

# Labour Inspectorates and enforcement of OSH: what we know and what we do not know about CEE

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## Fatal work accidents – incidence rate (per 100 000 employees)

	<b>LATVIA</b>	<b>ESTONIA</b>	<b>LITHUANIA</b>	<b>EU-15</b>	<b>EU-27</b>
<b>2008</b>	<b>6.19</b>	<b>3.2</b>	<b>6.62</b>	<b>2.68</b>	<b>3.1</b>
<b>2009</b>	<b>3.99</b>	<b>3.09</b>	<b>5.4</b>	<b>2.31</b>	<b>2.56</b>
<b>2010</b>	<b>3.39</b>	<b>3.82</b>	<b>4.81</b>	<b>2.35</b>	<b>2.61</b>
<b>2011</b>	<b>6.13</b>	<b>3.53</b>	<b>4.83</b>	<b>2.42</b>	<b>2.64</b>
<b>2012</b>	<b>5.25</b>	<b>1.85</b>	<b>6.26</b>	<b>2.19</b>	<b>2.4</b>
<b>2013</b>	<b>4.46</b>	<b>3.49</b>	<b>5.0</b>	<b>2.11</b>	<b>2.26</b>
<b>2014</b>	<b>5.96</b>	<b>2.16</b>	<b>5.56</b>	<b>2.17</b>	<b>2.34</b>
<b>2015</b>	<b>4.14</b>	<b>2.52</b>	<b>4.29</b>	<b>2.2</b>	<b>2.38</b>

# Literature on enforcement capacity in the new MS: 3 stages

- **Pre-accession stage** (*Acquis* Chapter 13: Employment and social policies): enforcement capacity acknowledged by *Europeanization literature*
- **EU post-conditionality:**  
enforcement capacity slowly disappears from *Europeanization literature* (among exceptions Falkner et al. 2008 = the «world of dead letters» ?  
→ though, not only the new MS!)  
  
traditional *regulatory enforcement literature* = never really got there
- **Economic/financial crisis (and after ?):** mostly focus on LL and not so much on OSH

## **Enforcement capacity: Inspector per 10 000 workers**

ILO suggests:

- Transition economies: should approach 1 inspector per 20 000 workers
- Industrial market economies: should approach 1 per 10 000 workers

## **Enforcement capacity in the Baltic States: Inspectors per 10 000 workers, 2004-2014**

	<b>LATVIA</b>	<b>ESTONIA</b>	<b>LITHUANIA</b>
<b>2004</b>	<b>1.046</b>	<b>0.873</b>	<b>1.614</b>
<b>2007</b>	<b>1.657</b>	<b>0.625</b>	<b>1.503</b>
<b>2008</b>	<b>1.117</b>	<b>0.746</b>	<b>1.543</b>
<b>2009</b>	<b>1.225</b>	<b>0.772</b>	<b>1.730</b>
<b>2010</b>	<b>1.248</b>	<b>0.770</b>	<b>1.673</b>
<b>2011</b>	<b>1.335</b>	<b>0.705</b>	<b>1.790</b>
<b>2012</b>	<b>1.300</b>	<b>0.640</b>	<b>1.764</b>
<b>2013</b>	<b>1.467</b>	<b>0.595</b>	<b>1.583</b>
<b>2014</b>	<b>1.584</b>	<b>0.624</b>	<b>1.426</b>

**Institutional outputs, enforcement of OSH – 1 (here: LATVIA but represents the general trend in all Baltic States, unless stated otherwise), 2007-2016**

	<b>Budget</b>	<b>Inspectors</b>	<b>Visits to workplaces</b>	<b>Offenses / violations detected</b>
<b>2007</b>	<b>2.7 m</b>	<b>140</b>	<b>13 538</b>	<b>13 538</b>
<b>2008</b>	<b>3 m</b>	<b>139</b>	<b>13 238</b>	<b>25 601</b>
<b>2009</b>	<b>2.98 m</b>	<b>117</b>	<b>12 189</b>	<b>26 610</b>
<b>2010</b>	<b>1.61 m</b>	<b>112</b>	<b>10 477</b>	<b>25 455</b>
<b>2011</b>	<b>1.62 m</b>	<b>112</b>	<b>10 378</b>	<b>21 603</b>
<b>2012</b>	<b>1.64 m</b>	<b>97</b>	<b>9 848</b>	<b>14 653</b>
<b>2013</b>	<b>1.9 m</b>	<b>113</b>	<b>10 817</b>	<b>13 658</b>
<b>2014</b>	<b>2.65 m</b>	<b>120</b>	<b>10 317</b>	<b>16 387</b>
<b>2015</b>	<b>2.89 m</b>	<b>121</b>	<b>10 514</b>	<b>16 905</b>
<b>2016</b>	<b>2.72 m</b>	<b>115</b>	<b>10 516</b>	<b>15 547</b>

# Nature of Labour inspectorates' enforcement behaviour in the Baltic States

- Agency level = transition from strictly legal (deterrence-based) approach towards compliance / cooperative / consultative approach (LT a bit of a laggard) (data: strategic planning + structure of types of administrative fines – though, the LV experience during the crisis proves that the context and the characteristics of the firms still matter).  
! The issue with the repeated inspections transformed into performance management goals.
- Street-level = still rather legal approach (data: interviews).  
! The issue with the repeated inspections continues to exist in reality.
- Risk-based enforcement approach = aspects gradually integrated in strategic performance planning (especially in LV and EE, LT a bit of a laggard)

# **LL has higher priority than OSH in the Baltic States: perspective of both the Government and the workers**

- Governments prioritise undeclared workers' issue over OSH (policy planning documents) – even before the crisis!
- Workers prioritize labour law issues over OSH (data: submitted complaints + phone consultations)



## Institutional outputs, enforcement of OSH – 2

	Structure of violations (% of total violations, OSH + LL + 3 <sup>rd</sup> category) = all BS = OSH > LL	Structure of administrative fines (% of total admin fines, OSH + LL + 3 <sup>rd</sup> category) = data only on LV
<b>2007</b>	<b>77.7 % OSH Vs. 20.5 % LL</b>	<b>36.0 % OSH Vs. 61.4 % LL</b>
<b>2008</b>	<b>85.1 % OSH Vs. 13.2 % LL</b>	<b>45.0 % OSH Vs. 53.0 % LL</b>
<b>2009</b>	<b>84.8 % OSH Vs. 15.2 % LL</b>	<b>20.6 % OSH Vs. 79.4 % LL</b>
<b>2010</b>	<b>79.8 % OSH Vs. 20.2 % LL</b>	<b>14.6 % OSH Vs. 85.4 % LL</b>
<b>2011</b>	<b>81.0 % OSH Vs. 19.0 % LL</b>	<b>18.5 % OSH Vs. 81.5 % LL</b>
<b>2012</b>	<b>77.6 % OSH Vs. 22.4 % LL</b>	<b>22.6 % OSH Vs. 77.4 % LL</b>
<b>2013</b>	<b>75.2 % OSH Vs. 24.8 % LL</b>	<b>18.5 % OSH Vs. 71.8 % LL</b>
<b>2014</b>	<b>66.5 % OSH Vs. 29.6 % LL</b>	<b>N/a</b>
<b>2015</b>	<b>68.0 % OSH Vs. 27.0 % LL</b>	<b>N/a</b>
<b>2016</b>	<b>65.0 % OSH Vs. 29.0 % LL</b>	<b>N/a</b>

**WHICH DIRECTION for enforcement? → both cross-sectoral research & cross-sectoral co-operation among the actors pressuring the Governments and firms for better enforcement**

- OSH Vs. LL within the realm of Labour Inspectorates
- Enforcement authorities across various sectors – could it reflect various Government's enforcement priorities as well?
- The role & self-identity of TUs

## **The dynamics of enforcement capacity during the crisis: Latvia, Enforcement Authority A and B (2007-2013)**

	<b>Inspectors A</b>	<b>Inspectors B</b>	<b>Control measures A (visits to workplaces)</b>	<b>Control measures B</b>
<b>2007</b>	<b>140</b>	<b>987</b>	<b>13 538</b>	<b>40 954</b>
<b>2008</b>	<b>139</b>	<b>1 039</b>	<b>13 238</b>	<b>41 535</b>
<b>2009</b>	<b>117</b>	<b>1 139</b>	<b>12 189</b>	<b>31 047</b>
<b>2010</b>	<b>112</b>	<b>1 505</b>	<b>10 477</b>	<b>14 560</b>
<b>2011</b>	<b>112</b>	<b>1 554</b>	<b>10 378</b>	<b>13 186</b>
<b>2012</b>	<b>97</b>	<b>1 643</b>	<b>9 848</b>	<b>48 554</b>
<b>2013</b>	<b>113</b>	<b>1 654</b>	<b>10 817</b>	<b>37 355</b>

**THANK YOU!**

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A tendency towards diversion from enforcement of safety and health regulation (Woolfson 2010).