

Overarching review of support for improving compliance with regulation and achieving better practice on occupational safety and health (OSH) in European Member States

Dietmar ELSLER¹, David WALTERS², Richard JOHNSTONE³, Elisabeth BLUFF⁴,
Hans Jørgen LIMBORG⁵, Ulrik GENSBY⁶

¹*European Agency for Safety and Health at Work, Santiago de Compostela 12,
48003 Bilbao, Spain*

²*School of Social Sciences, Cardiff University, Castle View, Cardiff Rd., Criegiau,
Cardiff, CF159NL, WALES, UK*

³*Queensland University of Technology, Brisbane, 37 Wattle Street, Enoggera,
Queensland, 4051, Australia*

⁴*The Australian National University, School of Regulation and Global Governance,
HC Coombs Extension Building 8, Canberra ACT 2600, Australia*

⁵*Adjunct Professor Roskilde University, TeamArbejdsliv, Høffdingsvej 22, 1. Sal,
2500 Valby, Denmark*

⁶*Adjunct Scientist at the Institute for Work and Health (IWH), CA, TeamArbejdsliv,
Høffdingsvej 22, 1. Sal, 2500 Valby, Denmark*

Abstract. The overall aim of this research is to foster an organisational environment or ‘context’ that incentivises and assists enterprises - including small and micro - to fulfil their obligations under OSH regulations. In close consultation with its stakeholders EU-OSHA identified five themes as part of this research, where new developments can have a potential high impact on workplaces: innovation in enforcement, external prevention services, social reporting, supply chains and business incentives. The selected topics align with current EU priorities on OSH and respond to interest expressed by the agency’s stakeholders as part of its research and in relation to the Commission’s ex-post evaluation of the OSH acquis. Thus, the project will support the objectives of the European Commission as set out in its Communication on modernisation of EU OSH legislation and the EU Strategic Framework on OSH.

Keywords: innovation in enforcement, prevention services, social reporting, supply chains, business incentives

1. Introduction

This article briefly outlines the key elements of the report on a research project that sought to provide an overarching review of the literature concerning external institutional support for improving occupational safety and health (OSH) in the changing structure, organisation and control of work in the EU (Walters et al, 2021). The review is intended to inform the commencement of a new EU-OSHA Research Programme on securing compliance and better OSH practice in EU Member States. The full overarching review and its findings are presented in two volumes. Consultations on early

drafts strongly suggested a need to arrange these in ways that maximise their readability and relevance for different readership groups. Therefore, the aims and intentions of the research, its methods, analysis and key findings, along with their implications for policy and further research, have been presented as concisely as possible in the Final Report, with the detailed analysis and substantiated findings of the overarching review presented separately in the Literature Review.

The organising principles underpinning the research were designed to enable a more holistic appreciation of the system of supports, and the relationships between its elements, in contributing to better OSH practice in order to prevent injury, illness and death at work. 'Better OSH practice' in this context includes better practice in proactively managing OSH risks, implementing and operationalising OSH arrangements, and improving the extent and quality of compliance with the goals of the OSH regulatory scheme. It follows from this that when discussing 'regulatory standards' and 'regulatory practices', the review did not limit attention to standards established by the state and the practices they require, but included knowledge about influences of other actors and processes in the business and social environments in which work takes place and which also regulate the activities of firms. It framed its understanding of this knowledge within theorising and analysis found primarily in regulatory and socio-legal literature.

The aim of the critical review is, therefore, to situate its examination of current knowledge concerning a set of specific institutional supports for substantive compliance and better OSH practice within a rigorous theoretical framing of their context. The review has focused on five areas that are typically affected by, and responsive to, changing patterns in the structure, organisation and control of work and the contexts in which it takes place in the European Union (EU). They are:

- Social norms and social reporting strategies, and corporate social responsibility
- Economic incentives and the business case for OSH
- Leverage of supply chain relations in support of OSH
- OSH prevention services
- Strategies and practices adopted by OSH regulators

The review has also explored connections between these five areas that contribute to supporting compliance and lead to better OSH practice. And it examined each of these within the changing social, economic and political contexts in which they are situated. The five areas, therefore, illustrate both the challenges of these contexts and the effectiveness (or otherwise) of responses to them. The Report and Review argue that none of the supports studied exist in isolation from the others. Indeed, the challenges they seek to address, which also do not exist singly or in isolation, create a need for connectivity. The analysis situates these elements in relation to one another, and to the wider contextual determinants that affect all of them. The aim, in so doing, is to explore the significance of these interconnections for both future policies and research within the wider programme of which this project is part.

Hardly any of the important implications for OSH raised by the COVID-19 pandemic were addressed by the published literature that is the main focus of the Final Report and Literature Review. Nevertheless, in both the Report and the Review, we have tried to capture something of the emergent literature in relation to COVID-19 at work, its lessons for supporting better OSH practices, and its implications for future empirical research and policies.

2. Recommendations for future research

The primary aim of the overarching review has been to inform the development of a Research Programme in which several empirical research studies will be commissioned to help to fill gaps in knowledge and applied understandings of ways to better support securing compliance on OSH in EU Member States. As such, it is intended to contribute to:

a) The knowledge base concerning institutional support for securing compliance and better OSH practice

b) Informing the policies of the EU supporting OSH in this respect

c) Practical OSH outcomes addressing the questions of 'what works, for whom and in which contexts' in achieving improved institutional support for securing compliance on OSH in the EU at national, sector and workplace levels

Space in this article does not permit the detailed presentation of the substantial number of research questions identified in the Final Report, however the following recommendations reflect the implications of its key conclusions:

- Despite the presence of a large and wide-ranging body of knowledge concerning institutional support for compliance and better OSH practice and on the influence of change and context, substantial knowledge gaps still exist. It is recommended that EU-OSHA commissions further empirical research to address these gaps with the initial focus of its Research Programme on comparative study of innovations in the strategies of regulatory inspection in Member States of the EU and on what supports achievement of sustainable leverage of OSH in supply chains. The details of these recommendations are developed in Part 3 of the Final Report.
- The Literature Review has identified gaps in knowledge in all the areas studied, as well as in understandings of context and the effects of change that are influential in determining both the nature and outcomes of support for better practice on OSH. These gaps are identified in Part 3 of the Final Report along with research questions addressing them. It is recommended that EU-OSHA selects further research projects to address these gaps. To achieve prioritisation, in this respect, it is recommended that EU-OSHA addresses:
 - Gaps the review has identified between theoretical arguments about support for securing compliance and their application in practice
 - Possible synergies between the roles of different forms of institutional support and the contexts that determine their effects
 - Suggestions in the review about how such cross-cutting projects can explore sustainability, transfer, and the role of leadership and orchestration in the achievement of support for securing compliance
 - Recommendations concerning new research in the each of five areas on which the review has focused, along with those of context and change on which it has also made recommendations for future research

Taking account of these factors, the Literature Review and Part 3 of the Final Report identified the need for further research addressing all five areas studied, including for example, the need for more precise knowledge on what works in economic incentivisation, possible 'toolkits' at sector or national levels and more critical understandings of insurance-based incentive strategies and systems, and the conditions and contexts under which they work. While on prevention services, better knowledge of form and coverage as well as means of sustaining them and extending reach to work situations not covered is important as are better comparative understandings of their most

appropriate forms in modern economies. Overarching research needs were also identified that would provide more cross-cutting understandings of the relations and synergies between different elements in the five areas.

In its consideration of its research priorities in the light of the above bullets, it is further recommended that EU-OSHA consider possible involvement of other partners who may be more appropriate sources of funding for research on selected topics to which the overarching review has drawn attention.

- A particular challenge for a research programme that investigates knowledge gaps across several related elements which comprise a single overarching issue is the risk of repetition. It is important that EU-OSHA takes steps to ensure this does not occur.
- None of this should preclude EU-OSHA commissioning stand-alone research projects alongside more integrated ones. Recommendations in the Part 3 of the Final Report also identify several areas where this might be appropriate - such as, for example, aspects of the role of prevention services or further evaluation of the sustainability and transfer of specific strategies aimed at the economic incentivisation of OSH practices.

3. Final conclusions and reflections

The overarching review demonstrates the existence of a substantial framework of institutional support for securing compliance and better practice on OSH, which acts in a variety of different ways to achieve this task. It shows that this framework, while long-standing and traceable to its development in the industrialised past of most EU Member States, has been responsive to changes of recent decades in the wider economic contexts in which it operates and to policies guided by political and economic governance in Member States and among advanced market economies globally.

This has prompted an increasingly diverse set of compliance promotion strategies. Not only has public regulation sought to engage and encourage duty-holders in the pursuit of forms of regulated self-regulation, but discourse on regulation has sought broader understandings about its meaning and the role of private as well as public regulatory actors and processes, potentially involved in defining and securing compliance.

Therefore, securing compliance with standards of good practice on OSH (however such standards are determined), has taken on a broader meaning and, in parallel with this, the institutions and processes involved in supporting it have become more diverse. This has not occurred in a political or economic vacuum and, as this review has made abundantly clear, trends in the political economies of European Member States have also strongly influenced the nature and extent of strategies to promote compliance in OSH.

Institutions and processes that promote compliance include all those associated with national systems of governance for OSH, in which ideally, national policies and plans serve to coordinate and direct a spectrum of institutions and processes that regulate risks of potentially harmful outcomes arising out of work. Some of these are embedded in public regulation, some are market-focused, and others arise from social norms and notions of acceptable social behaviour. Thus, OSH compliance is achieved by the application of a range of supports for processes that span a spectrum of voluntary and coercive influences aimed at achieving better practices in the prevention of injuries and ill-health arising from work. In discussing these supports, we have grouped

them into five areas. However, a major conclusion that emerges from the Final Report is that, while the five areas in which we have ordered the review include much of the support for compliance that is found in the OSH systems of EU Member States and convey some sense of how it is structured and delivered, nowhere is this support found in isolation from the many other processes that are at work alongside it and are important in determining its outcomes. For example, the roles and effectiveness of workers' and employers' organisations, and the institutional and procedural products of relations between them (such as joint bodies or agreements), in contributing to securing compliance, may not be obvious from the titles of the five areas into which the review has been organised. But in every case, the literature recognises these roles as significant, as it also recognises the influence of other groups and processes in the social and economic relations of business. Institutions of governance and consultation that are found from sector to international levels in the EU are also important structures in the systems for the promoting compliance. As products of post-war consensus politics, most of these institutions in EU Member States have been tripartite bodies for some considerable time, although nowadays they increasingly involve individuals and representatives of other bodies too.

Related to this, another major finding and policy pointer of the review concerns the multiplicity of actors and processes that are engaged in effective support for compliance and better practice. Much of the specialist literature on OSH interventions tends to focus on single interventions, undertaken by one main actor, whether it be a prevention service, a state OSH regulator, a representative of a trade union, an employer's organisation or a joint body, a social insurance agency or any other organisation. But a more accurate account of the reality of such interventions shows that they depend for their implementation and operation, and especially for their transfer and sustainability, upon the co-ordinated actions of a multiplicity of actors and processes. A fuller account of the determinants of the success or otherwise of such interventions has required the inclusion of some analysis of their wider contexts, taking proper account of the supportive or damaging effects of other processes and institutional actors involved. A similar conclusion was reached in the findings of EU-OSHA's extensive review of successful interventions on OSH in MSEs. It is also in keeping with current thinking on compliance more widely; and it needs to be acknowledged, both in the design of interventions as well as in research to measure their effectiveness. These points also inform the recommendations for future research that are made in detail in the Final Report.

4. References

Walters D, Johnstone R, Limborg HJ, Gensby U (2021) Overarching review on improving the extent and quality of compliance with OSH regulations. EU-OSHA: <http://osha.europa.eu>



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