

Labour Inspection Structure and organization

Name of institution that manager work issues

[The Ministry of Employment](#) is responsible for the framework and rules regarding employment and working conditions, safety and health at work and industrial injuries, financial support and allowances to all persons with full or partial working capacity as well as placement services in relation to enterprises and active employment measures.

Department(s) responsible for Labour Inspection

[The Danish Working Environment Authority](#) (DWEA) is the agency under the Ministry of Employment responsible for supervising whether acts and rules in the field of safety and health at work are observed, through inspection visits and guidance of the enterprises and their safety organisations, with a view to making the enterprises capable of solving their own tasks in relation to the working environment. A broad concept of safety and health is applied which also includes general conditions of work (hours of work, rest periods, shifts, welfare facilities) and employment issues (work protection of children and young people, pregnant and breast feeding women, self employed, disabled, migrant and immigrants).

Law that covers organization and functional composition

Working Environment Act;

Consolidated Act No. 268 of 18 March 2005 as subsequently amended issued by the Danish Ministry of Employment;

Consolidated Act No. 57 of 27 January 2011 as amended.

The aim of the Act is to create a safe and healthy working environment in accordance with society's technological and social developments. Furthermore, the act is intended to create the basis for enterprises themselves to solve problems related to safety and health issues with guidance from the social partners and DWEA inspections. The main areas covered by the legislation include: performing the work; workplace design; technical equipment; substances and materials; rest periods and young persons under the age of 18. The act is supplemented by Executive Orders which further describe how the purpose of the act can be achieved.

Scope of labour inspection

The provisions of the Working Environment Act (WEA) apply to all industrial sectors except for work in the employer's private household, work carried out exclusively by members of the employer's family and work which is carried out by military personnel. Certain sectors are excluded from the responsibilities of the DWEA and supervised by other public authorities. Enforcement of the WEA on seagoing ships rests with the Danish Maritime Authority in the Ministry of Economic and Business Affairs. Aviation falls under the responsibility of the Department of Transport. Inspectors from the Department of Energy monitor offshore installations. The Ministry of Employment has an agreement with the Institute of Radiation Hygiene, a section within the Department of Health, to monitor the use of ionising and non-ionising radiation at work. Responsibility for general fire matters in the workplace falls to the local fire authorities.

Local divisions

The DWEA has its headquarters in Copenhagen and three regional offices, called Inspection Centres.

Programming and communication

The DWEA regularly undertakes strategic and operational planning. An agreement was also reached in Parliament on a strategy for working environment efforts until 2020.

The parties have agreed to establish a series of working environment objectives and priorities and to support these efforts through 19 specific initiatives. The goal is to create a good working environment to help increase the safety and health of employees, and to ensure a long working life for the individual with the least possible absenteeism due to work related illness.

From 2012 to 2020 the DWEA is concentrating mainly on three priority issues:

- Accidents at work
- Psychosocial risks in the working environment
- Musculoskeletal disorders

The regional Inspection Centres are organised around inspection groups and thematic groups. Every inspector belongs to one inspection group and to one thematic group. Inspection groups provide inspectors with a forum where they can discuss specific inspection-related themes, exchange inspection experiences and knowledge, and hence achieve a high level of uniformity in performing inspections. The inspection groups have frequent meetings. The thematic groups are based around specific themes, for example the prevention of accidents, machine technology, chemistry and biology, ergonomics and the psychosocial work

environment. The main purpose of these groups is to provide a forum for discussing the professional aspects of each topic, to communicate the latest knowledge on the issue to other inspectors, and to give feedback on new developments to the central office. The thematic groups have quarterly meetings. Representatives from both these groups meet nationally on a regular basis.

Human Resources and career development

Permanency of inspectors

Inspectors are recruited as public servants.

Selection process

Selection is based on educational background, competency and skills.

Background required

Inspectors are drawn from a diversity of backgrounds, including a range of university graduates (e.g. engineers and psychologists) as well as those with technical training.

All inspectors participate in an initial training programme so they are equipped with the basic competences to carry out general inspections. This training lasts approximately 25 days. A mentoring programme follows this initial training where new recruits carry out visits with experienced inspectors. This lasts for the first year of service. There are also opportunities for continued professional development training on specific occupational health and safety issues.

The basic training is arranged centrally for the first half year of an inspector's service. Simultaneous training takes place in the Inspection Centres in the form of peer to peer training with very experienced inspectors, lawyers and administrative staff.

Visits and functions

Types of visits

Risk-based inspection:

The DWEA has since 2005 screened the working environment of every Danish companies and therefore has a good picture of how the work environment looks in different industries and individual firms. The DWEA now focuses on companies where it expects major problems in the working environment. By 2020 the DWEA expects to visit:

- All companies that have at least two full-time employees
- Approximately half of the companies that have between one and two full-time employed.

In order to select the companies which have the greatest risk of working environment problems, the DWEA has developed a prioritization tool called an index model.

Detailed Inspection

Detailed Inspections are carried out to monitor a specific and limited health and safety problem at a company.

The reasons for carrying out a detailed inspection could include, for example

- to check whether the company has complied with an order;
- where the DWEA suspects a serious health problem in the company;
- where there has been a serious accident; or
- when the DWEA carries out special initiatives in specific industries or within selected safety problems.

Special supervision of the construction industry

The DWEA undertakes special supervision actions in the construction industry, which run parallel to the regular monitoring of the industry. The actions are nationwide, unannounced and focus on specific risks and dangers.

Special initiatives in 2011-2014 against attrition

In 2011, the DWEA implemented new special surveillance efforts with greater emphasis on dialogue and advisory services. This initiative focuses on health and musculoskeletal safety problems, stress and the psychosocial work environment.

The initiatives target high-risk industries and occupations.

Inspection of foreign companies

The DWEA has the responsibility of ensuring that foreign companies comply with Danish working environment legislation. It is also the DWEA's task to verify that foreign companies have notified the Register for Foreign Service Providers and that the notification is complete and correct. Such inspections are carried out in the same way as in Danish companies, and the same enforcement measures apply.

Market surveillance

The Working Environment Act includes a number of obligations on the suppliers of products. The DWEA therefore inspects that producers and suppliers comply with the requirements applicable to the marketed products.

Risk Inspections

Risk Inspections are based on the Seveso directive, which aims to prevent major accidents where there are hazardous chemical substances, and to limit their impact on people and the environment. Risk Inspections are carried out by the DWEA in collaboration with other authorities.

Role of preventive measures

The DWEA is responsible for providing advice to enterprises, sectoral working environment councils, workers' and employers' organisations and the public in all matters concerning the working environment. It distributes guidance material during inspections and provides comprehensive information on its website in a several languages.

The DWEA has set up the "smiley scheme" for grading workplaces following an inspection. The type of "smiley face" indicates the compliance of the enterprise following an inspection. This information is open to the public via the DWEA website. It is hoped that by making the working environment visible to applicants and collaborators, enterprises will be motivated to continuously focus on ensuring a safe working environment.

Enterprises with a particularly safe and healthy working environment can obtain a health and safety certificate and only in special cases (following a complaint or an accident) will receive an inspection visit from the DWEA.

There is also a system of officially approved authorised consultants. Inspectors frequently require an enterprise to use the services of such a consultant to address a specific workplace problem.

Programming

The DWEA focuses in particular on enterprises with poor safety and health conditions.

Registries and reporting of accidents/diseases at work

The screening program has ensured that all employers are entered onto the DWEA database.

Employers are required to report occupational accidents. Doctors and dentists are required to report suspected or known occupational diseases.

Sanction and administrative processes

If a company does not fulfil its obligations under the Working Environment Act, the DWEA can administer a time-bound injunction, a consultancy notice, a prohibition, an administrative fine or a police report.

- *Prohibition*: The company may receive a work ban if there is an imminent and substantial danger to employees or others' safety and health. A ban means that work must stop immediately, and that it cannot begin again until the danger has been eliminated.
- *Immediate Injunction*: The company may get an immediate injunction if there is a serious safety problem. An immediate injunction means that the error must be rectified immediately. Companies that have an immediate injunction may be allowed to temporarily solve the problem until it is possible to solve the problem permanently.
- *Time-bound Injunction* means that the company can continue production, but that it must find a permanent solution to the problem before a specified deadline. The DWEA will set a deadline that is long enough to ensure that the company has time to find a good and viable solution to the problem.
- *Investigation injunctions* can be issued to a company when the DWEA has a reasonable suspicion that working conditions are not safe, or as part of a more general investigation or monitoring of conditions in an industry. The injunction implies that the company will conduct research, take samples or carry out inspections to determine if the working conditions are reasonably safe.
- *A decision on mental health* means that the DWEA has found problems with the mental health environment in a company. This decision requires a company to solve the problem itself by submitting a timetable and action plan to the DWEA. If the DWEA approves the timetable and action plan, the company is afforded the opportunity to solve the problem by the agreed deadline. If the problem is not solved, the company receives a consultancy notice. If the company does not submit a time table and action plan, or if the DWEA considers that the company is unable to solve the problem, the company is given an injunction to solve problems and ordered to use an approved safety consultant to assist it in doing so by the deadline. The consultant will also help the company to review the risk assessment in order to prevent similar problems in the future.
- *A consultancy injunction* is an injunction given to a company requiring the use of an approved safety consultant to help solve one or more of its safety problems.
- *Decision without injunction*. If a company remedies a violation after a DWEA inspection, but before the injunction is sent to the company, the DWEA cannot issue an injunction. In this situation, the company will instead receive a decision that the DWEA detected a violation during the inspection. The company will at the same time be informed that no further action is necessary to remedy the violation.

- *Administrative fines.* The DWEA can impose administrative fines in cases of a serious material breach of clear and generally well-known areas of the Working Environment Act. The DWEA only issues administrative fines if the violation is clear and straightforward and not discretionary. Violations of the Working Environment Act are usually punished by fines.
- *Police report.* A company may be reported to the police if there is a serious breach of the Working Environment Act or if it does not comply with an injunction issued by the DWEA. The police can then bring charges against the company. It is the prosecutor who decides whether to take criminal proceedings against the company. In such cases, the prosecutor carries the burden of proof.

Social dialogue and labour inspection

The social partners play a very active role in occupational health and safety in Denmark.

ILO Conventions ratified

Denmark ratified Convention No. 81 in 1958 and Convention No. 129 in 1972.