- The number of workers and companies involved on a construction site
- The lack of competent craftsmen
- The lack of interest in safety and health on several levels, people paying lip-service
- Heavy competition sets pressure on costs and deadlines

The qualitative results can be an input for future activities and campaigns.

5. Publicity Campaign in Construction

The publicity campaign in the countries varied from country to country and was tuned to the local situation. Most countries used folders, brochures and direct mail. Also technical aids were developed. The flyer and fact sheets which were developed in co-operation with the Bilbao agency were also used in some member states. Also written press and radio and television were called in. Sometimes advertisement in newspapers was used. Besides direct mail to a lot of employers, most countries used intermediaries such as branch organizations, including architects and designers. One country reported also schools as target group for the publicity campaign. Another country sent the information material to the local communities, to the planning departments, who are responsible for the inclusion of the Safety and Health plan in the submitted dossier for licensing construction works. These intermediaries informed their members among other things by articles in their journals. A lot of information was made available on websites. There were seminars, symposia and presentations during fairs. One country organized a contest for good practices and rewarded three companies. In a lot of cases politicians were involved at the start-up. In one word, the publicity campaign was impressive.

The effect of the publicity is however difficult to measure. In Sweden the effectiveness of the campaign was measured. Direct mail and the spread of folders, brochures, flyers and fact sheets seemed to be very successful. Advertisement in newspapers appeared to have less effect but higher costs.

The publicity campaign had an awareness raising effect. This effect might be temporarily.

In most countries the social partners were strongly involved in the publicity campaign. They were also informed about the inspection campaign. The results must still be discussed in some cases. The priorities of these common campaigns are underlined. Social partners were impressed by the number of inspections and the number of offences to the regulation.

6. Added Value of the EU-campaign

The EU-campaign in construction was held in all member states of the European Union and Norway and Iceland. It was the first time such a campaign was held in Europe. At the same time, covering the same industry and the same subject. This was of great value for the publicity campaign and the inspection campaign this was of great value. The foregoing publicity was effective in the way that inspectors were expected on the sites and their actions were more accepted. Nevertheless the results did not reflect remarkable positive effects on the fulfillment of the regulations.

Most countries see an added value from the common campaign, not only from the publicity campaign, but also from the inspection campaign as a step to further harmonization. It will be a challenge to develop criteria to measure the effectiveness of publicity campaigns and enforcement instruments.

Besides the positive effects of a European perspective, the campaign had also very positive results for some member states in their own country. The co-operation for example between Ireland and the UK was very good, and people were surprised that the same campaign went on in both jurisdictions in Ireland. In Luxembourg a great number of workers are coming from foreign countries and a lot of companies from abroad are working in Luxembourg. Normally the authority can only take action against companies with a siege in Luxembourg. In this case however, the authority also addressed themselves to companies without a siege in Luxembourg. In countries with more autonomy for provinces, like the autonomous provinces in Spain and the Bundesländer in Germany, the campaign stimulated the internal co-operation. In Italy the campaign stimulated the co-operation between the regions and the Ministry. One country mentioned that the inspectors normally didn't used formats or checklists during inspections, but that they appreciated it very much. Another country reported that the inspectors found a lot of companies, which were not officially registered.

A lot of people were interested in the results of their neighbors and other countries. Unfortunately it was not possible to present quickly comparable results.

7. Plans for 2004 and beyond

The inspection campaign in construction will be repeated in 2004.. The inspection lists used for the campaigns in 2003 will be extended to include questions on the safe use of heavy machines that are often the cause of building site accidents. The focus is on falls from height, falling objects and workplace transport and machines used in these topics. Reference will be made, where appropriate to the so-called Machine Directive.

After the Union has been enlarged to include ten new member states, consideration will be given to repeat the campaign in the new member states. It will not be possible to carry out inspection campaigns in those countries until 2005 at the earliest. The construction sector as well as the inspectorates in those countries first has to adapt more to the European regulations. As far as the current member states are concerned, the European Week of Health and Safety at Work (which in

2004 will be devoted entirely to the construction sector) constitutes the conclusion of the European construction campaign. This Week could also serve as a point of departure for the inspection campaigns in the new member states. The information material developed may be extremely useful as regards the setting up of publicity campaigns in the new member states as well. All with the aim of making European construction industry safer.

8. Recommendations

8.1 General recommendations for setting up future campaigns

The results from the publicity campaign, overwhelming as they were, show that the modus operandi was very efficient. There is no need for further harmonization with regards to publicity. Member states will use their own creativity and best practices, using also the experiences and good examples from other countries, to get the message in the flood light. The material produced by the Bilbao Agency was helpful to some member states, so this could be a recommendation for future publicity campaigns, especially in the new member states.

For inspection campaigns the following recommendations can be made:

- The opportunity should be taken to improve further harmonization of enforcement. By choosing a limited number of items, an effort can be made to get agreement on the enforcement procedures for example for the most severe cases.
- There is a common feeling that juridical procedures must be shortened. On the spot fines and cessation of work are the most effective instruments. It is recommended inspectorates in all member states should have the possibility to use these instruments in the same way with as little 'paperwork' as possible. The most effective systems of enforcement are to be introduced in all member states.
- It is very important that the inspection activities and enforcement actions lead to structural changes in the companies. It might be worthwhile to develop a measuring method at a European level, to compare the safety level in the various countries and to estimate the effectiveness of publicity or different enforcement actions. In Finland a so-called TR-method (safe-construction) is used by inspectors for estimating the safety level at construction sites and the changes in it. The index varies from 0, no compliance, till 100, full compliance. Inspectors are trained in using this method.
- Although inspectors must have a certain freedom of control, the starting points in relation to helping, advising or enforcement could be more harmonized.
- The inspection campaigns should have a clear common goal. The main topic should be recognized as such by all member states. There should be a certain consensus about the most effective ways of prevention. The number of inspection items should be limited to be practicable for member states and inspectors.
- The campaign should be well prepared. It might be useful to use EU-resources for preparing draft proposals and producing supporting material. Taking into account the decision making process in the EC, and the necessary elaboration by the member states, the preparation should start at least one year before the intended start of the inspection campaign. The inspection periods should be commonly defined. The time schedule for delivering material to the member states and for reporting of the results by the member states should be strictly followed.

- Although member states are free in selecting the number of sites or companies to be inspected, depending on their resources, there should be a certain bottom line in the percentage of sites to be inspected to make results between member states comparable.
- The campaign should be elaborated in such detail that employers and employees will face the same demands in inspections. Equal situations should be treated equally. Common principles regarding collective prevention versus personal protective equipment should be applied equally.
- The involvement of federations of employers and unions can be very helpful to support the inspection campaign and to increase the effectiveness. The Bilbao Agency might be helpful in this regard. The results of inspection campaigns should be made public, using these intermediates or directly.
- The representatives from the member states must act as a peer group. There is a strong need for transparency. What was done in each member state, how and what were the results? During common meetings, seminars or symposia there should be the opportunity for an exchange of views. Also the SLIC Exchange program for inspectors could be very helpful in this regard.

-

8.2 Specific recommendations for construction industry

- Ongoing attention for health and safety in construction industry is necessary. Therefore it is recommended to repeat periodically the common actions in construction all over Europe. The topics may change every time. In co-operation with the Bilbao Agency topics can be chosen as well for publicity as for inspection actions, under use of good analysis and statistics. The campaigns in 2003 and 2004 were aimed with the safety issues and organizational aspects. Serious health problems should be taken into consideration for future inspection campaigns.
- A possibility to improve the dangerous working conditions on construction sites could be an agreement between authorities and social partners. For example in Denmark the Ministry of Employment agreed with the social partners to reduce the number of reported serious accidents in the period from 2002 up until 2005 with 15%. This was seen as a common responsibility.
- As construction is a risky sector in whole Europe, extending of the actions in 2005 to the new member states is recommended. All the gathered material of the 2003- and 2004-campaign can be made available for the new member states. SLIC can decide to help the new member states in setting up such publicity and inspection campaigns and to use the exchange possibilities for training of inspectors in construction from the new member states.

ANNEX 1

Members of the working group European Construction Campaign (March 2004)

Mr. Jan BLOK (Chairman, NL)
Mr Peter BERNSTEINER (AU)
Mr Milles RAEKELBOOM (BE)
Mr Volker STEINBORN (DE)
Mr Jorgen ANDERSEN (DK)
Mr Esa VIRTANEN (FI)
Mr Robert PICCOLI (FR)
Mr Alexandros KARAGEORGIOU (GR)
Mr Jim HEFFERNAN (IRE)
Mr S. SIGURDSSON (IS)
Mr Mariano MARTONE (IT)
Mr. Claude SCHUH (LUX)
Mr. Piet-Jan OP DE HOEK (NL)
Mr Raimundo ARAGON BOMBIN (SP)
Mr Kevin MYERS (UK)
Ms. Eli FJELD (NO) (replacing Mr. N.-P. WEDEGE)
Mr. Paulino PEREIRA (PT)(replacing Mr. J.M. SANTOS)
Mr. Edoardo LEANDRO (PT)
Ms. Maud GRANSTRÖM (SW) (replacing Mr. P.O. LINDSRÖM)

European Commission:

Mr Jean-Marie DE CONINCK

ANNEX 2 Inspection campaign 2003, inspection form and additional information

1. General information

<i>Report period</i> (June 2003, Sept 2003)	
<i>Inspection results of member state</i> (name)	
<i>Size class of the site</i> (1-5; 6-20; 21-50; >50)	
<i>Number of sites inspected in this size class</i>	

2. Compliance in this size class (number of sites)

	Full compliance	Broad compliance	Some compliance	Limited or no compliance
<i>Identification of activities and precautions involving falls from height</i>				
<i>Selection, use and maintenance of equipment</i>				
<i>Selection and control of contractors</i>				

3. EU Directive (92/57/EEC), Compliance in this size class (number of sites)

	Yes	No	N/A
<i>Appointment of Coordinators</i>			
<i>Health & Safety Plan</i>			
<i>Prior Notice Given</i>			
<i>Health & Safety File Produced</i>			

4. Number of enforcement instruments used in this size -class

<i>Verbal Warning</i>	
<i>Written Warning / Advise</i>	
<i>Cessation of Work</i>	
<i>Fine</i>	
<i>Legal Prosecution</i>	

Assessment Scale			
The risk control indicator should be assessed against the following 1-4 scale. A score of 1 must satisfy all appropriate criteria of the risk control indicator. ³			
1	2	3	4
Full compliance in areas that matter	Broad compliance in areas that matter	Some compliance in areas that matter	Limited or no compliance in areas that matter
a. Identification of activities and precautions involving falls from height		Risk assessment by the duty holder, hierarchy of controls are in place with communication of control measures to the workforce in accordance with Directive 92/57/EEC ⁴	
b. Selection, use and maintenance of equipment		Consider all access equipment including MEWPS ⁵ , hoists, ladders, fall arrest & restraint, nets, edge protection, etc	
c. Selection and control of contractors		Duty holders know how to screen potential contractors as required under Directive 92/57/EEC and actively monitor work ⁶	

Obligations from EU Directive (92/57/EEC)				
	Yes	No	N/A	Remarks
Appointment of Coordinators				
Health & Safety Plan				
Prior Notice Given				
Health & Safety File Produced				

³ As an aid, each duty holder must follow the hierarchy of risk control: eliminate, control, personal protective equipment.

⁴ Temporary or Mobile Construction Sites Directive. 92/57/EEC

⁵ Mobile Elevated Work Platforms

⁶ The rating should be carried out for clients, principal & main contractors but is NOT applicable for small subcontractors.

APPENDIX 3 Quantitative results inspections 2003

Table 1. Number of enforcement instruments used (size class)

Size class	Number of sites	Verbal warning	Written warning	Cessation of work	Fine	Legal procecution
unknown	108	143	44	6	2	-
1 -- 5	15990	3834	20714	1359	14094	481
6 – 20	14816	9235	20895	1496	9518	438
21 -- 50	3587	3017	5031	475	1358	115
> 50	1589	1545	2249	328	545	37
TOTAL	36090	17774	48933	3664	25517	1071

Table 2. Number of enforcement instruments used (Memberstates)

Inspectionresults Memberstate	Number of sites	Verbal warning	Written warning	Cessation of work	Fine	Legal procecution
Belgium	732	340	308	29		2
Denmark	693	233	210	111	42	39
Finland	414	-	973	4	-	1
France	932	511	654	186	13	66
Germany	6489	9683	2971	400	158	0
Greece	2564	1122	2510	248	353	53
Iceland	166	175	232	4	0	1
Ireland	425	81	249	65	0	0
Italy	9721	-	18723	163	18647	322
Luxembourg	143	51	8	4	-	-
Netherlands	803	0	445	298	155	0
Norway	267	49	48	37	-	-
Austria	2381	-	1805	1	-	133
Portugal	965	63	564	847	1194	407
Spain	5780	5349	16483	644	4952	9
Sweden	814	117	384	29	3	7
United Kingdom	2801	-	2366	594	-	31
TOTAL	36090	17774	48933	3664	25517	1071

Table 3. Compliance in size class (number of sites)

Size class	Identification risks etc.			Selection, use and maintenance equipment			Selection and control (sub)contractors		
	appl	no	%	appl	no	%	appl	no	%
unknown	102	38	37.25	79	15	18.99	79	18	22.78
1 -- 5	15656	7965	50.88	15030	6493	43.20	13554	5773	42.59
6 -- 20	14507	6175	42.57	13981	5728	40.79	13324	5764	43.26
21 -- 50	3554	1152	32.41	3623	1281	35.36	3286	1293	39.35
> 50	1562	389	24.90	1562	459	29.39	1501	478	31.85
TOTAL	35381	15719	44.43	34275	13976	40.78	31744	13326	41.98

Table 4. Compliance in all size classes (Memberstates)

Inspectionresults Memberstate	Identification risks etc.			Selection, use and maintenance equipment			Selection and control (sub)contractors		
	appl	no	%	appl	no	%	appl	no	%
Belgium	707	291	41.16	709	308	43.44	662	239	36.10
Denmark	686	200	29.15	688	188	27.33	670	185	27.61
Finland	414	119	28.74	416	124	29.81	414	80	19.32
France	808	567	70.17	750	536	71.47	415	302	72.77
Germany	6200	1813	29.24	5089	1256	24.68	5076	1778	35.03
Greece	2564	1120	43.68	2564	1135	44.27	2564	1548	60.37
Iceland	92	28	30.43	167	38	22.75	89	14	15.73
Ireland	405	198	48.89	418	145	34.69	405	192	47.41
Italy	9721	5365	55.19	9721	3791	39.00	9038	2183	24.15
Luxembourg	143	41	28.67	143	47	32.87	143	61	42.66
Netherlands	765	368	48.10	768	334	43.49	427	177	41.45
Norway	254	120	47.24	257	132	51.36	249	83	33.33
Austria	2381	752	31.58	2381	651	27.34	2381	1771	74.38
Portugal	972	626	64.40	1051	658	62.61	924	502	54.33
Spain	5780	2805	48.53	5748	3217	55.97	5727	3196	55.81
Sweden	772	252	32.64	695	205	29.5	450	157	34.89
United Kingdom	2717	1054	39.79	2710	1211	44.69	2110	858	40.66
TOTAL	35381	15719	44.43	34275	13976	40.78	31744	13326	41.98

Table 5. Compliance aspects of Directive 92/57/EC (size class)

Size class	Appointment of Coordinators			Health- and Safetyplan			Prior Notice			Health- and Safetyfile		
	appl	no	%	appl	no	%	appl	no	%	appl	no	%
Unknown	107	18	16.82	101	25	24.75	94	13	13.83	86	43	50.00
1 -- 5	11305	1685	14.90	11577	1944	16.79	11265	2318	20.58	11211	3965	35.37
6 -- 20	13669	1170	8.56	13822	1721	12.45	13316	1916	14.39	12733	5327	41.84
21 -- 50	3458	123	3.56	3405	212	6.23	3309	219	6.62	3173	1137	35.83
> 50	1490	19	1.28	1512	40	2.71	1489	65	4.37	1427	342	23.97
TOTAL	30029	3015	10.04	30417	3943	12.96	29473	4531	15.37	28630	10814	37.77

Table 6. Compliance aspects of Directive 92/57/EC (Memberstates)

Inspectionresults Memberstate	Appointment of Coordinators			Health- and Safetyplan			Prior Notice			Health- and Safetyfile		
	appl	no	%	appl	no	%	appl	no	%	appl	no	%
Belgium	661	54	8.17	677	102	15.07	653	121	18.53	609	230	37.77
Denmark	451	31	6.87	437	42	9.61	485	30	6.19	597	183	30.65
Finland	404	39	9.65	416	123	29.57	354	25	7.06	343	102	29.74
France	566	69	12.19	527	85	16.13	517	91	17.60	430	115	26.74
Germany	6340	595	9.38	6161	1336	21.68	5920	552	9.32	5441	3073	56.48
Greece	1626	686	42.19	2334	482	20.65	2026	941	46.45	2480	726	29.27
Iceland	125	36	28.80	122	65	53.28	126	73	57.94	129	92	71.32
Ireland	392	70	17.86	383	98	25.59	389	98	25.19	349	164	46.99
Italy	7568	301	3.98	7568	378	4.99	7821	523	6.69	7089	804	11.35
Luxembourg	83	15	18.07	83	18	21.69	94	31	32.98	92	52	56.52
Netherlands	362	42	11.6	396	49	12.37	329	44	13.37	312	93	29.81
Norway	245	22	8.98	255	38	14.90	250	73	29.20	236	74	31.36
Austria	2175	248	11.40	2059	288	13.99	2060	271	13.16	2187	799	36.53
Portugal	785	290	36.94	940	109	11.6	594	283	47.64	776	485	62.5
Spain	5085	371	7.30	5453	534	9.79	5242	1182	22.55	5152	3576	69.41
Sweden	684	45	6.58	682	93	13.64	580	86	14.83	440	76	17.27
United Kingdom	2477	101	4.08	1924	103	5.35	2033	107	5.26	1968	170	8.64
TOTAL	30029	3015	10.14	30417	3943	12.96	29473	4531	15.37	28630	10814	37.37

APPENDIX 4 Quantitative results inspections 2003, charts

Fig. 8.

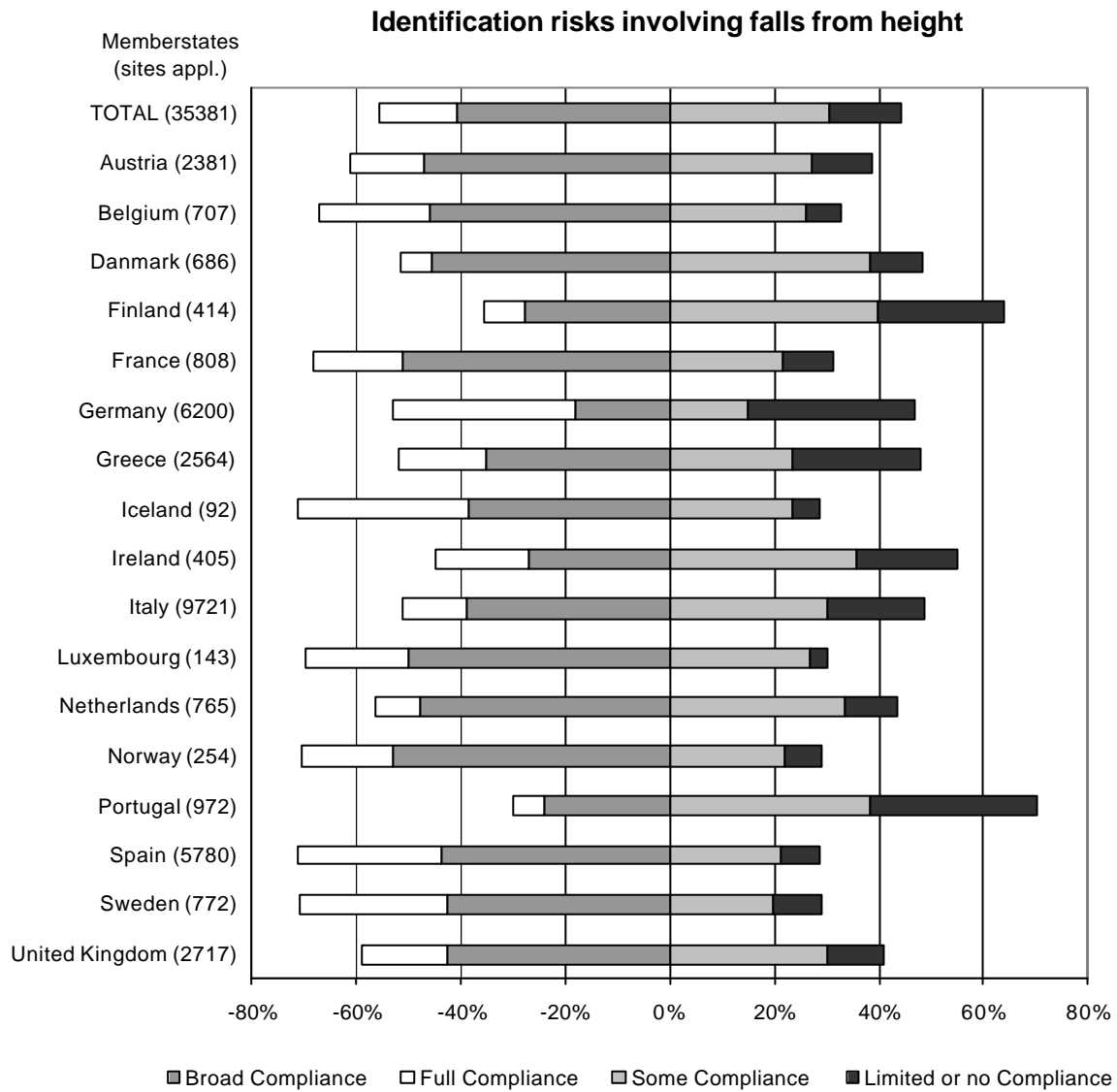


Fig.

9.

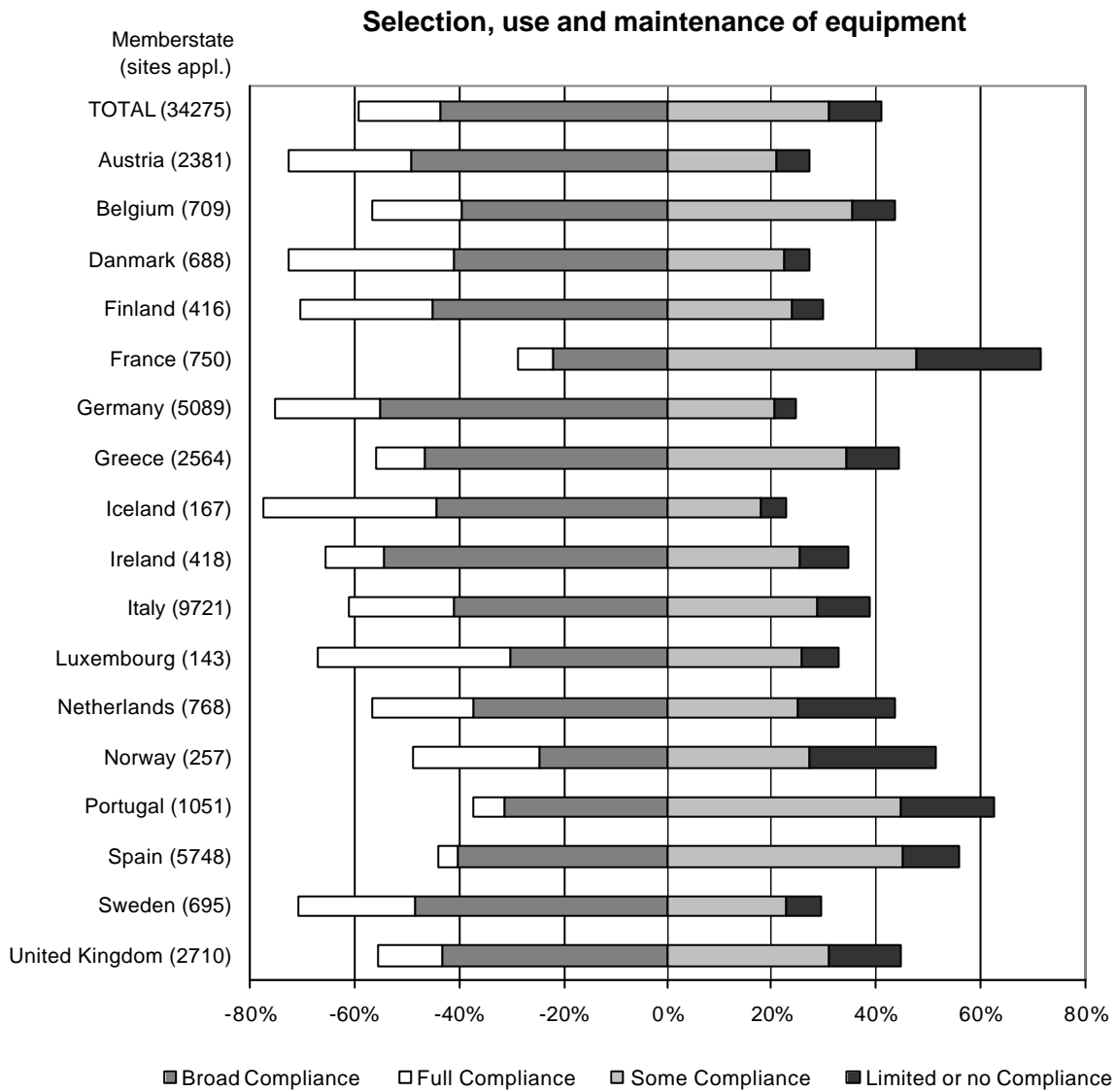


Fig. 10

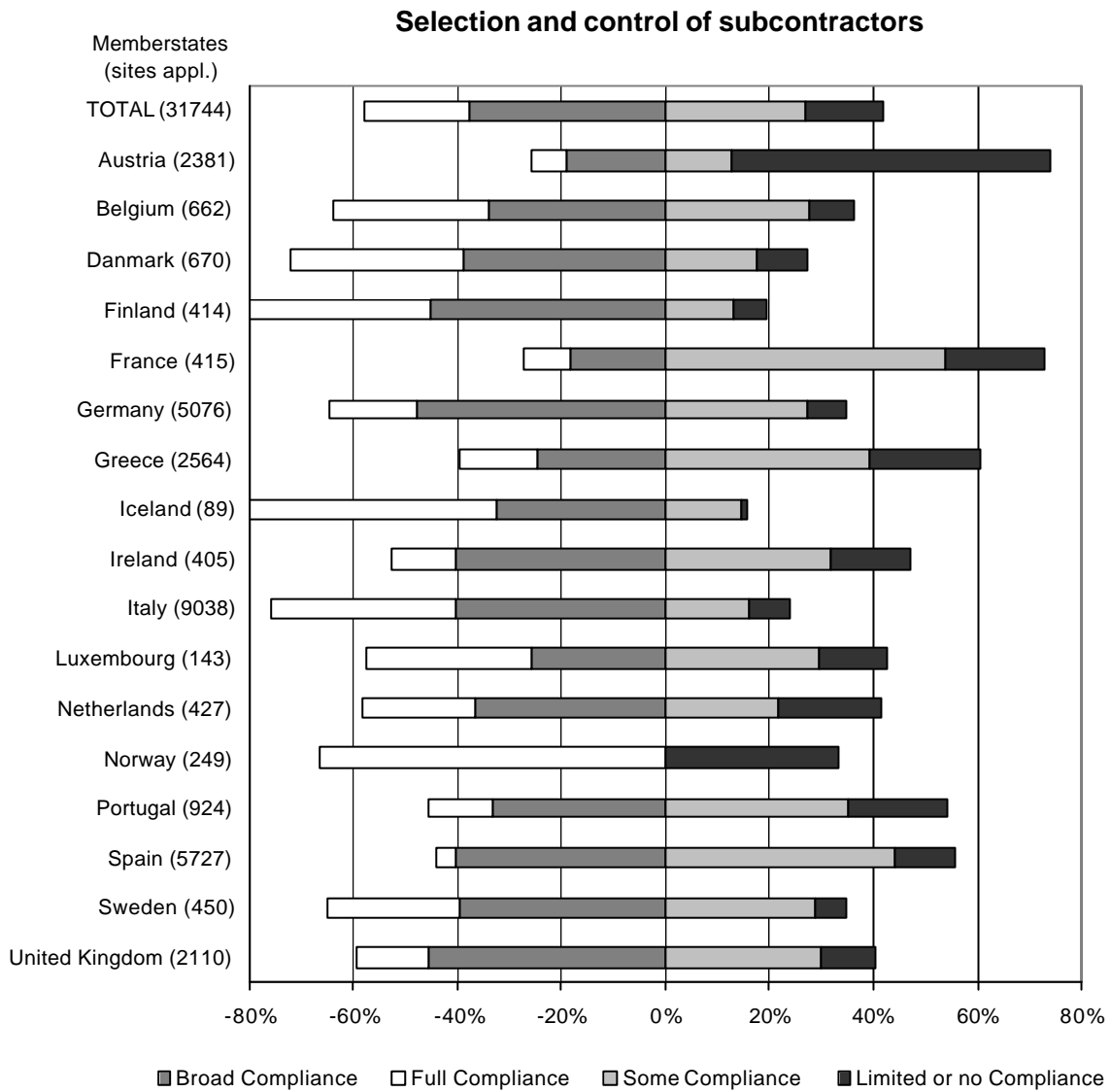


Fig. 11.

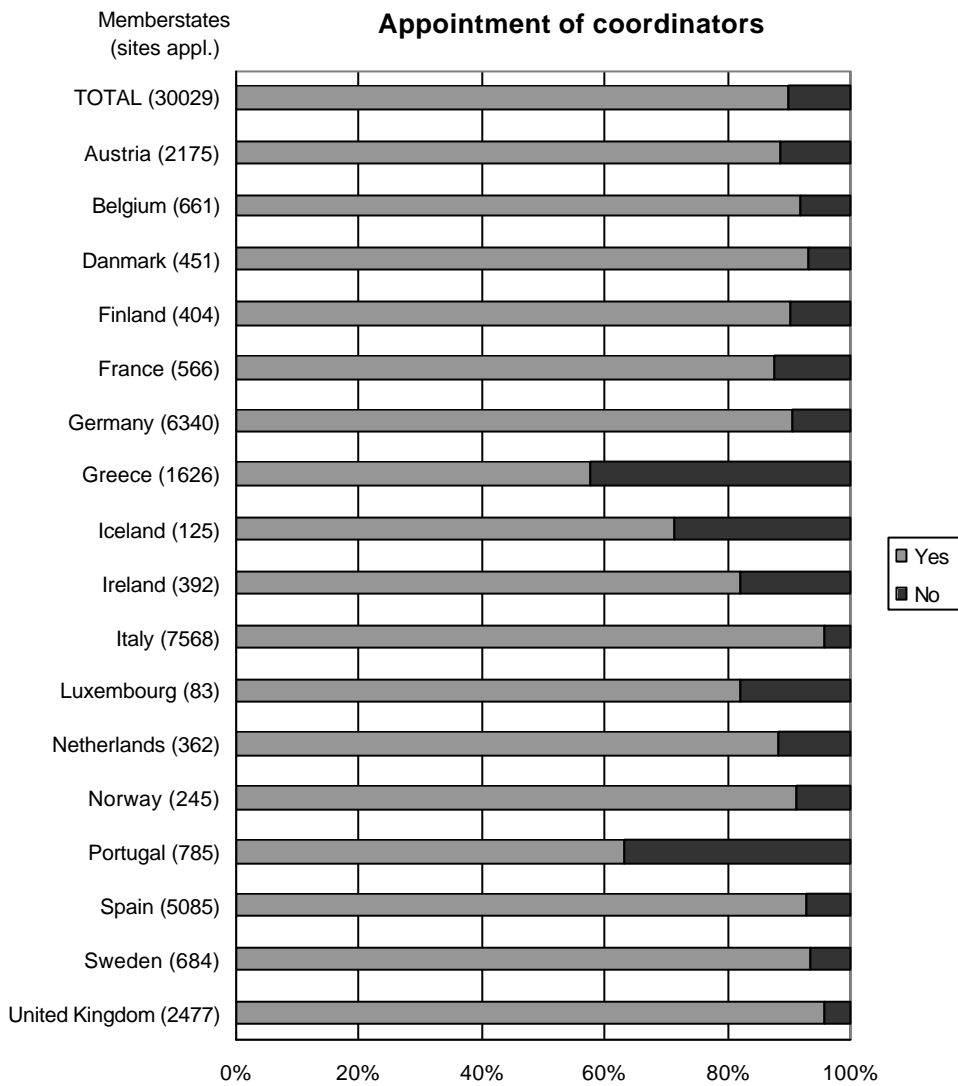


Fig. 12.

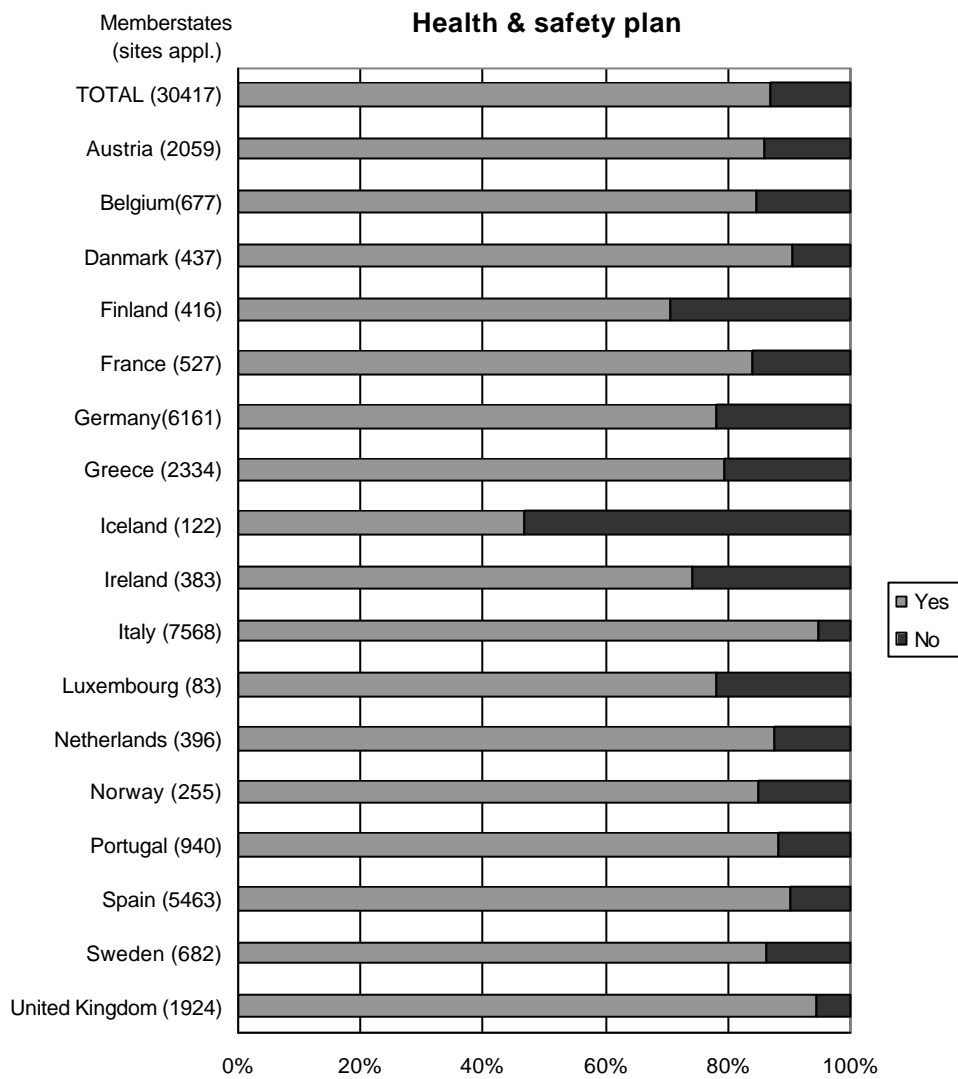


Fig. 13.

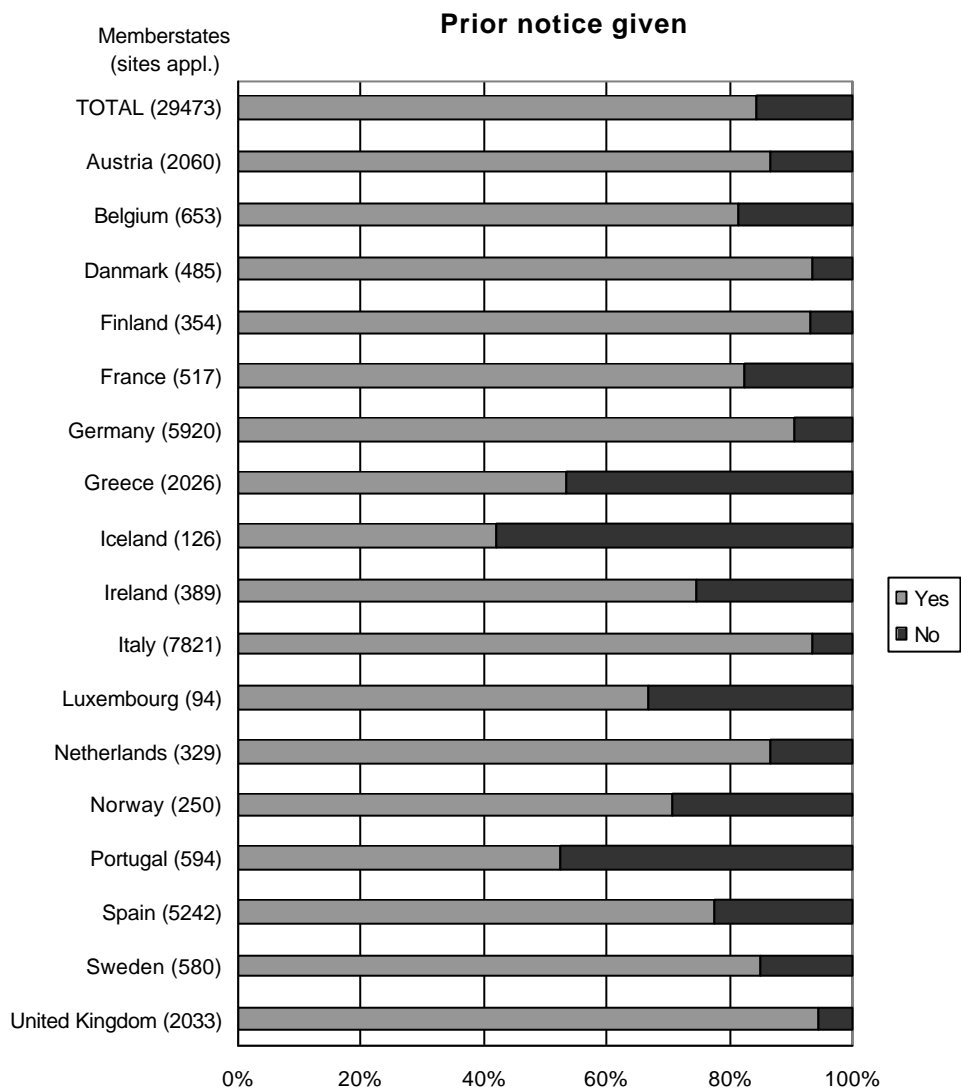


Fig. 14.

